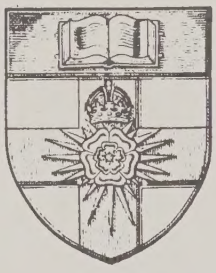
UNIVERSITY OF LONDON LIBRARY

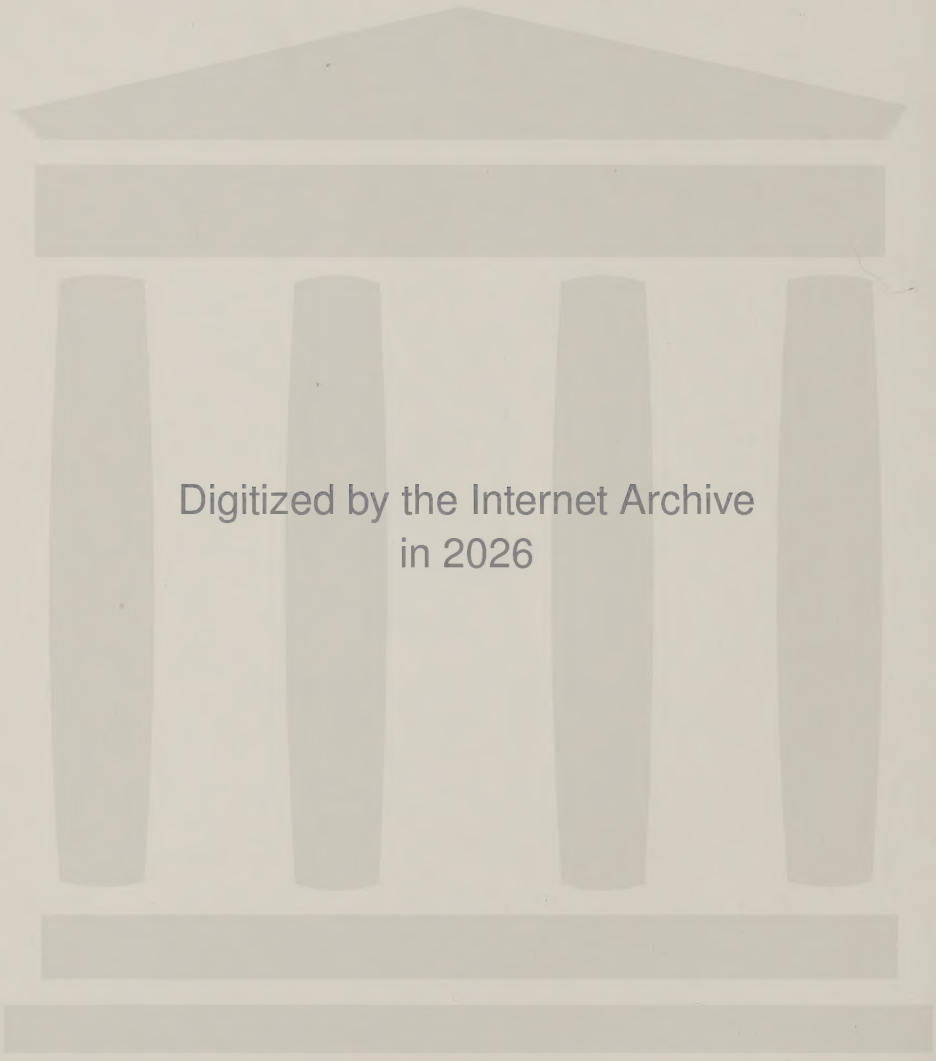
THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

64 Parl. papers
Ref. only.



UNIVERSITY OF LONDON
LIBRARY

611234



Digitized by the Internet Archive
in 2026

https://archive.org/details/reportsfromcommi0050grea_p3v8

REPORTS

FROM

COMMISSIONERS, INSPECTORS,

AND OTHERS:

FIFTY-ONE VOLUMES.

— (*40.*) —

METROPOLITAN POLICE (ROYAL COMMISSION).

Session

29 *January* 1908 —— 21 *December* 1908.

VOL. L.

1908.

BIBL. LONDIN. UNIV.

REPORTS

FROM

COMMISSIONERS, INSPECTORS,

AND OTHERS:

1908.

FIFTY-ONE VOLUMES:—CONTENTS OF THE

FORTIETH VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* Paging *of the Volumes arranged for The House of Commons.*

DUTIES OF THE METROPOLITAN POLICE (ROYAL COMMISSION):

[Cd. 4156.] Report of the Royal Commission upon the Duties of the Metropolitan Police; with Appendices: Vol. I. p. 1

[Cd. 4260.] Minutes of Evidence taken before the Royal Commission upon the Duties of the Metropolitan Police; with Appendices and Index: Vol. II. 501

ROYAL COMMISSION UPON THE DUTIES OF THE METROPOLITAN POLICE.

REPORT

OF THE

ROYAL COMMISSION UPON THE DUTIES OF THE METROPOLITAN POLICE

TOGETHER WITH

APPENDICES.

Vol. I.

Presented to both Houses of Parliament by Command of His Majesty.

LONDON:
PRINTED FOR HIS MAJESTY'S STATIONERY OFFICE,
BY WYMAN AND SONS, LIMITED, 109, FETTER LANE, E.C.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LIMITED, 109, FETTER LANE, FLEET STREET, E.C.; and
32, ABINGDON STREET, WESTMINSTER, S.W.; or
OLIVER AND BOYD, TWEEDDALE COURT, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.

1908.

[Cd. 4156.] *Price* 4*s*.

TABLE OF CONTENTS.

	Page.
Royal Warrant	v
Royal Warrant appointing Chairman	vi
Metropolitan Police (Commission) Act, 1906	vii
Preface	1
I.—General Report	9
Introduction	9
Part I.—The Duties of the Police in dealing with Drunkenness, Disorder, and Solicitation in the Streets	25
Section 1. Introduction	25
„ 2. Status of Constables	25
„ 3. Classification of Duties	26
Division I. Duties at Common Law	28
Division II. Duties under Statute	29
Section 1, 2. Drunkenness	29
„ 3, 4. Disorder	30
„ 5, 6. Solicitation	32
Division III. Duties under Orders and Regulations	34
Section 1, 2. Police Orders and Regulations	34
„ 3. The Instruction Book	35
„ 4. Procedure in regard to Street Offences	36
„ 5. Discretionary Character of Duties	36
„ 6. Apprehension	37
„ 7. Charge-room Proceedings	38
„ 8. Statements by Prisoners and Witnesses	38
„ 9. Charge Sheets	40
„ 10. Charges Refused	40
„ 11. Duty of Station Officer	40
„ 12. Bail	42
„ 13. Cells	43
„ 14. Searching of Prisoners	44
„ 15. Occurrence Book	45
„ 16. Prosecution of the Charge	46
„ 17. Legal Aid	47
„ 18. Orders specially applying to Street Offences	48
„ 19. Gratuities	50
„ 20. General Directions	51
„ 21. Complaints	52
Part II.—The Manner in which the Police deal with Drunkenness, Disorder, and Solicitation in the Streets	54
Section 1. Introductory Observations	54
„ 2. Difficulties of a Constable's Work	57
„ 3. Responsibility of the individual Constable	57
„ 4. Subordination of the Constable	58
„ 5. Danger of Constable's Occupation	58
Statistics as to Diseases therefrom	58
„ 6. Special Conditions of London Work	61
„ 7. Arrangement of Materials	62

	Page.
Division I. General Evidence	63
Section 1. Introductory	63
„ 2. Evidence of Police Magistrates	63
„ 3. General Views of the Magistrates	64
„ 4. Mr. Cluer's Illustrations	67
„ 5. Richardson's Case	68
„ 6. Cole and Schrier's Case	69
„ 7. Davis's Case	69
„ 8. William Ashendon's Case	71
„ 9. William Littlemore's Case	72
„ 10. A Betting Case	73
„ 11. Simons and Eugene's Case	73
„ 12. Walter Mason's Case	74
„ 13. Summary of Magistrates' Evidence	75
„ 14. Proceedings in the Charge-room	75
„ 15. Statutory Provisions	77
„ 16. Complaints to Magistrates	77
„ 17. Home Office Evidence	78
„ 18. The late Sir Howard Vincent's Evidence	80
„ 19. Relations of Police to Prostitutes	81
„ 20. Police and Public Vigilance Society Evidence	86
„ 21. Evidence from Provincial Cities	89
„ 22. Evidence as to City Police	92
Division II. Statistical Evidence	93
Section 1. Returns Supplied by Police Authorities	93
„ 2. Statistics as to Arrests for Street Offences	93
„ 3. Percentage of Discharges to Arrests	93
„ 4. Comparison between Metropolis and other Cities	96
„ 5. Proportion of Improper Arrests to total number	99
„ 6. Statistics as to Complaints of Bribery	99
Part III. Conclusions and Recommendations—	
Section 1. General Observations	101
„ 2. Checks upon Police Action	105
„ 3. Method of effecting Arrests and Treatment of Prisoners	106
„ 4. Proceedings in the Charge-room	107
„ 5. Suggested Increase of the Powers of the Officer in Charge of the Police Station	111
„ 6. Drunkenness in the Streets	113
„ 7. Disorder in the Streets	117
„ 8. Solicitation in the Streets	118
„ 9. Solicitation by Women	120
„ 10. Suggested Amendments of the Law as to Solicitation	125
„ 11. Indecency in the Streets	128
„ 12. Alleged Bribery of the Police by Prostitutes	128
„ 13. Alleged Bribery of the Police by Bookmakers	131
„ 14. Sobriety of the Police	132
„ 15. The Prosecution of Charges in the Police Court	133
„ 16. Complaints to the Home Office and the Chief Commissioner	138
„ 17. The Suggestions of the Police and Public Vigilance Society	143
„ 18. Concluding Remarks	144
II. Reports on Particular Cases	145
Introductory Remarks	145
i. Gerothwohl and Lavalette's Case	146
ii. The D'Angely Case	213
iii. Clinch's Case	222
iv. Altfuldisch's Case and Maurer's Case	240

334. 3,500—Wt. T.L. 193. 6/08.—Wy. & S.

Page

v. Dubery's Case - - - - - - - - - - - - - 260
vi. Mrs. Braham's Case - - - - - - - - - - - 262
vii. Andrews' Case - - - - - - - - - - - - 270
viii. Wilson's Case - - - - - - - - - - - - 285
ix. Wells' Case - - - - - - - - - - - - - 293
x. Mullins' Case - - - - - - - - - - - - - 303
xi. Baker's Case - - - - - - - - - - - - - 320
xii. Harding's Case - - - - - - - - - - - - 330
xiii. Mrs. X's Case - - - - - - - - - - - - 343
xiv. Emms and Norrey's Case - - - - - - - - - - 357
xv. Riley's Case - - - - - - - - - - - - - 380
xvi. Gamble's Case - - - - - - - - - - - - 388
xvii. Mr. Y's Case - - - - - - - - - - - - 411
xviii. Platt's Case - - - - - - - - - - - - 428
Summary of Results - - - - - - - - - - - - 459
Appendix - - - - - - - - - - - - - i

ROYAL COMMISSION UPON THE DUTIES OF THE METROPOLITAN POLICE.

COPY OF ROYAL WARRANT.

Whitehall, May 28, 1906.

The KING has been pleased to issue a Commission under His Majesty's Royal Sign Manual to the following effect:—

EDWARD, R. & I.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith; To Our Right Trusty and Well-beloved Councillor Alfred Lyttelton, one of Our Counsel Learned in the Law, and Our Trusty and Well-beloved Rufus Daniel Isaacs, Esquire, one of Our Counsel Learned in the Law; David Brynmor Jones, Esquire, one of Our Counsel Learned in the Law; Charles Algernon Whitmore, Esquire, Barrister-at-Law; and Willoughby Hyett Dickinson, Esquire, Barrister-at-Law; Greeting!

Whereas We have deemed it expedient that a Commission should forthwith issue to inquire into and report upon the duties of the Metropolitan Police in dealing with cases of drunkenness, disorder, and solicitation in the streets, and the manner in which those duties are discharged, with power to make recommendations thereon:

Now know Ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these Presents authorize and appoint you, the said Alfred Lyttelton (Chairman); Rufus Daniel Isaacs; David Brynmor Jones; Charles Algernon Whitmore; and Willoughby Hyett Dickinson, to be Our Commissioners for the purpose of the said Inquiry:

And for the better effecting the purpose of this Our Commission, We do by these Presents give and grant unto you, or any three or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon this Our Commission; and also to call for, have access to and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever:

And We do by these Presents will and ordain that this Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment:

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us, under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

Given at Our Court at Saint James's, the Twenty-sixth day of May, One thousand nine hundred and six, in the Sixth Year of Our Reign.

By His Majesty's Command.

H. J. GLADSTONE.

COPY OF ROYAL WARRANT APPOINTING CHAIRMAN.

EDWARD R. & I.

Edward the Seventh by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, To Our Trusty and Well-beloved Sir David Brynmor Jones, Knight, one of Our Counsel Learned in the Law. Greeting!

Whereas by Warrant under our Royal Sign Manuel bearing dates the Twenty-sixth day of May, One thousand nine hundred and six, We were pleased to appoint Commissioners to inquire into and report upon the duties of the Metropolitan Police in dealing with cases of drunkenness, disorder and solicitation in the streets, and to authorise Our Right Trusty and Well-beloved Councillor Alfred Lyttelton, one of Our Counsel Learned in the Law, to act as Chairman of the Commission:

And Whereas the Chairmanship of the Commission is now vacant by the resignation of the said Alfred Lyttelton:

Now Know Ye that We reposing great trust and confidence in your knowledge and ability have authorised and appointed, and by these Presents authorise and appoint you the said Sir David Brynmor Jones to be Chairman of the said Commission in the room of the said Alfred Lyttelton resigned.

Given at Our Court at Saint James's the Sixth day of July, One thousand nine hundred and six, in the Sixth Year of Our Reign.

By His Majesty's Command.

H. J. GLADSTONE.

CHAPTER 6

An Act to facilitate the proceedings of the Commissioners appointed to hold an Inquiry respecting the Duties of the Metropolitan Police in dealing with cases of Drunkenness, Disorder, and Solicitation in the Streets. A.D. 1906

[22nd June, 1906]

WHEREAS a Commission has been issued by His Majesty whereby the Right Honourable Alfred Lyttelton, K.C., Willoughby Hyett Dickinson, Esquire, M.P., Rufus Daniel Isaacs, Esquire, K.C., M.P., David Brynmor Jones, Esquire, K.C., M.P., and Charles Algernon Whitmore, Esquire (herein-after referred to as "the Commissioners"), have been authorised and directed to inquire into and report upon the duties of the Metropolitan Police in dealing with cases of drunkenness, disorder, and solicitation in the streets, and the manner in which those duties are discharged with power to make recommendations thereon:

And whereas it is desirable to make provision for the more effective conduct by the Commissioners of any inquiry which they may be authorised to make:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Powers of Commissioners.

1.—(1) The Commissioners shall have all such powers, rights, and privileges as are vested in the High Court, or in any judge thereof, on the occasion of any action, in respect of the following matters:—

(i) The enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise; and

(ii) The compelling the production of documents; and

(iii) The punishing persons guilty of contempt;

and a summons signed by one or more of the Commissioners may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(2) A warrant of committal to prison issued for the purpose of enforcing the powers conferred by this section shall be signed by one or more of the Commissioners, and shall specify the prison to which the offender is to be committed, but shall not authorise the imprisonment of an offender for a period exceeding three months.

(3) Every person who on examination on oath or affirmation before the Commissioners wilfully gives false evidence shall be liable to the penalties for perjury.

(4) Any person may appear before the Commissioners by counsel or solicitor, if authorised to do so by the Commissioners.

Indemnity to witnesses.

2.—(1) A person examined as a witness by the Commissioners shall not be excused from answering any question put to him, or from producing any document, on the ground that the answer thereto or production thereof may criminate or tend to criminate him.

(2) Every person examined as a witness, who, in the opinion of the Commissioners, makes a full and true disclosure touching all the matters in respect of which he is examined, shall be entitled to receive a certificate signed by the Commissioners, stating that the witness has, on his examination, made a full and true disclosure as aforesaid.

A.D. 1906.

(3) If any criminal proceeding is at any time thereafter instituted against any such witness in respect of any matter touching which he has been so examined, the court having cognizance of the case shall, on his application, and on proof of the certificate, stay the proceeding.

(4) Nothing in this section shall apply to the case of proceedings for having given false evidence before the Commissioners, or of having procured, or attempted or conspired to procure, the giving of such evidence.

Short Title.

3. This Act may be cited as the Metropolitan Police (Commission) Act, 1906.

REPORT

OF THE

ROYAL COMMISSION UPON THE DUTIES OF THE METROPOLITAN POLICE.

MAY IT PLEASE YOUR MAJESTY—

We, the undersigned Commissioners authorised and directed to inquire into and report upon the duties of the Metropolitan Police in dealing with cases of drunkenness, disorder and solicitation in the streets, and the manner in which those duties are performed, with power to make recommendations thereon, have the honour to submit to Your Majesty our Report.

PREFACE.

§ 1. On the 25th May, 1906, a preliminary meeting, at which all the Commissioners were present, was held. The Chairman informed us that he had received papers relating to two cases as to which complaint had been made of the action of certain members of the Metropolitan Police Force in regard to matters coming within the Terms of Reference, though the Secretary of State made no specific suggestion as to the way in which we ought to deal with those cases. The Chairman was of opinion that, seeing we were directed to inquire into the manner in which the members of the force perform their duties, we ought to inquire into the conduct of the officers and constables who were concerned in those cases, but pointed out that further complaints as to the action of the police might be made from other quarters, and that we could hardly refuse to inquire into such of them as referred to cases of the kind mentioned in the Terms of Reference and as were likely to be of assistance to us in reporting upon the general question submitted for report, but that it was obviously expedient not to attempt to investigate cases which were not reasonably recent, since it would be impossible, owing to lapse of time and the difficulty of getting witnesses, to do so with any hope of arriving at sound conclusions. He suggested 1903 as affording a proper limit. With these views the Commissioners concurred, and a general discussion as to matters of procedure, and the question of allowing appearance by counsel or solicitor of parties interested, and as to the times of meeting took place. The Chairman informed us that the Secretary of State was about to present a Bill in the House of Commons to invest us with powers similar to those which had been conferred upon the Royal Commission on War Stores in South Africa, and we all agreed that until that Bill had received the Royal Assent it was not expedient to commence our inquiry.

§ 2. On June 22nd, the Metropolitan Police (Commission) Act, 1906, duly received the Royal Assent.

§ 3. Shortly afterwards the Chairman, the Right Honourable Alfred Lyttelton, K.C., resigned his office on personal grounds, to the great regret of the Commission.

§ 4. Upon the 6th July Sir David Brynmor Jones, K.C., was appointed Chairman in his place.

§ 5. We thereupon held divers meetings at which the Terms of Reference and the general procedure and course of the inquiry were discussed and decided.

§ 6. The first matter to which we directed our attention was the construction of the Terms of Reference. It was obvious from those terms that we had only to inquire into the duties of the police in regard to three classes of street offences—drunkenness, disorder, and solicitation. We came to the conclusion that we need not apprehend any great difficulty as to deciding whether a particular case came within one of those classes, and that it was not necessary at the outset of our inquiry to make any general statement as to the offences which we might treat as coming within the category above mentioned.

It appeared to us that our inquiry resolved itself into two general questions :—

1. What are the duties of the police in dealing with cases coming within the three classes of offence just referred to ? and

2. In what manner are those duties discharged by the police ?

The interpretation of the first question presented no difficulty, but that of the second was not so easy. Construed in the most restrictive sense it might be said to involve simply an inquiry into the method according to which the police discharge their duties. Construed in a more extensive sense it might be deemed to involve an inquiry into the manner in which those duties are discharged—well or ill, properly or improperly, and efficiently or inefficiently.

That the latter was the construction placed on the Terms of Reference by Your Majesty's Principal Secretary of State for the Home Department seemed certain, since he had laid before us for our consideration papers in relation to two cases in which misconduct was alleged against divers police constables and as to which he himself had caused inquiry to be made.

We, therefore, came to the conclusion that it was our duty not simply to make an inquiry into the form and method according to which the police discharge their duties, but to make an inquiry of a broader kind raising the question whether the officers and constables of the Metropolitan Police Force discharge their duties honestly and efficiently and in such a manner as to deserve the public confidence.

§ 7. Having decided the character of our inquiry we next discussed the method according to which it should be conducted.

Though a considerable number of communications, chiefly anonymous, was received by us at the very outset of our inquiry, in which allegations of misconduct on the part of the police were made, most of them were of a broad and sweeping kind which had no special reference to the matters referred to us. We had when we first met no definite complaint as to police action in regard to particular offences coming within our Terms of Reference except the D'Angely case and the complaint of Dr. Gerothwohl and M. Lavalette.

We decided that our best course would be to commence a public inquiry into the two cases just mentioned, to which attention had been called in Parliament and in the Press, and anticipated that by so doing such publicity would be given to our inquiry as to attract the attention of the persons, if any, who desired to make complaints as to the manner in which the police discharge their duties as to the street offences mentioned in the warrant. We had at that time no means of estimating the number of such complaints that might be made to us, but we were under the impression that they would be few ; we therefore determined that we would consider each complaint as it might be sent in, and then decide whether or not to make it the subject of inquiry, by reference to the circumstances alleged in each case, and the consideration whether its investigation would assist us or not in reporting upon the general question put to us. We believed it likely that the complaints would not be so large in number as to make it impossible for us to deal with all or nearly all of those which came within our Terms of Reference within a reasonable time, and that after we had heard such complaints as might be made to us for a reasonable period we might then announce that we should receive no further complaints, but close the inquiry so far as the evidence of complaints against particular officers or constables was concerned. We decided, therefore, to proceed with as little delay as possible with the investigation of the two cases above mentioned.

§ 8. With regard to the first branch of our inquiry, namely, the duties of the police in dealing with the three classes of cases mentioned above, we thought that we could not do better than to invite Sir Edward Henry, the Chief Commissioner of the Metropolitan Police Force, to attend and give evidence of a general character concerning the organisation of the Force under him, the duties of the police in regard to drunkenness, disorder and solicitation in the streets, the statutory provisions creating the offences coming under those denominations, the special powers conferred by statute upon members of the Force for dealing with those offences, the regulations under which the police exercise their powers, and the general arrangement and disposition of the Force at his command. We decided to communicate our decision to Sir Edward Henry, informing him at the same time that when all the evidence in regard to complaints made by the public had been taken he should be recalled and have an opportunity of expressing his opinion upon the evidence or upon the questions which that evidence might suggest, and of answering the accusations that might be made.

§ 9. Our deliberations led us to foresee that the evidence upon which we should have to base our Report would be divisible into two classes (1) General evidence bearing upon our Terms of Reference ; and (2) The evidence given in reference to the particular complaints into which we might inquire. As to the latter, it was of course impossible to form any estimate as to its value, its bulk, or its character.

It was of course apparent to us that the men not directly connected with the Force, who were in the best position to speak as to the duties of ordinary members of the Force and as to the way in which they habitually discharge their duties, were the London Police Magistrates, in whose courts the offences with which we were concerned are decided from day to day. We determined, therefore, to ask Sir Albert de Rutzen, the chief magistrate, to give evidence, and we asked him to be good enough to send us a list of his colleagues who might be ready to come before us for the purpose of giving their views as to the character and conduct of the police. We thought it expedient for the time being to postpone the consideration of the question whether we should take any further general evidence coming from judges and others concerned in the administration of the law until we were better able to form an opinion as to its necessity.

§ 10. We passed on to consider what procedure we should adopt in our inquiry.

As to the general evidence, we, of course, agreed to follow the course ordinarily taken by Royal Commissions appointed to hear and report. In regard to cases like the D'Angely case, or the case of Dr. Gerothwohl and M. Lavalette, in which accusations against particular officers or constables might be made, and in which a conflict of evidence of a character exactly similar to that which arises in Courts of Justice might be expected, the ordinary procedure of a Royal Commission to inquire and report did not appear to us to be entirely well adapted for our purpose. We thought that it was only right that any person coming to accuse a particular officer or constable of misconduct ought to make his complaint to us in writing in a clear and specific form, showing as far as possible the character of the complaint, and setting forth with reasonable certainty the particular acts or omissions which constituted the misconduct alleged. We therefore determined that any person wishing to give evidence before us should communicate with Mr. John Leslie, the Secretary of the Commission, at our office, 31, Great George Street, Westminster, and instructed him if the complaint should be one alleging misconduct against a named constable to obtain a statement containing the necessary particulars.

We did not think it necessary to make a formal code of Rules upon the matter, but we directed that upon a complaint being made to Mr. Leslie he should submit it to us, and, if we decided to hear the complaint, that he should give instructions to the complainant as to the time and place of inquiring into the matter, ask the names of his witnesses, and either leave it to the complainant to serve them with summonses to attend before us, or, if he preferred it, say that we would take steps to serve the summonses ourselves.

We had also to decide the question whether parties interested might be represented by counsel or solicitor. We had received from the Chief Commissioner an application to be allowed to appear before the Commission by counsel, and we had no difficulty in acceding to the request, so far as the appearance of counsel to watch

our proceedings was concerned, because we knew that the work of the Chief Commissioner and of his assistants is of so laborious a character as to make it impossible for him or them to attend our sittings continuously.

In regard to the extent to which counsel or solicitor should be permitted to take part in the proceedings, we felt that as we were conducting a general inquiry, and had not to decide questions between litigating parties, we ought as a rule to examine the witnesses ourselves, and should not invite counsel or solicitor to address us. We found that in an analogous inquiry made by the Royal Commission on War Stores in South Africa, which was presided over by Mr. Justice Farwell (now Lord Justice Farwell), which was by statute invested with powers identical with those accorded to us by the Metropolitan Police Act, 1906, counsel and solicitors had been permitted, on application, to examine witnesses in matters as to which a direct conflict of testimony arose between two or more witnesses, and in which it became, therefore, necessary for the Commission to decide which of two or more persons were to be believed. We determined to follow that precedent, and that the Chairman should make an announcement on the subject at the first public sitting of the Commission.

§ 11. One other matter of procedure was the subject of somewhat anxious consideration, and that was whether we should take the evidence in public or in private. The precedents afforded by the action of other Royal Commissions were conflicting. *Prima facie* our view was that the evidence ought to be taken in public. To take it in private might, we thought, give rise to discontent and suspicion among those interested in our proceedings and diminish the confidence which we hoped the public would feel in the good faith and thoroughness of our inquiry. But to take it in public in every case seemed open to two objections. If we allowed any person to come forward and make allegations of misconduct against particular officers or constables, which, by means of the Press, would be widely spread abroad, and as to which the Commission could not possibly express its opinion immediately, some needless pain might be caused to the officers and constables attacked, and perhaps irritation might arise throughout the whole Force. We felt, too, that some persons having what they deemed to be legitimate grievances against the police, especially persons who wished to complain of police action in regard to cases of solicitation, might be deterred from communicating with us owing to a dread of publicity, and of possibly injurious consequences to their reputation, and that thus the inquiry might wholly miss its mark and fail to bring within its scope the very cases in which it was most important that we should examine the conduct of the police. Upon the whole, we determined that our best course was, as a general rule, to sit in public, and to hear the complainant and his witnesses, on the one hand, and the answer of the officers and constables against whom misconduct might be alleged on the other, in the hope that the common sense of the members of the Force and of the general public would lead them to suspend anything like a final judgment until they should have the opportunity of considering our report upon the matter; but at the same time, thinking that there might be persons very reluctant to come forward, we decided to reserve to ourselves the power of hearing a case in private, under conditions fair to all parties, yet not involving publicity, if the occasion should arise.

§ 12. The result of our deliberations was that we determined to hear the general evidence of Sir Edward Henry, the Chief Commissioner, first of all, and then proceed to hear the witnesses in reference to the complaints of Madame D'Angely and Dr. Gerothwohl and M. Lavalette. We accordingly heard Sir Edward Henry on the 17th July, and on divers days up to the 31st July took the evidence in regard to the two cases just mentioned.

At the first public sitting the Chairman made a public announcement setting forth the course which the Commissioners proposed to take in the following terms:—"The Commission thinks it will be desirable that the following statements as to its method of procedure and conduct of the inquiry should be made. We have decided for the present to sit and take evidence in public. We feel, however, having regard to the nature of the cases into which it may be necessary to inquire, that possibly persons may be reluctant to come forward and give evidence, and accordingly we shall, if, in our opinion, it should become necessary or expedient, take evidence in private. We shall upon application allow any person directly interested in the inquiry to appear by counsel or solicitor, but as we have to conduct an inquiry and not to decide questions between litigating parties, we shall

examine the witnesses ourselves. If, however, as the inquiry proceeds, there should arise a direct conflict of testimony between two or more witnesses, and it becomes necessary for us to decide which of two or more persons are to be believed, we will consider any application for leave to examine or cross-examine witnesses by counsel or solicitor on its merits when it arises. It will be observed that the scope of our inquiry is limited to investigating the duties of the police in regard to three classes of cases—namely, cases of drunkenness, cases of disorder, and cases of solicitation in the streets, and the manner in which those duties are discharged. We are anxious to have the fullest information concerning these matters, and shall be glad if any person wishing to give evidence before us or to supply us with information will communicate with Mr. John Leslie, the Secretary of the Commission, at 31, Great George Street, Westminster."

On the 31st July we adjourned over the greater part of the Long Vacation to the 16th October, partly with a view to general convenience, and partly because we thought it likely that the publicity given to our proceedings through the Press would be sufficiently great to acquaint persons in the Metropolis who might wish to give evidence before us, or to bring to our notice complaints as to alleged misconduct on the part of particular officers and constables, with our proposed mode of procedure, and give them an opportunity of communicating with us in accordance with the public announcement.

§ 13. When we met on the 16th October we found that our expectations that the public attention called to the existence of the Commission would result in communications from persons interested in the inquiry, or who wished to make complaints against members of the Metropolitan Police Force, were realised. During the interval, and from time to time, until the close of the inquiry, we received many letters, some anonymous, some pseudonymous, and some signed with the real name and address of the correspondent. The Secretary also had interviews with a considerable number of persons who made allegations against the police in general or against named constables. Some of these allegations were afterwards reduced into writing, and formed the subjects of inquiry. We considered all the communications written and verbal that were received, and most of them were found to some extent useful as conveying to us hints as to the topics requiring our attention. For instance, some letters making general complaints alleged that the police were unduly arbitrary in keeping order in the streets and in their method of controlling traffic, and one correspondent suggested that during recent years the whole Force had assumed too military a character. In investigating the cases of misconduct alleged against particular officers and constables we have borne this and other like suggestions in mind. Of the communications containing general allegations of misconduct against the Force as a whole, those which seemed to us to be most relevant to our inquiry were those which suggested that constables were in the habit of receiving bribes from prostitutes and street bookmakers; and we decided so far as possible to ascertain to what, if any, extent such practices, obviously detrimental to the efficiency of police administration, prevailed in the Force. The communications to which we naturally attached the greatest amount of importance were those containing definite allegations of misconduct on comparatively recent occasions against particular officers and constables. Similar communications continued to reach us during the whole of the sittings which we devoted to the investigation of such complaints, and we received a few after we had determined to close the inquiry upon that head.

§ 14. Disregarding letters and post-cards which were so incoherent as not to need any attention the total number of complaints received by us up to the time we closed our Inquiry came to about 300. Of these, 99 contained charges of misconduct of varying degrees of gravity more or less definitely formulated against members of the Force.

We examined and considered these complaints from time to time as they came before us. Those which clearly came within the terms of reference and which were of such a character as to make it probable that their investigation would throw light on the subject matter of the Inquiry, we decided to hear as fully as might be reasonably possible. As to the others we deemed it either unnecessary or inexpedient to inquire into them publicly or to take evidence as to them on oath for all or some of the following reasons :—

1. That the misconduct alleged on the part of the named officers and constables was not committed in dealing with cases of drunkenness, disorder or solicitation in the streets at all, or only related to them so indirectly that the cases could not be properly considered as coming within the Terms of Reference.

2. That the cases in the course of which the misconduct was alleged to have taken place occurred so long ago that it was not reasonably possible for us to investigate them with any prospect of arriving at a just and true conclusion.

3. That the cases could not be looked upon as typical, or were not of such a character as to make it likely that their detailed investigation would assist us in making our Report.

We may add here (1) that nearly all the cases which were rejected by us were clearly not within the Terms of our Reference; and, (2) it must not be supposed that the fact that in these cases we decided not to hear the witnesses made their presentation entirely useless, since we found them of some service in indicating the points to which we ought to direct our attention in taking the general evidence and in inquiring into the particular cases which we fully heard.

We received one complaint of such a character and made under such circumstances as led us to examine the complainants in private with a view to deciding whether the case was one which we ought to investigate; but the complainants before we had taken further steps attended before us, and stated that they unreservedly withdrew all the charges they had made against the police. We came to the conclusion from their demeanour and their conduct that they were witnesses of so obviously untrustworthy a character that it would be useless to prosecute the inquiry into the case further.

§ 15. We sat as frequently as possible from the 16th October to the close of the year, and devoted the sittings almost entirely to the taking of evidence in regard to cases of complaints against particular officers and constables. We then adjourned until the 28th January, 1907.

Upon resuming our sittings we considered the progress made by us and the general position of the inquiry. We all felt that the inquiry was one that ought not to be prolonged for an indefinite period, and that, seeing that nearly six months had elapsed from the time of our first public sitting, we might well come to the conclusion that a reasonable opportunity had been afforded to members of the public desiring to complain of misconduct on the part of particular members of the Force to lay their complaints before the Commission. It was accordingly decided that the Chairman should make an announcement upon the matter at the sitting of the Commission on the 28th January, and he accordingly did so in the following terms:—"The Commission desire to announce that in their opinion a reasonable opportunity has been afforded to members of the public desiring to complain of misconduct on the part of particular constables to lay their complaints before the Commission. The Commission have received a number of such complaints, they have considered them, and have investigated those of them which related to matters within the Terms of Reference in the Warrant appointing the Commission, and which appeared to them to be typical or likely to assist them in making their Report. They have decided (without however precluding themselves from further inquiry, if it should be deemed necessary) not to investigate any further cases of alleged misconduct against particular constables in dealing with cases of drunkenness and disorder (except the cases of Mr. Riley, Mr. Higgs, and Mr. Gamble or Pearce). They will, of course, finish the part-heard case of Mr. Emms. They will also finish the case of Mr. Platt, and will hear any further complaints of a similar character. The Commission will also proceed to take general evidence."

§ 16. We then proceeded with as much dispatch as possible to hear the evidence in the cases referred to by the Chairman in his announcement on the 28th January.

Some further complaints of misconduct by particular officers and constables were subsequently made to the Commission, but of these we decided to inquire into only two, and we took that course because they were cases dealing with solicitation in the streets, as to which we had then only inquired into the cases of Madame

D'Angely and Mrs. Braham. The other cases were rejected either because they did not come within our Terms of Reference or because they were not of such a character as to make it expedient to re-open and continue the inquiry as to misconduct by particular officers or constables.

The total number of cases involving complaints against particular officers or constables which we heard was nineteen, and the names of the complainants and other particulars connected with the cases appear in the Appendix (Table I). In two only of these cases did we take the evidence in private.

§ 17. As to the general evidence it seems only necessary to say here that we examined Sir Albert de Rutzen and eight of his colleagues, namely: Mr. Alfred Chichele Plowden, Mr. Horace Smith, Mr. Ernest Baggallay, Mr. Albert Rowland Cluer, Mr. E. C. Tennyson D'Eyncourt, Mr. H. Curtis Bennett, Mr. George Paul Taylor, and Mr. E. N. Fenwick Fenwick.

In addition to those gentlemen Sir Forrest Fulton, K.C., Recorder of London, Sir R. D. M. Littler, C.B., K.C., the Chairman of the Middlesex Sessions, and the late Colonel Sir E. H. Vincent, K.C.M.G., C.B., A.D.C., M.P., who had had long experience in connection with the administration of the Criminal Law and the police system of the Metropolis, and appeared to us likely to be able to give us relevant information as to the manner in which the Police discharge their duties, attended and gave evidence before us.

We also took the evidence of Sir M. D. Chalmers, K.C.B., C.S.I., Permanent Under Secretary of the Home Office, and Mr. C. E. Troup, C.B., Assistant Secretary, upon various matters relevant to the inquiry.

We also thought it expedient, if possible, having regard to the suggestion of bribery by or blackmailing of prostitutes by constables, to call before us some persons whose police work had brought them into close contact with women of this class, and who had had some opportunities of observing the relations that exist between them and the police. We accordingly examined Mr. W. A. Coote, the Secretary of the National Vigilance Association, and Deputy Chairman of the London Council for the Promotion of Public Morality, the Rev. F. B. Meyer, B.A., as well as Staff Captain Harriet Hillyer, of the Salvation Army, and other ladies, who gave us very useful evidence as to the relations of the police with prostitutes, and as to the condition of the streets.

With a view to a comparison of the Metropolitan Police system with that of some of the great provincial cities which we thought might be useful for our purpose, especially so far as any possible recommendations were concerned, we took the evidence of Major G. Golbourne Tarry, Chief Constable of Leeds, and Mr. L. Dunning, Head Constable of Liverpool, as well as that of Mr. J. V. Stevenson, the Chief Constable of Glasgow. The evidence of the last named gentleman disclosed some points of difference between the London system and that of Glasgow which induced us to request the Rt. Hon. Thomas Shaw, K.C., M.P., Lord Advocate of Scotland, to attend before us, and he accordingly did so, and gave us valuable evidence. Captain J. W. Nott Bower, the Chief Commissioner of Police for the City of London, also gave us some useful information.

We considered the question whether it would be expedient to take evidence as to the system of police administration in regard to street offences in foreign capitals, and came to the conclusion that no useful purpose would be served by taking that course; but we desire to say we were much indebted to the late Colonel Sir C. E. Howard Vincent for a memorandum which he was good enough to send to us on the methods adopted in Paris.

We finally called Sir Edward Henry so as to afford him an opportunity of making any such answer as he deemed expedient to the charges, whether general or specific, made against the members of the Police, and to give us an opportunity of obtaining further information upon matters which suggested themselves to us.

§ 18. Neither the London County Council nor the Council of any Metropolitan Borough made any representations on the matters referred to us. The only public societies which approached us were the National Vigilance Association, the London Council for the Promotion of Public Morality, and the Police and Public Vigilance Society. We desire to thank those societies for the assistance they have given in our inquiry.

§ 19. We held altogether sixty-four sittings for the taking of evidence, during which we examined 292 witnesses, and closed the inquiry, so far as the taking of oral evidence was concerned, on the 1st August, 1907.

§ 20. Owing to the character of the Inquiry the necessary arrangements for and the proceedings at our sittings came to resemble those of a Court of Justice rather than those of an ordinary Royal Commission. This imposed on our staff an unusual burden which was, however, lightened by the assistance which we received from the authorities at New Scotland Yard and from Mr. Timewell, the Secretary of the Police and Public Vigilance Society who obtained the addresses of a considerable number of witnesses, served them with the summonses, and arranged for their attendance. We desire to thank Sir Edward Henry and his subordinate officers, as well as Messrs. Wontner & Son, the Solicitors to the Police, for arranging for the attendance of the police witnesses and for placing at our disposal all books and documents for which we asked. We also wish to express our appreciation of the courtesy shown to us by Sir R. Littler, the Chairman, and the Justices of the Middlesex Sessions, in placing in response to our personal request their court at the Westminster Guildhall at our disposal for our public sittings.

We desire to thank Mr. John Leslie for the services he ably rendered to the Commission until its public sittings ended. We desire to express our great obligations to Mr. J. Felix Waley, who first as Assistant Secretary, and after the resignation of Mr. Leslie as Secretary, discharged the duties of his office with great zeal and capacity, and who especially deserves our gratitude for the efficient help he has given us in the preparation of a Report which as to that part of it which deals with complaints against particular members of the Force presented special difficulties.

From a strictly logical standpoint our decisions on the complaints made against particular officers and constables into which we fully inquired should find a place in that part of our Report which deals with the manner in which the police discharge their duties, but for reasons of practical convenience we divide our Report into a General Report and Reports on Particular Cases.

We divide our General Report into an Introduction and three principal parts, as follows:—

Introduction.

Part I.—Duties of the Metropolitan Police in dealing with cases of drunkenness, disorder, and solicitation in the streets.

Part II.—The manner in which the Metropolitan Police perform their duties as to cases of drunkenness, disorder and solicitation in the streets.

Part III.—Conclusions and Recommendations.

I.

GENERAL REPORT.

INTRODUCTION.

§ 1. It seems necessary for the purpose of our Report, and for the comprehension of the evidence and other materials on which it is based, to give a brief account of the origin and history of the Metropolitan Force and some general information as to its organisation and its present strength.

Before 1829 no sufficient and reasonably effective police system existed in the Metropolis. The local government of the populous urban towns which had in the course of centuries of continuous national life come into being around and closely adjoining the ancient City of London was still left in the main to the county and parochial authorities invested with the powers conferred by the common law, but increased and modified to some extent both by general and local Acts of Parliament. The system had broken down under the strain imposed upon it by the growth of population and the modern conditions of urban life. The arrangements for the prevention and detection of crime, the maintenance of public order, and the administration of the criminal law were wholly inadequate to meet the needs of the time. According to the Report of the Select Committee of the House of Commons on the Police of the Metropolis appointed in 1828 the provision for the policing of the Metropolis was then as follows :—

Report by Select Committee on the Police of the Metropolis 1828, vi. (i)

The City of London had a separate system of Police and Watch by night under the control of municipal authorities.

In the City of Westminster there was an establishment of 80 constables annually chosen at a Court of Burgesses from persons carrying on trade, who were permitted under certain regulations to perform the office of deputy; but the active exertions of these constables had been, with reference to the detection and punishment of offences, superseded by the stipendiary police.

This stipendiary police consisted of seven officers of police, each acting independently and presiding over a defined district with a fixed number of constables attached to each for the assistance of the magistrates in the discharge of their ordinary duties.

The Thames Police Office with an establishment of about 90 officers for the protection of property and the maintenance of order on the river.

The Bow Street Office which, under the directions of the Secretary of State for the Home Department, had the immediate superintendence of the effective force applicable to the general purposes of police in the whole of the Metropolis and its neighbourhood, with the exception of the City of London. This force was divided into three classes :—The Horse Patrol, patrolling the great roads within about 20 miles of the Metropolis; the Dismounted Patrol, stationed in its environs; and the Foot Patrol, charged with the duty of patrolling the streets by night and by day.

In addition to these establishments there was the system of the Nightly Watch, which with scarcely an exception was a parochial establishment and which the Committee reported to be as a whole defective.

The Report of this Committee (which was the last of a series of such Committees which had during the previous half century dealt with the subject of the policing of the Metropolis) dwelt on the increase in the number of offences against property during the then recent years, and emphatically pointed out the inadequacy of the local establishments of nightly watch and nightly police for the prevention and detection of crime by reason of the frequent unfitness of the individuals employed, the insufficiency of their number, the limited sphere of their authority, and their want of connection and co-operation with each other, and recommended the establishment of a new police force in lieu of the nightly watch. The result was the introduction and passing of the Metropolitan Police Act, 1829.

By the Preamble of the Act above mentioned it was declared that it was expedient to substitute a new and more efficient system of police in lieu of such establishments of nightly watch and nightly police within the limits thereinafter mentioned, and to constitute an office of police which, acting under the immediate authority of one of His Majesty's Principal Secretaries of State, should direct and control the whole of such new system of police within those limits.

The Force was duly established, and commenced its work in the year 1829. It should be observed that the new Act did not abolish the Bow Street and other police offices then existing.

In 1839 it was found expedient to amend and supplement the Act of 1829; and accordingly the Metropolitan Police Act, 1839, was passed in that year. By the latter Act Her Majesty by an Order in Council was empowered to extend the Metropolitan Police District to any place not being in the City of London within the Central Criminal Court District, and to any part of any parish or place not more than fifteen miles distant in a straight line from Charing Cross.

The Metropolitan Police District and its Divisions.

§ 2. The Metropolitan Police District, as constituted by the Metropolitan Police Act, 1829, and by an Order in Council dated 3rd January, 1840, made under that Act, and the Metropolitan Police Act, 1839, comprises the following places:—

(1) The County of London exclusive of the City of London and its Liberties.

(2) The County of Middlesex.

(3) In the County of Surrey the following parishes and places:—Addington, Banstead, Barnes, Beddington, Carshalton, Cheam, Chessington, Coombe, Coulsdon, Cuddington, Epsom, Ewell (exclusive of Kingswood Liberty), Farley, Hamlet of Ham with Hatch, Hamlet of Hook, Kew, Kingston-on-Thames, Long Ditton, Malden (Old and New), Merton, Mitcham, Morden, Mortlake, Molesey (East and West), North Sheen, Petersham, Richmond, Sanderstead, Surbiton, Sutton, Thames Ditton (comprising the Hamlets of Claygate, Ember and Weston), Tolworth, Hamlets of Wallington, Warlingham, Wimbledon, and Woodmansterne.

(4) The County Borough of Croydon.

(5) In the County of Herts the following parishes and places:—Aldenham (and Hamlet of Theobald Street), Arkley, East Barnet, Barnet Vale, Bushy (Urban and Rural), Cheshunt, Chipping Barnet, Elstree, Hadley, Monken Hadley, Northaw, Ridge, Shenley, South Mimms (Urban), and Totteridge.

(6) In the County of Essex the following parishes and places:— Barking, Buckhurst Hill, Cann Hill, Chigwell, Chingford, Dagenham, East Ham (including Little Ilford), Great Ilford, Loughton, Low Leyton, Waltham Abbey and Town (including the Hamlets of Holyfield, Sewardston, and Upshire), Walthamstow, Wanstead, and Woodford.

(7) The County Borough of West Ham.

(8) In the County of Kent the following parishes and places:— Beckenham, Bexley, Bromley, Chislehurst, Crayford, Down, Erith, Farnborough, Foot's Cray, Hayes, Keston, Hamlet of Mottingham, North Cray, Orrington, Hamlet of Penge, St. Mary's Cray, St. Paul's Cray, and Wickham (East and West).

The Metropolitan Police District as thus established extends over a radius of fifteen miles from Charing Cross, exclusive of the City of London and the liberties thereof, and embraces an area of 699·42 square miles extending from Colney Heath, Hertfordshire, on the north, to Mogadore, Todworth Heath, in the south, and from Lark Hall, Essex, in the east, to Staines Moor, Middlesex, in the west.

The Metropolitan police constables act as such on that part of the River Thames within the Police Districts.

By virtue of the Metropolitan Police Act, 1860, the Commissioner of Police of the Metropolis may employ such number of constables of the Metropolitan Police Force as the Secretary of State may direct to be employed in his Majesty's Dockyards, not only within the Metropolitan Police District, but also in such yards or at the principal

stations of the War Department and in their neighbourhood which are situate beyond the limits of such district.

The whole Metropolitan Police District is divided into twenty-two portions called divisions; twenty-one are distinguished by a letter of the alphabet, which the sergeants and constables attached to a division wear with a number on their collars and helmets to enable the public to identify them and the locality of the district to which they belong. The Dockyard divisions are not included in this arrangement.

Each division is under the charge of a superintendent, and its strength of chief and other inspectors, sergeants and constables, varies according to the extent of the division and other circumstances.

A division is divided into sub-divisions, each of which is under the supervision of inspectors, the numbers varying according to local circumstances.

Sub-divisions are divided into sections under the charge of inspectors, sergeants, or acting sergeants, and sections are divided into beats which are patrolled by constables who are responsible for the protection of life and property during the time they are on duty.

Every street and road is measured, and divisions, sub-divisions, sections and beats are clearly defined in the beat books, and there is no difficulty in ascertaining the number and name of a constable on duty in any street or place at any particular time.

In every division there is at least one police station, and in some two or more.

The officers on duty at each station are appointed by the Chief Commissioner on the recommendation of the superintendent and chief constable.

Quarters are provided at police stations and in section houses for a large proportion of single men belonging to the Force.

The name and alphabetical letter of each of the divisions of the Metropolitan Police District will be found in the Table on page 14 of this Report.

The population of the Metropolitan Police District in 1905 was 7,086,638.

Organisation of the Metropolitan Police Force.

§ 3. For the purpose of understanding the evidence with which we have to deal in this report it is necessary to know the salient features as to the organisation and the disposition of the members of the Force; and we accordingly think it advisable to give some information relative to the general government of the Force, and the qualification, rank, and particular service of the several members which constitute the whole establishment.

At the head of the organisation is the Commissioner of Police of the Metropolis appointed under statutory provision by Warrant under your Majesty's sign manual. Acting under the authority of the Secretary of State he directs and controls the whole system of Police within the Metropolitan Police District. The Commissioner is a Justice of the Peace for the Counties of London, Middlesex, Surrey, Hertford, Essex, Kent, Berkshire, and Buckinghamshire.

The Commissioner has the power to frame subject to the approbation of the Secretary of State, such orders and regulations as he deems expedient relative to the general government of the members of the Metropolitan Police Force; the places of their residence; the classification, rank, and particular service of the several members; and all such other orders and regulations relative to the Police Force as he from time to time deems expedient for preventing neglect or abuse, and for rendering the Force efficient in the discharge of all its duties.

The Commissioner has also power at any time to suspend or dismiss from his employment any man belonging to the Police Force whom he thinks remiss or negligent in discharge of his duty, or otherwise unfit for the service.

Next in order to the Commissioner there are three Assistant Commissioners, also appointed by Warrant under your Majesty's sign manual, who are justices of the Peace for the same Counties as the Commissioner.

In the absence of the Commissioner one of the Assistant Commissioners may be authorised under the hand and seal of the Secretary of State for the Home Department to do all such acts as it would be competent for the Commissioner to do.

The Assistant Commissioners superintend the discipline of the whole Force and make occasional visits to the several divisions, inspect the clothing, appointments, and horses of each division, visit the stations and section houses, and report to the Commissioner on all matters calling for observation.

Next in order there are four Chief Constables who are appointed by the Secretary of State.

The whole Metropolitan Police District is divided into three districts, and each of these three districts is allotted to a Chief Constable. The fourth Chief Constable is attached to the Criminal Investigation Department.

The Chief Constables supervise generally all matters connected with the organisation and discipline of the Police within their respective districts, and are responsible that all infringements of the Regulations laid down for the guidance of Police that may come to their notice are reported to the Commissioner.

Certain disciplinary powers are vested in the Chief Constables, but every man punished by a Chief Constable has a right of appeal against the decision to the Commissioner or Assistant Commissioner, and any case in which the matter is so serious, or his general character and conduct are so unsatisfactory, as to call, in the opinion of the Chief Constable, for the resignation or dismissal of a man is referred with the whole of the witnesses and papers to the decision of the Commissioner or Assistant Commissioners.

The following are the grades of officers of the force below the rank of Chief Constable :—

(1) Superintendents.

There is a Superintendent for each division.

The Superintendent of a division is responsible for its discipline, and for securing strict compliance with the Commissioner's orders and regulations.

He is to make himself well acquainted with the inspectors and sergeants, and through them with the character of every constable in the division under his orders ; he will be firm and just, at the same time kind and conciliatory in his behaviour towards them on all occasions.

He is to give clear and precise instructions to the officers under him, and any neglect on their part is to be reported.

He is to take care that no cause of complaint be given to the inhabitants of the neighbourhood by noise or any irregularity at the stations or section houses.

If a complaint be made to him against any member of his division he should report the circumstances to the Chief Constable, and may at once, if the offence be of a serious nature, suspend the officer or take such other precaution as may appear necessary.

He may settle such complaints against any constable of his division as allowed by the Commissioner, and inflict a fine to the amount of two days' pay, with the addition of deprivation of fortnightly leave for not more than one month. He may, in the exercise of his discretion, award punishment for the first offence of drunkenness on or off duty, or for drinking on duty contrary to the Regulations, by reduction in rate of pay according to a scale fixed by the Commissioner from time to time, with the addition of the deprivation of fortnightly leave for not more than one month, if he thinks fit. The facts of each case, with the decision of the Superintendent thereon, are to be stated on the Morning Report, and any special reports attached and laid before the Chief Constable and the Commissioner.

Any constable not satisfied with the Superintendent's decision may have the case brought before the Chief Constable or the Commissioner.

(2) Chief Inspectors.

These officers have sub-charge of clothing, stores, equipment, unclaimed property, etc., and will be available to assist the Superintendent in the supervision of the Division by patrolling and making such inquiries as the Superintendent may from time to time direct.

(3) Sub-divisional Inspectors.

At all Sub-divisional Stations one Inspector will be selected to have entire general charge under the Superintendent of all arrangements pertaining to the Sub-division, but a Sub-divisional Inspector may have more than one Station under his supervision.

(4) Reserve Inspectors.

Reserve Inspectors, in addition to doing ordinary Station duty are to accompany reserves on special duties.

(5) Inspectors.

Inspectors are appointed to duty at all Stations of the interior Divisions and at the principal Stations of the exterior ones, and such others as may be approved by the Commissioner.

There are a limited number of Sub-Inspectors who also perform Station duty but are subordinate to the Inspectors. This rank, however, will not be permanently retained, any vacancies occurring being filled by Station Sergeants.

(6) Sergeants and Acting Sergeants.

A sergeant is held responsible for the general good conduct and good order of the constables under his charge, and he is expected to know the character of each. It is not necessary to detail his duties; but his chief duty is to parade the men placed under him at the station fifteen minutes before the hour at which they go on duty for the different reliefs, and to march with them to his section and see that each patrols his proper beat.

(7) Ordinary Constables.

Though every member of the force is a constable, the term is ordinarily applied only to those who form the lowest grade in the service. The principal duties thrown on officers of higher grades are duties of superintendence and discipline. The duties cast upon those members of the force who are merely constables are those direct and primary duties by the due performance of which the objects for which the force is established are attained. They are of a multifarious kind, and are described so far as regards the three classes of offences with which we are concerned in Part I.

There is a distinction drawn between ordinary Constables and Reserve Constables which is of no concern so far as our inquiry is concerned, but which it is well to mention as the term "Reserve" occurs in the evidence. The Foot Reserve of each Division consists of one Inspector, Constables in the proportion of ten per cent. on the authorised strength of that rank, and Sergeants in proportion of ten per cent. of the number of Constables.

Special duties, such as at processions, drawing rooms, public meetings, etc., where numbers of Police are required, are performed by the Reserve, but when not so employed the Reserve perform ordinary duty in supplying the places of Divisional police who are sick or absent from other causes.

The Mounted Reserves consist of about 10 per cent. of the Mounted Police Force in addition to one Police Sergeant and ten Police Constables of A Division.

The men for the Reserve are selected for ability, smartness, and good conduct

Criminal Investigation Department.

§ 4. It should be mentioned here that the force also includes an establishment for the investigation of crime (commonly called the Criminal Investigation Department), which forms one body under an Assistant Commissioner, and consists of a Chief Constable, Superintendent, Chief, 1st and 2nd class and Local Inspectors, 1st, 2nd and 3rd class Sergeants, and Patrol Constables. With the duties of this branch of the organisation (which are largely of a detective character) we have no direct concern

Strength of the Force.

§ 5. The following Table shows the authorised strength of the Metropolitan Divisions on the 31st December, 1906, classified under the four grades of Superintendents, Inspectors, Sergeants, Constables :—

Return showing the Authorised Strength of Metropolitan Divisions on 31st December, 1906.

Division.	Area (Miles).	Strength.				Total.
		Superintendents.	Inspectors.	Sergeants.	Constables.	
Commissioner's Office - - -	—	6	55	136	183	378
A or Whitehall - - - - -	1·88	1	31	67	622	721
B „ Chelsea - - - - - -	2·66	1	18	61	516	596
C „ St. James's - - - - -	0·76	1	19	51	437	508
D „ Marylebone - - - -	1·41	1	23	55	463	542
E „ Holborn - - - - - -	0·99	1	19	70	492	582
F „ Paddington - - - -	2·89	1	15	54	428	498
G „ Finsbury - - - -	1·84	1	21	53	489	564
H „ Whitechapel - - - -	2·08	1	25	58	512	596
J „ Hackney - - - - -	39·24	1	19	103	660	783
K „ Bow - - - - - -	37·28	1	27	141	921	1,090
L „ Lambeth - - - -	2·39	1	22	60	429	512
M „ Southwark - - - -	3·43	1	21	56	438	516
N „ Islington - - - - -	60·04	1	25	120	802	948
P „ Camberwell - - - -	51·51	1	18	126	726	871
R „ Greenwich - - -	60·62	1	24	131	736	892
S „ Hampstead - - -	82·65	1	16	120	715	852
T „ Hammersmith - - -	72·51	1	21	137	840	999
V „ Wandsworth - - - -	65·21	1	23	117	843	984
W „ Clapham - - - -	76·36	1	24	131	904	1,060
X „ Kilburn - - - - -	81·45	1	21	115	702	839
Y „ Highgate - - - -	44·76	1	20	131	778	930
Thames - - - - - - -	7·46	1	12	56	175	244
Not apportioned to Divisions - -	—	—	4	31	127	162
Total - - - -	699·42	28	521	2,180	13,938	16,667

This Table does not include the officers and men of the Dockyard Divisions ; but including them, the total strength of the Metropolitan Police Force, exclusive of the Commissioner and the Chief Constables, is 17,743 men.

Candidates for Appointments.

§ 6. The applications of candidates for admission to the Metropolitan Police Force are considered by the Commissioner, and vacancies are filled by appointment by the Commissioner from time to time.

Such candidates enter the Force upon Conditions of Service laid down in regulations made by the Chief Commissioner.

Candidates are examined as to their physical fitness for the post of Constable, and also have to undergo an educational test in the following subjects :—

(1.) Reading and Dictation :—

From Royal Reader, No. 3, or book of similar standard.

(2.) Arithmetic :—

Numeration to 100,000, and the four simple rules, viz :—Addition, Subtraction, Multiplication and Division.

Conditions of Service.

§ 7. Upon joining the Force successful candidates are put into a preparatory class, and for a certain time are employed only on Station duty and in attending Police Courts during the hearing of charges and summonses with a view to learning their duties.

They are also instructed by an officer appointed by the Superintendent for one hour daily as to the Regulations of the Service.

Men, for the first six months after joining, are to be assembled at least for one hour once in fourteen days, and carefully questioned by the Inspectors as to their knowledge of the contents of the Police Instruction Book. They are also, of course, practised in drill.

The conditions of service to which we need call attention are these :—

(1) Each constable is to devote his whole time to the Police Service. He is not to carry on any trade, nor can his wife be allowed to keep a shop.

(2) He is to serve and reside wherever he is appointed.

(3) He is to appear in his police dress at all times when on duty, but he may wear plain clothes when off duty unless directed to the contrary.

(4) He is promptly to obey all orders from the persons in authority over him

(5) He is to obey all the Regulations of the Service.

(6) Such debts owing by him as the Commissioner directs to be paid, shall be paid by him forthwith.

(7) A reduction will be made from his pay according to Regulations, for each day when he is certified by the Surgeon sick and unfit for duty except in certain cases when full pay is allowed by the Commissioner.

(8) He shall not resign nor withdraw himself from the duties unless allowed to do so in writing by the Superintendent of the Division or by the Commissioner ; or unless he shall have given to his Superintendent one month's previous notice in writing. If he resign or withdraw without such leave or notice he is liable to forfeit all pay due and to be charged before a Magistrate.

(9) Each Police Constable is liable to immediate dismissal for unfitness, negligence or misconduct, independently of any other punishment to which by law he may be subject. The Commissioner may also remove him from the Service by dismissal or otherwise without assigning any reason. If he be dismissed the Police Force the whole of his pay then due is forfeited.

(10) A Constable dismissed from the Police Force, or who resigns his situation, shall immediately after the dismissal or resignation deliver up every article of dress and appointments which have been supplied to him. If any such articles or appointments have in the opinion of the Commissioner been improperly used or damaged, a deduction from the pay then due to the party shall be made sufficient to make good the damage or supply a new article.

(11) A certificate of good conduct if deserved in the Police Force will be given by the Commissioner subject to the Regulations of the Service.

(12) Every Police Constable in the Force may hope to rise by activity, intelligence, and good conduct to the superior stations.

(13) His pay on being appointed Constable is 24s. a week, rising by annual increments of 1s. per week to a maximum of 32s. a week. Clothing will be supplied to him, and also coals or a money allowance in lieu of coals, in accordance with the Regulations.

(14) The Constable's pay is subject to a deduction on account of Superannuation limited by the Police Act to $2\frac{1}{2}$ per cent., and at present fixed at 2 per cent. The pensions and gratuties awarded to Constables and to their widows and children are regulated by the Police Act, 1890.

Promotion.

§ 8. In view of certain suggestions which were made to us in the communications referred to above, it is necessary to understand the system of promotion in the Force.

The Commissioner and the three Assistant Commissioners are, as we have seen, appointed by the Crown, and the four Chief Constables are appointed by the Secretary of State.

The following are the Rules as to promotion to which it seems necessary to call attention :—

(1) All promotions in the Service up to the rank of Superintendent are made from the next rank below.

(2) When vacancies in the higher ranks occur, and directions are given for Police Officers to be recommended to the Commissioner for promotion, those best qualified in all respects are to be selected, seniority of service being duly considered as a qualification or otherwise.

(3) A candidate for promotion must be prepared to serve in any Division to which he may be transferred when his turn for promotion is reached.

(4) Inspectors, Station Sergeants, Sergeants, and Constables who are recommended for promotion by Superintendents and Chief Constables will appear before a Board of Examiners formed for the purpose of determining and reporting upon the merits of candidates for promotion in rank or appointment to higher grades.

(5) Police who are selected for promotion are to undergo an educational examination, conducted by the Civil Service Commissioners, to ascertain whether they are qualified to discharge efficiently the duties which would devolve upon them.

(6) The Superintendents will satisfy themselves, before recommending a man for promotion, that there is a reasonable probability that he will pass the authorised examination.

(7) The examination of Police candidates for promotion to the ranks of Sergeant, Inspector, and Superintendent will be undertaken by the Civil Service Commission.

(9) When Police have been examined, and have failed to pass, the Examiner's report is to be forwarded (confidentially) to the Superintendent of the Division, for a copy to be taken by the unsuccessful candidate to enable him to improve himself in those subjects in which he was deficient, so that he may be enabled to pass a future examination should he be called upon. The report is to be marked "Copy taken," and signed by the candidate, and then returned to the Superintendent of the Executive Branch.

(10) Police Officers recommended for promotion are to be examined by the Chief Surgeon, and a report made as to their general soundness of health.

The medical record in the Divisional Sick Book is to be submitted to the Chief Surgeon for his information at these examinations.

(11) All officers of the rank of Sergeant and upwards must be proficient in drill and able to drill a company. A certificate to this effect is to be submitted when an officer is recommended for promotion.

(12) As soon as Constables, who are recommended for promotion to Sergeants, have passed the required educational examination, facilities are to be afforded them in their respective Divisions for acquiring a knowledge of telegraphy.

(13) The Commissioner has also laid down the following Regulation as to promotion :—

"Some of the Police have attempted to obtain promotion by means of applications made by private friends; such practices being injurious to the good order and discipline of the Service, the Police are to understand that their prospects of promotion must depend on the report which their superior officers may make as to their qualifications and conduct in the performance of their duties. Merit, and not favour, is the ground of advancement, and any of the Police who attempt to bring interest to bear for the purpose of influencing the Commissioner to recommend them to the Secretary of State, or who apply to the Secretary of State for promotion, will be considered as disqualified for the promotion thus sought."

Metropolitan Police Courts.

§ 9. The Police Offices existing at the time of the establishment of the Metropolitan Police Force were not done away with by the Act of 1829. They were not simply Police Offices in the ordinary sense of the term, since they were controlled by paid magistrates who attended to them and exercised there the jurisdiction of justices of the peace and the powers given to them by statute. The creation of the Metropolitan Police Force and other circumstances rendered an amendment of the system expedient, and this was effected by the Metropolitan Police Courts Act, 1839, under which and subsequent statutes to which it is not necessary to refer specifically, the existing Police Courts are now regulated.

For judicial purposes the Metropolitan Police area is divided into divisions, in each of which there is a Police Court.

[6.21] It may facilitate the following of the evidence as to complaints against particular officers and constables if we give a list of the existing Metropolitan Police Courts, which is as follows :—

Bow Street, W.C.
Westminster (Vincent Square, S.W.).
Marlborough Street (Great Marlborough Street, W.).
Clerkenwell (King's Cross Road, W.C.).
Old Street, E.C.
Lambeth (Lower Kennington Lane, S.E.).
Marylebone (Seymour Place, W.).
Tower Bridge, S.E.
Thames (Arbour Square, Stepney, E.).
West London (Vernon Street, Hammersmith Road, W.).
South Western (Lavender Hill, S.W.).
North London (Stoke Newington Road, N.).
Greenwich and Woolwich.

Preceding Inquiries as to the Police System and its Administration.

§ 10. We have thought it worth while to refer to such public inquiries into matters connected with the Metropolitan Police as have taken place since its establishment by virtue of the Metropolitan Police Act, 1829.

We find that until the creation of this Commission it has not been found necessary to appoint any Royal Commission to inquire and report upon any matters connected with the Metropolitan Police except one appointed in 1855 to inquire into the alleged disturbance of the public peace in Hyde Park; but on several occasions the House of Commons has appointed Select Committees to consider complaints relating to the administration and efficiency of the Police system, or as to the conduct of the Police.

A brief summary of such parts of the Reports of these Committees as have any bearing upon the matters referred to us may be useful and interesting.

On the 22nd April, 1833, a Select Committee was appointed "To inquire into the state of the Police of the Metropolis within the Metropolitan district and the state of crime therein."

The Committee of that Session commenced their labours and had made considerable progress when, to use their own words, "They found their course impeded not only by the delay which the preparation of returns and accumulation of evidence occasioned but by the unexampled pressure of business before the House necessarily occasioning the appointment of an unusual number of Committees and requiring so much of the attendance of members as to preclude the possibility of their persevering with dispatch in the prosecution of this very extensive and important investigation. The hindrance, however, which has presented the most formidable obstruction has been the appointment of two other Committees: the one on the 1st July, 'To inquire into the matter of a petition of several persons complaining that policemen are employed as spies, and praying that the people may not be taxed to maintain those spies'; and the other on the 11th July, 'To inquire into the conduct of the Metropolitan Police on the 13th May last in dispersing a public meeting in Coldbath Fields.'"

The Committee arrived at the conclusion that they ought to await the Reports of the two last-named Select Committees before finally concluding their inquiry; but towards the end of the Session they considered themselves "called upon to close their proceedings for the present Session"; and on the 16th August the Committee made a Report suggesting that they should be permitted to resume their labours in the following Session, and that, though they had not brought their labours to a close, it might perhaps be expected that they should express some opinion as to the conduct and utility of the Metropolitan Police as far as the evidence adduced before them had enabled them to form any opinion.

Subject to the further information which might be elicited by the inquiries of the other Committees above alluded to, the Committee did not hesitate to state that it was their opinion that the evidence adduced before them had led them to think that the greatest economy was observed in every department of the Metropolitan Police; that very great and increasing care was taken in the selection of the individuals employed; and that, on the whole, the conduct of the men had been very creditable to them.

The Committee could speak with unqualified praise of the manner in which the Commissioners discharged the arduous duties incident to their office; who, in every arrangement proceeding from them, evinced a desire to render the police as effective in detecting as in repressing crime, and occasioning as little inconvenience as possible to the honest and well-conducted portion of the community.

On the 1st July, in the same Session, a Select Committee was appointed "To inquire into the matter of the petition of several persons complaining that policemen are employed as spies; and praying that the people may not be taxed to maintain those spies," and that Committee duly reported on the 6th August.

On the 11th July, 1833, a Select Committee was appointed "To inquire into the Conduct of the Metropolitan Police on the 13th of May last in dispersing a Public Meeting in Cold Bath Fields," and that Committee duly reported on the 23rd August then next following.

The conduct of the Police in regard to the dispersing of the Public Meeting held in Cold Bath Fields on the 13th May, 1833, has now, of course, simply historical

interest, but it may be noted that the Report, upon the whole, gives a favourable report of the conduct and efficiency of the Police Force at that time.

The Committee reported "That the Conduct of the Bodies of Police employed in the actual dispersion of the Meeting was not attended with greater violence than was occasioned by the resistance they met with from a portion of the Meeting in the execution of their orders.

"That after the dispersion of the Meeting, some of the Police employed in clearing the surrounding ground were suffered to follow persons to a greater distance than was necessary, and that, under these circumstances, they were not subjected to that efficient control which in a moment of excitement and irritation, and after much provocation, could alone prevent individual instances of undue exercise of power.

"That none of the Police were in any degree intoxicated, and that no dangerous wound or permanent injury has been shown to have been inflicted by them upon any individual, while on the other hand, one of their own number was killed with a dagger, and two others stabbed while in the discharge of their duty

"That while it is the opinion of this Committee that the conduct of the Police as a body, on the occasion in question, affords no just ground of complaint, they feel it a duty to advert to the importance of the utmost caution and vigilance on the part of the Superintendents, and other officers of the Police, to check any approach to unnecessary violence among their men on all occasions, but more especially where large bodies of them are employed in the prevention or suppression of disturbance and the maintenance of the Public Peace."

Select Committee of 1834.

§ 11. The Select Committee appointed in the Session of 1833 "To inquire into the state of the Police of the Metropolis within the Metropolitan District and the state of crime therein," was re-appointed on the 10th March, 1834, and made their final Report on the 13th August in that year.

In that Report they say that finding it (the Order of the House for their appointment) so much coincided with that in 1828 they considered the object sought to be attained in their appointment to have reference to "the change in the System of Police" recommended by that Committee.

From the Report of this Select Committee we think it well to quote a few extracts.

The Report commences with a brief account of the condition of the Metropolis before the establishment of the Metropolitan Police.

In regard to the "Management and Conduct of the Metropolitan Police" they say: "It was not to be expected that a new system of Police, however perfect, could be introduced without encountering many and strong objections from very obvious causes. The Committee of 1828 were aware that in effecting this change there might be serious difficulties to encounter, the difficulties of changing ancient usages, of simplifying a complicated system, of arranging a troublesome detail, of transferring to one department a sort of patronage and power which was then exercised by many. And perhaps it is a matter of surprise that so great a change should have been accomplished without greater opposition than has been experienced.

"Much, in the opinion of your Committee, is due to the judgment and discrimination which was exercised in the selection of the individuals, Colonel Rowan and Mr. Mayne, who were originally appointed, and still continue, to fill the arduous offices of Commissioners of Police. On many critical occasions, and in very difficult circumstances, the sound discretion they have exercised, the straightforward, open and honourable course they have pursued whenever their conduct has been questioned by the public, calls for the strongest expression of approbation on the part of your Committee. A reference to the evidence of this and the Committees of last year will satisfactorily confirm this opinion, and it will also show the searching and minute investigation which every part of their conduct and of the Establishment has undergone.

"Your Committee is of opinion that a strict economy pervades every department of the Establishment of Police and that this economy is carried to the utmost extent compatible with the Service.

"The duties of the constables have been clearly defined in a book of instructions prepared for their use by the Commissioners. The men are desired to make themselves acquainted with its contents in order to become qualified to fulfil without exceeding their duty.

"It appears that great care is exercised by the Commissioners in the selection of constables and that a vigilant control is maintained over them ; that on many occasions they have received testimonies of approbation from Magistrates, Grand Juries and others, and that private individuals have, since the Metropolitan Police came into operation, contributed for their services, on different occasions, in donations to the men, with the consent of the Commissioners, a sum which, up to the period of the examination of the Commissioners in 1833, was stated to have amounted to £2,000.

"The whole system of the Metropolitan Police is one which must greatly enhance the difficulty of a successful course of crime or plunder. It appears indeed that the more violent offences have already decreased, while the detection of the lighter offences has increased, which is precisely what was to be expected from a good system of preventive police.

"The complaints and objections which have been brought under the notice of your Committee by the various witnesses who have been examined, and which will be enumerated, are capable of being classed under two heads ; those remediable by the Police Commissioners, and those remediable only by an alteration of the law. The complaints brought against the Police, for which the Commissioners may be considered fairly responsible, are such as relate to the conduct of the men ; the withdrawing of constables from one parish or district to send them to another, where tumult or disturbance is apprehended ; and the discharging of persons out of custody from the Station House without the sanction of a Magistrate. These complaints will be considered in the order in which they are mentioned.

"With reference to the conduct of the men, the Committee are of opinion that every precaution is taken by the Commissioners in the choice of men, and in their conduct afterwards, and it appears from the evidence that there is a disposition on the part of the Commissioners to remedy every inconvenience arising from this cause of which the public has had any just reason to complain.

"There may have been abuses of authority by individual members of the Police ; but it appears to your Committee that when they have occurred they have been promptly punished, and that they have been less in number and of a less aggravated character than could have been expected in a body so numerous, or than did practically exist under the former system of parochial watch.

"It appears to your Committee that the complaints made of the extraordinary power exercised by the Inspectors of Police at the Station Houses have not been well founded. Much misunderstanding appears to exist upon this subject, as a reference to the evidence will show ; but according to the Commissioners who were particularly examined on this point, no charge once entered on the Charge Sheet, and signed by the party making it, has ever been disposed of otherwise than under the direction and sanction of a Magistrate. Drunken cases appear to have formed an exception ; but your Committee is of opinion, in concurrence with many experienced magistrates, that it is safer that all persons once received into custody at the Station Houses should only be discharged by the order of a magistrate, a system which has been of late strictly adhered to.

"Two other objections, under the second class of complaints, have occasionally been made altogether different from the generality of those urged against the Metropolitan Police, founded on a deficiency of power and disinclination to interfere. Your Committee refer to the system of non-interference in cases of disturbances and disorderly conduct in public-houses not involving the commission of any criminal offence, and in cases of common assault where the act has not been witnessed by the constable, or the party assaulted does not bear visible marks of the aggression. The only observation which the Committee feel it necessary to make in reference to these objections is that it does not appear to have been contemplated by the statute, establishing the Metropolitan Police, to give the constables of that Force more power than was possessed by any other constables, and they do not see at present sufficient reason for recommending a change in this respect.

"Your Committee having thus reviewed the complaints which to them appeared deserving of notice, and considering also that the witnesses examined in every instance appeared rather desirous to improve than to oppose an efficient system of

Police, and that the prevailing character of the evidence is that of approbation of the new system, conclude this head of their Report by expressing it as their opinion, and one amply supported by the evidence, that the conduct and management of the Metropolitan Police has given general satisfaction.

"Many persons have assumed, and that assumption has been countenanced by the Report of the Committee of 1822, that a good Police could only be attained at the expense of the liberty of the subject, and that it necessarily involved some arbitrary principle opposed to the free constitution of this country. In the words of the Report it was 'difficult to reconcile an effective system of Police with that perfect freedom of action and exemption from interference which are the great privileges and blessings of society in this country.' A full consideration of the evidence now presented to the House will dispel this apprehension; and, looking at the Establishment as a whole, it appears to your Committee that the Metropolitan Police has imposed no restraint, either upon public bodies or individuals, which is not entirely consistent with the fullest practical exercise of every civil privilege and with the most unrestrained intercourse of private society."

In reference to the reports of the two other Select Committees appointed in 1833, and referred to above, the Report says: "Your Committee have perused the evidence and reports of these Committees, which latter are printed in the appendix; and upon a mature and anxious consideration of both they deem it their duty to express their entire concurrence in the opinions of the Reports of the Committees alluded to; and also to add that the Metropolitan Police Force, its management, and the principles upon which it is conducted, deserve the confidence and support of the House. That it is well calculated to check crime, and to maintain the peace and order of the Metropolis, both effectively and constitutionally. And there is satisfactory evidence of this in the fact that on no occasion since the establishment of the Metropolitan Police has the Military authority been called upon to assist the Civil.

"Your Committee, keeping in view the whole evidence now placed before the House, conclude with this expression of their opinion, viz., that the Metropolitan Police Force, as respects its influence in repressing crime, and the security it has given to person and property, is one of the most valuable of modern institutions. And the high character of those who now direct it, and the consequent improvement in the moral character of the men, together with its successful working in practice, has clearly shown that what under the old Police was considered by the Magistrates and the most experienced officers as a necessary evil, viz., flash houses, where the most vicious and desperate characters were allowed openly to assemble, hardening each other in their careers of crime, and seducing others, in order that they might be more readily secured when an adequate reward was offered, and the association of the Police Constables with low and infamous characters as a means of obtaining information is not a necessary part of a system which has for its object only the prevention and detection of crime; and there is reason to hope that the present system may carry into practice to the utmost extent every measure which can augment the difficulty and multiply obstructions in the way of the depredator, as well as every arrangement best calculated to diminish the chances of a profitable conversion of property when dishonestly obtained. The former will tend to prevent the latter to diminish the motives to commit crime."

Select Committee of 1837.

§ 12. On the 14th April, 1837, another Select Committee was appointed to inquire into the provisions of the 3 and 4 William IV., c. 19 (Metropolitan Police Offices Act), with a view to the further improvement of the same.

The Committee commenced but did not finally conclude their Inquiry during the Session and were re-appointed on the 24th November, 1838.

The Committee in their Report recommended:—

(I.) That for the better prevention of crime, the detection of offenders, and the preservation of the peace, and the more effectually to promote these objects in conformity with the principle of the 10 Geo. IV., c. 44, it is expedient to consolidate the several Constabulary Forces of the Metropolis, including those of the City of London and the River Thames, under one authority, responsible to the Secretary of State for the Home Department.

(II.) That it would tend to a more satisfactory administration of justice if Police Magistrates were called upon to execute such duties only as are of a judicial character and if all duties of an executive nature were committed to the charge of the Metropolitan Police Force.

(III.) That it would tend to the orderly and satisfactory administration of justice were the emoluments and qualifications of Police Magistrates strictly in accordance with the character and importance of the duties they have to perform, and were such alterations made in the construction and regulations of Police Offices as shall render them more analogous to Courts of Justice, and more convenient to suitors and the public.

The Committee made certain other recommendations which have no direct relevance to our Inquiry, but in regard to the power of Police Constables to take persons into custody without warrant the Report contains the following paragraphs :—

"Your Committee proceed now to consider such amendments as have been proposed with regard to the law of arrest. The constable's power to act without warrant is confined to cases of felony of which he receives the charge or sees the commission ; and to cases of breach of the peace taking place within his own view ; in all other misdemeanours a Justice's warrant must be obtained before the constable can legally make an arrest. This restraint is found to be productive of very considerable practical inconvenience. There are many offences of which the evidence will be lost unless immediately collected and fixed by examination of the witnesses. In like manner there are many offenders whose presence before a Magistrate cannot otherwise be secured than by instant apprehension and detention. In each of these cases, therefore, the law which prohibits arrest without warrant is to a certain extent a law for the protection of the offender and the prevention of redress to the party injured.

"The reason for the exercise of this power exists still stronger in the case of misdemeanours relating to the coin, in which, as the usual form of the offence is the uttering counterfeit coin twice within the space of ten days, all trace of the offender as well as all evidence of his offence would be obliterated by the delay of applying to a Magistrate for his warrant. The Legislature has already conferred this power, by special enactments, with regard to many particular offences, and your Committee can entertain no doubt it may safely be extended to every case in which the circumstances require its exercise in order to promote the substantial ends of justice. Your Committee also think that a similar necessity exists for an enlargement of the Magistrate's power to detain in custody the party so arrested for a reasonable time, for the purpose of examination ; and as it is believed that the practice both of Constables and Magistrates is at present not in accordance with the law, your Committee are of opinion that some immediate enactment to remedy this inconvenience is required."

The Committee accordingly recommended :—

"That in order to prevent the failure of justice in certain cases it is desirable the Police Constables should be authorised to take into custody, without warrant, offenders duly charged by the party aggrieved, and the Police Magistrates should have power to remand persons in custody for further examination."

The Committee also recommended :—

"That in order to prevent inconvenience from the unnecessary detention of persons in custody, it is expedient that more ample powers of taking bail or personal recognisance be provided."

The Committee further recommended :—

"That better accommodation be provided for the detention of offenders, both previous to and during the course of their examination before Police Magistrates."

In conclusion the Committee said :—

"Your Committee cannot conclude their Report without bestowing great and well-deserved commendation upon the excellent management and satisfactory conduct of the Metropolitan Police Force, which appears to be the subject of approbation on every occasion in which their services are capable of being publicly noticed.

If the Police Offices department does not merit the same degree of praise, that, in the opinion of your Committee, is the fault of the system, and not of the individuals concerned in the execution of its duties. The new arrangement of duties recommended in this Report will, as your Committee hope and expect, render the system nearly as perfect an instrument for the prevention, detection and effectual punishment of crime as Police institutions are capable of being made. What beyond this may be necessary for the more complete suppression of vicious habits and practices in this immense and mingled population must be the result of active benevolence, both public and private, governed by sound principles, directed to the promotion of such measures as tend to the early instruction of the inferior classes of society in virtuous and industrious habits, and to the provision of such means for the reformation of offenders as may restore them usefully to the station to which they belong."

We may here add certain facts which are not without interest, and which we gather from the evidence given before the Select Committee of 1834.

Lieutenant-Colonel Rowan and Mr. Richard Mayne were the two Commissioners who were first appointed to carry into execution the Metropolitan Police Act, 1829.

The Force was first established in September of that year, but not all at once, as, being deemed an experiment, it was thought necessary to enter upon it by degrees, and therefore the district was taken charge of by the Police in parts at three different periods, namely, in September, 1829, in February, 1830, and in the May following.

Only six out of seventeen divisions were established in September, 1829. The first increase took place in February, 1830, when there were seven additional divisions created, and the remaining four, making up the seventeen divisions, in May, 1830.

The full strength of the Force as it stood upon its completion up to May, 1830, consisted of 17 Superintendents, 68 Inspectors, 318 Sergeants, and 2,892 Police Constables. In 1834 the strength of the Force stood at 17 Superintendents, 70 Inspectors, 342 Sergeants, and 2,968 Police Constables. It follows from these figures that the total strength of the Force in 1830 was 3,295, and in 1834, 3,397.

The Metropolitan Police Act, 1839, and the Metropolitan Police Courts Act, 1839, may be regarded as the direct outcome of the Report of the Select Committee with which we have just dealt.

The Royal Commission of 1855.

§ 13. The only Royal Commission appointed to inquire into any matter affecting the conduct of the Police was that which was appointed in 1855, when, in consequence of a disturbance of the public peace in Hyde Park on the 1st July, 1855, a Royal Commission was appointed "To inquire into the alleged disturbance of the public peace and all the circumstances thereof, and all matters connected therewith, and particularly into the conduct of the Officers and Constables of the said Metropolitan Police in connection with the same, and into the truth of all and singular the complaints of the conduct of them or any of them upon that occasion," which might be brought under their investigation.

The Commission being thus limited, the Commissioners in due course made their Report, which contained the judgment or opinion of the Commissioners upon a number of specific cases which were brought to their attention, and as to which they took evidence.

The general conclusion to which they came is expressed thus :—

"After full inquiry into the complaints submitted to our consideration we have deemed it our duty to report misconduct on the part of various members of the Police; a result more to be regretted on account of the high character of that body; but if excesses were shown to have been committed by some, ample testimony was also borne to the moderation and forbearance of other members of the same body on the same occasion; and whatever blame may attach to individuals it was through the exertions of the Police that accidents were prevented in the Park, and property in that vicinity protected from damage. When the events of the day are properly contrasted we think they will not be found to afford any just ground for lessening the confidence of the public—a confidence founded on experience of six-and-twenty years—in the general conduct and efficiency of the Metropolitan Police."

Departmental Committees.

§ 14. Departmental Committees have been appointed from time to time to inquire into and report upon various matters connected with the organisation and administration of the Police Force. Those brought to our notice are the Committees of 1868, 1878, 1879, and 1886. None of the Reports of these Committees appear to us to contain matters sufficiently relevant to or helpful in regard to our Inquiry to make it necessary for us to do more than to call attention to the fact that such Committees have advised the Secretary of State, and that it may therefore be presumed that the existing system of administration, organisation, and discipline of the Force is one that has been comparatively recently examined and in general found satisfactory.

None of the Reports of these Committees deal with complaints by members of the public against the Police.

PART I.

THE DUTIES OF THE POLICE IN DEALING WITH CASES OF DRUNKENNESS, DISORDER AND SOLICITATION IN THE STREETS.

Introduction.

§ 1. It is not easy to state briefly the objects of a Police Force in the capital of a modern State so as to cover all the purposes which its establishment is intended to serve. So far as our inquiry is concerned, it is sufficient to say that the primary object of an efficient Police Force is the prevention of crime; and next, that of the detection and the punishment of offenders if crime be committed.

The Metropolitan Police Force is a statutory Force composed of a number of constables who are invested with certain special rights or powers, and upon whom certain special corresponding duties are imposed by law.

For the purpose of attaining the objects with which the Force was established, the Commissioner of Police, as mentioned above, is given power, subject to the approbation of the Secretary of State, to frame such Orders and Regulations as he deems expedient relative to the general government of the members of the Metropolitan Police Force, the places of their residence, the classification, rank, and particular service of the several members, and all such other Orders and Regulations relative to the Police Force as he from time to time deems expedient for preventing neglect or abuse, and for rendering the Force efficient in the discharge of all its duties. Metropolitan Police Act, 1829, section 5.

In pursuance of this power, Regulations have been drawn up and framed from time to time by successive Commissioners, and sanctioned by successive Secretaries of State. These Regulations have been modified from time to time in the light of the experience gained by the working of the Force from year to year, and some of the Regulations are of a merely temporary kind. They form a code of rules by which all members of the Force are bound.

Status of Members of the Metropolitan Police Force.

§ 2. Every member of the Force is a constable, and upon his appointment he makes an affirmation to the following effect :—

"I, ———, being appointed a Constable of the Police Force of the Metropolitan Police District, do solemnly, sincerely and truly declare and affirm that I will well and truly serve our Sovereign Lord, the King, in the office of a Constable, and that I will act as a Constable for preserving the peace and preventing robberies and other felonies, and apprehending offenders against the peace, and in all respects, to the best of my skill and knowledge, discharge the duties of the said office faithfully according to law."

The office of "Constable" is an ancient one, and to explain and define the rights and duties of a constable at Common Law is difficult without giving the history of the office. It is not necessary for us to do more than state that at the present time every constable is possessed of certain special rights, and is subject to certain special duties in regard to the preservation of the peace by Common Law, and under the provisions of public and general Acts of Parliament.

Members of the Metropolitan Police Force are invested with the rights, and are subject to the duties especially appertaining to all constables within the Realm by virtue of holding the office, and they are also invested with special rights, and are subject to special duties, by virtue of statutory provisions applicable to the Metropolitan Police Force and to the Metropolitan Police District.

Speaking broadly, the duties of a constable are defined by the rights or powers with which he is invested as constable, for it is his duty to exercise those rights or powers if and when it becomes necessary to do so for the preservation of the peace, and the attainment of the purposes for which his office in the Force to which he belongs is designed.

The Metropolitan Police Force is a civilian and not a military body.

The power of a constable or police officer in respect to an act done by him officially affecting the liberty of the subject is greater than that accorded to a private individual; and assaults upon constables when in the execution of their duty, and resistance to or obstruction of them at such a time, have been made special offences by the Prevention of Crimes Act, 1871, Section 12, and the Prevention of Crimes Act (Amendment Act), 1885, Section 2. Members of the Metropolitan Police are specially protected by the Metropolitan Police Act, 1839, Section 18, which makes it an offence to assault or resist any member of the Force in the execution of his duty, and by the Metropolitan Police Act, 1861, which enacts that "if any person shall assault or resist any constable belonging to the Metropolitan Police Force acting in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender 'being summarily convicted thereof' may be fined to an amount not exceeding £5, or imprisoned for a time not exceeding one calendar month."

Members of the Metropolitan Police Force are not immune from the jurisdiction of the Courts of Justice established in the Realm in respect of any breaches of the law committed by them in the discharge, or in the intended discharge, of their duties as members of the Force. They may be sued in an action for damages for any wrong committed by them, and they are also liable to prosecution in the same manner, and to the same extent, for any crime committed by them, just as if they were ordinary individuals.

Archibald, Metropolitan Police Guide 23rd edition, p. 469, Beckwith v. Philby 6 B. & C., 638).

Neither in a civil action nor in a criminal prosecution is it any defence of itself for a constable to allege that he acted under the orders of an officer whose command he was bound, by the Regulations of the Force, to obey.

In civil actions for false imprisonment there are certain special defences which may be set up by constables; for instance, it is a good answer for a constable who has arrested the plaintiff to prove that he had reasonable cause to suspect that the plaintiff had committed a felony, whereas a defendant, who is not a constable, has to prove, in order to justify the arrest, that a felony has actually been committed.

A constable acting in the execution or intended execution of his duty is also in proceedings against him entitled to the limited protection afforded by the Public Authorities Protection Act, 1893.

The duties which have to be performed by members of the Force are of a very varied and extensive character, and it is not necessary for us, having regard to our Terms of Reference to attempt to state them exhaustively.

Classification of Duties.

§ 3. The duties of a member of the Metropolitan Police Force may be thus classified by reference to their source:—

(1) Duties imposed upon them as constables at Common Law.

(2) Duties imposed upon them by Statute.

(3) Duties imposed upon them by the Regulations of the Commissioner.

We have now to limit ourselves to a consideration of the duties of the police in dealing with the three classes of offences coming within our Terms of Reference, namely, drunkenness, disorder, and solicitation in the streets.

30 & 31 Vict., cap. 134, s. 3.

We take it that we may properly give to the word "street" the interpretation applicable to the term as used in the Metropolitan Streets Act, 1867; and, accordingly, that it is used in such a sense as to include any "highway or other public place, whether a thoroughfare or not."

The offences which are comprised within the Terms of Reference, "drunkenness" and "solicitation in the streets," are clearly non-indictable offences.

The term "Disorder," standing alone, is so wide that it might possibly be construed as covering any kind of breach of the peace committed in a street, though it should be pointed out that the word is not technically descriptive of any treason, felony, misdemeanour, or breach of the law. Having regard to the context, we think that upon the true construction of the phrase we may consider it as a generic term intended to cover all such statutory offences, punishable summarily, which involve or tend to create a breach of the peace, and it is in that sense that we use the term in this Report.

We will now proceed to consider the duties of the Police in regard to the offences coming within our Terms of Reference under each of the three heads above mentioned.

DIVISION I.

I.—DUTIES AT COMMON LAW.

§ 1. At Common Law neither drunkenness nor solicitation in the streets appears of itself to be a criminal offence. Justices of the Peace are, however, by virtue of their commissions and of the old Statute, 34 Edward III., chapter 1, invested with certain powers of compelling persons to enter into recognisances to the King to keep the peace and to be of good behaviour. By his Commission "Every Justice of the Peace has power to cause to come before him all those who, to any of the King's people, concerning their bodies, or the firing of their houses have used threats, to find sufficient surety for the peace, or their good behaviour towards the King and his people, and, if they shall refuse to find such surety, to cause them in the King's prisons to be kept safely until they shall find such surety." And by the Statute just mentioned justices "have power to restrain the offenders, rioters, and all other barrators, and to pursue, arrest, take, and chastise them according to their trespass or offence, and to cause them to be imprisoned and duly punished according to the laws and custom of the Realm; . . . and to take of all them that be not of good fame, where they shall be found, sufficient surety and main prize of their good behaviour towards the King and his people, and the other duly to punish; to the intent that people be not by such rioters or rebels troubled or endangered, nor the peace blemished, nor merchants nor others passing by the highways of the Realm disturbed and put into the peril which may happen of such offenders."

Archibald, p. 279.

Archibald, p. 280.

A constable may, like any other person, go before a justice or justices out of Session, and make complaint on oath of the facts which require the surety; but formal complaint seems not to be necessary if the party is already before the Court on another charge.

Archibald, p. 280.

§ 2. It does not appear that at Common Law a constable has any right to arrest a person simply because of the use of threatening language or behaviour, but where one person threatens another with immediate personal violence the constable seems to have power to interfere with a view of preventing a breach of the peace, and if his efforts at mediation are unsuccessful—if one party should attempt to strike the other, especially if he does so with a weapon—the constable may arrest, for in that case a specific attempt to commit an offence has been made.

White Book, pp. 224, 225.

In general it may be laid down that a constable ought not to apprehend any person unless some specific act has been committed by which the law has been broken for which a right of apprehension exists. At Common Law a constable may arrest anyone who within his view commits a breach of the peace (*e.g.*, commits an assault), or anyone whom he has just cause to suspect to be about to commit a breach of the peace.

Thus, when a drunken person, or a man in a violent passion, threatens the life of another, the constable should interfere and arrest, though, if persons be merely quarrelling or insulting each other by word, a constable has no right to arrest, but should be ready to prevent a breach of the peace.

DIVISION II.

DUTIES OF THE POLICE IN DEALING WITH CASES OF DRUNKENNESS, DISORDER, AND SOLICITATION IN THE STREETS UNDER STATUTE.

§ 1. The duties of the police in dealing with cases of drunkenness, disorder, and solicitation in the streets arising under Statute, can only be determined by reference to the provisions of the various Acts of Parliament creating offences coming under these general heads.

Dealing, first of all, with drunkenness, we find that the offences created by Statute coming under this head may be divided into cases of drunkenness simply, and cases of drunkenness with aggravating circumstances.

As to drunkenness simply, the statutory provisions are :—

(1) The Licensing Act, 1872, Section 12 :—

"Every person found drunk in any highway or other public place, whether a building or not or on any licensed premises, shall be liable to a penalty not exceeding ten shillings, and on a second conviction within a period of twelve months shall be liable to a penalty not exceeding twenty shillings, and on a third or subsequent conviction within such period of twelve months be liable to a penalty not exceeding forty shillings."

It will be observed that no power of arrest without warrant was given to a constable by this provision, nor is any definition of the term "drunk" given in the Licensing Act, 1872. A very large discretion is accordingly given to the magistrate who has to try the case in arriving at a conclusion as to whether he ought or ought not to convict under this section, as will be seen from what we say below. Some of the difficulties under which the police labour in discharging their duties are due to the want of precision in the meaning of the word "drunk." Drunkenness is obviously a matter of degree; and, as the section stands, it gives what is practically absolute freedom to the magistrate to place his own interpretation upon it.

(2) The Licensing Act, 1902, Section 1 :—

"If a person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, and appears to be incapable of taking care of himself, he may be apprehended and dealt with according to law."

It thus appears that if a person is simply drunk a constable cannot legally arrest him; but if the person in question is so drunk that he may be properly described as "incapable of taking care of himself" he may be apprehended without warrant. It is obvious that the words "incapable of taking care of himself," in the Statute, are also words of a wide character capable of very different constructions, though in practice little difficulty, so far as we can ascertain, has been found in the cases dealt with under the Act of 1902.

§ 2. With regard to drunkenness with aggravating circumstances, the following are the principal statutory provisions now relied upon :—

(1) The Metropolitan Police Act, 1839, Section 58 :—

"Every person who shall be found drunk in any street or public thoroughfare within the said district" (the Metropolitan Police District), "and who while drunk shall be guilty of any riotous or indecent behaviour . . . . . shall be liable to a

penalty of not more than forty shillings for every such offence, or may be committed, if the magistrate before whom he shall be convicted shall think fit, instead of inflicting on him any pecuniary penalty, to the house of correction for any time not more than seven days."

(2) The Licensing Act, 1872, Section 12 :—

"Every person who in any highway or other public place, whether a building or not, is guilty while drunk of riotous or disorderly behaviour, or who is drunk while in charge on any highway or other public place of any carriage, horse, cattle, or steam engine, or who is drunk when in possession of any loaded firearms, may be apprehended, and shall be liable to a penalty not exceeding forty shillings, or in the discretion of the court to imprisonment with or without hard labour for any term not exceeding one month."

(3) The Licensing Act, 1902, Section 2 :—

(i) "If any person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, while having the charge of a child apparently under the age of seven years, he may be apprehended, and shall, if the child is under that age, be liable, on summary conviction, to a fine not exceeding forty shillings, or to imprisonment, with or without hard labour, for any period not exceeding one month.

(ii) "If the child appears to the Court to be under the age of seven, the child shall, for the purposes of this section, be deemed to be under that age unless the contrary is proved.

(iii) "The offence under this section shall be included in the list of offences mentioned in the First Schedule to the Inebriates' Act, 1898, and in Section 60 of the Licensing Act, 1872."

Disorder.

§ 3. As we have observed above, disorder in the streets is not a word descriptive of any specific offence at Common Law or under any Statute. The term "disorderly" is, however, found in several statutes designed to secure the safety and peace of streets and highways.

The statutory provisions now in force, and applied by the police when occasion arises, are the following :—

(1) The Metropolitan Police Act, 1829, Section 7 :—

"It shall be lawful for any man belonging to the said Police Force, during the time of his being on duty, to apprehend all loose, idle, and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs."

(2) The Metropolitan Police Act, 1839, Section 64 :—

"It shall be lawful for any constable belonging to the Metropolitan Police to take into custody, without a warrant, all loose, idle, and disorderly persons whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed or being about to commit any felony, misdemeanour, or breach of the peace, and all persons whom he shall find between sunset and the hour of eight in the morning lying or loitering in any highway, yard, or other place, and not giving a satisfactory account of themselves."

It should be noticed here that neither of these sections creates an offence, and so far as that part of Section 64 which gives power to arrest a person whom a constable shall have good cause to suspect of having committed or being about to commit any felony, is concerned, it seems to be merely declaratory of the Common Law, for, apart from that enactment, it is clear that a member of the Force under his powers as a constable has power to arrest a person on reasonable suspicion that he has committed a felony, or when he has just cause to suspect that he is about to commit a felony.

Archibald, p. 469.

With regard to the power given to arrest "loose, idle and disorderly persons," it may be remarked that the power to arrest is wider than the jurisdiction of the magistrate before whom the person apprehended may be brought. Being a "loose, idle, and disorderly person" disturbing the public peace is not of itself (that is, without evidence of some specific act constituting the offence) a crime punishable by the magistrate. *See* Mr. C.E. Troup's Evidence, Qs. 47842 to 47849.

When a prisoner arrested under either of these sections as a "loose, idle, and disorderly person" is brought before the magistrate, unless the constable has any ground for preferring a charge of some specific offence, it appears that the only course which the magistrate can take is to bind over the prisoner to keep the peace under the powers conferred by his Commission and the old Statute of Edward III. above quoted.

(3) The Metropolitan Police Act, 1839, Section 54:—

"Every person shall be liable to a penalty not more than forty shillings, who, within the limits of the Metropolitan Police District, shall, in any thoroughfare or public place, commit any of the following offences (that is to say) . . . .

(xii) "Every person who shall sell or distribute, or offer for sale or distribution, or exhibit to public view any profane, indecent, or obscene book, paper, print, drawing, painting, or representation, or sing any profane, indecent or obscene song or ballad, or write or draw any indecent or obscene word, figure, or representation, or use any profane, indecent, or obscene language to the annoyance of the inhabitants or passengers.

(xiii) "Every person who shall use any threatening, abusive, or insulting words or behaviour, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned . . . . and it shall be lawful for any constable belonging to the Metropolitan Police Force to take into custody, without warrant, any person who shall commit any such offence within view of any such constable."

Section 54 of the Police Act, 1839, creates, besides the offences specified in sub-sections 12 and 13, various other street offences which it is unnecessary to enumerate. All of them, however, may be classified under the general head "Disorder," though some of them are virtually only regulations for the convenient and proper use of the highway, the breach of which does not involve criminality in the ordinary sense of the term.

(4) The Metropolitan Police Act, 1839, Section 63:—

"It shall be lawful for any constable belonging to the Metropolitan Police District, and for all persons whom he shall call to his assistance, to take into custody, without a warrant, any person who within view of any such constable shall offend in any manner against this Act, and whose name and residence shall be unknown to such constable and cannot be ascertained by such constable."

(5) By the Metropolitan Streets Act, 1867, provisions are made for regulating the traffic in the Metropolis and for the greater security of persons passing through the streets, and for other purposes.

It is unnecessary to set out in detail the offences created by this Act, but as a complaint was made to us by a street bookmaker that the police blackmailed him, and we inquired into it, it may be well to set forth Section 23 of this Act which enacts that:—

"Any three or more persons assembled together in any part of a street within the Metropolis for the purpose of betting shall be deemed to be obstructing the street, and each of such persons shall be liable to a penalty not exceeding Five Pounds, and within the City of London and the Liberties thereof any constable of the City Police Force, and without such limits any constable of the Metropolitan Police Force, may take into custody, without warrant, any person who may commit such offence in view of such constable."

Street betting has also been made an offence by the following local authorities under the Local Government Act :—

The County of London.

The County of Middlesex.

The County of Essex.

The Borough of Richmond

The Borough of Croydon.

By the Street Betting Act, 1906, street betting is made an offence against the general law of the land, and is punishable under Section 1—(*a*) and (*b*), by fine, and in the case of a third offence (*c*) by imprisonment.

Under Sections 1 and 2 any persons found offending against the Act may be arrested by a constable without warrant, and his betting books, cards, and papers may be seized and forfeited.

§ 4. Various offences have been created by the London County Council, the Middlesex County Council, the Essex County Council, the Surrey County Council, the Kent County Council, the Hertfordshire County Council, and by the Councils of the Boroughs of Kingston, of Richmond, of West Ham and of Croydon, to which it is unnecessary to do more than call general attention. But as, in regard to the complaint made before us by Mr. James Baker, reference was made to a bye-law of the London County Council, it may be well to set it out here. It is to the following effect :—

Qs. 20864, 20865.

"Every person who in any street or in any open space to which the public have access for the time being shall commit, or attempt to commit, any act of indecency with any other person, or shall, to the annoyance of residents or passengers, commit any act of indecency which is not already punishable in a summary manner by virtue of an Act of Parliament in force throughout the County of London, shall be liable to a fine, etc."

It should also be remembered that the Vagrancy Act, 1824, and the Vagrancy Act, 1838, apply to the Metropolitan area.

Solicitation.

§ 5. The principal statutory principles relating to solicitation in the streets are as follows :—

(1) The Vagrancy Act, 1824, Section 3 :—

"Every common prostitute wandering in the public streets or public highways, or in any place of public resort, and behaving in a riotous and indecent manner . . . shall be deemed an idle and disorderly person within the true intent and meaning of this Act ; and it shall be lawful for any Justice of the Peace to commit such offender (being thereof convicted before him by his own view, or by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses) to the House of Correction, there to be kept to hard labour for any time not exceeding one calendar month."

Section 4 :—

"Every person committing any of the offences hereinbefore mentioned, after having been convicted as an idle and disorderly person (thus including every common prostitute wandering in the streets, etc.) . . . . . shall be deemed a rogue and vagabond, within the true intent and meaning of this Act."

(2) The Metropolitan Police Act, 1839, Section 54 :—

"Every person shall be liable to a penalty not more than forty shillings who, within the limits of the Metropolitan Police District, shall, in any thoroughfare or public place, commit any of the following offences (that is to say) . . . . (ss. xi). Every common prostitute or night-walker, loitering or being in any thoroughfare or

public place for the purpose of prostitution or solicitation, to the annoyance of the inhabitants or passengers. . . . And it shall be lawful for any constable belonging to the Metropolitan Police Force to take into custody, without warrant, any person who shall commit any such offence within view of any such constable."

(3) The Vagrancy Act, 1898, Section 1 :—

(ss. 1) Every male person who—

(*a*) knowingly lives wholly or in part on the earnings of prostitution ; or

(*b*) in any public place persistently solicits or importunes for immoral purposes, shall be deemed a rogue and vagabond within the meaning of the Vagrancy Act, 1824, and may be dealt with accordingly.

§ 6. There are no statutory provisions expressly relating to the solicitation of women by men in the streets, but, in the view of several of the learned magistrates who gave evidence before us, such cases where the accosting of a woman is so clear or pronounced as to become insulting could be dealt with under the Metropolitan Police Act, 1839, Section 54, Sub-section 13, which is set out above.

DIVISION III.

DUTIES OF THE POLICE IN DEALING WITH CASES OF DRUNKENNESS, DISORDER, AND SOLICITATION IN THE STREETS UNDER THE ORDERS AND REGULATIONS.

Police Orders and Regulations.

§ 1. Besides the duties imposed upon members of the Force by virtue of their office at Common Law and under statute, there are duties imposed upon them under the Orders and Regulations made by the Commissioner of Police under the statutory powers given to him by the Metropolitan Police Acts 1829 and 1839.

By Section 5 of the former Act, power was given to the Justices to be appointed under the Act to make from time to time, subject to the approbation of one of His Majesty's Principal Secretaries of State, certain Orders and Regulations, and those powers are now exercisable by the sole Commissioner of Police.

The power given is to frame "such Orders and Regulations as they shall deem expedient relative to the general government of the men to be appointed members of the police under this Act, the place of their residence, the classification, rank, and particular service of the several members; their distribution and inspection; the description of arms, accoutrements, and other necessaries to be furnished to them; and which of them shall be provided with horses for the performance of their duty; and all such other Orders and Regulations, relative to the said Police Force, as the said Justices (now the Commissioner) shall from time to time deem expedient for preventing neglect or abuse, and for rendering such Force efficient in the discharge of all its duties."

The Orders and Regulations made in the exercise of this power are obviously rules to be binding upon members of the Force, and any Order or Regulation made thereunder which affects to impose duties upon persons other than members of the Force appears to be *ultra vires*.

The Orders and Regulations contemplated are provisions of law regulating the rights and duties of members of the Force *inter se*, with the general aim of so establishing, maintaining, and governing the Force, as to adapt it for the purposes for which it was created and is carried on.

It may be remarked, further, that Orders and Regulations made under this power must be consistent with the general law. Any Order or Regulation which might purport to give members of the Force greater powers against persons not members of the Force than the general law gives them would be of no effect.

The legal relations of the Metropolitan Police Force, as a whole, and the individual members thereof, to the public are determined by the general law of the land.

§ 2. But though these propositions are true as regards the Orders and Regulations made in pursuance of the general powers given by these two Acts, they are not applicable to Regulations made from time to time by the Commissioner under powers given expressly by divers statutes which have been passed for the government of the Metropolis. Thus, the Metropolitan Streets Act, 1867, gives (among other things) the Commissioner power to make Regulations as to the traffic in the Metropolis. So, also, under the Thames Conservancy Act, 1894, the Commissioner has power to make Regulations as to the traffic on certain occasions. Orders and Regulations made under these and similar Acts may impose duties upon the general public as well as upon members of the Police Force.

Though for our purpose it is not necessary to enumerate the legislative or other special powers of the Commissioner, still it is necessary to notice and bear in mind the distinction between Orders and Regulations made under the general powers of the Metropolitan Police Acts, which are intended to bind members of the Police Force, but which by their own force alone impose no duty upon persons not belonging to the Police Force, and Orders and Regulations which apply to persons other than members of the Police Force.

The Instruction Book.

§ 3. The Orders and Regulations for the use of the Police have been collected and arranged in a book called the "Instruction Book for the Government and Guidance of the Metropolitan Police Force," the last edition of which was published in the year 1900. A copy of this book is supplied to every member of the Force, and it is his duty to make himself acquainted with its contents.

In the course of our proceedings this book came to be referred to, for the sake of brevity, as the "White Book," and for a similar reason we shall refer to it in the course of our Report in the same manner.

In the White Book the distinction between Orders and Regulations which affect to bind the Police only and justify their relations, *inter se*, and Orders and Regulations which apply to persons other than members of the Force, is ignored. Both kinds of Orders and Regulations are set forth.

The Orders and Regulations are arranged in three divisions, as follows :—

Division I.—Administration.

Division II.—Crime and Criminal Matters.

Division III.—Civil Business.

The arrangement contemplated appears to have been that under the first head of "Administration," the Orders and Regulations relating to the organisation of the Force and its disposition, apportionment, and so forth, should be included ; and that, under Divisions II. and III., the duties of the Police as to "Crime and Criminals" and as to "Civil Business" should be explained. The arrangement has, in fact, not been adhered to. For instance, under the head of "Administration" we find the law as to hackney and stage carriages in the Metropolis, and the subject of licensing drivers of such carriages and the special offences of which they may be guilty are dealt with.

Again, we find that the Orders and Regulations as to division, beat, and fixed point of members of the Force are included in Division III., relating to "Civil Business," though one would have thought its appropriate place would have been under Division I., relating to "Administration."

It is in Division II., relating to "Crimes and Criminals," that the Orders and Regulations laying down rules as to the conduct of the Police in dealing with the three classes of cases with which we are concerned are to be mainly found. It is obvious that these offences are not created by Orders and Regulations made by the Commissioner, but that they either came into being as part of the Common Law, or else have been created by the Statutes to which attention has been drawn above.

In the White Book we find that a considerable part of Division II. is devoted to a statement of the law as to crimes and offences. If the White Book was intended simply as a compilation of Orders and Regulations made by the Chief Commissioner, an exposition of the law as to crimes and offences ought to have no place in the work ; but it is clear that the framer of the book, as it stands, designed it for the instruction and general direction of members of the Force, and that he felt it was necessary to give some description of the crimes and offences which it is the duty of the Police to prevent and detect.

Seeing that it is the duty of the Police to prevent street offences, and to exercise their powers against offenders, it is very necessary that they should know what acts or conduct constitute such offences, and in a proper Instruction Book an exposition

of the law in regard to such offences ought undoubtedly to find a place ; but it seems to us that statements of law ought to be clearly separated from Orders and Regulations directing members of the Force as to how they are to exercise the powers vested in them in regard to the prevention and punishment of these offences. That course was not, however, taken by the compiler of the White Book, and it is accordingly not always easy to distinguish between directions which are simply statements of law and directions given to constables as to the method in which they are to discharge their duty as members of the Force. We have endeavoured to extract from the White Book the directions which may be truly described as Orders and Regulations imposed upon members of the Force as to the manner in which they are to exercise their powers in regard to street offences.

Procedure in Regard to Street Offences.

§ 4. The offences with which we are concerned, in accordance with the construction which we place upon the Terms of Reference, are all non-indictable offences punishable summarily under the Summary Jurisdiction Act, 1879.

In regard to these offences, a constable may proceed against an offender either by Information and Summons or by summary arrest of the offender where the law allows him that power. So far as the legal position of the constable is concerned the character of the crime is not very material. In cases, for instance, where he has the power of summary arrest, the constable's duty is the same, so far as the actual apprehension of the offender is concerned, whether the offender be guilty of a felony such as larceny from the person, or guilty merely of some street offence, and it is only in the subsequent stages of the procedure for the punishment of crime that the distinction becomes material. Thus, in the Charge Room it appears that the Orders and Regulations contemplate some difference of treatment in the method of taking the charge in the case of an indictable as compared with a non-indictable offence.

White Book, p. 249.

Where the name and address of an offender, guilty of a street offence committed within view of a constable, are known, the constable is not bound to make use of the statutory power of arrest, but may take out a Summons against the offender in the ordinary way.

If the constable proceeds by Summons, it is his duty to report the facts of the case without delay, and to prosecute the case in the ordinary way. He is not, however, obliged to draw up the Summons, as that is the duty of the Magistrate's Clerk.

It does not appear to us necessary to go into detail as to the constable's duty where the proceeding is by Summons, as in nearly all the complaints which have been made to us as to alleged misconduct on the part of the Police the complaint has had reference to the exercise of the power of summary arrest, and the proceedings consequent thereon.

It is necessary, therefore, for us to treat in some detail the directions given to constables as to their conduct in regard to summary arrest for street offences. That power of arrest is discretionary, that is to say, the constable who witnesses what he deems to be the commission of a street offence may content himself with cautioning the offender, or if he decide to take action has a discretion as to whether he will exercise the power of summary arrest.

Discretionary Character of a Constable's Duty.

§ 5. It is easy to state the legal duty of the constable in such a case, but the question whether in any particular case the constable ought to exercise his power or, what is the same thing, perform his duty, is in many instances one of extreme difficulty, and not very much help is given by the observation in the White Book that "to deprive a person of liberty is a very serious matter, and great discretion is necessary."

White Book, p. 224.

It appears to be contemplated by the authorities that the constable should do his best to prevent the commission of street offences by vigilance, and, where possible, by tactful warning and interference short of actual arrest where his action seems likely

to prevent the actual committal of an offence. It seems, however, to be his duty, if the acts of a person are such as to constitute a street offence, to exercise the power of arrest. In most cases the exercise of such a discretion in regard to street offences seems more difficult than in regard to indictable crimes, because in many instances, owing to the extremely vague words of the Statutes constituting the offence, the question whether in any given case the acts and conduct observed by the constable amount to an offence is a matter upon which opinions may legitimately differ

Once a constable has determined to effect an arrest, his duty is laid down with reasonable precision in the White Book. After effecting the arrest it is his duty to take his prisoner to the Police Station to which his patrol or his beat is attached, to there charge the prisoner with the offence for which he has been arrested, and, if the charge be accepted by the Inspector or Station Sergeant in command of the station, to appear and prosecute the defendant at the Police Court.

Each stage in these proceedings is regulated by directions given in the White Book, and as it is a question whether the operations commencing with arrest and leading up to prosecution in the Police Court are or are not properly performed by members of the Force, which forms the principal topic of our Inquiry, it becomes necessary to consider what the duty of the Police in regard to each stage of the process is.

Apprehensions.

§ 6. The question whether in any particular case a constable has a right to arrest is, of course, a question of law which we have to some extent dealt with above.

In regard to the method of effecting an arrest, we find the following Orders and Regulations in the White Book :—

(83) An apprehension is effected by written warrant, or on reasonable belief of facts justifying taking into custody without a warrant. White Book, p. 224,

Arrests for street offences come under the second alternative in this proposition

(84) The Police are not to apprehend any person unless some specific act has been committed by which the law has been broken, for which a right of apprehension exists.

(184) An arrest having been determined upon, the following rules must be borne in mind : In effecting an arrest the officer, if in plain clothes, should state that he is a Police Officer, and say, "I arrest you——," or "I arrest you on this warrant for——," reading it over to the prisoner as early as practicable. This statement or reading over is for the information of the accused, and not for the purpose of obtaining an answer ; but any statement made by him should be carefully listened to, and written down as soon as possible, and, although no question must be asked as to the offence, anything the prisoner says voluntarily must be noted. White Book, p. 249.

(185) Unnecessary violence should be studiously avoided. Care should be taken to make the arrest quietly, without attracting attention or inflicting any needless exposure on the prisoner.

(229) In apprehending a person, and making him or her a prisoner, no more violence is to be used than is absolutely necessary for the safe custody of the prisoner. The usual plan is to seize and keep hold of the arm until the prisoner is in the station, to prevent the possibility of escape. When a prisoner is once in custody he is not to be released except by direction of a Magistrate or on the responsibility of an officer in charge of a Police Station. An exception to this rule is, however, to be made in cases in which street musicians or street singers are given into custody under the Act 27 & 28 Vict., cap. 55, when, if the person complaining does not go all the way to the Station with the Constable, the officer has to release the prisoner from custody without taking him to the Station, reporting the circumstances as soon after as practicable to the Inspector or Sergeant at the Station. If a prisoner resists, the Constable is bound to struggle with and overpower him, but he is to be careful not to injure him unnecessarily. White Book, p. 256, 257.

(230) If necessary, the Constable will blow his whistle for assistance. Truncheons are supplied to the police to enable them to protect themselves if violently attacked, and if a Constable is likely to be overpowered he may draw his truncheon and use it,

taking care to avoid striking anyone on the head. The arms and legs should be aimed at to disable a prisoner, as parts of the frame least likely to suffer serious injury. The use of the truncheon is not to be resorted to except in extreme cases, when all other attempts have failed and a prisoner is likely to escape through the Constable being ill-used or overpowered.

In every instance where a truncheon has been used it is to be submitted to the Inspector at the Station, by the officer who has used it, when he next parades for duty. The Inspector is to thoroughly examine the truncheon for any defect, and report the result of his examination to the Superintendent.

(231) Prisoners who are very violent, or who are charged with very serious offences, are, if necessary, to be handcuffed.

(232) Whenever it is necessary to convey to the Station persons drunk or disorderly, and who are unable or refuse to walk, the practice known as the "Frog's March" is not to be adopted except in cases of absolute necessity, when a special report of the circumstance is to be submitted the following day. The ambulance kept at the nearest station is to be sent for, and the person required to be conveyed is to be firmly strapped thereon.

It should be observed that these Regulations are simply declaratory of the Common Law, that both as to effecting the apprehension and as to taking a prisoner to the police station or before a magistrate, a constable is bound to use no more force than is reasonably necessary in that behalf. The directions, however, are, it will be observed, more specific as to the use of the truncheon.

Having effected the arrest, it is the duty of the constable to accompany and take the prisoner to the nearest police station.

Under the Metropolitan Police Act, 1839, section 69, which is the statutory provision to this effect,

"Every person taken into custody by any constable belonging to the Metropolitan Police, without warrant, except persons detained for the mere purpose of ascertaining their name or residence, shall be forthwith delivered into the custody of the constable in charge of the nearest station-house in order that such person may be secured until he can be brought before a magistrate to be dealt with according to law, or may give bail for his appearance before a magistrate, if the constable in charge shall deem it prudent to take bail in the manner hereinafter mentioned."

The exception ("except persons detained for the mere purpose of ascertaining their name and residence") refers to a power conferred upon constables of the Metropolitan Police by section 63 of the same Act, which provides that—

"It shall be lawful for any constable belonging to the Metropolitan Police District, and for all persons whom he shall call to his assistance, to take into custody, without a warrant, any person who, within view of any such constable, shall offend in any manner against this Act, and whose name and residence shall be unknown to such constable and cannot be ascertained by such constable."

Charge Room Proceedings.

§ 7. When a constable has brought his prisoner to the charge room it is his duty, in accordance with the Regulations, to prefer a charge to the Inspector or Station Sergeant at the police station against the prisoner which justifies, if true, his arrest.

At the police station we have to distinguish between the duty of the constable who has brought in the prisoner, and the duty of the Inspector or Station Sergeant as to taking the charge, the giving of bail, and the treatment of the prisoner.

The arresting constable having preferred the charge in accordance with the Regulations has, if the charge be accepted and the prisoner be detained, no further immediate duty to perform in regard to the case, but ought to return to his beat or to the performance of the duty upon which he was engaged when the arrest had to be made.

Statements by Prisoners and Witnesses.

§ 8 The following are the principal Regulations as to taking and refusing charges:—

(194) When prisoners are brought to police stations and charged with any offence, the statements of persons charging, of witnesses, and of police are to be made to the officer on duty in the presence and hearing of the prisoners. White Book, pp. 251 to 255.

(195) If there be more than one police witness in a case, each constable is to make his statement out of the hearing of the other, whenever it is so desired by the person charged.

(198) A statement made by a prisoner when charged at a station is to be accurately written down at the time by the officer on duty, and reported to the magistrate who hears the case.

(199) The officer on duty, before receiving a charge, is to ascertain that there is reasonable ground for preferring the complaint against the accused; and unless the circumstances be such as to entitle the accuser to be believed, a charge is not to be taken.

(200) The greatest care is to be exercised in the investigation of charges, as it has occasionally been noticed that even where there have been suspicious circumstances, the officer on duty has shown great readiness in accepting the statement of the constable making the charge, without giving the case that close personal attention which is imperatively demanded.

(201) A constable may well be excused for a mistake as to the nature of a case, or for an error of judgment in respect to it, as he is often obliged to act without much time for reflection; but when once the case is brought to the Station something more is required from the officer in charge, who is supposed to have experience and judgment, and has, moreover, time for full consideration and investigation where such is necessary.

(202) Any Station Officer neglecting these instructions when dealing with charges will incur serious responsibility.

(203) Good order is to be strictly preserved whilst the witnesses are giving evidence, and their statements, and any made by the person charged, are to be patiently and attentively heard.

(204) Charges by constables of assaults on themselves, or of obstruction in the execution of their duty, are to be strictly investigated at the Station, and discouraged, especially when the persons accused are known, so that a summons or warrant may be afterwards obtained. When a prisoner charged with an offence is also charged with an assault on the Police arising out of it, the assault is to be entered separately, but in the same space on the charge sheet.

(207) In apprehending, where the law permits without a warrant, for an offence to which the attention of Police has been first directed by an informant, the name and address of the informant is, if possible, to be obtained

(209) The charge as entered upon the sheet is always to be read over to the prisoner, not with a view of extracting an answer, but to inform him of the nature of the offence with which he is charged; but any observation he makes is to be noted and attended to.

(211) Police officers taking charges at Stations are at all times to be properly dressed in uniform.

(212) Persons who come to the police station as witnesses, when a charge is being made, are not to be taken into custody and charged with being concerned in the offence, unless circumstances strictly justify such a course. Such a practice may prevent persons from appearing who can give important evidence, and has the appearance of a desire by the Police to suppress evidence in the case, especially where the charge is for an assault on the Police themselves, or for obstructing them in the performance of their duty. In cases of assault on the Police, obstruction in the performance of their duty, a rescue, or similar offence, where all the persons cannot be secured and kept in custody, the arrest should still be made, if possible, at the time.

(213) The Police concerned in a charge are to bring forward the necessary witnesses and to use all exertions to have the circumstances of the case fully stated, and afford every facility to the Magistrate in carrying on the investigation.

(217) Charges are to be taken to the nearest police station, especially in the exterior districts.

Charge Sheets.

§ 9. As to the charge sheets it is provided as follows :—

(219) Charge sheets are to be carefully and properly filled up by the officers taking charges in accordance with the several headings.

(220) Prisoners are not to be questioned as to their degree of education, and no reference thereto is to be made on the charge sheet. The occupation should be entered as obtained from the person charged ; if the person declines to state occupation, the words "nature of occupation not tendered" to be recorded.

(221) The description of *property found on person* is to be put first in the proper column, then a line drawn, then below the line the description of *property found elsewhere.*

(223) If a fictitious name is entered on a charge sheet and the prisoner's proper name is subsequently discovered, it is to be entered underneath, and indexed in the charge sheet.

Charges Refused.

§ 10. As to the refusal of charges it is provided : —

(227) When a person is brought to a Police Station in custody for any alleged offence, whether by a constable or private person, and the charge from any cause is not received, an entry of the particulars is to be made in the Refused Charge Book. The reasons for charges being refused are to be entered as clearly and briefly as possible.

If, as the result of the charge room proceedings, the Officer in charge of the Station refuses the charge, the prisoner should be allowed to depart. If the charge is, however, accepted, the prisoner is to be detained until released on his own recognisances or on bail in accordance with the provisions stated below.

Character of duty of Officer in Charge of Station

§ 11. It ought to be mentioned here that some doubt or difference of opinion appears to have been entertained as to the exact duty of the Officer in charge of the Police Station before whom a person apprehended without warrant has been brought in accordance with the Metropolitan Police Act, 1839, Section 69.

Sir Edward Henry expressed before us the view that the functions of such an officer are strictly executive, and expressly limited to making an inquiry
Q. 52472. with a view to determining whether he will or will not accept bail ; but the Regulations which we have just quoted are certainly based upon the view that his functions are not so limited as Sir Edward Henry urged, but imply that he has the right to determine, though not with a view to the final decision of the guilt or innocence of the prisoner, whether he ought or ought not to accept the charge and detain the prisoner at all.

In our view the matter is worth some consideration because we are of opinion that the proceedings in the charge room, affording as they do a convenient
Q. 52472. opportunity for checking any abuse of authority or correcting any blunder by a constable in the performance of his duties in regard to street offences and obviating the necessity of carrying the matter any further where it is reasonably certain that no conviction ought to ensue, are of the utmost importance. Sir Edward Henry formed his opinion as to the limited character of the functions of the officer in charge of the Station upon his construction of Section 69 of the Metropolitan Police Act, 1839, already quoted, and upon Sections 70 and 71 of the same Act, and upon Section 38 of the Summary Jurisdiction Act, 1879.

Sections 70 and 71 of the Metropolitan Police Act, 1839, are as follows :—

S. 70. "Whenever any person charged with any offence of which he is liable to be summarily convicted before a magistrate, or with having carelessly done any hurt or damage, shall be, without the warrant of a Magistrate, in the custody of any constable of the Metropolitan Police in charge of any station house during

the time when the police courts shall be shut, it shall be lawful for such Constable, if he deem it prudent, to take the recognisance of such person, with or without sureties, conditioned as hereinafter mentioned."

S. 71. "Whenever any person charged with any felony, or any misdemeanour punishable by transportation, or any other grave misdemeanour, shall be, without warrant, in the custody of any Constable of the Metropolitan Police at any station house during the time when the police courts shall be shut, it shall be lawful for the constable in charge of the station house to require the persons making such charge to enter into a recognisance conditioned as hereinafter mentioned, and upon his or her refusal so to do it shall be lawful for such Constable, if he shall deem it prudent, to discharge from custody the person so charged, upon his or her recognisance, with or without sureties, conditioned as hereinafter mentioned."

Section 38 of the Summary Jurisdiction Act, 1879, is to the following effect :—

S. 38. "A person taken into custody for an offence without a warrant shall be brought before a Court of Summary Jurisdiction as soon as practicable after he is so taken into custody; and if it is not or will not be practicable to bring him before a Court of Summary Jurisdiction within 24 hours after he is so taken into custody, a superintendent or inspector of police, or other officer of police of equal or superior rank, or in charge of any police station, shall enquire into the case; and, except where the offence appears to such superintendent, inspector or officer to be of a serious nature, shall discharge the prisoner, upon his entering into a recognisance, with or without sureties, for a reasonable amount, to appear before some Court of Summary Jurisdiction at the day, time and place named in the recognisance."

The Chief Commissioner also suggested that the provision contained in section 72 of the Street Musicians Act, 1864, supported this view. That is the section referred to in the Regulation quoted above as an exception to the general rule, that when a prisoner is once in custody he is not to be released except by direction of a magistrate or on the responsibility of an officer in charge of the police station. Q. 52472.

Sir Edward Henry, of course, did not fail to observe that the Regulations contained in the White Book were not framed in accordance with his construction of the legal duty of the inspector or station sergeant in charge of a police station, and considered them as executive directions going beyond the Statutes which were framed as matters of general convenience; and he told us that the officers in charge of a police station used to exercise much more discretion in the early days of the Force "because they used to release as many as from 20,000 to 22,000 persons a year in that way. Then it was realised that this might lead to abuse, and so the Commissioner intervened, and it was gradually reduced to its present position. Of these 6,000 or 7,000 charges which are refused at the police stations I suppose very nearly three out of four are charges brought by private persons, or something like that." Q. 52490.

Sir Edward Henry also told us that the opinion of the Law Officers of the Crown had been taken upon the matter, and he was good enough to put in their opinion dated the 18th April, 1907.

Their opinion is as follows :—

"The powers of an officer of police in charge of a Metropolitan Police Station are not magisterial, but those of a constable only, and are clearly defined by the well-known rules of the Common Law and by Statute. Police officers must exercise the powers vested in them with reasonable discretion, and would in no case be justified in detaining in custody a person against whom a charge is made in the absence of some ground for believing that the facts well supported the charge, and that it is one in respect of which the defendant is liable to arrest."

Upon this we think it right to remark that we have no doubt whatever that the duty of an officer in charge of a police station is not of a judicial character. He has no power to administer an oath or to compel the attendance of witnesses before him, and neither at Common Law nor under any Statute has he any jurisdiction, in the strict sense of the word, conferred upon him. It follows from that fact that if he accepts a charge from the constable and detains the prisoner, he is acting simply in his capacity of constable though he has, in the Metropolitan Police Force for the purpose of carrying on its work, a particular rank as Inspector or Station Sergeant,

which as between himself and other members of the Force of lower rank gives him certain powers of command and supervision.

In our view the position of an inspector or station sergeant before whom a constable prefers a charge against a prisoner at the station house may be thus stated. He has no jurisdiction to try the case, and ought not to assume any of the functions of the Magistrate, or of a Court of Summary Jurisdiction. He has a discretion vested in him as constable whether he will detain the prisoner at the station house or not. That discretion is of an executive character. If, after hearing the statement of the constable preferring the charge and asking him such questions as he thinks relevant, and after hearing any statement made by the prisoner, and hearing the statements of any witnesses who may accompany the constable or the prisoner to the station, he comes to the conclusion that the allegation made by the constable, if true, affords reasonable ground for believing that an offence has been committed by the prisoner he ought to accept the charge, and having accepted the charge he should enter the particulars on the charge sheet in accordance with the Orders and Regulations, and having read over the charge to the prisoner he should detain him, and thereupon the constable who arrested the prisoner is free to return to his duty.

If, after having taken the course just indicated, the constable in charge of the station comes to the conclusion that there is no reasonable ground for believing that the prisoner has committed an offence for which the arrest can be justified he ought to refuse the charge and take the steps prescribed by the Orders and Regulations.

Upon his refusal of the charge, so far as the constable in charge of the station is concerned, the prisoner is free, and in practice is allowed to depart, though the constable who effected the arrest may proceed against him by information and summons if he thinks fit so to do.

Our conclusion, therefore, is that the practice established under the Orders and Regulations which are set forth above as to the proceedings in the charge room is founded upon a correct view of the law.

Bail.

§ 12. If the officer in charge of the station accepts the charge preferred against a prisoner, it is his duty to detain the prisoner until he can be brought before a competent Court of Summary Jurisdiction, unless the offence with which the prisoner is charged is one for which he has power to set the prisoner free upon his giving bail to appear before the Magistrate of the district in which the station house is situate at his next sitting, and bail which is satisfactory in his opinion is forthcoming.

In practice the prisoner is taken to the cells provided at the station house until bail is arranged.

White Book, p. 270.

The Orders and Regulations as to bail which it is necessary for us to set forth are as follows :—

See however Q. 76. Qs. 153–155.

(291) Bail, so far as police purposes are concerned, is the guarantee, under pecuniary liability, to appear, or to produce an accused person to be tried according to law at an appointed time and place. It is of two kinds :—

(*a*) That admitted by a police officer.

(*b*) That allowed by Judge or Magistrate.

(292) As to police bail, the inspector or other officer in charge of a police station may under the provisions of the Metropolitan Police Act, 1829 (10 George IV., c. 44, s. 9), and the Metropolitan Police Act, 1839 (2 and 3 Vict., c. 47, ss. 70 and 72), admit to bail persons charged with any petty misdemeanour, for which they are liable to be summarily convicted by a Magistrate—such as drunkenness, disorderly conduct, carelessly doing any hurt or damage, etc., and by Section 38 of the Summary Jurisdiction Act, 1879 (42 and 43 Vict., c. 49), if the person in custody without a warrant cannot be taken before a Magistrate within 24 hours, bail is compulsory for any trifling offence, even a felony not of a serious nature.

(293) Bail is by recognisance, either by the principal alone or with sureties. The amount of the recognisance may be fixed at any sum within the maximum

penalty for the offence with which the person is charged, but it must depend on the circumstances of the accused and the nature of the offence. Sureties may be called upon to prove that they are householders by their receipts for rates and taxes, or otherwise show that they are persons of respectability and substance.

(294) As regards the exterior parts of the Metropolitan Police District, it must be borne in mind that if the case is clearly one to be dealt with summarily, then, although the Police would be legally justified in detaining at a station an unbailed offender until the sitting of a Court of Summary Jurisdiction, the inconvenience of a lengthened detention at a police station for several days is so great as to make it desirable to get a magisterial remand with a view to the intermediate detention in a prison. (Although the power to bail given by Section 38 of the Summary Jurisdiction Act is to be borne in mind, the practice generally in the Metropolitan Police District will be exercised under 2 and 3 Vict., c. 47, s. 70).

(296) A person charged with drunkenness, coupled with any other offence for which bail may be taken, may, though still apparently drunk, be admitted to bail as in any other case, if the sureties, on bailing such person, undertake to have him or her sent home or properly taken care of until sober.

(297) Persons charged with being found drunk are to be liberated on their own recognisances when sober. In case of default in appearance before the Magistrate application is not to be made to estreat the recognisance; but should the address given be correct, Form 231 L is to be submitted with a view to the issue of a summons against the offender. White Book, p. 271.

(300) If persons in custody for a bailable offence wish to send for bail, and are willing to pay for a messenger or telegram being sent, the officer in charge of the station is to take the necessary steps without delay.

(301) If prisoners have no money, and are desirous of being bailed, the necessary expenses of sending for bail will be allowed by Commissioner, there being no object on the part of the Police in unnecessarily detaining in the cells a prisoner who can be legally liberated on sufficient bail being offered. The Police telegraph is to be used in such cases whenever practicable.

(303) No bail is to be sent for except with the sanction of the inspector or officer in charge of the station, or in charge of the prisoners at the Police Court.

(304) If application is made for bail and not complied with the cause and other particulars of bail being refused are to be entered in the Occurrence Book.

(305) Money or other property is not in any case to be accepted as a deposit in lieu of bail or of the recognisance of the person charged. White Book, p. 272.

(308) The confining in cells is to be avoided as much as possible, and this is to be impressed on all inspectors and sergeants whose duty it may be to take charge of stations.

Cells.

§ 13. Cells are provided at each station house for the reception and detention of prisoners. They form part of the station premises and are under the general control of the officer in charge of the station

Proper Orders and Regulations as to the sanitary condition and cleanliness of the cells, and also as to the care and safe custody of the prisoners in such cells, have been made.

It is unnecessary, however, for our purpose to set forth the Orders and Regulations dealing with the sanitary condition, dimensions, arrangements, etc., of the cells, but having regard to the object of our Inquiry, it seems well to direct attention to the following Orders and Regulations :—

(242) An inspector, or sergeant, on commencing his tour of duty in charge of a police station, is, on each occasion, to receive from the inspector or sergeant whom he relieves a statement of the number of persons then confined; both officers are then, in company, to make a personal inspection of each prisoner. The inspector or sergeant, for his own security, ought to see that the prisoners are in a proper state when he commences his tour of duty. White Book, p. 259.

(243) Prisoners are to be subjected to as little discomfort as possible.

(244) The confining in cells should be avoided as much as possible for trivial offences, and women should never be confined in cells if it can possibly be avoided.

(245) Prisoners are to be visited in the cells at least once every hour, and, if drunk, once every half hour; in the latter case, they are to be spoken to and aroused on each visit.

White Book, 260.

(248) No conversation is to be held in the hearing of prisoners, nor are improper language or taunting remarks to be used towards them.

(249) No conversation is to be allowed between any person in custody and any police officer concerning a charge, or on any other subject. The police constable only, who is appointed to do duty as gaoler is to communicate with the prisoners if necessary, in the presence of the inspector or officer in charge of the station.

(251) Prisoners are to be supplied with clear water to drink, and enamelled iron mugs, in two sizes—pint and quart—are to be kept for this purpose. One basin and two towels are supplied for use of prisoners who may be confined for several hours, and who may desire to wash themselves. Officers in charge of stations are responsible for the proper care and cleanliness of articles supplied for use of prisoners.

(252) Necessary refreshment for prisoners may be purchased out of the money taken from them, provided the charge against them does not relate to the money; the amount expended for refreshment is to be entered in the prisoner's property book. When it is necessary for prisoners to have refreshment, either at their own or the public expense, no beer or spirit is to be given to them or admitted into the cells, but only tea or coffee, with such eatables as are usually given in those cases. When prisoners are provided with refreshment at the cost of the Receiver, the amount is not to exceed 3d. for each meal, except in special cases of destitution. When prisoners receive more than one meal, or other than ordinary refreshment, the cause is to be stated in the proper column of the printed form of voucher. In exterior sub-divisions where necessary refreshment cannot be obtained for less than 4d. for each meal, that amount will be allowed.

White Book, p. 261

(253) No Police officer is to enter any cell in which a female prisoner is confined unless accompanied by the matron, or another Police officer or person whose services are available at the time. Exception to this rule can only be authorised in cases when, no second person being available, it is absolutely necessary to take action and enter the cell, to prevent attempted suicide for instance. When a cell is thus entered by an officer alone, a report of the particulars is to be made.

Searching of Prisoners.

§ 14. In this connection we may refer to the searching of prisoners. We gather from the evidence that it is an almost invariable practice, even in the case of persons arrested for street offences, with which our Inquiry is concerned, to search the prisoners.

The Orders and Regulations upon the point hardly seem to contemplate this practice as necessary in every case, but it must be noticed that in the form of charge sheet, which has to be filled up in every case by the officer taking the charge, there is a column dealing with property found upon the person of the prisoner, and it seems not possible to fill up that column without a search of the prisoner's person.

The General Orders and Regulations, however, simply say:—

(260) Any prisoner may be searched if it be suspected that he has upon his person any deadly weapon, or any article which has been stolen or unlawfully obtained.

(262) Prisoners insensible from illness, drunkenness, or any other cause, or who are drunk and incapable of taking care of themselves, are to be searched, solely for safe custody of their property and its return to them. In taking possession of property for safe custody, regard should be had not merely to the value of the

articles, but to their capability of occasioning mischief or injury. For example serious results have followed from drunken persons being left in possession of knives and of lucifer matches.

(263) When prisoners are searched every article taken from them is to be distinctly called out by a Police officer, and the particulars are to be entered on the charge sheet by the officer taking the charge. The amounts of notes, gold, silver, and copper moneys are to be stated separately. The inspector or sergeant will be held responsible for any loss that may happen through neglect or irregularity. If searched before arriving at a police station every article taken from them is to be immediately handed, on arrival at the station, to the officer on duty, who is to enter the particulars on the charge sheet. White Book, p. 262.

(264) When prisoners are searched the searching is to be done so effectually that all instruments, or articles of property, which they ought not to retain, may be taken from them.

(265) Female prisoners charged with any offence for which they should be searched are to be searched by a female appointed for the purpose.

(266) When prisoners are not searched, the officer taking the charge is to advise them to leave in his hands any article or property in their possession, a receipt enumerating each article is to be given to the prisoners, and the property is to be returned when the charge is disposed of. In all such cases an entry is to be made in the Occurrence Book, stating the names of prisoners, the particulars of each article handed to the police, and the number of the charge sheet on which the charge is entered.

We do not find that in regard to prisoners charged with street offences there is any other provision as to their being searched than that just quoted, which applies to cases in which it is suspected that the prisoner has "upon his person a deadly weapon or any article which has been stolen or unlawfully obtained." The evidence that we have taken shows, however, that in cases where there appears to have been no ground at all for suspecting that a prisoner had upon his person any deadly weapon, he is usually searched. We shall return to this matter again.

Occurrence Book.

§ 15. There is kept at each Police Station, under the supervision of the inspector or other officer in charge of the station, a book called the Occurrence Book, in which there are entered the events happening during each day which the Orders and Regulations require to be entered therein.

We do not find that any Regulation has been made giving a general description of the events or occurrences that ought to be entered in this book, but specific orders require that events of certain kinds shall be entered therein. For instance, when a divisional surgeon is called in to examine a prisoner alleged to be drunk he is required to make in the Occurrence Book an entry showing the result of his examination. White Book, p. 99.

So again officers in charge of stations are to enter in the Occurrence Book at the expiration of their tour of duty a list of constables who have been taken from their beats for any purpose, and for however short a time. White Book, p. 557.

So again a report of the particulars respecting accidents or occurrences entered by a constable on duty in his note book is to be made as early as practicable, and is to be entered in the Occurrence Book for information and reference. White Book, p. 16.

These are but examples of the events which ought to be chronicled in the Occurrence Book. The book may be looked upon as a diary of all the principal events which happen at the station or in connection with the work of the Police Station each day

Prosecution of the Charge.

§ 16. We have now dealt with all the Orders and Regulations which govern the conduct of the Police in dealing with the apprehension of prisoners for street offences, and the treatment of the prisoner up to the time at which he has to come before a Police Magistrate or Court of Summary Jurisdiction. The constable who has effected the arrest, it will be noticed, is in general discharged from any concern with the person arrested, or in regard to his appearance before such Magistrate or Court, from the time that the charge against him has been accepted by the inspector or officer in charge of the station, and he has assumed the custody of the prisoner; but it is the duty of the constable who has effected the arrest to prosecute the charge before such Magistrate or Court.

There is in London no officer corresponding to the Procurator Fiscal in Scotland, or who is bound to carry on the proceedings on behalf of the constable who has effected the arrest. The duty of proving the case against the prisoner is cast upon the constable, just as it is upon any informant who has obtained a summons, or who himself has asked for the aid of the Police in arresting a man and then personally charged the prisoner at the Police Station on his own responsibility.

For the discharge of this duty proper provision is made by the Orders and Regulations, and it is the duty of the constable who has effected an arrest to appear before the Magistrate to prove his case against his prisoner. It is his duty in cases where legal aid is not accorded to him to see that the witnesses for the prosecution are in attendance, and if necessary to see that summonses compelling their attendance are issued.

We need not for our purpose go into details as to Police prosecutions, but it seems well to call attention to the Orders and Regulations which have been made as to the conduct of the Police in regard to their duty in court.

The following Orders and Regulations require attention:—

White Book, p. 274.

(314) The Police are to give evidence with the greatest accuracy.

(315) They are habitually to make accurate observation of all matters relating to duty, that they may be able, if required, to state all the circumstances.

(316) Notes of the particulars of any case are to be made at the time by each officer concerned in order that he may refresh his memory if called on to give evidence; such notes, together with any reports that it may be necessary to make in connection with the case, are to be prepared quite independently of any other officer, and without consultation with other witnesses.

This general rule is invariably to be observed in all circumstances in which the Police are required either to take notes or to prepare reports, each officer stating his own version of the case under consideration. The inspector or other officer giving directions for reports to be made will be responsible that this Order is strictly adhered to.

(317) In all cases where the Police arrest any person, charged, accused, or suspected of felony or misdemeanour, and such person before, at the time, or after being taken into custody, makes any statement respecting the charge upon which the arrest takes place, the Police officer shall, as soon after such statement is made as is practicable, put it down in writing. Such writing must be, as nearly as may be, in the very words used by the arrested person who made the statement, and if the statement made was in reply to any question or questions put by any person, then such question or questions, with the replies thereto, shall be put down.

[Note.—The latter paragraph of this Order does not sanction the putting of questions to accused persons *after* they are in custody.]

(318) Whether the officer who put the statement down is or is not required to make a written report of the case, he shall forthwith deliver to his superior officer an exact copy in his own handwriting of the person's statement, which shall be preserved at the police station where the original charge is entertained, and this copy shall be forthcoming at the trial and previous examination, if required, for inspection by the

Court or prisoner's counsel or solicitor, being delivered for the purpose of such production to the care of some other witness than the officer.

(319) Notes should be made in the official note-book as soon as possible after the occurrence or statement, and should be carefully preserved in order that the officer who has made them may be able to refresh his memory by looking at them before his examination as a witness, and, where exactness to a word is important, look at them at the time he is giving evidence in the witness-box. Whether he looks at his notes or not, he should have the note-book with him and readily produce it if the Court or counsel desire to look at it. Copies of the notes should not be taken to the court, as the witness is not permitted to refresh his memory by looking at a *copy*, whether he has the original notes with him or not. It is to be specially noted that Police are not to produce in evidence copies of reports made by them in connection with any case, but only the *original notes.* White Book, p. 275

(321) The witness is not to withhold, or alter, or colour his evidence at the trial in any way, from any misapprehension that a different version appears in the signed deposition. Whatever the consequences may be, the whole truth must be spoken.

(322) The greatest care should be exercised in giving evidence at the first hearing of a case, and nothing whatsoever (although it may apparently be of small importance) affecting a charge is to be withheld, as in the event of committal, or on appeal from a summary conviction, any addition to the evidence given in the first instance may invalidate or cause doubts to be raised as to the reliability of the whole of the officer's statement.

(324) The Police are not to suppress or over-state the slightest circumstance with a view to favour any person, or from ill-will to either side. They are to endeavour, as far as possible, to feel indifferent as to the results of cases, and they perform their duty best by stating accurately, and without malice or favour, all the particulars they know. When the Police are sufferers from injuries received, and are giving evidence against those whom they believe to be guilty, it is specially necessary that they should not allow any feelings, or wishes, as to the decision of the case to influence them. Greater weight will always be given to the evidence of the Police, if they state fully, and without passion, all they know, and make it evident that they are speaking the whole truth.

(325) Any constable who wilfully departs from the truth will be immediately dismissed. White Book, p. 276

(326) The Police, when giving evidence at Police Courts and Sessions, are to stand in an upright, respectful manner, speak calmly and explicitly in a clear, distinct, and audible tone so that the court and jury may easily hear them, and they are to confine themselves strictly to evidence in the case before the court. If they are able to give the exact words used, they should do so ; for instance, if a prisoner had said, "I have done wrong," those words should be given, and not that the prisoner said that he had done wrong. They are not to use any low or cant expressions. They are not to refer to any former conviction against the prisoner, unless called upon by the judge or chairman to do so. When cross-examined by counsel for the prisoner they are to answer with the same readiness, and civility, as when giving evidence in support of the charge.

(327) The Police are not to enter into conversation or make statements when before a Magistrate upon any matters, except such as the charge under investigation makes it their duty to mention.

(329) The Inspector or Officer taking a charge, or the particulars of a case for summons, which appears to rest on the evidence of one constable, is always to make inquiry whether there is any other witness, in the police or not, or other corroborative evidence ; and if so, to see that the additional witnesses attend before the Magistrate.

Legal Aid.

§ 17. Closely connected with this matter are the provisions made as to legal aid. In general it may be remarked that Police Constables are not allowed the advantage

White Book, p. 277.

of appearing by Counsel or Solicitor in Police Courts when they prosecute prisoners for street offences; but the following orders and regulations seem to apply to these as well as to more serious offences:—

(333) Should circumstances transpire, during the hearing of a case, which render it desirable that the Police should be legally represented, application is to be made for an adjournment for a sufficient period to enable the case to be laid before the Commissioner.

(334) In all cases of legal aid, an Inspector is to take charge of the case, and attend Commissioner's office with the necessary documents.

(336) In the event of legal proceedings being instituted against any member of the Police arising out of circumstances connected with his duty as a Police Officer, a full report of the case is to be submitted for the information of the Commissioner, and no step is to be taken officially for the defence until express authority has been received from the Commissioner. The Commissioner, if of opinion that the question of legal aid may be entertained, will submit the case to the Secretary of State; and the Secretary of State will then decide either that the defence shall be taken up officially and conducted at the cost of the Police Fund by a solicitor acting on behalf of the Commissioner, or that no legal aid is to be given; or, as an intermediate course, he may, leaving to the constable in the first instance to defend himself, reserve his decision until the case is concluded, and then on a review of all the circumstances decide whether any, and if so what, sum shall be allowed from the Police Fund towards reimbursing the constable, the expenses reasonably incurred by him in his defence.

(337) Legal proceedings are not to be taken by Police without the Commissioner's sanction being first obtained.

Orders and Regulations specially applicable to certain Street Offences.

§ 18. We have now dealt with all the general duties of the Police in regard to street offences coming within our Terms of Reference. It remains for us to call attention, however, to some Regulations which specially affect the duties of the Police in dealing with cases of drunkenness and solicitation.

As to cases of drunkenness it is provided:—

White Book, p. 258.

(233) If prisoners are insensible, from drink, or any other cause, or appear to be ill, or injured in any way, although they do not complain, the Divisional Surgeon is to be sent for immediately. This duty is imperative in all cases where a prisoner appears to be ill, whether or not he has been recently under medical or surgical treatment at a hospital or elsewhere.

(234) It is to be thoroughly understood that in all cases in which persons come into the hands of Police, whether as prisoners or in any other manner, and there is any appearance of their being ill, or suffering from injury, or it is known or believed that they have hurt themselves by falling down, while drunk or otherwise, the Divisional or other Surgeon is to be invariably sent for to see them, although they may make no complaint. The Commissioner trusts that there will be no neglect in carrying out this order. He desires that a liberal interpretation may be placed on all orders and regulations with respect to the attendance of Divisional Surgeons in cases of illness, accident, injury, or drunkenness. Each officer who performs station duty is to distinctly understand that he is expected, not only to attend to any complaint of illness or injury that may be made to him by a prisoner or other person in his hands, but to make close personal investigation in each case, and to exercise care and discretion with a view to the surgeon being sent for to attend on such persons, when there is any appearance or suspicion of illness or injury, whether complaint is made or not.

(235) When the interference of Police becomes necessary, a drunken person may be taken into custody and charged at a Police Station, and under no circumstances is a constable to leave his beat to conduct such a person to his home, or elsewhere.

(236) Persons are frequently found insensible in the streets, and as they may be suffering from apoplexy, or other natural causes, the symptoms of which give them very much the appearance of persons under the influence of drink, in all such cases the Police should first try and arouse them by gentle shaking; if that fails, the neckcloth and collar are to be loosened, and the head raised a little, by which means breathing is made easier, and a message is to be sent to the station for the ambulance and further assistance.

(237) The Police are strictly cautioned to be very careful in conveying persons apparently drunk or insensible to the Stations; when a person in this condition is conveyed on the ambulance, or placed in the cell, the head is to be kept slightly raised by a canvas pillow.

It will be noticed that these orders, so far as they affect drunkenness, or illness caused by alcoholic indulgence, only apply to cases in which the prisoners are so drunk as to be insensible, or appear to be really ill. They do not appear to apply to ordinary cases of drunkenness where, apart from the symptoms produced by drink, the prisoner appears to be healthy and uninjured. It appears from the evidence before us, however, to have become the practice to summon the Divisional Surgeon to the station in cases in which the prisoner denies that he is drunk, in order to make an examination, and for the Divisional Surgeon to make such an examination if the prisoner does not object.

Such a practice seems to be simply an extension of the liberty afforded to a prisoner, who on being charged with drunkenness denies the charge, to send for any medical practitioner whom he may name and whose address he gives, but we do not find any express sanction for the practice in the Orders and Regulations, nor that any obligation is cast upon the Divisional Surgeon to make an examination in such cases.

Primarily the duties of the Divisional Surgeons are to act as advisers and attendants upon members of the Force, and their compliance with a request made by the Inspector or officer in charge of the Station to attend there for the purpose of examining persons and to decide the question whether they are drunk or not, or whether they are fit to be detained seems technically to be merely voluntary and not a duty imposed upon them by virtue of their office.

As to Prostitutes it is provided :—

(84) Prostitutes cannot legally be taken into custody simply because they *are* prostitutes; to justify their apprehension they must commit some distinct act which is an offence against the law. White Book, pp. 338–9

(85) . . . . In a prosecution under the Metropolitan Police Act, 1839, s. 54 (s.s. xi.), there must be some evidence sufficient to satisfy the Magistrate that the woman is a prostitute. Next, there must be evidence as to the actions of the woman showing that she was loitering in a thoroughfare or public place for the purpose of prostitution or solicitation. And lastly, there must be evidence that her action was to the annoyance of the inhabitants or passengers. In the first instance the woman should be cautioned by the police on duty, and told to move on, and conduct herself properly. Should she refuse and persist in misconducting herself, she should be taken into custody and charged with such offence as she may be guilty of, provided some inhabitant or passenger will attend at the police station and testify that he has been annoyed, or the constable himself has witnessed conduct by the woman which was evidently an annoyance to inhabitants or passengers.

(86). Care is to be taken that the duty of dealing with prostitutes in the streets is entrusted to experienced and trustworthy men, who can be relied on to use discretion, and at the same time prevent disorder and annoyance to passers-by.

(87). The police have no power to interfere with men and women talking together in the street, so long as they behave themselves properly, and are not assembled together in such numbers as actually to cause obstruction of the thoroughfares; but if it is absolutey necessary to interfere, it is then to be done civilly and firmly.

Gratuities.

§ 19. Having regard to the allegation of bribery made in some of the communications to us, or suggested in the course of evidence before us, it is necessary to point out the strictness of the Orders and Regulations upon the subject of gratuities, and it is expedient to quote the following rules upon the subject :—

White Book, p. 29.

(32) No gratuity is to be retained by any of the Police without the express permission of the Commissioner.

White Book, p. 30.

(33) A gratuity offered at the time, by a person to whom special services are rendered upon any sudden emergency, except in cases enumerated in par. 38, may be taken, subject to the decision of the Commissioner as to its being retained, or returned to the person giving it; in such a case the name and address of the person giving the gratuity is to be procured, the sum received handed over as soon as possible to the Superintendent of the Division, and a report of the circumstances is to be submitted to the Superintendent for the Commissioner's decision.

(34) The Superintendents, before they forward to the Commissioner their recommendations that gratuities should be allowed, are to make such inquiry as to satisfy themselves that no solicitations, direct or indirect, have been made to the persons by whom the gratuities are given, and if there is reason to suppose that solicitation has been made, or that there are any other circumstances which make it improper for the gratuities to be received, the particulars are to be reported to the Commissioner. Whenever practicable the giver of a gratuity not dealt with under par. 36 (which deals with gratuities from public departments) should be requested to send it to the Station, when the officer on duty is, immediately a gratuity is received from any source, to forward to the donor an official receipt from the authorized Receipt Book, and make an entry in the Occurrence Book to that effect.

(35) When a Chief Inspector is in charge of a Division he is not to receive gratuities for the performance of duties as an Inspector; but at all other times he may, at the discretion of the Superintendent, perform such duties, and be recommended for gratuities the same as the Inspectors.

(38) Police are not permitted to receive gratuities :—

(a) For any service in connection with political meetings.

(b) When given as conduct money with subpœnas in any cases arising under the Licensing Acts, or if given by the Licensed Victuallers Trade Protection Society, or any other person, for services rendered by the Police in the execution of their duty in connection with licensed premises.

(c) With subpœnas to attend courts and give evidence against brothel-keepers nor for any service in connection with the prosecution of such offenders.

(d) For restoring stray dogs, taking stray cattle to greenyards, &c.

(e) Discovering or assisting at fires.

(f) Giving evidence in any case of dust improperly removed without the authority of the contractor, &c.

(g) For calling persons up in the morning.

(h) For *preserving order* on the occasion of elections, which service is to be performed as a tour of duty.

(i) For general attention shown in the service of summonses and execution of warrants.

White Book, p. 31.

(39) Gifts of meat, spirits, &c., to the constables of a Division, who dine together annually at Christmas, are, like any other gift or gratuity, not to be accepted, unless reported in the usual way to the Superintendent and sanctioned by the Commissioner.

(40) The police are not, in any instance, to ask for a Christmas box from anyone; if any money is offered to them as a Christmas box they must report the circumstances to their superior officer, who will, if it is a proper case, ask permission from the Commissioner for it to be received.

(42) All gratuities received by police of interior divisions, and by those attached to town stations of exterior Divisions, are to be handed to the Superintendent, pending the approval of Commissioner, and in the exterior sub-divisions they are to be held by an Inspector to be nominated by the Superintendent In no case is a gratuity to be left in the hands of any other officer.

General Directions to Constables

§ 20. We have now set forth as clearly as we can what the strictly legal duties imposed upon the members of the Force are. Their proper discharge involves the exercise of the special executive powers with which they are invested by law for the purpose of attaining the general object for which this department of the Government was established.

In order that a police force may be really efficient, and that the police system may work well, it is necessary that the special executive powers given to constables should not only be exercised with strict regard to the law but that they should be exercised with vigilance, with tact, and with reasonable regard to avoiding unnecessary offence to the person immediately affected by police action as well as to those who may be indirectly concerned as friends or relatives of the prisoners.

The range of duty imposed upon members of the Force as to the out of door life of the inhabitants of London and those using the streets and public places is so extensive, and the powers corresponding to those duties and exercisable for their performance are so great that they limit in almost every direction the freedom of action of every person residing permanently or temporarily in the Metropolis. It is, therefore, extremely important, especially in dealing with a people in which the sentiment of liberty is so engrained and intolerance of authority so marked, as is the case in this country, that executive powers should be used in as wise and as gentle a manner as is consistent with the maintenance of public order.

Accordingly the Orders and Regulations made by the Commissioner recognise the necessity of caution, in the exercise of police powers; and directions are given to constables as to their behaviour, which it is worth while to quote, as we shall find it necessary, in dealing with the complaints as to and criticisms made upon the manner in which the police deal with the street offences coming within our Terms of Reference, to comment upon them.

The following directions contained in the White Book are worthy of particular attention :—

(61) A constable must readily and strictly obey the orders of the superior officers in rank in the Police. White Book, p. 13.

(62) He must be very civil and respectful in his demeanour and conduct to the public, giving the best answers he can to the numerous questions which will be put to him, and showing at all times a readiness to do all in his power to oblige, consistently with the rules of the Service.

(63) He is to report to his sergeant or inspector the first time he sees either of them in the street or at the station the particulars of any accident or occurrence which has come under his notice.

(64) He is to speak the truth at all times, and under all circumstances, and, when called upon to give evidence, to state all he knows respecting the case, without fear or reservation and without any desire to influence the result, either for or against the prisoner.

(65) Untruthfulness is the gravest disqualification for the Police Service.

(66) If a constable is called upon to act, he must do so with energy, promptness, and determination, for if he wavers or doubts, the person may escape, or the opportunity to render assistance may be lost.

(67) When called upon to take a person into custody, he must be guided in a great measure by the circumstances of the case and the nature of the charge or offence; but if he has any doubt as to how he ought to act, the safest course is to ask all the persons concerned to go with him to the station, where the inspector will hear and determine whether the charge is to be entered or not, and the responsibility is then taken off the constable.

(68) No constable is to be kept on duty at a police station more than one month continuously without the sanction of the Commissioner having been obtained through the Chief Constable.

(69) The duties of constables are defined under the different heads of the Police Regulations.

Complaints.

§ 21. It is inevitable that in the case of so large a force as the Metropolitan Police Force, concerned in keeping order over so large an area comprising such a vast population as that of the Metropolis, and for that purpose having to discharge multifarious duties, complaints as to alleged misconduct of members of the Force should from time to time be made.

To maintain discipline in so large a force is no easy matter, especially as the Force is one of a civil character, and, accordingly, the procedure appropriate to a military establishment cannot be applied.

The regulations for the maintenance of discipline in the Metropolitan Police Force do not directly concern us, and it seems unnecessary here to explain the system whereby discipline is maintained. We need, therefore, do no more than say that the Orders and Regulations disclose a system well adapted for the purpose of keeping order within the Force, and we pass by the topic of complaints when made by a superior officer against a subordinate in the Force, or by one member of the Force against another.

We must, however, call attention to the manner in which the complaints made by private persons or by Magistrates as to alleged misconduct of members of the Force are dealt with.

In practice complaints are made by private persons either personally or by letter to the officer in charge of the police station or to the Chief Commissioner.

The Orders and Regulations do not deal with such complaints so systematically and completely as we should have expected, though we recognise the difficulty of making absolutely full rules upon the subject, having regard to the different ways in which complaints may be made and the very varying gravity of the accusations which may be brought against members of the Force.

It appears that if a member of the public goes to a Police Station his complaint and any statement that he makes in reference to an alleged breach of duty or want of civility or attention on the part of a constable is to be attended to by the officer in charge, and if necessary such officer is to report the matter to the Superintendent of the Division.

If a complaint is made to the Chief Commissioner it is dealt with at the Central Office and a report is called for through the officers of the Division to which the constable against whom the complaint is made belongs.

The following are the principal Orders and Regulations upon the subject :—

White Book, p. 33.

(56) Complaints against police officers by private persons are, if possible, to be made and recorded in the presence of the accused officer, who will then have an opportunity of questioning the witnesses if he desires.

(57) The statements made by the complainants and witnesses are to be reduced to writing by the police officer dealing with the case, and the persons complaining are to be required to sign their statements.

(58) Any questions the accused may wish to put to witnesses are to be put through the officer conducting the inquiry, and, with the answers thereto, are to be taken down.

(59) When the complainants or the witnesses cannot attend at the Police Station, their statements must be made or taken down in writing at their residence, or elsewhere, by the officer charged with the inquiry.

(60) The accused officer is to submit his reply to any complaint in writing, and any verbal statements made by him in reply to questions, or in addition to his written statement, are to be taken down and submitted.

With regard to comments made by Magistrates as to the conduct of the Police engaged in any matter before them the following are the Orders and Regulations :—

(13) If a Magistrate wishes to communicate through the Police to the Commissioner on any subject, he is to be requested to do so in writing. White Book, p. 302.

(16) An Inspector is always to be present at every Police Court for the better regulation of the Police who attend, and to see that no waste of time takes place on their part ; also to mark up the cards of attendance of the officers engaged, and to report any misconduct on the part of the Police, or any remarks by the Magistrate affecting them. The Inspectors will be supplied from the Division in which Police Courts are situated. Inspectors employed on this duty are to be changed weekly.

(17) When a Magistrate makes any remarks with reference to Police matters, or to matters interesting to the Police, the Inspector on duty at the Court is to show his report, giving particulars of the same, to the Magistrate's Clerk for verification, before it is submitted to the Commissioner.

With regard to reports called for by the Chief Commissioner, it is provided that all reports sent to the Commissioner's office are to be made on certain forms which are supplied and it is the duty of every constable to make and write out a report as to any case or occurrence when instructed to do so by his superior officer ; and it is contemplated that each constable shall make an independent report without consultation with other members of the Force. In this connection it may be mentioned that a note book is supplied to every constable in which it is his duty to enter particulars respecting accidents or occurrences happening while he is on duty.

The Order upon this point is as follows :— White Book, p. 16.

(90) In order to enable each officer to speak with confidence, and prevent the possibility of his evidence being shaken, a pocket book in leather case is provided, in which he is to enter at the time dates and other particulars respecting accidents or occurrences, and to which he can always refer. A report of such particulars is to be made as early as practicable, and will be entered in the Occurrence Book for information and reference. The Station Officer who makes this entry will be held responsible that it agrees with the particulars shown in the pocket book, which he will initial. The pocket books will be replaced from time to time as they become filled with entries, and a supply is to be kept ready for use at each Police Station, care being taken that they are properly paged before issue, after which the leaves are not to be torn out for any purpose, but each officer will provide himself with a supply of loose slips of paper for use in the streets when giving names and addresses, &c.

The pocket books are to be produced for inspection by constables when parading for duty, and when full they are retained in the station for reference.

PART II.

THE MANNER IN WHICH THE METROPOLITAN POLICE DEAL WITH CASES OF DRUNKENNESS, DISORDER, AND SOLICITATION IN THE STREETS.

I.—Introductory Observations.

§ 1. Having reported upon the duties of the Police in dealing with cases of drunkenness, disorder and solicitation in the streets to the best of our ability, and as fully as we deem necessary for the proper fulfilment of our task, we proceed to consider the manner in which the Police discharge those duties, or, what comes to the same thing, the manner in which the Police exercise their powers in regard to these three classes of street offences.

We have explained above the interpretation we place upon this head of inquiry. We conceive that what we are asked to do is to report upon the general question whether the Police as a rule exercise their powers as to these three offences with as high a degree of propriety and efficiency as the community have a right to expect, and as is reasonably possible with a view to the realisation of the aims for the attainment of which the Force was established and is maintained.

We have found it by no means easy to decide the method according to which we should answer the question or should inquire into and report upon the matter.

The first difficulty was caused by the limitation of the question to the manner in which the Police deal with certain specific kinds of offences, while the powers and duties of the Police as to those special kinds of offences are practically identical with those they possess and are obliged to perform with regard to many other kinds of crimes and misdemeanours, so that it is by no means easy to separate our special problem from the much larger one, whether the duties of the Police are as a whole properly and efficiently discharged.

We were also to some extent embarrassed by the generality of the question. The terms of reference afforded us no indication as to the respects in which it was or might be alleged that the Police habitually fail to exercise their powers properly and efficiently, or as to the standard by which we ought to test the conduct of the Police in exercising the powers with which they are invested for the prevention, detection and punishment of these street offences. A very large discretion was therefore given to us as to the range and character of our Inquiry, so that while, on the one hand, objection cannot well be taken to our action on the ground that we have travelled beyond the contemplated scope of the investigation; on the other hand, the by no means easy task was thrown upon us of limiting an Inquiry which might easily have become one of indefinite length and prolonged for an unduly long period.

Under these circumstances, two main considerations weighed with us in determining the course that we should take.

First, we felt that the Inquiry was not one which ought to be unduly prolonged, as the continuance of our activity might justly lead to an uneasy feeling on the part of members of the Force which might discourage them in the performance of their duty of keeping order in the streets, since that duty can only be properly performed by zealous and vigilant action continued from day to day with the knowledge that their conduct will meet with the approbation of law-abiding members of society.

Secondly, we felt that if we took the matter into our own hands in an entirely arbitrary fashion, and refused to listen to complaints simply because we thought them trivial or little likely to be well-founded from our own experience and knowledge of the conduct of the Police and of the proceedings in the Metropolitan Police Courts, the consequence would be that those whose confidence in the general integrity of the Police is shaken, might not wholly without reason, be dissatisfied with our Report.

We, therefore, thought it was our duty to afford every person in the Metropolis who conceived that he had substantial grounds for complaining of the action of individual Officers or Constables a reasonable opportunity of coming before us and having the matter inquired into, if facts were laid before us, which amounted to a *prima facie* case of misconduct on the part of the Police.

We believe that the course which we have taken, and which has been set forth in our preliminary observations, justifies us in saying that every person who had up to the end of the year 1906 any ground for complaining of the action of the Police in dealing with the three classes of street offence coming within the terms of our Inquiry during recent years has had a reasonable opportunity of coming before us and being heard.

The full significance of this proposition will appear more clearly when we consider the results of our inquiries into the specific complaints, and into the effect of the general evidence which we have taken.

The consideration of the communications which we have received, and of the complaints which we have investigated, now enables us to form an accurate notion as to the character of the misconduct, whether arising from mere error of judgment or from wilful or reckless misbehaviour, of which, according to some of the suggestions which have been made to us, many of the members of the Force are often or even habitually guilty.

We find that in the great majority of cases, when the complaint is analysed, the misconduct alleged relates to one or more of the following stages in the regular process of the exercise by the Police of their powers. First, the fact of arrest itself as being unjustified; secondly, the manner in which the prisoner is apprehended and his treatment on the way to the station; thirdly, the proceedings in the charge-room; fourthly, the prisoner's treatment at the station; fifthly, the conduct by the Police of the case at the Police Court.

It is in regard to the first of these matters, the fact of arrest, that the greater number of complaints is made, and as to which, in case misconduct is alleged, public interest is most vividly aroused. That is naturally the case, because the security of every person using the streets is threatened if a Police Force habitually abuses or exercises without justification the power of summary arrest, whereas improper conduct in the treatment of prisoners or impropriety in the charge-room is only brought home to the limited class of persons who have had actual experience of arrest and its consequences; yet, from the point of view of one concerned in maintaining the thorough efficiency of the Force, scrupulous regard to the law and to the Orders and Regulations on the part of all Constables, in regard to the treatment of prisoners and to the conduct of prosecutions in the Police Courts, is of an importance quite equal to the question whether a particular arrest was or was not justified. Accordingly, in inquiring into the specific complaints, and in arriving at our conclusions upon them, we have in every case carefully considered not simply the question whether the Constable was right in intervening and arresting the complainant, but whether he conducted himself through all the stages of the case in the manner pointed out and required by the Police Orders and Regulations. So, also, in taking the general evidence which we have before us, we have carefully borne in mind the necessity of satisfying ourselves as to the conduct of the Police in regard to the details of their action in performing their functions.

This being so, we are able to put to ourselves the question submitted to us in such a concrete form as to enable us to answer it in a practical manner and as confidently as the difficulty of the problem allows. The more concrete question is: Is there any reason for believing that the Police in general exercise their powers as to these street offences wrongly, either by unjustifiable arrest, or by breach of duty in regard to the prisoners at any subsequent stages of the proceedings against their prisoners?

In endeavouring to answer this question we naturally ask ourselves: How ought the Police to exercise these powers? What are the tests as to the propriety of Police action in this regard which ought to be applied? and What qualities may the Government and the community concerned expect the Police to display in the execution of these duties?

First of all, every Constable ought to act lawfully; that is to say, he ought to take the utmost possible care not to use his powers in a manner which involves any breach of the law of the land. This is, of course, only a statement of the primary and absolutely essential obligation of a Constable. But secondly there are other obligations connected with the manner in which he should exercise his powers imposed upon him by virtue of his office which though of less importance, ought still to be discharged, if he is to be deemed a thoroughly

efficient member of the Force. He ought to exercise his powers honestly, that is to say, without being biassed by pecuniary reward, corruptly given, or by considerations of personal interest such as the hope of promotion. He ought also to do so with discretion, that is to say, he ought to bear in mind that these street offences are for the most part created by statutory provisions, which are intentionally worded in such a form as to give a wide and almost paternal power to the Magistrate ; and, bearing that fact in mind, he ought to be careful not to interfere and arrest an offender unless the interests of public order make that course necessary. Further, he ought to exercise his powers humanely, that is to say, he ought to be as gentle as possible in dealing with prisoners and those connected with them. Lastly, his manner should be courteous, that is to say, he ought not to behave in an overbearing and unnecessarily offensive manner towards an offender or towards persons who may be witnesses of the arrest or subsequent proceedings. These are the principal obligations of a secondary character which are imposed upon the Force, and it should be observed that the Police Orders and Regulations in effect impose them upon the officers and members of the Force.

It is obvious from this description of what is expected of a Metropolitan Police Constable in the exercise of his duty that the standard of efficiency is high. The proper performance of his duties postulates the possession of very considerable intelligence and moral qualities of a high order.

But for efficiency as a Constable, a man requires something more than mental capacity and good moral character. He ought to possess the physical advantages of stature and strength above those of the average members of the community. To these must be added general good health, for without it he cannot stand the strain of duties to be performed in the open air at all hours of the day and night and at all seasons of the year and retain proper command of his faculties and sobriety of judgment during long hours of duty. It is clear that unless a man is physically stronger than the ordinary individual he cannot be a thoroughly efficient Constable for a long time. When one reads in the Instruction Book the discipline to which members of the Force have to conform one cannot help realising that it either presupposes in recruits or creates in Constables a condition of mental and physical strength and health of a degree greater than that possessed by average workers in this country.

The more one reflects on the character and the extent of a Constable's duties, and the conditions under which they have to be exercised, the more one feels that in order to make a man a really efficient Constable a somewhat rare combination of mental and physical powers, which can only be found in a comparatively small percentage of the total male population of the country, is required. The higher the standard of efficiency, or the greater the demand made upon the capacity of the individual, the more difficult it is to fill the places in the strength of the Establishment made by resignation, dismissal or death, with fit recruits, and the greater the chance that an accepted candidate may turn out to be not adequately competent for his work. The larger the demand of the Community, the more critical it is in regard to Police methods and action, the more impatient it becomes of any blunder made by an individual member of the Force, the higher must be the tests upon candidates for the service and the more difficult must become the task of securing fit recruits. Whether the standard of efficiency and conduct applied to members of the Force be high or low, it is, however, impossible to ensure that every individual in an Establishment of 17,000 men can always habitually satisfy, and always act up to it, or that no one should ever be guilty of any misconduct. To expect anything of the sort would be to expect a perfection, which experience shows it is impossible to reach in regard to any aggregate of men, whether organised for military or industrial or any other purposes. Having regard to the infirmities of mankind, the complex conditions of modern life, the multiplicity of duties cast upon the Police, and the discretionary character of the work they have to perform, the utmost that can be expected, in regard to any Police Force, is that the number of inefficient men in the Force at any time, and the number of cases of misconduct, whether due to accident or mistake, or wilful wrong doing, should be so small as not to damage to any appreciable extent, the efficiency of the Establishment as a whole.

This appears to us to be a clear and reasonable statement of the degree and kind of efficiency that the Government and the Community, whose servants the Police are, have a right to expect in the Metropolitan Police Force; and impressed with these considerations we approach the task of reporting upon the questions submitted to us, so far as the materials at our disposal enable us to come to a conclusion.

We have now taken all the evidence and collected all the data or materials which, without undue delay, we have been able to obtain, and which we deem sufficient to enable us to report upon the matters into which we have been commanded to inquire.

Before stating what these data or materials are, and the conclusions at which we have arrived by analysing, examining, and considering them, we think it right to make some general observations or reflections which occur to us as things which ought to be borne in mind by those who may think fit to examine for themselves the facts disclosed by our Report.

Difficulties of a Constable's Work.

§ 2. No one can read the Instruction Book issued to members of the Metropolitan Police Force with care without becoming impressed with the fact that the work of superintendence and general direction discharged by the Chief Commissioner and his subordinate officers is extremely arduous and responsible, and requires great administrative ability, and sound judgment, and the possession of those indefinable qualities which are naturally involved in the power to command. But he will be still more impressed by the fact that the share of the work thrown upon individual Constables is larger and more difficult of performance than that usually allotted to units in a body of men organised for the attainment of practical ends.

Broadly speaking, the Force acts by, and through, individual Constables. An army, for the most part, does its work through groups of its units, through divisions, brigades, regiments and companies, and the responsibility of a private soldier is, in practice, reduced to such a point that he becomes little more than an automatic part of a machine. So, even in a great industrial organisation, the individual worker is allowed little or no freedom of action as to his work, and its performance, as a rule, does not involve much thinking on the part of the individual operative. The position of a constable in a police force differs greatly from that of the private soldier or the artisan. A Constable is, as a general rule, placed alone, to perform his duty on one or more beats or patrols. It is expected that, in general, he should not call any other Constable to his assistance, because that involves a disturbance of the arrangements made for the safety of the whole area. It is presumed that if intervention is necessary he can deal with the emergency adequately by his own unaided action, and if he arrests a prisoner he is expected to take him alone to the police-station. However difficult and novel may be the circumstances which confront him in the course of his ordinary duties, he has, unless the matter brooks delay, to decide instantly, and on his own responsibility, whether they call or not for his interference. It follows that a great deal of the most difficult work of the Force is left to the initiative and capacity of the humblest unit in each Division; and this is especially true as to Police action in reference to the classes of offence with which we are concerned.

The Responsibility of the Individual Constable.

§ 3. It appears, therefore, to us that in criticising and passing judgment on the efficiency of the Metropolitan Police Force, it is only fair to bear in mind the following considerations:—

First, that the proper performance of the greater part of police work depends upon the skill, integrity, and general capacity of individual men, who have, upon the spur of the moment, to exercise a discretion on matters of difficulty, and to act promptly and decisively, with but little time for reflection. For the blunder or misconduct of an individual on any given occasion, the whole Force, or, at any rate, those who are at his head, are properly enough held responsible in public opinion; but, in endeavouring

to appraise the efficiency of the Force as a whole, great allowance ought to be made for the special difficulty of the task imposed upon the individuals composing it, and therefore for failures due to no want of care or forethought but to the infirmities of human nature.

Subordination of the Constable.

§ 4. Secondly, not only is the work of the individual Constable of a specially difficult and responsible character, because of the extent of the discretion permitted to, and the confidence resposed in, him, but the difficulty is, in some respects, increased by the fact that he is a very subordinate member of an organised Force. Though so much is left to his discretion, yet, he is not simply the strong and capable citizen patrolling the streets permitted to exercise his powers as seems good to him, but he is a member of an organised and severely disciplined force. He is subject, as to nearly every action that he performs, not only to the general Orders and Regulations in the Instruction Book, but to the orders of his immediate superiors with whom he comes in contact while on duty, whether he approves or not of the commands which they may give. It thus comes about that at a critical moment, when he is carrying out what he rightly believes to be his duty, he may be interfered with by those in authority, and that interference, though it relieves him from further responsibility as matter of discipline, yet does not relieve him from liability towards those who may conceive themselves to have been aggrieved by his original intervention, and in some cases may tend to compromise him in the event of any complaint being made by such persons.

In making this observation we are not, of course, forgetful of the fact that his being a member of an organised and carefully disposed body of men is a factor of the greatest importance in enabling him to perform his duty. It is, of course, the knowledge that he has only to blow his whistle to bring to his assistance on any critical occasion an adequate number of his comrades that gives him confidence in his ability to discharge his duty, and it is the knowledge possessed by all observers that this is the case which invests him in their eyes, whether law-abiding citizens or not, with that dominating authority which enables him to act freely and effectively. Still, one ought, in criticising the action of a Constable, always to bear in mind that he is, to some extent, hampered by the rules of a rigid discipline.

Danger of Constables' Occupation.

§ 5. Thirdly, it must never be forgotten that a Policeman's business is a dangerous occupation. It is dangerous, first, because it involves exposure at all hours of the day and night, and all seasons of the year, in the open air, and, secondly, because it involves actual physical conflict with offenders.

It is worth while, in order that the extent of the danger involved in Police work may be appreciated, to submit some statistics for the year 1906.

Statistics as to Diseases arising from Exposure in 1906.

Exposure to inclement weather is not, of course, an incident confined to work in the Police Force, but we are not aware of any other occupation on land in which any considerable number of persons is employed, in which exposure during the night is so continuous throughout the year, and so prolonged on each turn or shift of duty, as in the case of Constables, except perhaps some branches of railway service. The result is that certain diseases become prevalent among Constables, and have to be reckoned with in estimating the number of men required in the Force, in order that the Police arrangements may be properly carried out. These diseases, according to the Report of the Chief Surgeon (Mr. Clinton Dent) in 1906, which we may take as a fairly typical year, are rheumatism (chronic and muscular), catarrh, bronchitis and tonsilitis.

THE FOLLOWING IS A TABLE SHOWING THE TOTAL NUMBER OF POLICE ON THE SICK-LIST ON ACCOUNT OF DISEASES OF EXPOSURE IN 1906 :—

Disease.	Half-year ending June.	Half-year ending December.
Rheumatism (Chronic and Muscular)	568	492
Catarrh	1,323	1,121
Bronchitis	131	132
Tonsilitis	234	246
Totals	2,256	1,991

STATISTICS AS TO NUMBER OF MEN INJURED.

Mr. Clinton Dent, who was good enough to give evidence before us, submitted a return showing the number of Police injured whilst in the execution of their duty during the four years 1903, 1904, 1905, 1906, compiled from figures taken from the Commissioner's Reports for the first three of these years, and from material collected at the Commissioner's office in anticipation of the publication of the Report for 1906.

THE FOLLOWING IS A COPY OF THE RETURN:—

Return of the Number of Police injured whilst in the execution of their duty during the years 1903, 1904, 1905, and 1906.

Year.	Assaulted by prisoners or injured when making arrests.						Assaulted by persons who were not apprehended.			When dispersing disorderly crowds.			Totals.			Total.	Number of Officers who were incapacitated for further service from injuries received.
	By drunken persons.			By other prisoners.													
	Not placed on Sick List.	On Sick List less than 7 days.	On Sick List 7 days or over.	Not placed on Sick List.	On Sick List less than 7 days.	On Sick List 7 days or over.	Not placed on Sick List.	On Sick List less than 7 days.	On Sick List 7 days or over.	Not placed on Sick List.	On Sick List less than 7 days.	On Sick List 7 days or over.	Not placed on Sick List.	On Sick List less than 7 days.	On Sick List 7 days or over.		
1903		1,850			828			50			2			2,730		2,730	4
1904	1,549	61	144	822	43	117	43	5	15	7	—	1	2,421	109	277	2,807	9
1905	1,361	76	173	859	41	130	48	5	10	5	—	—	2,273	122	313	2,708	7
1906	1,188	91	196	512	39	111	37	1	9	9	2	4	1,746	133	320	2,199	7

Upon these figures Mr. Clinton Dent observed that they showed :—

"That approximately 16 to 17 per cent. of the whole Force (a little less than one-sixth) are injured annually in the execution of their duty." Q. 48338.

Mr. Clinton Dent also pointed out that the figures showed :—

"That a remarkably small number of persons are wholly incapacitated from injuries. It will be noticed in the last column on the right of the Return that the number of officers actually placed on the sick-list for injuries is not large ; for example, in 1904 out of 2,807 Police who were injured in the execution of their duty, 109 were on the sick-list for less than seven days, 277 were on the sick-list for seven days or over, 9 were incapacitated for further service from injuries received, and 2,421 were not placed on the sick-list at all. I presume that those figures are gathered from Reports, for a Constable is bound to report any injury, however trivial, at the station. Reports are sent in, and I presume that the figures are arrived at in that way. The figures for 1903, 1904, and 1905 approximate very close indeed, and the figures for 1906 show that there is a diminution of, roughly, 500 on the total. The average, taken over four years, works out to 2,611. Then, taking the figures for 1904 as a fair sample, of the 2,807 men injured, 1,754 were injured, in making arrests, by drunken prisoners, and 982 by other prisoners." Q. 48341.

Mr. Clinton Dent also made the following comment, with which we see no reason to disagree :—

"Figures like these appear to me to give a very imperfect measure of the effective loss, and for this reason : The duties of a Police Constable require him, of course, to be thoroughly sound in body, and thoroughly stable as regards his nervous system, putting it in not too technical medical language. In that respect a Police Constable is particularly prone to break down as the result of injury. If a Police Officer has been seriously assaulted in the execution of his duty, even although the physical injuries may be apparently trivial, his value as an efficient Constable, save in exceptional cases, is likely to be diminished ; he will not, in other words, be likely to take such risks as he would have if he had never been assaulted in the execution of his duty, and, to use an ordinary phrase, he is a little more nervous about doing it. I think one can understand that that would be the case. Broadly speaking, a Constable is usually worn out as regards the efficient performance of his duties at the age of forty-five ; and if he has met with injuries sustained under trying conditions, and especially with those sustained in the execution of his duty, he is liable to break down earlier in life. If I may explain what I mean by 'trying conditions,' it is practically this : A small injury received by a man who falls, say, from a great height, so to speak, may do a man more harm than more extensive injury ; for instance, a man might fall from a very great height, and he might receive very few injuries except a few bruises ; another man might slip off the kerb and break his leg and receive a greater injury than a few bruises, but the man who has fallen from a great height will not get well like the other man, and he will be much more likely to be permanently affected. In the case of the police that applies especially. However willing, keen and courageous an officer may be, he is not, save in exceptional cases, quite as efficient after an injury as he was before. Initiative is more likely to be lacking, and the sense of responsibility will weigh on him a little more heavily. To a certain extent, therefore, the public suffer as his efficiency as a Constable diminishes. Of men temporarily pensioned, perhaps half are content with the pension they have earned, and have little desire to rejoin the service, but fully one-half are anxious to rejoin. They are very seldom fit to do so. With regard to temporary pension, if a man has been seriously injured, and his illness is likely to go on for, say, a year, or something of that kind, if he has been injured in the execution of his duty he is recommended for a temporary pension, which, I think, is at the rate of full pay. I certify that there is a reasonable prospect of his being able to rejoin. If he does rejoin, he rejoins in the ordinary way ; if he does not rejoin, his pension is modified accordingly. I have to send in a special report with regard to any man who is on the sick-list for six months to the Home Office. I do not know whether I might mention to the Commission, just very briefly, one or two very typical cases of the results of these injuries. The first is that of a man who had had twenty years' service. He was patrolling a northern beat in the neighbourhood of, I think, Caledonian Road, and he was set upon by three men and a woman and injured. His truncheon was wrested from him, and he was struck several blows on his head with the truncheon. I saw the man myself not very long after the accident. I desire to mention that case because he was a most admirable Constable, as I was given to believe, and a man who was extremely anxious to continue his work in the Force. However, I advised him not to rejoin for some months. He was put on a temporary pension. He was injured in January, 1906, and he rejoined in October of that year. I confess I felt nervous as to the effect of his rejoining, but he was very anxious to do so. In one month he had broken down again altogether ; he was sleepless, irritable, nervous and useless, and he had to be again returned as unfit for service. . . . A still more typical case was that of a man who had no head injury at all, but he had two of his fingers chopped off by somebody whom he was endeavouring to arrest. That man was very anxious to rejoin and rejoined, and he broke down ; he had fits, and his mind was completely gone. . . . Those are severe cases, and in a milder degree the same sort of effect is likely to happen as the result of a smaller injury." Q. 48342.

Special Conditions of London.

§ 6. Fourthly, the special conditions of London, in the broad sense, as the Metropolis of the United Kingdom as well as the greatest city in the world, present some special difficulties in regard to Police work.

The area entrusted to the Metropolitan Police is exceptionally large in extent for an Urban Police District. The population inhabiting it, and using its streets, is vast in point of numbers, and is, in the inner divisions, dense, and, in some places,

congested. Though the great majority of the persons composing this population are of British origin, and may be deemed permanent residents, yet, as compared with the other great cities of the Kingdom, it contains an unusually large proportion of foreigners, and of persons who have come to live there temporarily, or, at any rate, with no intention of becoming domiciled within its boundaries.

London, too, it should be observed, is not simply the Metropolis of the United Kingdom: it is the social and political centre of a world-wide Empire. It is also a great sea-port; within it numerous and varied manufacturing and industrial concerns have been established and are carried on, while it is a commercial market in which the volume of trade may be properly described as immense; it is the resort of pleasure-seekers from all parts of the world; and it is the safest refuge for political offenders, criminals, and undesirable men and women fleeing from persecution or punishment from all countries.

Without making any aspersion upon the character of the foreign and temporary inhabitants of London as a whole, it must be pointed out that it is certain individuals and classes among them who are least conducive to the general good behaviour of the community, who most frequent certain of its streets and public places, and cause the greatest anxiety to those responsible for its good government. It is, of course, upon the Criminal Investigation Department that the burden of dealing with the added difficulty created by this element in the population mainly falls; yet the evidence before us warrants us in believing that its existence appreciably adds to the difficulty of ordinary Police Officers and Constables in the discharge of their duty as to those street offences, which form the subject of our Inquiry.

We wish it to be thoroughly understood that we are not suggesting that the existence of these special difficulties in London affords any excuse at all for wilful misconduct on the part of any member of the Force. We mention them simply as matters that ought to be considered by every fair-minded person who wishes to arrive at a just conclusion in reference to the question whether the Metropolitan Police, as a whole, deal with the prevention and punishment of these street offences rightly or efficiently, or tries to determine the extent to which a particular member of the Force is to be blamed for any mistake that he may make in exercising the special powers with which he is invested.

Arrangement of Materials.

§ 7. We propose to arrange and set forth the materials before us, for coming to a conclusion on the matters referred to us, into two divisions as follows:—

Division I.—A Summary of the general evidence we have taken as to the manner in which the Police deal with the three classes of street offences coming within our Terms of Reference.

Division II.—Certain general statistical information as to these three classes of offences.

DIVISION I.

GENERAL EVIDENCE.

Introductory.

§ 1. We proceed to deal with the general evidence which we have taken as to the manner in which the Police deal with the three classes of cases coming within our Terms of Reference.

At our first sitting we announced that we were anxious to have the fullest information concerning the matters coming within the scope of the Inquiry, and that we should be glad if any persons wishing to give evidence before us, or to supply us with information, would communicate with the Secretary.

Except persons who have come forward to make complaints as to the conduct of particular officers and constables in regard to cases in which they themselves were concerned, no person who wished to give general evidence criticising the action of the Police except Mr. James Timewell came forward. This gentleman is, as is stated above, the Secretary of a Society called the Police and Public Vigilance Society. Soon after the appointment of the Commission he saw the Secretary, and explained his position, and said that he had a considerable number of cases which he wished us to inquire into, and indicated that he himself was prepared to give evidence.

Neither the London County Council nor the councils of any of the recently created Metropolitan boroughs approached us. We infer from this that these bodies, who represent the ratepayers, by whose contributions the Metropolitan Police Fund is sustained, have no reason to complain of any want of efficiency in the manner in which the Police discharge their duties in keeping order in the streets.

We considered the question whether we ought to invite any of the officers of the London County Council, or any of the municipal officers to appear before us, but as it did not appear to us *prima facie* likely that they would have any special knowledge of the manner in which the Police deal with the particular classes of offence with which we are concerned, for the relations between the Metropolitan Police Force and the local authorities are different from those which exist between the ordinary County and Borough Constabulary and the Standing Joint Committees and Watch Committees in the country, and as the Terms of our Reference precluded us from inquiring into the conduct of the Police in regard to places of public entertainment, theatres, houses licensed for the sale of intoxicating liquors, and so forth, we decided that it was unnecessary to trouble any representatives of these authorities to give evidence.

Evidence of the Police Magistrates.

§ 2. We thought, however, that the opinion of the Magistrates upon the question of the general efficiency of Police methods in dealing with these street offences, and particularly in effecting arrests and taking the consequential steps in these cases, would be of the utmost value. The action of the Magistrates in regard to every case in which a person is arrested, and the charge preferred by the arresting Constable is accepted at the police-station, is *prima facie* the test of the lawfulness and propriety of the action of the individual Constables concerned. Every person arrested, and against whom a charge is accepted, is brought before one of these Magistrates with the utmost possible celerity, and the trial of the case not only involves a decision of the question whether the prisoner ought to be convicted or discharged, but also affords the Magistrate an ample opportunity of detecting any irregularity or misconduct on the part of the Constables concerned.

Considerations of time and convenience made it inexpedient to examine all the London Police Magistrates, who are now twenty-six in number. We therefore wrote to Sir Albert de Rutzen, the Chief Magistrate, informing him that we desired to examine him and such other of his colleagues as might be inclined to assist us. The reply of the Chief Magistrate was to the effect that he and his colleagues were ready and willing to give evidence before us.[1]

The result was that we summoned the following Police Magistrates :—Sir Albert de Rutzen, Chief Magistrate; Mr. Alfred Chichele Plowden; Mr. Horace Smith; Mr. Ernest Baggallay; Mr. Albert Rowland Cluer; Mr. E. C. Tennyson D'Eyncourt; Mr. H. Curtis Bennett; Mr. George Paul Taylor; and Mr. E. N. Fenwick Fenwi .

Considerations analogous to those which led us to think it expedient to hear some of the Police Magistrates induced us to summon Sir Forrest Fulton, K.C., Recorder of London, and Sir Ralph Littler, C.B., K.C., Chairman of the Middlesex Quarter Sessions.

With a view to suggesting to these gentlemen the topics upon which we believed their learning and experience would enable them to give us information relevant to, and very useful for, the purpose of our Report, we caused a Syllabus or Memorandum of questions for their consideration to be prepared for and submitted to these witnesses, and we print in the Appendix to this Report the Syllabus or Memorandum so submitted.

Appendix p. xx.

To the body of evidence given by these gentlemen we attach the highest importance, and we are greatly tempted to give lengthy extracts from their evidence. Upon the whole, however, seeing that there is absolute unanimity in their answers to the principal questions which we submitted to them, we feel it unnecessary to add to the length of the Report by taking that course, and deem it sufficient to call attention to the general effect of the evidence, and to extract only such portions of what they said as amount to qualification on the part of individual magistrates to the general answers which they gave to our question.

General Views of the Magistrates.

§ 3. To the question whether, as a rule, the Police exercise their powers in regard to these street offences with honesty, discretion and efficiency, they all, in slightly varied language, answered in the affirmative. All, however, admit that the answer must be taken with the general qualification that there have been exceptional cases in which individual Constables have been guilty of misconduct of one kind or another. And it was because we thought it was likely that some qualification of that kind might be made by these witnesses that we asked the second general question whether any recent cases of misconduct on the part of Police Constables had come under their notice.

Sir Albert de Rutzen, in reference to that general question said that he had no hesitation in saying that after a long experience of over thirty years he could most certainly affirm that the duties of the Police are discharged, as a rule, with honesty, discretion and efficiency, and that he had not noticed any cases of misconduct recently. Sir Albert de Rutzen said :—

Q. 44,139 "I have never known a single instance where I had any kind of reason to believe that the Inspector so far forgot his duty as to take a charge of drunkenness where he believed the man was sober."

Again :—

Q. 44,141. "No such cases have come before me which would make me believe that a man in a superior station would go the length of taking a charge simply for the purpose of protecting his subordinates."

Mr. A. C. Plowden was equally emphatic in stating that, as a rule, the Police exercise their powers properly. Being asked whether he recollected any case in which Constables had wrongly arrested a man, he replied :—

Q. 44,298. "Oh, yes, I have, but they are few and far between, and perhaps for that very reason they made more impression upon me, but I can recall cases where undoubtedly they have blundered. . . . I do not recall any blunder which is due to temper. With all respect to the Police, I should say their blunders, when they do occur, are due to stupidity. I hope they will not mind my substituting one word for the other there. . . . I can give you the broad outline of a case where I thought they behaved very wrong-headedly some years ago—four or five years ago, at least—at Marlborough Street. Roughly speaking the case was this. A woman had been taken to the police-station on a charge—I am not certain whether it was disorderly conduct, or drunk and disorderly—but she did not appear, and thereupon process was issued, but she could not be found. Then, some weeks or months afterwards, the Police took into custody a woman whom they persisted in saying was this woman who had not answered to her bail, and she was brought to the Court. In point of fact, you must take it from me there was a mistake—she was a thoroughly respectable woman. As the case proceeded, and she outlined her defence, which was not only a denial, but consisted of a very strong *alibi* (she was ill at the time, and doctors were called who were at her bedside, and there was no question about the *alibi* at all), when I found the way the case was shaping I adjourned it in order to give the Police an opportunity of reconsidering the matter. Before

I adjourned it, I recalled the principal Constable, and asked him what impression the evidence for the defence, so far, had made on him, and whether he still adhered to his own story. He said he adhered to his own story, and he was satisfied he was right. There was nothing for it but an adjournment of the case. In the course of the adjournment a notification came to me from the Police that they were satisfied that they had made a mistake, and they asked to withdraw. Well, I thought at that stage that was the wrong course to take, and I thought some public reparation was due to this lady, and so the case came on in due course, and there was a formal withdrawal by the Police. I had no power to fine them that I know of, but I know it resulted, on my suggestion, in their paying considerable costs for their mistake. The point of the story is that they persisted in the charge, and I think they might have withdrawn it at an earlier stage. There was absolutely no foundation for the charge—none."

Later on, he said that that was an instance of the kind of case in which he thought the police went wrong, and added:—

"I think they are apt to go wrong in all that district of which Marlborough Street is the centre, I think that they not infrequently are mistaken in cases of drunkenness simply from their inability, through no fault of theirs, to understand the foreign temperament. A foreigner, when he is taken into custody on a charge of disorderly conduct, gesticulates and throws himself about, and he is more vehement than an Englishman. These gestures are strange and novel to the Police, and they do not recognise them in Englishmen at all, and they do not know what name to put to it except 'drunkenness.' The more the foreigner gesticulates, the more positive the Police are that they have got hold of a drunken person. That happens frequently, and it may be a perfectly honest mistake." Q. 44307.

He was asked: "I understand your position is this, that though you have been on the Bench now for nearly twenty years you cannot recollect any instances of the misconduct of a Constable coming to your notice, except in which the matter may be explained either by reference to the stupidity or want of intelligence or obstinacy of the man?" to which he replied:— Q. 44308.

"I should say a want of imagination. I think that is borne out by this, which shows it is not an inherent fault of the Police. The district of London with which I am best acquainted is the district of which Marlborough Street is the centre, and I do not recall any case of mistake in Marylebone. It is in this difficult district of Marlborough Street, which is teeming with foreign bad characters and foreign good characters as well, that the work of the Police becomes much more difficult."

Again, he was asked whether misconduct or indiscretion or stupidity on the part of a Police Constable was a thing of frequent occurrence before him, and his answer was:— Q. 44310.

"I should not say it is frequent, and it is associated almost exclusively with Marlborough Street, and in these cases where they have to decide the thing very rapidly they may mistake the symptoms."

Mr. Horace Smith, who has had nearly twenty years experience on the Bench, during which time he has been attached to different districts, expressed the opinion that the duties of the Police as to these street offences were most certainly, as far as could be, discharged as a rule with honesty, discretion and efficiency. Q. 44458. He added that allegations are frequently made against the Police by persons before him either as complainants or defendants. Q. 44459. He said he had had recent cases of misconduct which he had had to inquire into, but he had had no alleged ill conduct on the part of the Police proved before him. Q. 44460. Since he had been at Clerkenwell he could remember nothing of the sort occurring. He recollected that while he was at Clerkenwell he was on one occasion entirely dissatisfied with two Police Constables, and they were afterwards dismissed from the Force. That was fifteen or sixteen years ago, and he said he had had no reason to complain in that way since. And, in answer to a question from Mr. Rufus Isaacs, he said that during the last fifteen years he had never had to complain of the conduct of the Police. Q. 44462.

Mr. Ernest Baggallay, who has had over twenty years experience on the Bench, was of opinion that the Police Constables as a rule discharge their duties with honesty, discretion and efficiency, and added:— Q 44722.

"And in that respect I would say that during the twenty years I have seen a distinct improvement. . . . . The improvement is shown by the fact that there have been less complaints made to me, as time has gone on, of the Police exceeding their duty either with regard to violence or false evidence." Q. 44733.

Some cases have come before him in which there has been misconduct on the part of a Constable, but he could not remember any such case during the last six years during which time he has been Magistrate at Greenwich and Woolwich. Qs. 44734. 44735. 44736.

Mr. Edmund Charles D'Eyncourt, who was appointed Police Magistrate more than ten years ago, in answer to our general questions said:—

"As far as I can say, I think they" (members of the Police Force) "discharge their duties with all three—honesty, efficiency, and discretion, and I may add, perhaps, in spite of what a learned colleague of much greater experience has said, with very great intelligence." Q 45129.

Being asked as to whether any recent cases of misconduct had occurred in his Court, he replied :—

Q. 45130. "I have only had in the last few years one at all serious charge of misconduct in the way of assault against a Constable, and that occurred not very long ago at Clerkenwell. It touches really on another point, but it arose through a man being charged with disorder and using obscene language, and the Inspector at the station did not think there was sufficient to justify him in taking the charge. The man whom the Constable sought to charge made no complaint at all at the station of any ill-usage or assault, but he afterwards applied to me for a summons against the Constable, and I think brought a witness on the application. I granted him a summons. I heard it at considerable length. His case was very ably put by Earl Russell, but I dismissed the summons against the Constable. It was one of those cases in which the man was a notoriously bad character, and the Constable had seen him outside a public-house where he had no doubt committed an assault on the previous day, and he asked him to move on. The man, according to the Constable, used bad language, whereupon the Constable arrested him, and it was in the course of this arrest that this man who brought the summons said that he had been assaulted, but, on the hearing of the case, I came to the conclusion that there was no assault of a definite character. Of course, these were two very powerful men, and the
Q. 45132. prisoner resisted, that was all. . . . . The man who took the summons out said that he was moving away
Q. 45133. when the Constable kicked him and then struck him. No doubt the Constable followed him. . . . I came to the conclusion that there was not enough evidence."

Mr. Curtis Bennett, who was appointed a Magistrate as far back as 1886, in answer to the general question as to the manner in which the Police as a rule discharge their duties made the following statement : —

Q. 45304. "Speaking as a Magistrate, from my long experience I have no hesitation in answering that question in the affirmative in each individual case. The Police Constables are drawn from an intelligent set of men of the class to which they belong, they have multifarious duties to perform in the streets of London, requiring an enormous amount of discretion, and an enormous amount of thought, and I can only say that in my experience they do perform their duties with discretion. With regard to that, I know the difficulties that the Constables have to cope with in the district which I had under my jurisdiction for a period of nearly twenty years, in what was called the Avernus of London (the Notting Dale district—probably the three worst streets in London). I know the class of characters that were resident entirely in those streets, and given up to them, and I know the terrible assaults that were committed upon the Constables in those districts when they were serving very often singly, and how they were kicked and battered about, and many and many a time a man has gone home wounded and injured, and has had to leave the Force, because of injuries received in that district to which I have referred. I am bound to say that I have never known a Constable use his baton without occasion, but it is very difficult, and it must be enormously difficult, when a man is surrounded by rogues and evil-doers, who are ready to take advantage of him, to know the psychological moment when he must use his baton to protect himself against the assaults of these people. Personally, I have never yet known a Constable who has used his baton before the time came when it was absolutely necessary for his own protection that he should use it. I know full well, being a Magistrate, and hearing the evidence, that if I had been in the position of the Constable, I should not, I fear, have waited so long as that man did in order to take steps in order to protect himself, and on almost all occasions when he has used the baton, he has used it on a part of the body of the man whom he was arresting where it would be least dangerous to use it. It may have happened that in the struggle a man may have had a blow on the head which has cut the head open, but the usual course has been to use it about the arms or legs of the man whom he has had to take into custody."

Q. 45305. He also said that undoubtedly instances of misconduct on the part of the Police had come under his notice during the twenty years he had been on the Bench. He added :

"There cannot be a body of 17,000 men all Simon Pures, but I believe if a man is not upright and is not straightforward, it is soon discovered by his superiors, and that man is very soon sent out of the Force."

Q. 45306. No recent instance of misconduct had, however, come under his notice. His
Q. 45307. practice had been when a case of what might seem to be misconduct was called to his attention, and he thought from what he noticed in the course of a case that there should be an inquiry made about the matter, to either mark the sheet or speak to the Inspector, and request him to lay the matter before the Police Authorities, leaving the Police Authorities to do what they considered right, as they (the Magistrates) had nothing whatever to do with the conduct of the Police except as witnesses.

Mr. Paul Taylor, who has been a Magistrate since 1895, in answer to our general question as to the efficiency and propriety of the conduct of the Police in regard to these street offences, said :—

Q. 44565. "In my opinion they certainly do possess those qualities in quite a remarkable degree. I consider they are extremely intelligent also, and in my opinion, too, the stupid Constable is very much the exception. I should like to add that in my opinion the general bearing and discipline of the Police reflect great credit upon the system under which they are trained, and upon the officers at Scotland Yard who are responsible for it."

He could recollect in his own experience no case in which a Constable had been guilty of misconduct. Later on in his evidence he said :— Qs. 45566. 45567.

"I have never, in the course of my experience, known a case in which, in my opinion, the truncheon was unnecessarily used. May I say in connection with that that, on the contrary, if I may say so, I have frequently been struck by the astonishing forbearance the Constables have displayed."

He admitted that prisoners had recently complained to him of harsh or cruel treatment. He added :— Q. 45587.

"The complaint very frequently made in Police Courts, generally by women charged with being drunk and disorderly, is that their arms are bruised by the Constable on their being taken to the station. I may say with regard to that matter that I pay no attention whatever to that complaint, and for this reason, that I know from my experience, and from what I have seen in the Courts in my twelve years' experience, that it is extremely easy to bruise the thick part of the arm, which is the portion of the arm generally taken by the Constable, and especially when the arm is the arm of a woman, and the bruising, in my opinion, represents a minute amount of force, and would not represent substantial ill-treatment, but may very easily be caused, so far as the external appearance is concerned, by comparatively slight pressure. That is my belief."

Again, he said :—

"My experience is that the Police are extremely cautious, and that Inspectors are extremely cautious in the way in which charges are taken against people. That is my experience, and I can say nothing more than that. . . . It is not an uncommon complaint to have made by a very rough class of persons that they have been roughly handled by the police—not at all an uncommon complaint. I can only say that my experience is that the more ruffianly the prisoner, the more likely are you to have the complaint made. Personally, I have never found any ground whatever for believing that an assault was committed in the station, either in the charge-room or the cells, upon the prisoner in the case. That is my own experience. When I have inquired into it—that is to say, when I have had the Inspector who took the charge placed in the witness-box—I have generally found that the people who made the accusation simply refuse to cross-examine him, and very often admit that nothing of the kind occurred." Q. 45608. Q. 45712.

Mr. E. N. Fenwick-Fenwick, who has been a magistrate since 1887, expressed the opinion that all grades of the Metropolitan Police Force discharge their duties extremely well, and most certainly with honesty, discretion and efficiency. He had had no recent complaint of misconduct. Qs. 45914. 45915. Q. 45917.

"Of course, in little matters one has to give a word of warning to a Constable owing to want of tact, or something of that sort, but I myself have had no reason to make any serious complaint against them. Nine years ago, when I was at Southwark, I remember there was a case which was rather a serious case, where a Constable, or two or three Constables, it may be, arrested a man who they alleged had been very violent, and who had assaulted them, and who was taken to the station. When he was brought up before me cross-charges were made against the Constables that they had used him in a violent manner, and had assaulted him. I said, 'Very well, then the best thing you can do is to take out a summons against these Constables, and have the whole thing thrashed out. We will hear the charges preferred by the officers first, and then hear the charge preferred by the prisoner against the officers.' I committed them on both charges of assault to take their trial—the prisoner for assaulting the Constables, and the Constables for assaulting the prisoner. The result of it was that it went to the Sessions—I forget which, but I know in one case the Grand Jury threw out the Bill, and, in the other case, the Petty Jury stopped the case before it had got very far. That was the end of that charge." Q. 45218.

In answer to another question he said that he had never had occasion, in consequence of what he had observed in the case, to think that there had been such misconduct as to justify him in calling the Chief Commissioner's attention to the matter, but he added :— Q. 46025.

"I have had cases where I thought a Constable sometimes acted with a want of tact, and I have seen the Superintendent, and I have pointed out to him that he had better have a word with him. He has said, 'Do you wish it reported to the Chief Commissioner?' and I have said, 'No, I do not think that; I think the man only wants a word to tell him to be more discreet in the future.' They have always come and told me what they have done, and I have been satisfied with what they have done. But those have not been serious matters at all. They have been matters of advice to a young officer rather than anything else."

Mr. Cluer's Illustrations.

§ 4. Mr. Cluer, who has been a Police Magistrate since 1895, and who for several years has been attached to the Old Street Police District, though he expressed the opinion that, on the whole, as a rule, the duties of the Police in regard to these street offences are discharged by the Police admirably and with honesty, discretion and efficiency certainly, added that he thought there were a good many exceptions to that which certainly came before him; and he gave us by way of illustration several instances in which, in his view, there had been misconduct on the part of the Police. Q. 44947.

The instances appeared to us to be of sufficient importance to justify our calling the attention of Sir Edward Henry to them, and asking him as to whether any inquiries had been made into those cases, or whether he could give us an explanation in regard to them.

We accordingly, as to each of the instances given by Mr. Cluer, give his account, and we also give the answer of Sir Edward Henry.

We think it better to give Mr. Cluer's statements as to each of these cases in his own words.

I.

Richardson's Case.

§ 5. The first case was that of a lad named Joseph Richardson, who came before him on April 29th, 1907, charged with gambling in the street.

Mr. Cluer said :—

Q. 44950. "Now, only this week, last Monday, a lad was charged before me with gambling. The evidence was that at forty yards distance the Policeman had seen him with twenty others throwing up the coins in the air, and the Police Constable swore that he walked round, met him two minutes afterwards at Hoxton Street, at the corner of Old Street, and arrested him. The lad said: 'I was doing nothing of the sort; I had been in an ice-cream shop for a quarter of an hour or twenty minutes.' He called an independent person, who did not know him, who satisfied me that he had been in the shop all the time, and I dismissed the case."

Upon Mr. Cluer being asked whether he (the Constable) invented the whole thing, he replied :—

Q. 44952. "No, not the whole thing. He saw a lot of people gambling; he saw this lad, who stands outside our Court selling newspapers; he knew him perfectly well by sight, he had met him, and there was no doubt about that, but he was not quite right."

Mr. Cluer, being also asked by the Chairman whether he thought that the Constable, seeing some people gamble, and meeting this lad, trumped up the charge, replied :—

Q. 44954. "He may have thought it was so. How can you get to the bottom of his mind? He is sent out for the special purpose of catching these lads, and he has got to catch them, otherwise, when he gets back, somebody wants to know the reason why. That is a risk a man specially sent out always has to run; and I say that, because in gambling cases I apply a test which I think is a fair one. I say: 'What money have you got in your pocket?' 'None.' How can he gamble if he has got no money? I dismissed it. But that is sure to happen when officers are specially sent out to stop what is a not uncommon nuisance in our district. It really is a crying difficulty, and it is very obnoxious to lots of the inhabitants, but I so often get the wrong person."

Further, Mr. Cluer, being asked whether he thought it was an honest blunder on the part of the Policeman, answered :—

Q. 44955. "I cannot say. I do not know the man, and so I have no experience of him to say whether it was or not."

Then Mr. Cluer stated that the Constable swore he saw the boy there; and Mr. Cluer continued as follows :—

Q. 44956. "I sent afterwards somebody whom I can trust, in ordinary clothes, to say to this boy, 'You were jolly lucky yesterday,' and the boy said, 'I was not; I was not gambling.' I thought I might satisfy myself that I was wrong, perhaps, by trying to catch him by a person who went up to him as a friend, but he did not admit it."

Sir Edward Henry's answer in regard to Case I. is as follows :—

Q. 52079, &c. "The next case Mr. Cluer deals with is that of Joseph Richardson, a case which was before him on April 29th, 1907. The Magistrate's opinion clearly was that the Constable had not seen this youth gambling, but because he knew him by sight he thought it was safe to arrest him, whereas the youth himself said that he had been in an ice-cream shop for a quarter of an hour or twenty minutes before, and called a witness to prove this. Mr. Cluer says that in gambling cases he applies a test which he thinks a fair one. He says: 'What money have you got in your pocket?' Answer, 'None.' 'How can he gamble if he has got no money? I dismissed it.' Now, as a matter of fact, the charge-sheet shows that 10d. in coppers were found upon Richardson, so that he had money. Mr. Cluer says that the person who came forward to prove that Richardson had been in the ice-cream shop for a quarter of an hour or twenty minutes did not know him. This person lives close by the corner where Richardson stands every day selling papers, and it is unlikely that he did not know him. Richardson at the Police Station did not plead that he had been in the ice-cream shop; what he said was that he had been looking on, and had not actually been gambling. The learned Magistrate admits that gambling is an intolerable evil in the neighbourhood; if so, the Police deputed to cope with it were not impelled by necessity to invent charges to justify themselves."

II.

Cole and Schrier's Case.

§ 6. The second case to which Mr. Cluer referred as an instance disclosing misconduct on the part of Constables was one in which two men, named Cole and Schrier, were charged before him on April 29th, 1907, with insulting behaviour. Mr. Cluer's statement as to this case is as follows:—

"There were two men on the same day who were charged under that section with insulting behaviour, and the evidence was that they were linked arm-in-arm, pushing people off the pavement. The pavement is 30 feet wide, and the policeman knows, I know that. He means pushing into people. It was in the Whitechapel Road. One of them was arrested; the other one waited about to take a tramcar to go away, and he was also arrested while he was waiting for his car. They both called a witness to say that they had been at a certain mission in the district the same night, that they had been practising athletics there, and they were carrying home a pair of boxing gloves wrapped up in a handkerchief, and they were going along perfectly peacefully. I think they must have been mistaken for some rough people. There had been some roughness going on there, but they were certainly innocent persons, and one of them was charged with disorderly behaviour, and with insulting a person a little smaller than myself." Q. 44956.

Sir Edward Henry's answer to Case II. is as follows:—

"The next case is that of two men who on the same day were charged with insulting behaviour. The evidence, according to Mr. Cluer, was that they were linked arm-in-arm, pushing people off the pavement, the pavement being 30 feet wide. Both called a witness to say that they had been at a certain mission that night, and that they had been practising athletics there, and Mr. Cluer thought they must have been mistaken for some rough people. In dismissing them he said: 'They do not look like men who would do such a thing.' As a matter of fact, the allegation against them was not that these two alone, but that they, with several others, were pushing each other about the footway against people, and using filthy language. Cole and Schrier are their names, and the friend they called in to testify to their conduct was a man named George Crease. I think it may be said that they are rough and not respectable persons, for Crease got nine months hard labour at the North London Sessions in 1905 for stealing, after previous convictions; Cole got twelve months in May, 1906, at the same Sessions for shopbreaking, after previous convictions; and Schrier got twelve months in January, 1906, for stealing, he also having previous convictions recorded against him. I mention that because the Magistrate says they were not rough people." Q. 52084.

III.

Davis's Case.

§ 7. The third case referred to by Mr. Cluer was the case of a man who was charged before him with drunkenness in March, but he was at once discharged by the Magistrate. Q. 44959.

Mr. Cluer's account is as follows:—

"The case of Mr. Davis was rather a different case. He was a respectable man, the manager of a business, and he went into the London and Westminster Bank in Commercial Street, had a business conversation with the manager of the bank, drew £50 for wages for his employer, went out of the bank, and fell down in a fit. It happened that two friends of his were passing on an omnibus, and they got off the omnibus and said to the Policeman: 'We know this man; we will take him away.' The Policeman declined to allow it. Probably the Policeman was not sure what was the matter with him. The man was taken to the station, and he was brought before me in about an hour and a quarter, and charged with being drunk. The Policeman then swore he was drunk, the doctor said he was drunk, and said he smelt of drink, and the Inspector swore he was drunk. There was the bank manager, there were half a dozen of his friends, and there was his own doctor to prove that he had epilepsy, and that for four days—as he assured me himself, and he was evidently speaking the truth—he had drunk absolutely nothing . . . . . Mind, these are only isolated cases; they are not typical. I have already said that, on the whole, everything is done honestly and efficiently; I do wish to assure you of that, but it is not fair to keep back such cases as admit not of a possibility of a blunder, but of combined wilfulness." Q. 44958.

The Chairman then asked the witness whether his view was "that there was a regular conspiracy on the part of the Constable, the Inspector and the doctor," and he replied:— Q. 44960.

"Having once taken the man into custody against the wish of his two friends who got off an omnibus to say so, then they foolishly prefer the charge against him, and, once the charge is preferred, then, unfortunately, the witness-box is used to give evidence which is not true."

Then occur the following questions and answers which, in view of Sir Edward Henry's comments on this evidence, it is necessary to set out *verbatim* :—

"*Q.* 44961. (*Chairman.*) What was the medical evidence in that case on the side of the Constable ? (*A.*) That the man was drunk. I forget whether actually the doctor said that he smelt strongly of drink or not.

"*Q.* 44962. It seems that the man had drunk nothing for four days. If the doctor said that the man's breath smelt of drink, either he was a very incompetent doctor or he was telling a lie ? (*A.*) Or he had been having a drink himself.

"*Q.* 44963. (*Mr. Dickinson.*) Did you have a certificate ? (*A.*) No ; I never look at certificates. I never have, and never will.

"*Q.* 44964. Why was he brought to the Police Court ? (*A.*) Because he was charged with being drunk.

"*Q.* 44965. Why did he come ? (*A.*) Because they brought him. He was charged about eleven o'clock in the morning, and he came to me about half-past twelve or so.

"*Q.* 44966. And all the officers at the same time gave evidence of the same kind ? (*A.*) Yes.

"*Q.* 44967. What was the name of the Inspector ? (*A.*) I cannot tell you.

"*Q.* 44968. (*Chairman.*) The defendant pleaded Not Guilty ? (*A.*) Yes.

"*Q.* 44969. And he called witnesses ? (*A.*) I think he called two of his friends. I forget how many witnesses he called. I did not go through all his witnesses. I saw them all there. I saw the manager of the bank, whom I knew by sight, waiting there to give the same evidence. I think the man having £50 in his pocket ought to have been sufficient to have discharged him at the station."

Sir Edward Henry's answer to Case III. is as follows :—

Q. 52084. Q. 52086. "I now come to the case of Davis, which is rather an important case. . . . . There is one rather important thing perhaps you will say. Mr. Cluer says in answer to Question 44960 :—'Having once taken the man into custody against the wish of his two friends who got off an omnibus to say so, then they foolishly prefer the charge against him, and, once the charge is preferred, then, unfortunately, the witness-box is used to give evidence which is not true.' The facts are as follows :—A Mr. Delmont, who was standing on the footway, saw Mr. Davis come out of the bank and go into the roadway, where he fell down (as he thought) from an epileptic seizure. He ran to the bank and told the clerks there, and then went into adjoining premises to get a glass of water. On his return he found that the 'point' Constable and a Sergeant had helped Mr. Davis out of the roadway, and taken him to the bank steps, where they were tending him. He made the water over to them, and they laved Mr. Davis's face and brushed the dirt off his clothes ; and, while they were looking after him, the bank manager appeared at the top of the steps and said, 'Look well after him ; he has a lot of money on him.' When able to walk, Mr. Davis was taken to the station, Mr. Delmont following, and when they were near the station a Mr. Tabaserman, a friend of Mr. Davis's who was passing on a tram, saw him and got out and followed to the station. Mr. Delmont, having heard the doctor sent for, left. Mr. Tabaserman remained, and offered to take charge of Mr. Davis, but the Police said they must await the doctor's decision. The doctor arrived quickly, he having been called to see a person alleged to be recovering from a fit. Having examined Mr. Davis, he recorded the opinion that he was not recovering from the effects of an epileptic seizure, but was unmistakably suffering from the effects of alcoholic intoxication, and he made an entry in the register accordingly. Tabaserman then left, he having been told that upon the doctor's certificate a charge of drunkenness would be preferred against Davis.

"I wish to emphasise the point that it was not upon the testimony of the Constable, but upon the medical testimony that this charge was taken. This is the course taken in case of doubt. I find that during 1905 no less than 2,801 charges of drunkenness were only accepted after hearing medical opinion. Mr. Cluer's account therefore is incorrect in various respects.

"Mr. Cluer has told the Commission that he saw Mr. Davis within one and a quarter hours of his arrest. This is not a very material point, and I only notice it because the Commission might infer that the conditions were favourable for the Magistrate forming an independent opinion as to Mr. Davis's state. Mr. Davis did not leave the station until 1.55 p.m. ; he reached the court at 2.7 p.m. but did not appear before the Magistrate till 2.30 p.m., about three and a half hours after his arrest. Mr. Cluer has told the Commission that the Policeman swore he was drunk, and the Inspector swore he was drunk. I have Mr. Cluer's notes, and I have also interrogated the Inspector, and find that the Inspector did not give evidence at all, and that Mr. Cluer is quite mistaken in saying that the Inspector swore that Mr. Davis was drunk. I have already stated to the Commission that when the doctor was sent for he was asked to come and see a person alleged to be recovering from a fit. The doctor, having made an examination, recorded it as his professional opinion that the man was not recovering from a fit, but was recovering from the effects of alcoholic intoxication. Mr. Cluer does not appear to have questioned this witness as to the grounds upon which he based his opinion. I am advised that the symptons of persons recovering from the effects of drink, and of an epileptic seizure respectively, can, as a rule, be easily discriminated. The chief surgeon wrote to the surgeon who certified in Mr. Davis's case, and received back an explanation which completely satisfied him that this gentleman had very strong grounds for the opinion he had formed. Notwithstanding this, Mr. Cluer, before this Commission, has said that as the doctor made this statement, he must either be a very incompetent doctor, or have told a lie, or must have been drinking himself. It appears to me that the privilege that attaches to the proceedings of this Commission has been abused to publish a most damaging imputation which must have a tendency to do him harm socially, and harm professionally, and one which, if correct, would certainly disqualify him for the office to which he has been appointed by the Home Secretary, but it is an imputation from which he cannot, in the circumstances, publicly clear himself by recourse to a Court of Law. From the Magistrate's notes it appears that neither the bank manager nor Mr. Davis's doctor, nor the two friends who followed to the station, gave evidence on Mr. Davis's behalf.

(*Mr. Rufus Isaacs.*) It does not seem to me that Mr. Cluer said that the doctor was telling a lie. It is at Q. 44962. The question which is put to Mr. Cluer by the Chairman as a suggestion is: 'If the doctor said that the man's breath smelt of drink, either he was a very incompetent doctor, or he was telling a lie.' That is the question. The answer was: 'Or he had been having a drink himself.' (*A.*) Could he say it in more explicit words? (*Q.*) What I want to know is this. We can form our own opinions as to what the answer means. That is the question, is it not, upon which you make that statement? (*A.*) Yes. That is the construction I put on his answer. (*Chairman.*) The Magistrate said: 'I forget whether actually the doctor said that he smelt strongly of drink or not.' Mr. Cluer does not give a positive answer. Then I said: 'It seems that the man had drunk nothing for four days. If the doctor said that the man's breath smelt of drink, either he was a very incompetent doctor, or he was telling a lie'? (*A.*) Quite so. (*Q.*) Then all Mr. Cluer said was, 'Or he had been having a drink himself.' He did not positively assert that the doctor had been having a drink? (*A.*) I must leave the construction of it entirely to the Commission, but that is the interpretation I put upon it. (*Q.*) What you suggest is that he ought to have answered 'I know the doctor, and I know him to be quite a respectable man'? (*A.*) It is so very damaging to the doctor that it is a matter for the Commission to consider whether they would not, with the permission of Mr. Cluer, delete what he said from the evidence, because it has not been published as yet practically, and it may do the doctor very grave harm. (*Mr. Dickinson.*) I do not think it necessarily means that the doctor had been drinking or was drunk. That is the construction you put upon it. I do not. (*A.*) You may not, but the construction that I put upon it is that Mr. Cluer said, 'Either this man was an incompetent doctor, or he was telling a lie, or he had been having a drink.' (*Mr. Rufus Isaacs.*) I do not read it so. I read it quite differently. I read it thus. The Chairman was putting a question to Mr. Cluer that if the man had drunk nothing for four days, and if the doctor said that his breath smelt of drink, either the doctor was a very incompetent doctor, or he was telling a lie, and Mr. Cluer adds another alternative—'or he had been having a drink himself, and therefore smelt of drink.' (*A.*) Mr. Cluer believed that the man had not had a drink for four days, because he told you so. (*Q.*) I am putting to you what Mr. Cluer meant, which I do not think quite bears out the inference you draw? (*A.*) You are putting a much more charitable construction upon it, I am afraid, than I do, because it appeared to me to be a very strong imputation. Of course, I may be wrong. (*Q.*) I do not think it was. (*Chairman.*) The Chief Commissioner suggests that Mr. Cluer should have answered, 'I know the doctor, and I know him to be quite a respectable man.' That is what you suggest he ought to have answered? (*A.*) Yes. (*Mr. Dickinson.*) Mr. Cluer meant, undoubtedly, that it might have been the doctor's own breath that confused his sense of smell. I take it Mr. Cluer's answer meant it was possible that the doctor himself had had a drink, and that fact confused his sense of smell? (*A.*) Do you mean to say taking a glass of wine would confuse your sense of smell? (*Mr. Rufus Isaacs.*) There was a smell of drink somewhere. If the other man had not had a drink for four days, and there was nobody else there but the man and the doctor, and there was a smell of drink, it must have been the doctor's own breath. I do not think Mr. Cluer meant to make any imputation on anybody? (*A.*) That is not the way in which the doctor looks at it. I think, in justice to the doctor, the best way would be to delete it, if Mr. Cluer has no objection. (*Chairman.*) I do not think Mr. Cluer meant to say he had been drinking. I do not find that the name of the gentleman is mentioned? (*A.*) No. I have not mentioned his name on purpose, and you have not mentioned it either. From the Magistrate's notes it appears that neither the bank manager nor Mr. Davis's doctor, nor the two friends who followed to the station, gave evidence on Mr. Davis's behalf, the only two witnesses heard for the defence being the employer, Mr. Hyman Chissick, and the employer's son, who spoke as to his character, and to having seen him that morning, when he was sober; and it is not possible, therefore, to say what their statements, if made, would have amounted to. Mr. Cluer finds fault with the Police for not having made Mr. Davis over to his friends, but even if the two friends had got off an omnibus, as stated, and had asked for the custody of Mr. Davis—which is not a fact—the Police would not have been justified in making over, especially in such a neighbourhood, a person more or less unconscious, and in possession of a large sum of money, to two men whom they did not know. (*Mr. Dickinson.*) You have told us that from information that you have got out. What you are reading is from information which somebody has given you? (*A.*) Yes. (*Q.*) You have told us that the information that has been given to you points to the fact that the Inspector, at any rate, gave no evidence? (*A.*) Yes. (*Q.*) What do you say about the evidence that Mr. Cluer says the Policeman gave? Mr. Cluer said, 'The Policeman swore he was drunk'? (*A.*) Yes. (*Q.*) We have heard nothing about that? (*A.*) What do you wish me to tell you about that? (*Q.*) Did he or not? (*A.*) Yes, of course he swore he was drunk. He heard the doctor's testimony, he saw him in a more or less comatose state, and it was either drunkenness or epilepsy, and, as the doctor said it was drunkenness, he had no hesitation —the man had the smell of drink on him, and the Constable swore he was drunk. (*Q.*) The Constable swore he was drunk, because he thought the man had a fit? (*A.*) The Constable never said he thought the man had a fit, but his friends who came into the station said they thought he had a fit, and consequently the message sent to the doctor was: 'Come and see a man who is alleged to be recovering from a fit.' (*Q.*) Then the Constable did think he was drunk? (*A.*) I do not know what the Constable thought. (*Q.*) He must have thought he was drunk if he swore it? (*A.*) Yes, he probably thought from the beginning the man was drunk, and in ninety-nine cases out of one hundred it is drunkenness, and not epilepsy."

Q. 52087. Q. 52088. Q. 52089. Q. 52090. Q. 52091. Q. 52092. Q. 52093. Q. 52094. Q. 52095. Q. 52096. Q. 52097. Q. 52098. Q. 52099. Q. 52100. Q. 52101. Q. 52102. Q. 52103. Q. 52104. Q. 52105. Q 52106. Q 52107.

IV.

William Ashendon's Case.

§ 8. In this case a carman named William Ashendon in the employ of Mr. Fardell, a contractor, was charged with being drunk while in charge of horses on June 5th, 1906, when Mr. Cluer dismissed the case.

The learned Magistrate's statement is as follows :—

"Then, on June 5th, 1906, there was a carman selected by Mr. Fardell, a contractor—it was a Whit Monday—especially to take some apparatus to Paddington in connection with salving the 'Montagu' from Lundy Island. The man had been specially selected by Mr. Fardell, a well-known contractor in our district. He had been looking after ten or twelve other people from 10 o'clock, getting their tackle ready, and at 1.15 Mr. Fardell was with him in the Commercial Road. At 1.45 he was arrested for being drunk in charge of the horses. He said, 'I slipped as I was walking by the side of my horses on some mud, and the Constable got hold of me by the throat and very nearly choked me.' The Constable and the Inspector who came up both swore he was drunk while in charge of the horses. Here was this contractor with valuable horses and valuable tackle which he was sending to Paddington, and he came and satisfied me that he had been with the man all the time, that they had not had a drink, and that he would not have sent a man on to Paddington to take valuable stuff like that on a Bank Holiday if he had been drinking, and of course I dismissed it. It may have been a mistake, although, as the man could walk to the station, it is difficult to see how one could think that such a condition of things was drunkenness."

Q. 44970. Mr. Rufus Isaacs asked the witness: "Will you tell us what evidence there was of drunkenness in that case—how many witnesses?" and Mr. Cluer answered :—

"Only the Inspector and the Constable. The Inspector was in the street, and I think he came up."

Mr. Cluer added that they alleged that :—

Q. 44971. "They saw him walking along, and then suddenly fall down."

Q. 44972. Qs. 44974. 44978. It appears that Mr. Cluer had not taken down detailed notes of the evidence, but no doctor was called before him; and he thought it was probable that no doctor was called in at all.

Sir Edward Henry's answer to Case IV. is as follows :—

Q. 52107. "The next case is that of a man called William Ashendon, a carter in the employ of Mr. Fardell. The Police version is that this man Ashendon, who was in charge of a lorry on which was a boiler, pulled by a couple of horses tandem, was seen by the Constable on the beat to be driving from one side of the road to the other, and then fall off the lorry into the roadway. He got back on to his lorry again, and tried to drive away, but drove on to the footway, the leading horse turning right round and facing the wheeler, the other being at a standstill on the footway when the Police came up. Mr. Cluer says that the employer, Mr. Fardell, satisfied him that he had been with Ashendon all the time, and that they had not had a drink, and consequently dismissed the case. According to my information, Mr. Fardell stated that he had passed Ashendon on the road about an hour before, at which time he appeared to be sober. It is quite certain that, unless his behaviour had been very noticeable, the Police would not have arrested a man in charge of a trolley and boiler, and a couple of horses, on a charge of drunkenness, such an arrest entailing considerable trouble to themselves, as they would have to look after the horses and the trolley and send for the owner to take them away. I may add that I am informed this man, who was convicted on June 24th, 1905, of drunkenness at the Thames Police Court, has since been dismissed by his employer on account of his habits, and lost his next place from the same cause. A doctor was not called, because Ashendon at the station did not contest the charge, or ask to see one."

V.

William Littlemore's Case.

§ 9. In this case William Littlemore, who was arrested for disorderly conduct and using obscene language, was tried by Mr. Cluer on July 28th, 1906, for that offence, and discharged.

Mr. Cluer's statement is as follows :—

Q. 44977. Q. 44978. "On July 28th, 1906, a man was charged with being disorderly and with using obscene language. . . . . The name I do not know. He said the bailiff broke his door in to distrain for rent. A Police Sergeant was outside, and he said to the Sergeant: 'Is that right?' The Sergeant said: 'You pay your rent.' The Sergeant went on to say that the man was using obscene language, that he went in and came out two or three times, and still continued to use obscene language; 'I took him into custody; he was very violent, and struggled, and threw himself down.' There is nothing much in that. The man said, 'You threw me down, and you forced your knee in my stomach.' I did look at the doctor's certificate in that case, but it was about the only time I did so, and there was no charge of being drunk; but the doctor said the man had *prolapsus recti*. I sent the man to the hospital at once, and what became of him afterwards I do not know. There was, however, evidence that the man, who could not pay his rent, had been treated very violently. You do not get *prolapsus recti* by throwing yourself down on the pavement. . . . He (the Police Sergeant) said the man threw himself down.

Q. 44979. The man was evidently in such frightful pain that it was charity to send him away at once."

Sir Edward Henry's answer to Case V. is as follows :—

"The next case is that of Littlemore, arrested for disorderly conduct and using obscene language, who said he had been thrown violently down by the Sergeant; the implication being that the *prolapsus recti* he was suffering from was caused by this violence. Mr. Cluer says: 'There was, however, evidence that the man who could not pay his rent had been treated very violently. You do not get *prolapsus recti* by throwing yourself down on the pavement.' I have a copy of Mr. Cluer's notes in this case, from which it appears that the only witness examined was the Police Sergeant, who said that Littlemore threw him down, both falling together. The doctor was called at the station and recorded the following certificate, which the Magistrate admits he took into consideration in dealing with the case: 'Called to station at 9 p.m. to see William Littlemore. He was suffering from *prolapsus recti* and abrasions on right knee. I advised that he be bailed.' This is the certificate of the doctor who was called in to see Littlemore." Q. 52100.

Mr. Rufus Isaacs then asked the Commissioner: "You think the Magistrate took that into consideration?" and the witness replied :—

"Yes, he read it. He says he never looks at certificates, but that was an exception, because he did look at it there. 'I advised that he be bailed. He had been drinking.' (*Signed*) 'M. L. Clift, M.R.C.S.' The prisoner's wife was in Court, and the Sergeant asked the Magistrate to hear her upon the point of the prisoner's complaint being of old standing, but his request was refused. Dr. Clift has since been referred to, and states, as he informed the Police at the time, that the *prolapsus recti*, in his opinion, was of old standing. I have a certificate from him to that effect. The Police intervened in this case on the complaint of the neighbours, who felt aggrieved at Littlemore's conduct." Q. 52111.

VI.

A Betting Case.

§ 10. This instance by Mr. Cluer was one in 1895 where a man, whose name has not been supplied to us, was summoned for betting, and charged before him on the summons. Mr. Cluer said :—

"The reason why the Policeman had not arrested the man was this, that as soon as the man saw him coming, knowing him, he went into a house on each of the three days, and remained there at least five minutes, so that the Policeman could not see him. Being a little doubtful about it—the man was strenuously denying it, and he was not defended—I sent for the occupier of the house, who turned out to be a man out of work; the Policeman had to fetch him to give evidence in his favour; and he told me that on two days, the Thursday and Friday, the door was open, but that it was almost impossible for the man to have come in at that time, because his children came home from work, and he was at home, and that on Saturday they did not come home then, and the door was absolutely shut, that he had never seen the man, and that he had never had the man in his house. I think that was a case of a betting man being summoned, because he was a betting man, on wrong evidence. That, I think, is bolstering up a possibly genuine case by untrue evidence to account for the fact that on those days two people had gone up to him at the same time and the man had not been arrested." Q. 44979a

The Chief Commissioner found it was not possible for him to make an independent inquiry in regard to this case, but he said as to it :—

"In the case of the bookmaker the allegation of the Police was that he had run away into a house, the door of which was open. The case was remanded, and when it came on again the owner of the house appeared as a witness. My recollection is that this man said it was very unlikely that the bookmaker could have got into his house and remained there for five minutes, because there was a servant downstairs, and his children would probably have noticed it. That is as far as I remember." Q. 52111.

VII.

The Case of Simons and Eugene.

§ 11. The next instance is one in which Simons and Eugene were charged with being drunk and disorderly in the neighbourhood of Brick Lane on April 30th, 1907, when Mr. Cluer dismissed the case.

Mr. Cluer said, in reference to this case :—

"Now, only last Thursday there were two young Jews of our district, because, as you know, it abounds with them, who were charged with being drunk and disorderly. They said they were coming home from a party, and it was at a quarter to four in the morning, but they were neither of them drunk, and they were not arrested for being drunk. A Police Sergeant heard a woman scream in a street Q. 44979a.

round the corner; he saw these two men, and he slipped hurriedly round to Brick Lane and he stopped them, and quite rightly too, I think, until he could find the woman; but when they found no woman, then he said they both began to shout, and said: 'We will get £50 damages against you.' As they would not be quiet, and disturbed the neighbourhood, he arrested them, and then he charged them with being drunk and disorderly. He could have found out whether they were drunk long before, when he first met them, it seems to me, and he could not by himself have taken two young people like that drunk and disorderly to the station except with great difficulty. I think that was a foolish charge to bring. I think perhaps they were making a little too much noise. As to one of them, who told me he made all this noise, I said: 'You ought to be bound over not to make a noise in the street,' but as to the other I dismissed it altogether, and I did not ask in that case for the doctor, but I believe in that case there was a certificate of the doctor attached to the charge-sheet. I know that because 7s. 6d. or 3s. 6d. is put in my register. I never see the certificate nor the charge-sheet unless I ask to look at it. It may be that some of these people put their defence before me because they think I am more willing to listen to them; and it is only fair to put the other side. About six years ago I asked a Police Constable: 'Did the prisoner say anything in answer to the charge,' and the Constable seemed very nervous and unwilling to answer, so I pressed him, and at last he said that the prisoner said, 'I hope old Cluer will be sitting, and then I shall get off.' It may be therefore that I err the other way, and that that induces people to set up before me defences that they might not be willing to set up
Q. 44981. before other Magistrates. . . . I think mistakes such as one has are quite pardonable, because it is difficult very often to distinguish between a man who is in a fit and a man who is drunk, because he is lying helpless and cannot speak."

Sir Edward Henry's answer to Case VII. is as follows:—

Q. 52111. "The next case is one of April 30th last, in which two young men named Simons and Eugene were charged with being drunk and disorderly in the neighbourhood of Brick Lane. Mr. Cluer is of opinion that they were not drunk at all. The facts appear to be that a Section Sergeant on his rounds hearing a woman scream, and, seeing the prisoners coming from that direction, stopped them, asked them what had happened, and said they must accompany him back to the spot from which the scream had come. But the woman was not to be seen, and the two young men, who, in the Sergeant's judgment, were drunk, became troublesome and caused disturbance, and, as they would not go away, he took them to the station. As in answer to the charge they denied being drunk, the doctor was sent for, and he recorded the following entry:—'Called at 4.45 a.m. to H. Simons and N. Eugene, who deny being drunk. I have carefully examined them, and find that neither is yet sober. Fit for cells, 30—4—07.' As the Magistrate bound over Simons to be of good behaviour for twelve months, he evidently at the time was satisfied that the Police action was not wholly unjustified."

VIII.

The Case of Walter Mason.

§ 12. The next case referred to by Mr. Cluer is that of Walter Mason, who was charged in February, 1899, with being drunk.

Mr. Cluer said in reference to this case:—

Q. 44981. "I remember the case of a man who had attended a Band of Hope meeting until a quarter to ten, and he was arrested in Hoxton Street. He had a fit in Hoxton Street. I think that is a mistake that is quite pardonable. I remember very well the Constable in that case was exceedingly fair in the way in which he gave his evidence, and, on being asked about it, he said: 'I cannot tell, but, on hearing the evidence, I should think he had a fit.'"

Q 44982. Mr. Rufus Isaacs then asked: "You say a Constable sometimes makes a mistake, but how does the Inspector taking the charge make a mistake?" and Mr. Cluer replied:—

Q. 44983. "That I cannot say. . . . That was an undoubted case on March 11th, 1899. I see my note on that is: 'This Constable swearing that the man was drunk and smelling strongly of liquor,' and so on, 'is deplorable.' I do not know why it is, but I think it is because it is part of one's business, and so many people are drunk that sufficient attention is probably not paid to the hundredth person, after the ninety-nine, who happens to be ill instead."

Upon being asked whether he meant that the Police get into the habit of treating every case as a case of drunkenness, he answered:—

Q. 44984. "Yes, and I think there is that risk also if we do not take care of it ourselves."

In regard to this case, Sir Edward Henry made the following observations:—

Q 52111. "The case last mentioned is that of Walter Mason, of the Band of Hope, charged in February, 1899, or more than eight years ago, with being drunk. The officer concerned having left the Service, I have not been able to make an independent inquiry into the facts, and for the same reason I cannot go into the case of the bookmaker Vale, the Constable who gave evidence having lost his life not long ago. Those are the only two cases I have not been able to go into independently. I can tell the Commissioners the facts of those two cases. In the case of Mason the only points that I noticed, on looking at the papers, were that he was there for five hours before being bailed, and that he did not appear at the Court the next morning, and he had to be proceeded against. That is all I know about that case."

We did not think it necessary to inquire minutely into the facts of these cases, but we give some prominence to them here, because they seem to us to be good illustrations of the difficulties surrounding the exercise of the power of arrest by the Police, and of the differences of opinion that may arise as to the propriety of an arrest, and as to the truthfulness of the Constable between Police witnesses and the Magistrates.

For our purpose it seems unnecessary to express an opinion upon the issues raised upon the evidence of Mr. Cluer and Sir Edward Henry. None of the persons referred to have appeared before us with a request that we should examine into their complaint, and we find it difficult to express a categorical opinion upon the evidence as it stands before us in regard to these particular cases.

So far as we can form an opinion, the decisions of Mr. Cluer in these cases do not necessarily involve any misconduct on the part of the Police concerned. Sitting as he was in a Criminal Court, he was bound to give the benefit of every reasonable doubt to the person accused, and, as we read his evidence, he does not wish to be taken as saying that in all these cases there was wilful misconduct on the part of the Police, either as to the arrest or as to the evidence they gave before him, but that he refers to them simply as instances which illustrate the kind of exception which leads him to qualify the general opinion that he has formed as to the efficiency and integrity of the Police Force. As such, they are materials to which, in forming our conclusions, we attach considerable weight, and to which we shall have occasion to make further reference. Here we need only add that the explanations given by Sir Edward Henry satisfy us that the conduct of none of the constables concerned in these cases calls for censure.

Summary of Magistrates' Evidence.

§ 13. With regard to the questions on matters of detail which we put to the Magistrates, there is such absolute unanimity in their answers as to make it unnecessary to do more than briefly summarise its effect as follows:—

(1) The Police Orders and Regulations framed for the guidance of the Police, and issued to Constables, are well suited for their purpose and require no amendment.

(2) The Police method of effecting arrests, and taking prisoners to the Police Station, the treatment of prisoners at the Police Station, and the practice as to accepting bail, are satisfactory.

(3) As to the alleged bribery of Constables by prostitutes and by street bookmakers, their evidence is almost entirely negative, and its effect is that no facts have come to the knowledge of the Magistrates which afford any basis for believing either that there is any systematic and widespread system of bribery, or that cases of bribery of individual officers or Constables are of frequent occurrence.

(4) As to the proceedings in the charge-room, the application of the statutory provisions under which these street offences are dealt with, and as to complaints made to Magistrates by prisoners or other persons as to alleged misconduct on the part of the Police, there is some, but still slight, divergence of opinion.

Proceedings in the Charge-Room.

§ 14. All agree that the Inspector or Station Sergeant, before whom the prisoner is taken at the Police Station, is, in taking or refusing the charge, discharging an executive and not a judicial function. His duty is partly for his own protection as being himself a Constable, and partly in the general interest, to satisfy himself before accepting a charge that there is a *prima facie* case that the prisoner has committed some offence punishable by law, and it is no part of his duty to try the question whether the allegations of the arresting Constable are true or not.

They are all of opinion that the Regulations as to taking or refusing a charge are in substance satisfactory; and that the Inspectors and Station Sergeants as a rule exercise a sound discretion in taking or refusing charges.

They are emphatic in their statements that their decisions in favour of a defendant do not usually imply that there has been any error of judgment or blameworthy conduct on the part of the officer taking the charge.

Their experience does not lead them to believe that Inspectors are, from professional bias, habit, or any other cause, unduly prone to take charges that a Magistrate or other competent unbiassed person not connected with the Police Force would, if he were in command of the charge-room, refuse.

Q. 44377. All the Magistrates, except one, in answer to the question, "Having regard to the damage to reputation sometimes sustained by innocent persons in consequence of their being publicly put upon their trial for these street offences, are you of opinion that some reform is desirable in the Regulations as to taking and refusing charges?" replied in the negative.

Q. 44337 to 44339. Mr. Plowden, whose answers upon this point were not in agreement with those of his learned colleagues, told us that he did not remember any complaint by prisoners that they had not been treated fairly in the charge-room, but he had had complaints sometimes to the effect that they have not understood the proceedings that have taken place, that it has not been sufficiently explained to them so that they could understand what was going on, or what they were doing. He added that undoubtedly there are complaints from time to time that they have been treated with roughness; but he explained that he did not think that there was any blame to be attached to anybody with regard to it, because the person complaining had found himself in a novel position, and he did not grasp it fully, and he did not know that the prisoner in any case had suffered any injustice in consequence of it.

Q. 44342. Mr. Plowden was good enough to make some suggestions for an Amendment of the method of proceeding in the charge-room, and at the Police Court, with regard to the manner of dealing with these street offences. He said:—

"I think that something—in fact everything that can be done—should be done to protect the public from the risk, the constant overhanging risk, of unfounded charges which are not the less unfounded because they may be made in perfect good faith. I think no one will deny that this risk is a real one. Of course, to some people it is of little consequence whether they are brought into a Police Court or not, or what happens to them when they are there; but to others, and many others—persons of position and character—Police Court proceedings, even with an acquittal, cause annoyance and humiliation. More than that, such is human nature that I think the more conspicuous a man's reputation may be, the more likely is it that it will be believed against him that there was some truth in the accusation which he had to face, even although he was acquitted. Now, it is easy to imagine cases of that character. Under the present system, such cases would come, in the first instance, before the Inspector at the Police Station. There it would have to undergo what is, in effect, a judicial inquiry. I do not mean to say that it is an exhaustive judicial inquiry. The Inspector, of course, cannot convict, but he can discharge; and, not only that, but he is responsible to no one but himself. I am aware—at least, I believe this to be the case—that he has to make some note of every charge which he refuses, which is sent up to his superiors. But that is a very small check. The note is entirely in his own discretion as to how he makes it, and whether it is short or long, and so on. The inquiry, therefore, which takes place—that is to say, the inquiry before the Inspector—takes place virtually with closed doors. When an accused person crosses the threshold of a Police Station, the curtain, so to speak, drops behind him, and no one knows what takes place within that station except the Police and the accused person. It is only the following day, when the accused comes before the Magistrate that the curtain lifts and daylight is let in. That is the system. I do not for a moment suggest that these powers, which are undeniably great, and the responsibility, which is undeniably great, are in any way abused by the Police. I know I am the last person to make such a suggestion—even if I had the wish I have not got the materials, and I do not suggest it—but they themselves must feel the responsibility to be very great, and I think safeguards might be devised in the interest of the public to protect them from risks of this nature. It is easy to criticise, and recommendations are difficult, but I should suggest as one recommendation, that in cases where there is present to the mind of the Inspector taking the charge a reasonable doubt that the Constable who has brought a man, say in a public position, into a station, is making a mistake, and the accused person is there with his card, and his name and address, and his denial all before the Inspector, then I think the Inspector should have power to take the accused person's bail to appear, not the next morning before the Magistrate, but, say, in a week's time. During that week the Inspector would have opportunities of meeting with his superiors, or with the very able legal adviser whom the Police have, with the result that the charge might be dropped altogether, or it might take the form of a summons. At all events, it would prevent that appearance of, I will not say indecent haste, but haste which may tell very harshly against the accused person under the present system. We must all have cases in our minds where that has occurred—a most painful thing. I know, not only as a Magistrate but as a man of the world, that this kind of risk is ever present to the minds of the public at large, and I think they would be glad to see any safeguards introduced to check these risks. Then, beyond that, where perhaps such delay as I have indicated is undesirable, or not easily indulged in, I think the Inspector should have an opportunity of consulting with some superior officer, say the Superintendent of his district. The more you increase the position of the man who has this great authority, I think the greater the safeguard to the public. Then, as an alternative idea, a Magistrate might be consulted before a charge is inquired into, with a discretion to hear it in his private room. I am quite aware that there are strong objections which could be taken to that, but, if you come to think of it, this would hardly be giving the Magistrate more power in his private room than the Inspector has at this moment in the

Police Station. The reputation of a public man does not belong only to himself; it belongs to the public as well. It is in the interests of the public that the character of people who enjoy deservedly great reputations should not be lightly tampered with, or written about in the public Press in great detail, and at great length, and, therefore, I think it would be to the interest of the public that in cases of this kind a Magistrate should have discretion whether he should hear the case in open Court or not. I should suggest that if he was allowed to hear the case in his private room, if he saw cause to convict—that is to say, to inflict a fine—a notification of that fact should be given tersely and shortly to the Press, but no details, and that if he acquitted the defendant, then the thing would drop, and nothing more would be heard about it. After all, I believe a Police Magistrate has power to exclude the public when he tries indictable cases. The power is never exercised, but I believe there is that power; and it has been held there is that power. Of course, we are all familiar with the discretion exercised by the Judges of the Divorce Court, when they hear cases *in camera*. They do not hear them *in camera* for the sake of the people whose cases are being investigated, but in the interests of the public; and if the public can be brought to have, as I hope they have, sufficient confidence in the discretion of their Magistrates, I think it would be a lesser evil to entrust the Magistrates with this power, which would be very rarely exercised indeed, rather than that the present system should go on of the Police conducting a judicial inquiry at the station before the case comes into Court."

Mr. Plowden, though he did not agree that the inquiry in the charge-room could be correctly described as "executive," and though he told us that he would call it a general inquiry by the Inspector investigating whether the charge was sufficiently well founded to bring it into Court, did not, we think, intend to disagree with the view taken by his learned colleagues as to the legal position of the Inspector, but rather disagreed with them as to the proper adjective to employ in characterising the duty to be performed by the officer in charge of the station, though at the same time the effect of his evidence does seem to imply the view that the proper discharge of his duty by such an officer involves a larger inquiry into, and a wider consideration of, the case than that contemplated in the views taken by the other learned Magistrates. We shall later on return to Mr. Plowden's suggestions.

Statutory Provisions dealing with Street Offences.

§ 15. All the learned Magistrates agree that the application of the statutory provisions dealing with the street offences with which we are concerned affords no special difficulty, but their evidence does disclose some slight differences of opinion as to the nature of the evidence which they regard as sufficient proof of some of the material allegations constituting the statutory offence (*e.g.*, of the acts or of the misbehaviour amounting to a *prima facie* case of "riotous or indecent" conduct on the part of a prostitute under the Vagrancy Act, 1824, or of "annoyance of the inhabitants or passengers" under the Metropolitan Police Act, 1839, Section 54, Sub-section 11, or of "insulting words or behaviour whereby a breach of the peace may be occasioned" under the Metropolitan Police Act, 1839, Section 54, Sub-section 13).

We need not dwell upon these differences for the moment as we discuss the question raised by them below.

Complaints made to Magistrates with regard to Misconduct on the Part of the Police.

§ 16. It appears from their evidence that the ordinary course which a Magistrate pursues in regard to complaints of misconduct by the Police which are made to him during the trial by the prisoner or others is to call the attention of the Sub-Divisional Inspector or other officer who is in attendance at the Court to them, in accordance with the Orders and Regulations, leaving it to him to make such report to his superior officer as he thinks right.

That also appears to be the usual practice when a complaint is made, not by a prisoner in regard to something occurring in regard to his own case, but by some person coming forward to make an independent complaint.

In some cases Magistrates have called the attention of the Chief Commissioner to the conduct of members of the Force, but none of them, except Mr. A. R. Cluer, had any comment to make upon the way in which the Chief Commissioner deals with their communications.

We shall have, in the last part of our Report, to make some observations upon the method of dealing with complaints by Magistrates and by the public, and we therefore postpone further observation on the matter.

Passing on to the evidence of Sir Forrest Fulton and of Sir Ralph Littler, it seems only necessary to say that their experience is in general accord with that of the Magistrates, and that they are of opinion that the Police as a rule exercise their powers rightly and efficiently. The favourable opinions which they expressed as to the trustworthiness and veracity of Police evidence strike us as being of great value as confirming from experience in other Courts those of the Magistrates in the Police Courts.

Home Office Evidence.

§ 17. Sir Mackenzie Chalmers, the Permanent Under-Secretary of State at the Home Office, and Mr. C. E. Troup, the Assistant Secretary of State at the Home Office, were also good enough to give us evidence as to the general conduct of the Police based upon their official experience, and as to the manner in which complaints as to misconduct on the part of the Police are dealt with at the Home Office.

Both these gentlemen confirmed the evidence of the learned Police Magistrates that the duties of the Metropolitan Police as to street offences are discharged as a rule with discretion, honesty and efficiency.

Sir Mackenzie Chalmers described the work in the Criminal Department of the Home Office, and, in view of some observations which we shall have to make concerning the treatment of complaints by members of the public of misconduct on the part of the Police, we extract the description of the work of that department which he gave us.

Q. 47596. "The Criminal Department consists of a principal clerk and three junior clerks, and is under an assistant secretary, Mr. Troup, who will give evidence before you. The work of that Department is roughly classified as follows :—Prerogative of Mercy—that means any petition from any person who is convicted, or on behalf of any person who is convicted, including of course, capital cases, which are always reviewed, whether there is a petition or not. The second head is Extradition. The third is Prisons and Prisoners. The fourth head is Broadmoor and Criminal Lunatics generally. The fifth head is Police, County and Borough, including also the Metropolitan Police in certain aspects. The sixth head is Disturbance and Riots—communications generally about disturbances all over the country. The seventh head is Coroners. The eighth head is Production of Prisoners. The Secretary of State, as you are aware, has the duty of producing prisoners whenever it is necessary for the interests of justice. The ninth head is Commissions Rogatoires. That is rather a troublesome head—Commissions Rogatoires, issued by Foreign Courts to get information with reference to foreign criminal proceedings. They go through the Home Office. The tenth head is the Removal of Prisoners. That involves a good deal of correspondence. The eleventh head is Salaries and Fees of Justices' Clerks or Clerks of the Peace. Then there are miscellaneous matters relating to the administration of Criminal Justice. That is the summary of the headings into which the work of the Criminal Department is divided."

Sir Mackenzie Chalmers informed us that there were about 5,000 petitions for the exercise of the Prerogative of Mercy in each year in connection with convictions in England and Wales, and that a certain number of those petitions are from convictions by Metropolitan Magistrates.

Mr. Troup subsequently handed in a Return of complaints received at the Home Office during the years 1904–5–6 against the Metropolitan Police, of which the following is a copy :—

Complaints received in the Home Office during the years 1904–5–6 against the Metropolitan Police :—

1. Year.	2. Number of Cases.	3. Complaints of wrongful arrest included in Column 2.
1904	14	3
1905	20	5
1906	34	10
Total	68	18

Among the cases referred to above there are :—

Complaints as to arrest for drunkenness, etc. - - - - -	4
Complaints as to arrest for other disorder - - - - - -	2
Complaints as to arrest for solicitation - - - - -	None.

From this Return it appears that the number of complaints in 1904 was only fourteen, in 1905 twenty, and in 1906 thirty-four, making for the three years a total of sixty-eight.

In reference to this Return Mr. Troup observed :—

"The whole of the complaints relating to drunkenness in the three years were four, the complaints relating to disorderly conduct two, and there were none relating to solicitation in the three years. In considering those figures it ought to be borne in mind that ordinarily persons bringing complaints against the Metropolitan Police would be referred by the Home Office to the Chief Commissioner. We do not consider that complaints relating to the discipline of the Force properly come in the first instance to the Home Office." Q. 48161.

Mr. Troup explained that he had included in the Return

"everything of which we have got any paper or record in the Home Office, but I only wish to make it clear that we do not consider the Home Office the disciplinary authority, and that if anybody came to the Home Office and said : 'I have a complaint against a Police Constable,' the natural or ordinary thing would be to tell him to go on to Scotland Yard." Q. 48164.

In the next Division of our Report we give statistics as to the number of convictions for street offences during a period including two of the years to which Mr. Troup's Return relates, and it will be found that the percentage of Petitions for the exercise of the Prerogative of Mercy in regard to those cases works out at an extraordinarily small percentage.

We gather from the Home Office evidence that the Secretary of State does not deem it part of his duty to exercise any control over the discipline of the Police Force but throws upon the Chief Commissioner full responsibility for the conduct of members of the Force. We see no reason for thinking that the Secretary of State in taking that course is not correctly interpreting the relationship between him and the Chief Commissioner contemplated by the Police Act. It is the immediate duty of the latter to direct and control the whole system of Police within the Metropolitan Police District, though it ought to be observed that the Chief Commissioner is appointed by and acts under the authority of the Secretary of State, who is the Minister responsible for his acts.

Seeing that neither the Secretary of State nor anyone at the Home Office has any independent power or machinery for effective inquiry into the question whether any complaint about a particular officer or Constable is well founded, the only course which is taken in practice is to refer any such complaint for inquiry and report to the Chief Commissioner.

Complaints made to the Home Office in regard to matters in which the conduct of the Police is or may be involved fall into two classes :—

(1) Petitions for the exercise of the Prerogative of Mercy made by or on behalf of persons convicted by Metropolitan Police Magistrates ; and

(2) Complaints by persons who conceive themselves to be aggrieved by the action of the Police, whether there have been Police proceedings or not, alleging misconduct of some kind on the part of a member or members of the Force.

As to petitions for the exercise of the Prerogative of Mercy, it is obvious that they may be based upon the allegation that the conviction was due to the commission of perjury by Police witnesses, or may contain allegations as to the conduct of the Police which may be used for the purpose of showing, without its necessarily being alleged that the conviction was wrong, that the Petitioner is entitled to some exercise of the Prerogative of Mercy. In all such cases the consideration of the complaint, though it may involve a decision as to whether some members of the Force have been guilty of misconduct, is matter for the consideration of the Secretary of State.

In practice, where the Secretary of State considers a complaint against the police, made with a view to his exercise of this Prerogative, he consults the Magistrate who decided the case, and then asks the Chief Commissioner to inquire and report upon the conduct of the members of the Force of whom the complaint has been made.

As to the second class of communications to the Home Office, it is the practice, unless the matter is one of a trivial nature, to refer the person aggrieved to the Chief Commissioner or to send on the papers laid before the Secretary of State to the Chief Commissioner, with a request that he should inquire into and report upon the matter.

Where questions are asked in Parliament of the Secretary of State concerning matters affecting the conduct of members of the Police Force, it is usual for the Secretary of State to send on the questions to the Chief Commissioner asking for information, or, if necessary, for inquiry and report. Where such a question refers to a case which has been before one of the Courts, it is usual to communicate also with the Judge or Police Magistrate who dealt with the matter.

The Late Sir Howard Vincent's Evidence.

Q. 45740. § 18. The late Sir Howard Vincent, who was formerly for some time connected with the Metropolitan Police Force as Director of Criminal Investigations, and who was the author of a well-known book entitled "The Police Code," which has passed through many editions, and which is very extensively used both by Constables and the general public, had had a very long and close personal acquaintance with the Police system of London and also opportunities of examining personally the Police systems of all the principal capitals throughout the world.

Sir Howard Vincent gave it as his opinion that the duties of the Police in regard to street offences

Q. 45752. "are discharged with such discretion and such honesty and efficiency as to command the approval of the public and the admiration of every foreign visitor."

Being asked whether he had any qualification to make to that statement, he replied:—

Q. 45753. "It is of course only natural that in a Force which is very nearly 18,000 strong, and with a population of between six and seven millions of people, and tens of thousands of strangers, a large proportion of whom are bent on pleasure or amusement, occasional mistakes and errors of judgment are inevit-
Q. 45754-5. able. . . . I do not think my view of that could be so well expressed as it was by Sir William Harcourt, when he was Home Secretary, if I might be allowed to read what he said on a public occasion: 'When we consider the temptations to which the Police are exposed, none perhaps greater than the hardships they have to encounter in the withering blasts of a wintry night, it is to my mind not so surprising that they should sometimes go astray, but it is marvellous how seldom. Their work is done with a fidelity and diligence and discipline which is the admiration of all who take the trouble
Q. 45756. to make themselves acquainted with it.' He attributed such mistakes as do occur 'to ignorance and deficient and defective theoretical knowledge and practical experience.' He thought that was proved 'to a large extent by the considerable number of young Constables of short service who get involved in difficulties, who are the victims of assault, compared with those of more experience.'

Q. 45775. "With regard to the way in which arrests are affected in London, I have seen arrests probably in every country in the world, and I think the arrests in London are made more quietly and with more humanity than in any other country, and I am quite sure that the system which is in force here of having men of great physique has a beneficial effect, because they see at once that resistance would in all probability be useless, and the moral effect of a man of great stature and physical force is very large indeed. We see that in other countries—for instance, in Paris, where I am very intimately acquainted with the whole system and with the very able Prefect of Police, M. Lepine—the difficulty of finding men of stature is very great. They have small men, and these small men, having less confidence in their physical power, and their own strength, are very apt to endeavour to strike awe into
Q. 45776. the people they arrest by extremely rough methods. The moral effect of stature is very considerable, I am convinced. . . . . I have known cases where truncheons have been improperly used no doubt; but, of course, it is much more easy to judge of the improper use of the truncheon at a distance and long after the event, than face to face with all the excitement, and all the rough-and-tumble of the circumstances of the moment. There have been no doubt cases, but, on the whole, the truncheon is exceedingly seldom used, and I think perhaps I might tell the Commissioners this, that other Police of other countries all have a revolver, and some have a sword as well, but our Police only have the truncheon, which is at most a very inferior weapon except at close quarters. I think that Rural Police might have a stick, and the companionship of a dog would be a great advantage. At one time, about twenty years ago, murders and attempted murders of Police were very frequent. There were about six or seven cases in one year, and I took a vote of all the Police going on duty on several days through the stations, as to whether under the circumstances they would like to have a pistol themselves, and although there were a few of the young men who answered in the affirmative the very large majority of the men of experience said 'On no account.' They thought it would be both dangerous to themselves individually, and might involve them in such severe cases of improper use and undue use and trials for murder that one could not think of making the change at all."

There are other portions of this witness's evidence which deserve attention, but in regard to which it is not necessary for us to do more than to refer those who are interested to the notes of the evidence where they will be found printed in full.

Relations of the Police to Prostitutes.

§ 19. We felt, after considering the communications that we received, and the evidence in regard to the cases of complaints as to alleged misconduct of the Police in dealing with solicitation cases laid before us, that the duties of the Police in regard to the third class of street offence with which we are concerned, and the charges that they are exposed to in discharging their duties, were more difficult and delicate than in regard to the other classes of offence.

The application of the statutory provisions dealing with solicitation to the facts of any particular case is by no means easy, and involves the exercise of much tact and sound judgment. Having regard to the very small number of complaints as to wrongful arrests of women for solicitation in comparison with the considerable number of arrests followed by convictions for solicitation, we consider that there is no reason whatever for thinking that the Police habitually exercise their powers unjustly and arbitrarily, though some representations made to us went to show that the Police did not exercise their power of doing what may be called clearing the streets with as much vigilance and zeal as might be expected.

Allegations that Constables are in the habit of receiving money from prostitutes were made to us with a suggestion that in some cases the money was given by the prostitute as a bribe to the Policeman not to exercise his powers, and, in others, that it amounted to the levying of blackmail by the Policeman upon the prostitute.

With regard to the allegation that has sometimes been made as to the Police receiving money from these women, Sir Edward Henry made the following statement :—

"I have often, since I have been Commissioner, received letters, sometimes anonymous and sometimes authentic, alleging that bookmakers gave money to the Police, but I have not received a single letter, and no complaint, oral or written, has been made to me during the three and a half years I have been Commissioner charging the Police with levying blackmail from women of the unfortunate class. From what I know of the tone of the men themselves, I am satisfied that if any individual man were to take money from these women it would certainly come to the knowledge of his comrades, and I am also satisfied that his comrades would look upon him as an unmitigated blackguard, and that he could not remain in the Force for long. I do not of course say that individual instances of taking money may not occur, but the whole Force know that any proved misconduct of this sort would be dealt with with severity. I think, too, that the system which I have endeavoured to explain to the Commission makes it quite impossible that there should be any systematised form of blackmailing like this, because the variation in the beats is so great, and in a street like Regent Street, where, I suppose, on either side you would have parts of ten beats, it would not be of the slightest use a woman bribing the first Constable she came to, because she would only go a few yards before she came to another beat; I suppose on both sides of Regent Street there are probably twenty beats; and then, besides that, there is continual patrolling by the Police. Therefore it seems to me that anything like a system of blackmailing these women is more or less impracticable, and certainly it could not exist for many days without becoming known to the authorities. I have had many allegations of the Police being corrupted at times by bookmakers, and I have had to deal with those cases where they have occurred. There have been cases, of course, of men charged with taking money from these women in the past, but they have been extremely rare, and none have come under my personal cognisance." Q. 85.

Though we could not fail to be struck with this statement on the part of the Chief Commissioner, and though in none of the cases of special complaints made to us was there any suggestion on the part of persons complaining that they had been wrongfully arrested for solicitation, nor was it suggested that there had been any attempt on the part of Police Constables to extort money, we thought it right to probe the matter so far as was reasonably possible. It does not seem practicable to obtain direct personal testimony from any woman of this class as to their relations with Constables, and even if we had taken steps to compel the attendance of any such witnesses before us, whether their evidence should turn out to be favourable or unfavourable to the Police, it would be open to such plausible suspicion as to be practically worthless. No such criticism could be reasonably made upon the evidence of philanthropic persons engaged in different forms of rescue and charitable work which brings them into close relation with this unfortunate class.

We received from the Rt. Rev. the Bishop of London, as Chairman of the London Council for the promotion of Public Morality, a communication to the effect that that body would be willing to give us evidence in regard to the manner in which the Police discharge their duties as to solicitation in the streets, and, as a result of this communication, Mr. William Alexander Coote, the Secretary of the National Vigilance Association, and the Deputy-Chairman of the London Council for the Promotion of Public Morality, attended and gave evidence before us.

We also took the evidence of a number of persons connected with various religious or philanthropic societies whose work had brought them into close touch with prostitutes with the general object of rescuing them from a life of vice and misery, and who had had opportunities of observing or making themselves acquainted with the relations existing between the Police and women frequenting the streets for the purpose of solicitation, and of forming an opinion as to the results of Police action in the matter.

We examined Mr. William John Taylor, the Secretary of the London Female Prevention and Reformatory Institution; Mr. Solomon Cohen, Secretary to the Gentlemen's Committee of the Jewish Association for the Protection of Girls and Women; the Rev. F. B. Meyer, B.A., the well-known Minister of Christ Church, Westminster Bridge Road, and an Ex-President of the Free Church Federation; Miss C. E. Matson, who is commonly known as Sister Mildred, and who is in charge of a Rescue Home called Winchester House; Miss Lucy Colson, who is in charge of the Church Army Training Home for Rescue Workers at 9, Stourcliffe Street, Edgware Road; Miss E. C. Knight, Secretary of the Continental Department of the Young Women's Christian Association, and of the International Union of Friends of Young Women; Miss Harriett Hillyar, a staff captain in the Salvation Army attached to the branch of the Army established at 259, Mare Street, Hackney, as the headquarters of the Women's Social Work Committee; and Miss Eilidh MacDougall, who has been engaged for some years in outdoor rescue work in connection with the Southwark Diocesan Association for the Care of Friendless Girls.

We have no doubt that we might have obtained a larger number of witnesses connected with other organisations or themselves independently engaged in rescue work, but we felt that the evidence of those whose names we have just enumerated was sufficient and representative. They are all persons whose beneficent activity has given them a real insight into the condition of the lives of prostitutes and their relation to the Police, which not only entitled them to the fullest credit as to the facts to which they testified, but enables them to form an opinion as to the character of the general relations between these women and Constables, as well as on the question whether there is good ground for believing that Constables are habitually bribed by women of the unfortunate class, to which great weight ought to be attached.

Mr. Coote's experience in regard to foreign women resorting to London for the purposes of prostitution is unrivalled, and as to the general condition of the London streets very great, while the knowledge of all the other witnesses is derived from systematic work carried over several years.

The tenour of the evidence of these witnesses is extremely favourable to the Police. The impression left upon our minds after considering it is that Constables in exercising their powers in regard to solicitation cases do so not in a perfunctory manner but with a commendable degree of vigilance and activity, and that at the same time they habitually render every assistance in their power to those engaged in rescue work, and in many instances, of their own motion, do acts of kindness to young women just about to begin a career on the streets, or who are ready to accept kindly words of warning and direction as to the quarters in which they may look for help and protection.

None of these witnesses, except Mr. Coote, have made any special intentional effort to discover whether the Police blackmail prostitutes, or whether the latter habitually bribe the former; and that in itself is a circumstance which seems to lend additional weight to their opinion. They have conversed with many hundreds of young women who were or had been on the streets during the last few years, and it appears that not a single one of them suggested that the Police had been in the habit of demanding or accepting money from them.

Mr. Coote, in his evidence, goes further than the other witnesses, because he has made an effort to discover whether there is any truth in the current rumours as to the blackmailing of women by the Police. The interesting statement which he made to us is printed in the Minutes of Evidence, but we think it well to call attention to the passages which are of special importance for our purpose.

Mr. Coote said :—

"As Secretary of the National Vigilance Association for the Repression of Criminal Vice and Public Immorality for the past twenty-one years, and for seven years DeputyChairman of the London Council for the Promotion of Public Morality, I have personally, and through the agents of the two above-named societies, had a great deal to do with the Police of the Metropolis. In connection with our work our agents have been about at all hours of the night in various parts of London, and have been brought in personal contact with a large number of the unfortunate women who solicit in our streets, and whose lives are given up to public immorality. In connection with the London Council for the Promotion of Public Morality, we have specially dealt with the closing of disorderly houses, and this has naturally not only brought our agents in contact with women of the unfortunate class, but also with those who trade upon their vice. Having had such exceptional opportunities of judging of the way in which the Police throughout London discharge their duties in connection with one section of your Inquiry, the Earl of Aberdeen, as President of the National Vigilance Association, and the Rt. Rev., the Lord Bishop of London, as President of the London Council for the Promotion of Public Morality, thought that in justice to the Police, and to assist, as far as possible, the inquiry undertaken by the Commission, I should offer to lay before you the evidence that has come into my hands. I should like also to mention that both the Earl of Aberdeen, within the last ten days, and the Rt. Rev. the Lord Bishop of London, are prepared to stand to the statements which are made in this Statement which I am about to make. During the twenty-one years that I have acted as Secretary of the National Vigilance Association the question of public morality, with special reference to the condition of the streets in certain parts of the Metropolis, has been one of the principal sections of our work, and in this connection I have interviewed hundreds of women of questionable character with the view of ascertaining how they became such, how they maintained themselves as such, and what treatment they received from the Police in the various districts in which they plied their calling. While I have gathered interesting materials on various phases of the social problem, I have not in one instance had a charge made against the Police as a body, or against an individual Policeman, of levying blackmail or of exacting bribes of any kind from these unfortunate women. On the contrary, I have known many instances in which the Police have helped them with both money and advice. For many years I have made it my private business, in connection with my official duties, to question these women as opportunity offered, as to their relationship to the Police in the pursuit of their calling, and the treatment meted out to them, in order to verify or otherwise the current statement as to blackmail. I have done this because in certain circles of good and bad society amongst men, it has always been taken for granted that blackmail and bribes were weapons commonly used by the Police in dealing with this class of women. Neither by foreign nor English women has it ever been admitted to me that they were asked to supply the Police with hush-money, or that they were made the subjects of Police tyranny, owing to their refusal to give money. The following case came under my notice, and as it relates to the Police at Piccadilly Circus, I quote it as emphasising the view I am stating :—A young woman, deserted, hungry, and in a fit of despair, betook herself one evening to Piccadilly Circus. She had been walking about for a short time when a Policeman on duty spoke to her, and suggested that she was a stranger to that kind of life. She admitted that it was her first essay on that quest, and said that she had not a farthing in her possession, and was there from sheer necessity. He urged her not to start such a life, and told her of a home where she would be cared for. She agreed to go, and he saw her to the omnibus, and gave her the fare to Edgware Road, which was close to the home of which he had spoken to her." Q. 6945.

Mr. Coote gave us several instances which tend to show that the Police exercise their powers of arrest for solicitation with sound judgment, and as they are quite relevant to our Inquiry, and he himself had investigated them, we think it worth while to give the particulars here :—

1. (*M. G. 26, a French woman.*) A Magistrate sent to ask our help on behalf of a French girl who had been charged with soliciting and was on remand. We at once visited her in prison, when she strongly denied the offence with which she had been charged, alleging that she earned her living honestly at charing and needlework in order to support herself and her illegitimate child. Believing her story to be true, we attended the Police Court on the second hearing, and on our undertaking to look after the girl the Magistrate handed her over to our care. As she expressed herself anxious to return to France, we sent her back the same day, recommending her to the care of friends in Paris. From subsequent inquiries which we were able to make, we found her statement to be utterly untrue. During her six months' stay in London she had been living in a disorderly house with a well-known procuress. Q. 6946.

2. (*The case of J. G., 22, French.*) Our help was asked by a Magistrate on behalf of this young woman, who had been charged with soliciting, and was in Holloway Prison on remand. We interviewed the girl. She denied the statement of the Constable who had arrested her, and so strongly protested her innocence that there appeared to be more than the possibility of a doubt in the matter. She consented to be repatriated, whereupon the Magistrate discharged her. Feeling, however, that in justice to the girl the case should be further investigated we placed her in a home for a day or two and made inquiries. Within a day or two we obtained overwhelming evidence that she was a well-known prostitute. When taxed with this, she stubbornly adhered to her former statement, but finally admitted that for three years she had been leading an immoral life in London. As she proved very troublesome

we had to send an agent with her to Paris who placed her in the care of her relatives. In that case, I should like to say, the investigation took a long time. We got addresses from her which were not always accurate, but we investigated the whole matter, and she finally capitulated in the office, after having been on her knees swearing—and I believed her—that she was perfectly innocent of the charge which had been made against her.

3. (*E. F.*, 22, *German.*) A Police Court worker called at the office, on instructions from the Presiding Magistrate, to ask our help respecting a German girl who had been charged with soliciting and remanded for a week. We at once sent to Holloway to interview her. She strongly denied the charge made
Q. 6947. against her, and protested that she was living respectably by needlework. Here again on investigation we found the charge to be fully justified. . . . : She practically admitted it, and all I did with her was to ask her whether she admitted that the charge was true, and whether there was any way of preventing getting run in by the Police, and whether she had ever done anything to offend them, or anything like that, and whether she had ever been asked for money.

4. (*J. D.*, 20, *French.*) At the request of a Police Court missionary we sent to Holloway to interview a French girl who had been charged on remand with solicitation. Her parents were respectable people, and she was most anxious that they should not know of her disgrace. She practically admitted that she had gone wrong, but did not admit the present charge. She was willing to be repatriated, and we put her in the hands of ladies in Paris who work in connection with us in connection with this work.

5. (*M. R.*, 22, *French.*) This case was also reported to us by the Police Court authorities. The girl had been arrested for soliciting. When interviewed she stated that she came to London a year previously to seek employment, failed to do so, drifted into bad company, finally took to the streets, and, while soliciting in Euston Road, was arrested. I took the girl in hand myself, and questioned her as best I could in endeavouring to get from her some declaration with regard to the Police. I put my questions all round with a view of finding out for my own information. She denied from start to finish that she had ever been asked by a Policeman for money, or that she had ever been threatened by a Policeman
Q. 6948. if she did not supply money. . . . . In every one of these cases I made that (the behaviour of the Police) a special point. When a girl admitted that she was run in, I put the question to her, 'Why did the Police select you? Why did they run you in when there are so many others? Is there any reason? Have you ever been asked for money?' I put these questions plainly sometimes for my own personal satisfaction, and in every case I have got this absolute denial. Only within the last three weeks I was sending a girl to Hamburg, and I said to her, 'Well, but surely there must be some reason why the Police got you. You do not give them money.' 'Oh,' she said, 'they would not take money; you dare not approach them.' In fact, my evidence goes to prove that there is a wholesome fear amongst these girls. I cannot speak so authoritatively on the English side of it as I can on the foreign side of it, but in the case of the foreign girls there certainly is."

Being asked why there was this wholesome fear of the Police, Mr. Coote replied :—

Qs. 6949. 6950. "Because of the way in which they are run in if they are found loitering about, or if they are discovered approaching men. My workers who are out at midnight have seen girls run away on the approach of a Policeman in the distance."

Further, being asked whether he meant that there was a wholesome fear on the part of these women to offer the Police money, he answered :—

Q. 6951. "A wholesome fear of coming in contact in any way with the Police either through bribes or their occupation being discovered."

Q. 6952. "6. (*R. S.*, 33, *Swiss.*) The Police Court missionary at Clerkenwell asked our help for this woman, who was under remand in Holloway Prison for soliciting. She strongly denied the offence, but her story was obviously untrue, and there was no doubt but that she had been leading an immoral life for the last fifteen years in London. We inquired of her as to the treatment she had received from the Police, and she made no allegations whatever against them. We finally sent her to friends in Amsterdam.

"7. (*E. N.*, 20, *German.*) While at Police Court in connection with the case of J. D. we were asked to interview a girl who had that morning been charged with solicitation, and was under remand, awaiting transfer to Holloway. We questioned her as to her experience of the English Police, and while complaining of the arbitrary way in which she had been treated, she stated that she had never been asked for or had given them money. She was handed over to our care, and we subsequently repatriated her."

Those cases came under the notice of Mr. Coote in the discharge of his duties in connection with the National Vigilance Association.

In his work as Deputy-Chairman of the Society for the Promotion of Public Morality he had had to investigate evidence with regard to disorderly houses in the Metropolis. After sifting the evidence obtained by them as a Committee he explained that they passed the evidence on to the borough councils. He said :—

Q. 6952. "We have thus been in a position to unofficially obtain the actual facts concerning the Police treatment of this unfortunate class. Here, again, the evidence corroborates my former statements. Many of these women have complained of the unfair way in which the Police treat them, but have never uttered a suggestion as to bribery or blackmail being levied on them under any circumstances. The unfair treatment of which they complain is that they are compelled to keep moving, and that they are not allowed to speak to men, and that they are always in danger of being run in. I do not think it is absolutely a fact, but that is their feeling, and that is what they say. I do not say it is true. The question

of the character of the streets has also formed the subject of much deliberation, and, while the Council feel that of late years a great improvement has undoubtedly taken place in what is understood and known as the area of vice, they would respectfully suggest that something further might be done to clear those thoroughfares of the flaunting vice, which is still too much in evidence there."

Mr. Coote made some comments upon the state of the law as to solicitation in the streets, both by men and by women, and he made some suggestions for its amendment, with which we deal in a later part of the Report.

Incidentally, Mr. Coote gave us some information about prostitution in the Metropolis, and the condition of the streets. In his opinion, there is a great deal of fiction as to the number of women, either foreign or English, who are walking on the pavement of shame in London. He admitted that the figures were not trustworthy, but he put the figures at 8,000, which he admitted was startling in view of the fact that it had been publicly stated that there were no fewer than 80,000 prostitutes. Q. 6973.

He considered that the number of prostitutes had diminished very much during the last forty years, and he added :—

"From a public point of view I am glad to believe, on the evidence, that prostitution does not pay from an English point of view—that is after they descend from the theatres and the music halls into the streets. From eighteen to twenty-four, yes; but then they leave the different music halls, and they are out of the proprietorship, and on their own account, and it does not pay. That is my conviction from what I have seen, and I am glad to know that honest industry pays better than most of the forms of vice so far as the English girls are concerned. Some it may pay, but only for a time." Q. 6975.

He also added, in answer to Mr. Dickinson :—

"Under the existing law, if the Police might only go back to the time before this Commission, and act as they were acting then, I do not think we should have much to desire in London. I think there have been since this Commission a few more in Piccadilly." Q. 6976.

It does not appear to us necessary to make lengthy extracts from the evidence of the other witnesses giving general evidence on the point with which we are now dealing, but one or two striking answers may be profitably referred to.

Mr. William John Taylor told us that he had never met with any case in which he had been able to discover that a Constable had ever accepted money from a prostitute. He also told us that he had never met with any which he could call authenticated cases of complaint against the Police on that ground, though he had heard rumours, and added :— Q. 40328.

"I know that the Police are very often exceedingly kind to these women in the streets. There are a great many instances of what I should call touching instances of kindness on the part of the Police to poor women, and respectable women too, who might be found destitute in the streets. . . . . I have heard girls say they have heard of cases" (in which the Police have blackmailed women). Q. 40330. "When I have put it to them, 'Has it ever occurred with you?' they have invariably said 'No.'"

Testimony, be it observed, very remarkable coming from a man who had seen from first to last in the course of his work nearly 40,000 women, half of whom were undoubtedly prostitutes. Q. 40337.

Mr. Solomon Cohen's evidence is equally emphatic :—

"I can say quite definitely that I have not heard of any occasion in which any payment has been made by a woman to the Police, or any occasion on which any demand has been made by the Police upon these women. That I can state quite definitely. . . . . The Police treat them" (Prostitutes) "very considerately, I think; in some cases I think they treat them too leniently. . . . . I have often thought that the women were allowed a great deal too much licence." Q. 40406. Q. 40408.

Miss Lucy Colson told us that rescued women who had told her a good deal about their past life had referred to the Police very often :—

"But only in terms of appreciation of their kindness. I have had a great many talks with them, and there have been many opportunities for their telling me; and very many times the Police have brought girls to me, or have introduced to my notice some girl who they wished to be helped and thought would be in danger of going further. . . . I have often heard them speak very gratefully of the kindness the Police have shown them; and very very often it has been because the Police have sent for me that I have come into touch with them." Q. 40474. Q. 40477.

In one instance Miss Colson recollected that nine years ago a girl had complained "that an officer had taken her into a building for a purpose," but she was not able to verify it. Q. 40481

With regard to the supposition that many Police Constables receive money
Q. 40489. from women she said that it had not come to her knowledge, and that she had got the impression that there was nothing in the supposition from conversations with the girls.

Staff-Captain Harriett Hillyar, who explained her method of carrying on her work by offering a card containing an intimation that Mrs. Bramwell Booth would
Q. 45461. be glad to help any woman or girl in need of a friend, and so on, said that she had interviewed a great number of women and had never heard any complaints against the Police, nor had any one of the women suggested that they had had to pay money
Q. 45469. to the Police in order to be allowed to go about and accost men. She said that more than seven years ago she remembered seeing a foreign woman put a coin, half a
Q. 45470. crown or a two-shilling piece, on the ledge of a shop window in Regent Street, but she did not see any Policeman pick it up. Miss Hillyar spoke very highly of the way in which her work as an officer of the Salvation Army was assisted by the Police.

Miss Eilidh MacDougall, whose evidence was to the same effect as that of the other
Q. 45539. lady witnesses, said, in reference to the allegation of bribery by the Police, that during the last few months she had asked every girl with whom she conversed, and
Q. 45540. who seemed likely to know anything about the matter, whether there was any truth in the rumours, but such girls denied that anything of the kind took place.

The Rev. F. B. Meyer informed us that as President of the Central South London Free Church Council he had for the last twelve years been working with a view of dealing with the suppression of immorality in Central South London; and, after referring to the aid given by the Police in the putting down of disorderly houses, expressed the opinion that the Police discharge their duties in regard to solicitation with honesty, discretion and efficiency, but added :—

"Of course, the agitation which has lately been set on foot has been very prejudicial to the Police,
Q. 45722. I mean the general rumours that have been in vogue, and therefore I do not know at all what effect those rumours have had on them, but, as far as my observation goes, which carries me up to the last month or six weeks, they have been very straight and strong in their dealings."

Q. 45729. He also said that in his district of Lambeth the streets are very much clearer at night
Q. 45730. than when he first went there. Being asked whether he attributed that to the active work of the Police, he said :—

"I think so, certainly, and I think the Police have been encouraged by the fact that they feel that a number of Christian men were backing them up, as it were, and were in sympathy with them. I do not know but what they would have done their duty equally well apart from that; still it has been a great moral help to the Police, and I hold that if more Christian people did that kind of thing it would be of great benefit to the community."

We have now sufficiently indicated the substance of the evidence given by these representative witnesses.

Evidence given on Behalf of the Police and Public Vigilance Society.

§ 20. So far, the general evidence to which we have called attention has been strongly in favour of the view that the Police, as a whole, discharge their duties in regard to street offences remarkably well, and for the moment we reserve any attempt to criticise it or to estimate its value.

When we commenced our Inquiry we were aware that in connection with the D'Angely and Gerothwohl and Lavalette cases many attacks had been made upon the Police and many public comments made upon the methods of the Police as a whole, which, *prima facie*, indicated that there was a somewhat widespread feeling of want of confidence in the Force, and a considerable amount of dissatisfaction with the methods in which the Police exercised their powers. We, therefore, thought it not unlikely that persons might come forward, either independently or as representing some organised bodies, to represent the existence of that want of confidence in, and discontent with, the Police Force. As matters have turned out, no one, except Mr. James Timewell, as Secretary of the Society above mentioned, approached us with a request to give us information upon the subject of our Inquiry in a sense adverse to the Police. To this fact we naturally attach considerable significance, and we think it reasonable to infer from the general silence

hat, those who in the Press or in private conversation make allegations against members of the Force, founded probably largely on rumour, did not feel sufficiently sure of their ground to come forward and repeat them in public.

In making this statement we must not be deemed unmindful of the fact that men and women who have been in the hands of the Police and have been brought into the Police Courts, even though the decision of the Magistrate has been in their favour, feel great reluctance in coming forward with the knowledge that what they deem to be their misfortune would be advertised afresh, and perhaps obtain greater publicity than before. Still, a considerable number of such persons did come forward, and making adequate allowance for the existence of this reluctance, we believe that if any considerable number of our fellow-citizens entertained a genuine opinion that the Police habitually exceeded their duty, or that in regard to such matters as taking money from prostitutes and bookmakers there existed any widespread and systematic corruption amongst members of the Force, the voice of public dissatisfaction would have reached us from many quarters, and would have been expressed by respectable and responsible persons representing different classes of the community.

So far as we are aware, after diligent inquiry, the Police and Public Vigilance Society is the only body which has been formed with a view to watching the action of the Police in the Metropolis and calling public attention to alleged excesses and irregularities on the part of Constables, or defects in the Police organisation.

As we have stated above, Mr. Timewell communicated with the Secretary very soon after the appointment of the Commission, and he expressed his wish to give general evidence, but, as the result of the interviews that he had with the Secretary, it appeared that his general evidence would be mainly based upon the facts of a series of cases more or less recent which had come before his society, in which persons who had been arrested by the Police, and tried in the Police Courts, complained of misconduct on the part of particular officers and Constables. We accordingly informed him that if he would send in a statement of the complaint in each of the cases upon which he intended to rely we would consider each such statement, and intimated that we should inquire into and report upon such complaints as might come within our Terms of Reference, and which we might deem helpful for making our general Report. That course was taken, and we hardly expected that Mr. Timewell would wish to give personal evidence, but finding towards the close of an inquiry that he was desirous of doing so we examined him.

Mr. Timewell's evidence divides itself into two parts :—

(1) Certain general allegations against the Police, for the proof of which he relies upon his own personal experience ; statements made by persons who have made representations to him as Secretary of his Society ; and the facts disclosed in the special complaints into which we have inquired, or contained in the papers which he forwarded to us in regard to cases into which we have made no public investigation for the reasons we have assigned above :—

(2) Recommendations or suggestions.

As to the first part of Mr. Timewell's evidence, after stating that in his opinion he was very sorry to say that the Police did not discharge their duties as a rule with discretion, with honesty, and with efficiency, he made certain broad statements of opinion with reference to the general conduct of members of the Force. Q. 52540.

First he said :—

"It is my honest opinion that a very large proportion of the charges brought to the station and to the Police Courts are really the result of unnecessary interference by Police Officers." Q. 52541.

He suggested as an instance of what he meant by that, that Police Constables are often called to deal with one set of people and by the time they arrive on the scene the persons they were originally called upon to deal with have disappeared and that then rather than go back without a charge they will take any person or two ; and then in order to secure a conviction by some means or other—

"They will get their comrades, even although they were not present, to give evidence in support of the charge and so obtain a conviction against an innocent person." Q. 52548

Q. 52551. Secondly, he alleged that a great deal of the evidence given in Police Courts by Police Constables is untrue.

Q. 52550. "Police officers are expert witnesses, and generally most ordinary people would accept the evidence of one Policeman as against two inexperienced persons who do not know how to give evidence; and, consequently, you cannot blame the Magistrate. My idea is that you should blame the officers who encourage and do this sort of thing."

Q. 52554. He also averred that the Police "are generally encouraged to get cases, and to
Q. 52555. secure convictions by their superior officers," and suggested that promotion is determined
Q. 52556. to some extent by the number of charges that a Constable makes.

Thirdly, he attacked the sobriety of the Police. He said:—

Q. 52561. "I think the most serious matter that we ought to consider is the persistent drinking on the sly of Policemen. I think that is the most serious matter we have to contend with. They have regular places of call at all hours of the day and at all hours of the night where they drink on the sly—at public houses, at general shops, at receiving offices, and at all sorts of places, and I think it is quite a common thing for Policemen between the hours of ten and twelve at night to get six or eight, or even nine
Q. 52562. drinks before midnight. . . . My contention is that 50 per cent. of the night duty men are more or less under the influence of drink, and they are quite incapable of doing their duty; they are quarrelsome, and they interfere with people unnecessarily, and, as I say, when once they get a charge they go through with it somehow. I can assure you that what I am speaking of now I know as a fact, for I have seen it, and I have, I think, on more than one occasion had to complain to the Police Commissioner with regard to secret drinking. The most recent complaint I sent in he acted upon, and the men were punished."

Upon its being pointed out to him that it was odd that in not one of the numerous cases in which the Commission had taken evidence had there been any evidence of misconduct on the part of the Police due to drunkenness, except Dubery's case, he replied:—

Q. 52564. "We hesitated to bring it forward, but I think we could have brought forward quite a number of
Q. 52566. instances, and he went on to say that 'it was not from want of evidence, but simply because the witnesses would not speak out.'"

He added:—

"On that particular subject it is very difficult to get evidence, because the Policemen are generally alone, and you will hardly ever get them so that you can produce two witnesses seeing them drinking at the same time; they take such care that they are not seen. But I could give you times and places and everything if you want it, if you doubt my word as to it, and I could tell you, in fact,
Q. 52569. where you could go and see it at any time you wish to go and see it—quite a number of cases; you only need to go there to see it, and I can tell you exactly where to go."

He also said —

"I think the most serious thing that I can mention, as a matter of fact, is the drinking on the sly. Everything else follows from that—improper duties, false charges and interfering unnecessarily with innocent persons."

Fourthly, he expressed dissatisfaction with the method of effecting arrests, and cruel and rough treatment of prisoners. In reference to this head of attack, he said:—

Q. 52572. "One of the first things that Policemen do when they think they have a drunken man or woman is to twist the arm, and that I consider to be a most brutal thing. I can give you another case, if I may, in which I saw the whole thing from beginning to end. I mean it is not hearsay evidence at all. This was a case of a woman with a baby in her arms who fell down in some sort of a fit, and when I arrived on the scene there was a Policeman on his knees attending to the woman, and a navvy standing assisting him holding the woman, and another navvy, a friend of the first, nursing the baby. That is just what I saw when I arrived, and they were doing everything they possibly could to bring this woman round. We stayed there, I should think for twenty minutes or half an hour watching them. They got water, and rubbed the palms of her hands, bathed her forehead, and did everything they could for her and in time she revived. Just as she was coming to a Sergeant arrived on the scene, followed by another Policeman. They were just about lifting the woman up as the Sergeant came. The first thing that he did was to take hold of the woman's arm here by the wrist, and twist it back, which made her jump so that she screamed. She said, 'You beast.' He said: 'That is the sort of thing to bring you round; it is so much better than medicine.' So he went on ill-treating her down the hill. This occurred, too, in the New Cross Road, just by the Metropolitan Station. They followed down until they got in the hollow, and then he threw the woman violently against a shut up shop. Then she said: 'You can do anything you like with me; I do not care what happens.' I stood by with some friends, and eventually I said to the Sergeant: 'What are you going to do with this woman?' He said: 'What is that to do with you?' or words to that effect. 'Well,' I said, 'I want to know what you are going to do with her, as she is not drunk.' He said: 'Who are you?' I said: 'I will take your number and I will give you my name.' After I had given my name he calmed down a little bit, and asked me what I thought he ought to do with the woman. I said: 'I think something should be done other than locking her up. I do not know what else you can do, but she should either be taken to the infirmary or somewhere where she would be taken care of, and where she should have a lodging for the night. Something should be done for her; it is not a case for imprisonment.' After considerable argument, he eventually agreed to go with the woman and the child to East Greenwich

Workhouse, where she was put up for the night, and one of my children went with them to see that it was all right, and to see that she was really taken care of."

Further he observed:—

"They twist the arm and ill-treat them. If you would take it, I could bring before you a case now very similar to that where three persons were locked up, and there were no less than eight witnesses, all respectable people, there who would tell you the whole story from beginning to end, and would bear out exactly what I have told you with regard to the Police that I saw." Q. 52579.

Fifthly, he complained that sufficient care is not taken in the charge-room with regard to the taking down of statements or complaints. He informed us:—

"I have frequently heard accused persons say: 'I said So-and-so and So-and-so,' when the charge was being taken; 'I denied the charge,' and all that sort of thing, and you may say that in nearly all cases the Police present will say he did not deny the charge." Q. 52598

Sixthly, he complained that in cases where a prisoner was charged with drunkenness there was often undue delay in letting him out on bail. The suggestion he made was that by keeping a prisoner in the cells for a long time it was made more difficult for him to prove that he was sober when arrested. Referring to the case of a woman who had been arrested at about two o'clock in the afternoon, and was kept in the station till six o'clock or afterwards, he said:— Q. 52623.

"My suggestion is that that would allow time for her to get sober according to the Policeman's idea, and the next day it would be most difficult, unless the woman had a first rate character, as happened in this particular case, for her to prove that she was not drunk at two o'clock because she was kept till seven o'clock before she was released and allowed to go and see a doctor." Q. 52636.

Later on, he said:—

"I cannot say whether that is a general thing or not, but I think the Police have got an idea that if a person is allowed out too soon they will be able first of all to go and see a doctor and begin to see witnesses in order to prepare their defence for the next morning—that is my idea—so that the greater and the more obstacles they can put in the way of persons under arrest getting up their cases to defend themselves the better chance they stand of getting a conviction." Q. 52640.

Seventhly, he said:—

"I think the Magistrates ought not to allow previous convictions to be read out in Court, because the officer, as you know, is not sufficiently careful to make sure that all the convictions against John Smith before the Court really refer to the John Smith in his mind; and if an officer brings forward six or seven convictions, and reads them out before the Magistrate comes to a decision, he is bound to go on with it. Then there is another thing. I think all previous convictions should be given on oath, and not simply read out by a Policeman at the back of the Court. He should be sworn and put into the witness-box." Q. 52643.

Eighthly, he also complained that in some instances prisoners have asked for a doctor and that no doctor has been brought to them.

Those, as we understand the evidence, are the principal general charges which Mr. Timewell has to bring against the Police.

As to the second part of Mr. Timewell's evidence, he handed in a list of twelve suggestions put forward on the part of his Society, which we have caused to be printed in the Appendix, and to some of which we shall have to refer in the course of discussing our recommendations. Appendix, p. x

Evidence from Provincial Cities.

§ 21. The interesting and valuable evidence given by the head Constables of Liverpool, Leeds, and Glasgow, does not directly touch upon the manner in which the Metropolitan Police discharge their duties. It discloses the fact that the fundamental principles of the Police system of these great cities are, to all intents and purposes, identical with those according to which the Metropolitan system is established and carried on. In regard to Glasgow an important difference is disclosed.

In the Metropolis and elsewhere in this country the burden of prosecution is thrown upon the Constable who makes the charge just as it is in the case of some private individual who procures the arrest of an alleged offender without warrant with the assistance of a Constable, and then makes a charge at the police-station. In regard to offences punishable summarily, the process which gives jurisdiction to the Court is either by the laying of an information, whether by a Constable or a private

individual, followed by the issue of a summons from the Court to the accused, directing his appearance before the Court, or, in cases where power of summary apprehension exists, by the attendance before the Court of the Constable who has effected the arrest, and his information on oath that an offence has been committed. In either case, the person making the charge is under an obligation to prosecute the case in the name of the King.

The system in Scotland, which is different, was admirably explained to us by the Right Hon. Thomas Shaw, the present Lord Advocate; and, in view of some observations that we have to make below, we extract a passage from his evidence which fully explains the system in vogue in the adjacent country :—

Q. 51971. "It might, in the first place, I think, be of help to you if I stated in a few sentences what I consider to be the broad distinction between the two systems of criminal jurisprudence in the two countries. That distinction arises in this way. In England there is not infrequently—in fact, I understand very frequently—the system of private prosecution. In Scotland that system, I may say, is substantially unknown. The general rule of the Scotch jurisprudence is that when an offence is committed, it is committed against Society, and that Society protects itself through the public officers whom I shall mention; and in this way a system of public prosecution universally prevails. It may have certain disadvantages (I do not know them), but at all events, you will agree that it has this advantage, that it eliminates from criminal prosecution all idea of the wreaking of private vengeance and all those suggestions of personal antagonisms or hostilities which may be mixed up with, and are always, at least conjecturally, mixed up with private prosecution. Now the head of all that system is the Lord Advocate for the time being, and the Lord Advocate in these matters of criminal jurisprudence represents His Majesty; and in the language of Hume, who is our great authority, in the 2nd Volume of the 1844 Edition, at p. 130, you will find the situation stated with accuracy thus: 'Prosecution at the instance of the Lord Advocate' (then he defines it) 'the public accuser who insists in the name of the King, and for His Majesty's interest in the execution of his laws, and in the tranquility and welfare of his people.' That is the situation of the Lord Advocate. That being the authority with which the Lord Advocate is vested, you can see for yourselves that to carry it out executively demands a staff. In my own case, being engaged largely in Parliamentary duties and administrative work, I do not attend in Court except in cases of extreme gravity, such as serious murders, poisoning, and the like of that; those cases fortunately in our country are very rare, but I have, with regard to cases even of gravity, the great advantage of the assistance of the Solicitor-General for Scotland, who acts in criminal matters as my Advocate-Depute, and who has to pass as Advocate-Depute his commission before the Court, and in that capacity, being named the Solicitor-General for Scotland, he is at the head of my Advocates-Depute. Then there are in addition, four salaried gentlemen who act as Advocates-Depute for Scotland; they receive a salary from the Crown of £700 a year; they are appointed by me; and they have certain travelling allowances when they go upon circuit. But the development in recent years in Glasgow has been so great that it has for many years been the habit to appoint what is called an extra Advocate-Depute for the Western Circuit. He has a salary amounting to so much per circuit, but in all it reaches about £300 a year, and, as he is a rising man, I make it a point in Crown consultations to bring the Advocate-Depute for the West, as he is called, into consultation, along with the Solicitor-General, the four Advocates-Depute, and myself. Now these four Advocates-Depute have Scotland partitioned out amongst them. There is the Western Circuit, the Northern Circuit, and so on; there is a rota of Advocates-Depute, and they take, we will say, three months apiece on the particular circuit. The reason of rotation is that upon the West there always is more business, and sometimes on the North there is more business than on the South, and by taking three months they average up their official time in that way. That brings us, you see, to myself as the centre of the various districts of Scotland through the Advocates-Depute. The next point upon which I know this Commission is anxious to have information is what is the position of Scotland in its minor units. Now, that position is covered by each county having a Procurator Fiscal. The Procurator Fiscal, be it observed, is also my Depute. He, too, in a minor and local sense, represents the King's interest and the preservation of peace in the locality. The situation with regard to the counties is this: In former days the Sheriff of the county (I suppose you would call him a County Court Judge) held a high administrative position, traces of which to a considerable extent still remain. One of the traces of that position was that he was the person who appointed the Procurator Fiscal. Now that has been seen to be incorrect in point of principle for this simple reason—that once the Procurator Fiscal in the county is appointed, the person to whom he is responsible for the discharge of his duty, and the person from whom he takes his instructions with regard to prosecution, is the Lord Advocate. Accordingly, with the consent of all parties, if I may bring you up to date, I obtained the other evening in the House of Commons the assent of the House to a Sheriffs' Courts Bill, and in Sections 22, 23, and 24 of that Bill, which I hope within a fortnight or three weeks' time will become part of the law, I have transferred the appointment of the Procurator Fiscal to myself. That is done with the entire consent of all concerned, because the principle is (I have put in the words: 'from and after the passing of this Act,' and so I propose to legislate, if Parliament gives assent to the proposal) that the right of appointing to the office of Procurator Fiscal should be vested in the Lord Advocate. He being thus appointed by me, the position will be the same, his duties being, as I have already explained, duties flowing from the King's Advocate, namely, the person holding my office."

Mr. Stevenson, the Head Constable of Glasgow, explained to us the way in which this system worked in that City. There is a Procurator Fiscal appointed, as described by the Lord Advocate, who is entirely independent of the Municipal

Government of the City. All proceedings against persons accused of criminal offences are commenced technically by an Information laid by him, but as it is impossible for him to attend personally to all the numerous petty cases that occur, such as street offences, analogous to those coming within our Terms of Reference, he delegates his duties to the persons in charge of the various police-stations in the City. These officers are members of the Glasgow Police Force, occupying a position analogous to that of an Inspector under the Metropolitan organisation, but are called Lieutenants. There is at all times such a Lieutenant in attendance at a police-station, and when a Constable or other person brings in a prisoner it is his duty to accept or to refuse the charge. If he accepts the charge, he as a Depute of the Procurator Fiscal becomes the prosecutor in the Court of Summary Jurisdiction: he, and not the Constable who made the charge, becomes the prosecutor.

The practical result of the two systems is very much the same. Both the Metropolitan and the Scottish procedure result in the accused being brought before a Court of Summary Jurisdiction, and there the matter is dealt with in substantially the same way in both countries.

But there is this difference in regard to the proceedings in Court to which we wish to call particular attention. In the Scottish Courts the Lieutenant of Police as deputy of the Procurator Fiscal has the right to conduct the proceedings, that is to say, to address the Court and to examine and cross-examine the witnesses, if he thinks fit to exercise his right. According to the English system, which imposes the duty of prosecuting upon the arresting Constable, his superior officer cannot be heard because he is not a party to the proceedings and therefore, but for the vigilance of the Magistrate, the prosecutor may be placed at some disadvantage in cases where the prisoner or defendant is represented by Counsel or Solicitor.

Major Tarry informed us that at Leeds he had been impressed by the difficulties in which the Police are sometimes placed by the rule that only the informant (*i.e.*, in practice the Constable who has made the charge) is allowed to conduct the case in the Police Court, and that he had attempted to get over the difficulty by making superior officers in important cases lay their own information; and he told us that he had recently issued a short Instruction upon the point. He said:—

"I feel, rightly or wrongly, that to impose upon Constables the responsibility of conducting their own cases in the Police Court is not quite fair, and I think also it is bad from the sense of responsibility. I think we superior officers of Police are apt to think that this is a matter which immediately concerns the Constables, and does not so immediately concern ourselves, and in that way our responsibility to the public is not quite, perhaps, sufficiently brought home to us in cases such as I have mentioned. I cannot see (and I say it with all respect to you) in a case where legal advice has not been called in on the part of the Police, and it is a Police Information, any difficulty in a superior officer of Police being given a *locus standi* to conduct the case and to examine the witnesses, instead of having, as he does at present, to sit there mute; he has no right to open his lips, and he sees his case perhaps being blundered and mismanaged by a very well-meaning but young and inexperienced Constable." Q 39342

He said that he did not suggest that the Superintendent who at Leeds is the officer, who attends to watch the proceedings on behalf of the Head Constable, should intervene in every case, or that legal assistance should be always retained, because he said:—

"There are perhaps hundreds and thousands of cases which occur where no question arises, and the expense involved would be enormous of always having a Solicitor or Counsel in attendance for some of the trivial cases that we have day after day in the Police Court." Q. 39344

He suggested, therefore, that the Superintendent representing the Police should be given a *locus standi*, and have the right to address the Court:—

"Examine the witnesses, and really assume the responsibility of conducting the case, instead of placing it on the shoulders of a Constable, who, I think, is overweighted in those matters." Q. 39345

In this connection one of the learned Magistrates (Mr. Horace Smith) made a statement which suggests that he feels that sometimes Police Officers are placed in an unduly difficult position through not having legal assistance in the conduct of the case. He said:—

"I do not know how far it can be done, I hope it is not an odd thing for me to say, but I think that the Police require some protection in the Magistrate's Court; that is to say, that the defendant is Q. 44463

now a witness, and supposing that the witness makes allegations against the Police, who is to cross-examine and who is to protect the Police against these aspersions that are made? I can hardly do it from the Bench. I cannot undertake to cross-examine all the witnesses on behalf of the Police; I do not think that would be right, and the Policeman cannot do it himself, because he is not educated sufficiently to cross-examine the witnesses, and therefore it is left with the charges made against the Police which they are unable to meet. Of course, if charges of that sort are made against the Police, I remand the prisoner, and say that somebody must appear from the Chief Commissioner's staff to cross-examine the witness."—

though other Magistrates expressed the opinion that their own action on the Bench was a sufficient safeguard for the Police.

We shall have some remarks to make upon this matter in the final part of our Report, and we need not dwell upon it further in this place.

Evidence as to the City of London Police.

§ 22. Captain Nott Bower, who has been Commissioner of Police for the City of London since 1902, after a lengthy experience as Chief Constable, first of Leeds and then of Liverpool, was invited by us to give his views upon the questions which we had suggested to the learned Magistrates and to the Chief Constables to whom we have referred.

Notwithstanding that Captain Nott Bower is the head of the Force, and in very intimate relations with the Metropolitan Police, we feel bound to attach very considerable weight to the high but carefully-worded testimony which he gave as to the manner in which the Metropolitan Police deal with street offences. He said:—

Q. 47871. "I have had a knowledge of their work generally, and I have naturally felt a strong interest in observing it for the last twenty-five years, and for the last five, during the time I have been Commissioner in the City, of course, I have had a very intimate and constant knowledge. I am convinced that the duties, generally of the Metropolitan Police, are performed with intelligence, discretion, consideration, and trustworthiness. In saying this, of course, I admit there have been errors of judgment and some black sheep occasionally. If that were not so, the Police Force would be more than human, but I do not hesitate to say that if you take any other class of the community—even the higher professions, such as the Army, the Navy, the Law, or the Church—I do not believe you could find any body of 16,000 men, and subject their actions to close scrutiny over a very large number of years, who would come out of that scrutiny with a better record than the Metropolitan Police do. I have seen them under all sorts of circumstances, their tempers often very severely tried, and I must say I have the greatest admiration for the way in which they perform their duty, and I have an absolute faith in their honesty and trustworthiness."

Captain Nott Bower was good enough to explain the organisation of the City of London Police Force, and their relations with the Force with which we are concerned. We find nothing in his evidence which leads us to believe that in point of general efficiency the Metropolitan Police Force compares unfavourably with that of the City of London, or that the ordinary officers or Constables in the former are at all inferior in any respect to those of the latter.

As to the difficulties and dangers attending the execution of their duty by Constables when they have to deal with drunken and violent prisoners, or to effect the arrests of criminals in dangerous quarters of London, the evidence of Captain Nott Bower confirms that which we have received from other witnesses.

He also described a system of self-defence which the Constables of the City of London Force are taught when they join the Force. The essence of the system, of course, is to teach the Constables certain methods and tricks by means of which a violent man may be overpowered by the skilful application of force instead of the more usual and natural process.

Division II

STATISTICAL INFORMATION AS TO THE THREE CLASSES OF OFFENCES.

Returns Supplied by Police Authorities.

§ 1. In the course of our Inquiry we have been supplied by the Metropolitan Police Authorities with a large number of returns containing statistics relating to apprehensions for Drunkenness, Disorder, and Solicitation in the Street and to other matters relevant to our Inquiry, and we give in the Appendix a complete list of the returns which we have received from them. (Table II.) Appendix p. x.

These returns are derived from official sources, and may be roughly classified according as they were compiled for the information (1) of the Royal Commission, (2) of the Commissioner of Police, or (3) of Parliament. We think it will be seen from Table II. that the returns for the most part do not require to be dealt with in our Report. Those in Class (1), while affording us valuable assistance in our Inquiry, have mostly served their purpose now that we have arrived at our conclusions. Those in Class (2) we have decided in the public interest to treat as confidential documents and not to publish, though we shall presently have something to say about the matters dealt with. Of those in Class (3), it will, we think, be sufficient for our purposes if we set out in the Appendix to our Report the Returns numbered 7, 21, 22 and 26 respectively in the above-mentioned Table, which we shall refer to by those numbers, leaving the other returns in this Class to be published (so far as we think desirable) with the Minutes of Evidence. Appendix, pp. xii-xix.

We have also been supplied with certain returns relating to police action in the following places, viz.:—the City of London, Liverpool, Leeds, and Glasgow, in regard to the three classes of street offences with which we are concerned, and we shall have occasion to refer later to these returns, except those for Glasgow, which, owing to the different procedure there, cannot be easily used for comparative purposes.

Statistics as to Arrests for Street Offences.

§ 2. We now turn to Return 7. This Return shows the number of apprehensions with results for prostitution, drunkenness or drunk and disorderly conduct, and disorderly conduct only, during the years 1883 to 1905. It gives thus a bird's-eye view of police action in these matters extending back a quarter of a century from the present day, but for our purpose it is unnecessary to consider in detail the figures for any year earlier than 1901. Taking the years 1901 to 1905, the apprehensions for prostitution have risen year by year from 2,409 in 1901 to 4,206 in 1905; the apprehensions for drunkenness or drunk and disorderly conduct rose year by year from 49,685 in 1901 to 60,899 in 1904, but declined to 59,189 in 1905 (and it may be added, though it is outside our Table, that there was a further decline to 55,515 in 1906), and the apprehensions for disorderly conduct only have risen year by year from 7,464 in 1901 to 11,375 in 1905. In connection with the increases in apprehensions, it must be remembered that the estimated population in 1901 was 6,678,808, and in 1905 was 7,086,638, the annual increment amounting roughly to 100,000. Appendix, p. xii.

With regard to drunkenness, as has been pointed out, there was no power of arrest for simple drunkenness until the Licensing Act, 1902, gave power of apprehension in the case of persons found drunk and incapable, see *ante*, p. 29 and it was to be expected that the year 1903 would show some rise in the apprehensions for drunkenness. The actual rise was from 50,813 in 1902 to 59,714 in 1903, being a rise of 8,901 or 17 per cent. Unless the activity of the police has been wholly misdirected in these matters, we cannot but regard the figures in Return 7 as conclusively showing the need in the interests of good order for constant vigilance and energy on their part in dealing with street offences.

Percentage of Discharges to Arrests.

§ 3. We have worked out the percentage of discharges to arrests in each of the three classes of street offences for each of the five years 1901—1905, and the following Table shows the results :—

TABLE showing the percentage of Discharges to Arrests in cases of Prostitution, Drunkenness or Drunken and Disorderly Conduct, and Disorderly Conduct only during the Years 1901 to 1905.

Year.	Prostitution.				Drunkenness or Drunken and Disorderly Conduct.				Disorderly Conduct.			
	Apprehended.	Convicted.	Discharged.	Percentage to Arrests.	Apprehended.	Convicted.	Discharged.	Percentage to Arrests.	Apprehended.	Convicted.	Discharged.	Percentage to Arrests.
1901 - -	2,409	2,135	274	11.4	49,685	41,657	8,019	16·2	7,464	4,606	2,857	38·3
1902 - -	2,949	2,720	227	7.8	50,813	43,298	7,505	14·8	7,588	4,790	2,796	36·9
1903 - -	3,153	2,907	245	7.8	59,714	52,958	6,748	11·3	9,947	6,566	3,377	34·0
1904 - -	3,625	3,349	272	7.6	60,899	54,544	6,350	10·4	11,094	7,638	3,454	31·1
1905 - -	4,026	3,772	252	6.3	59,189	53,905	5,276	8·9	11,375	8,078	3,294	29·0

It appears to us that these results are on the whole very favourable to the police. The percentage of discharges has declined from year to year in all the three classes of cases, falling from 11·4 per cent. in 1901 to 6·3 in 1905 in cases of prostitution, and from 16·2 per cent. in 1901 to 8·9 in 1905 in cases of drunkenness and drunken and disorderly conduct, and from 38·3 per cent. in 1901 to 29 in 1905 in cases of disorderly conduct only; and this notwithstanding the increase, generally speaking, in the number of apprehensions in all three classes of cases. Of course, the fact that a prisoner is discharged does not necessarily reflect on the constable who made the arrest; the magistrate always gives the prisoner the benefit of any doubt, and the case may be dismissed because it is not proved beyond all reasonable doubt that the offence had been committed, or on account of extenuating circumstances, personal to the prisoner or otherwise, and the constable be in no way to blame. We think therefore that the above figures tend to confirm the view that the police act with efficiency and discretion in regard to prostitution and drunkenness or drunken and disorderly conduct. The figures with regard to simple disorderly conduct are less satisfactory, but we think that this is mainly due to the fact that in ordinary cases of this class it is the practice of the magistrate merely to bind over the prisoner to keep the peace, and, since 1893, persons so bound over appear in the official statistics as discharged; see Note to Return 7. Applying these figures, as we are now doing, as a test of the propriety of police action, we consider that cases of simple disorderly conduct in which prisoners have been bound over ought to be counted, for our present purpose, not as discharges but as convictions. In our opinion, therefore, these figures, though at first sight unfavourable to the police, do not give true data for forming a conclusion, and ought to be taken into consideration, if at all, only after making allowance for magisterial leniency and statistical method.

Appendix, p. xiii.

We have also worked out the percentage of discharges to arrests in regard to the total number of cases of all kinds summarily dealt with for each of the eight years 1887-1890 and 1903-1906, and the following Table shows the results. The figures are taken from the Report for 1906 of the Commissioner of Police of the Metropolis.

RETURN of the Total Number of Persons apprehended by Metropolitan Police, and of Persons summarily dealt with by Magistrates, and the Percentage of Persons discharged by Magistrates during each of the undermentioned years :—

Year.	Total number of Persons apprehended.	Summarily dealt with by the Magistrates.				Estimated Population.
		Total Number.	Convicted, Held to Bail, Committed to Industrial Schools, &c.	Discharged.	Percentage.	
1887 - - -	66,115	62,608	43,409	19,199	30·7	5,476,447
1888 - - -	75,807	72,317	49,606	22,711	31·4	5,590,576
1889 - - -	78,795	75,486	53,281	22,205	29·4	5,707,061
1890 - - -	83,414	80,302	57,557	22,745	27·1	5,825,951
1903 - - -	124,554	120,470	98,583	21,887	18·2	6,880,696
1904 - - -	126,530	122,775	101,428	21,347	17·4	6,983,249
1905 - - -	127,317	123,430	103,362	20,068	16·3	7,086,638
1906 - - -	119,897	115,794	96,335	19,459	16·8	7,191,018

Here, as with the statistics, which we have considered relating only to the three classes of street offences, the striking feature, whether we compare year with year or the earlier series of years with the later, is the increase, generally speaking, in the number of apprehensions with a concomitant decline in the percentage of discharges. No doubt, the constant increase in the number of arrests may be partly accounted for by the creation of offences under new Acts of Parliament and the Bye-laws of County Councils and other Local Authorities within the Metropolitan Police

District (cp. *ante*, p. 32), but we think that the figures point unmistakeably to continuous improvement in the way in which the Force do their work, an improvement which is appreciable from year to year, and remarkable when we compare the two series of years. We observe that in 1906 there was a small rise in the percentage of discharges and a decided fall in the number of arrests.

We thought that it would be some test of the amount of discrimination shown by the police in making apprehensions if we could compare the percentages of discharges over a series of years in cases summarily dealt with and in the more serious cases where the prisoner was committed for trial, and the following Table shows the percentages in those two categories of cases for each of the years 1902-1906 :—

TABLE of Persons summarily dealt with by Magistrates and of Persons committed for trial and the Percentage of Persons discharged during each of the under-mentioned years.

SUMMARILY DEALT WITH BY THE MAGISTRATES.

Year.	Total Number.	Convicted, Held to Bail, Committed to Industrial Schools, etc.	Discharged.	Percentage.
1902	108,429	86,415	22,014	20·3
1903	120,470	98,583	21,887	18·2
1904	122,775	101,428	21,347	17·4
1905	123,430	103,362	20,068	16·3
1906	115,794	96,335	19,459	16·8

COMMITTED FOR TRIAL.

Year.	Total Number.	Convicted.	Acquitted, Bills not found, etc.	Percentage.
1902	3,696	3,087	609	16·5
1903	4,006	3,322	684	17·1
1904	3,686	3,167	519	14·1
1905	3,807	3,176	631	16·6
1906	4,050	3,420	630	15·5

As might be expected, the percentage is lower as a rule in the cases of persons committed for trial, the percentage of discharges in summary trials varying from 3.8 per cent. more than that in trials after committal in 1902, when the difference was greatest, to 0·3 per cent. less in 1905, when the difference was least. It may, we think, be said that the above figures show at any rate that the police do not exercise the power of apprehension recklessly with regard to offences punishable summarily, and such difference as there is in the percentages of discharges in the two categories of trials is to some extent at least to be attributed to the fact that prisoners are only committed for trial by the magistrate after a *primâ facie* case has been established in proceedings before him.

COMPARISON BETWEEN METROPOLIS AND OTHER CITIES.

Appendix p. XIV.

4 We now turn to Return 21. This Return gives particulars with respect to charges (*a*) preferred by police, (*b*) preferred by private persons, refused at Police Stations within the Metropolitan Police District during the years 1904, 1905, and the six months ended 30th June, 1906. In the following Table we give a summary of the figures in this Return, so far as they relate to the three classes of offences with which we are concerned, and the percentage of discharges to arrests in each of the years 1904 and 1905.

TABLE showing the Percentage of Charges of Drunkenness (including Drunken and Disorderly Conduct), Disorderly Conduct, and Solicitation refused at Metropolitan Police Stations during the years 1904 and 1905.

Year.	Offence.	Apprehension.	Total Refused Charges.	
			Number.	Percentage to Arrests.
1904	Drunkenness	60,899	131	0·21
	Disorderly Conduct	11,094	117	1·05
	Prostitution	3,625	7	0·19
1905	Drunkenness	59,189	131	0·22
	Disorderly Conduct	11,375	106	0·93
	Prostitution	4,026	13	0·32
	Number of Refused Charges for 6 months, ended 30th June, 1906.			
	Drunkenness	–	61	–
	Disorderly Conduct	–	47	–
	Prostitution	–	1	–

Comparing with the above Table the Returns put in by Major G. G. Tarry, Chief Constable of Leeds, and Mr. Leonard Dunning, Head Constable of Liverpool, we find that in Leeds the figures are as follows :—

RETURNS submitted by Major G. G. TARRY, Chief Constable of Leeds, showing the Percentage of Charges of Drunkenness, &c., Refused in the City of Leeds during the Years 1904, 1905 and 1906.

CHARGES REFUSED.

The charges refused during the years 1904, 1905, and 1906 are as follows :—

	1904.	1905.	1906.
Drunkenness	19	17	12
Disorderly Conduct	–	1	–
Solicitation	–	1	–

ARRESTS.

The total number of arrests for these offences is as follows :—

	1904.	1905.	1906.
Drunkenness	2,204	2,181	1,764
Disorderly Conduct	18	18	19
Solicitation	247	186	38

PERCENTAGE OF CHARGES REFUSED.

The percentage of charges refused to the number of arrests is as follows :—

	1904.	1905.	1906.
Drunkenness	0·94	0·77	0·68
Disorderly Conduct	–	5·55	–
Solicitation	–	0·53	–

and in Liverpool the figures are as follows:—

RETURN submitted by Mr. LEONARD DUNNING, Head Constable of the City of Liverpool, showing the Percentage of Charges of Drunkenness, &c., Refused in the City of Liverpool during the Years 1905 and 1906.

REFUSED CHARGES.

Offence.	Arrests (including Refused Charges).	Total Refused Charges.		Number of Charges Refused on grounds that proceedings might be taken on Summons.	
		Number.	Percentage to arrests.	Number.	Percentage to arrests.
		1905.			
Drunkenness	7,566	56	0·74	13	0·17
Disorderly Conduct	3,643	154	4·23	118	4·24
Prostitution	1,880	6	0·32	—	—
		1906.			
Drunkenness	7,946	73	0·92	15	0·19
Disorderly Conduct	3,388	167	4·93	145	4·28
Prostitution	1,576	7	0·44	1	—

The only noteworthy differences between the percentages for the Metropolis and those for the great cities of Liverpool and Leeds would appear to be in respect of arrests for disorderly conduct, as to which the percentage of refused charges in the year 1905 was 5·55 in Leeds and 4·23 in Liverpool, as compared with 0·93 in the Metropolis; and in the year 1906 while there were none in Leeds the percentage was 4·93 in Liverpool. Apart from these figures as to disorderly conduct, the percentage of refused charges in all three cases is extremely small, not exceeding (except in one instance where the percentage is 1·05) one per cent. A Return submitted by Captain J. W. Nott Bower, Commissioner of Police of the City of London, seems to show that charges are more freely refused by Officers in charge of Police Stations in the City of London. The conditions of the City and its population are so peculiar, so different from those of any other urban entity, that we hesitate to draw any general conclusion from the figures relating to the City of London alone, and we prefer to set out those figures without comment. They are as follows:—

RETURNS submitted by Captain J. W. NOTT BOWER, Commissioner of Police of the City of London.

RETURN "A."

RETURN showing the Percentage of Charges of Drunkenness, Disorder, &c., refused by Officers in Charge of Police Stations in the City of London, during the Years 1904, 1905 and 1906.

Offence.	1904.		Per-centage.	1905.		Per-centage.	1906.		Per-centage.
	Charges taken to Station.	Refused.		Charges taken to Station.	Refused.		Charges taken to Station.	Refused.	
Drunkenness - - -	1,432	85	6	1,241	77	6·2	1,261	108	8·5
Drunk and Disorderly	813	36	4·4	826	58	7	669	68	10·1
Disorderly Conduct -	202	66	32·6	189	65	34·4	195	90	46·1
Disorderly Conduct by Prostitutes.	22	—	—	12	—	—	21	2	9·5
Solicitation by Prostitutes.	1	1	100	—	—	—	—	—	—
Solicitation by Men -	—	—	—	—	—	—	—	—	—
Street Betting - -	204	1	·5	183	3	1·6	139	1	·7
Totals - - -	2,674	189	7	2,451	203	8·2	2,285	269	11·7

PROPORTION OF IMPROPER ARRESTS TO TOTAL NUMBER.

§ 5. We desire to draw attention to Return 22. This Return shows the number of arrests by the Metropolitan Police Force in each of the years 1903, 1904, and 1905, and the number of cases in which proceedings were taken against members of the Force in respect of such arrests, or in which after inquiry of a disciplinary character they were found not to have been justified. Appendix, p. xviii.

Taking 1905, which presents no exceptional feature, and is the last year dealt with, we find that in 1905 the arrests numbered 127,317, the cases of proceedings against members of the Force were 4, and the cases in which arrests were found, as the result of disciplinary inquiries, not to have been justified were 24, that is to say ·023 per cent., or about 1 to every 5,000 arrests. We are struck both by the immense number of the arrests and the small number of cases in which the Commissioner found that the arrest was not justified. We think that it is clear that an improper arrest is a rare occurrence, and while recognising the gravity of even isolated cases of abuse by members of the police of the power of apprehension, are confirmed by this Return in the opinion that this power is honestly exercised by the Force as a whole and in the vast majority of cases, and that there is no cause for any public disquietude upon this head.

STATISTICS AS TO COMPLAINTS OF BRIBERY.

§ 6. It will be seen from Table II. that we have had before us some Returns giving particulars of complaints to the police authorities against members of the Force for demanding or accepting money or drink (1) from Bookmakers, (2) from Prostitutes or Brothel-keepers, (3) from Licensed Victuallers, and (4) from Restaurant-keepers during the ten years ended 30th June, 1906. Appendix, p. xi.

We are informed on behalf of the Commissioner of Police that these matters would ordinarily be regarded as of a most confidential nature, and we agree that it would be detrimental to the interests of the administration of the Force generally,

and therefore contrary to the public interest, that this confidential information should be published. We think, however, that it is our duty to make some observations on these Returns, and we propose to give a summary of the more important figures.

(1) With regard to the relations of the Force with Bookmakers, the complaints received from private persons numbered 548, but of these complaints 340 were against the police generally, and only 208 were complaints against particular constables. Inquiry was made by the Commissioner of Police in most of these 548 cases to ascertain if there was any truth in the complaint, but he found that there was no truth in the great majority of cases. In some 20 cases, however, he held that there was some foundation for the allegation made, and the constables implicated were punished with more or less severity according to the gravity of the offence disclosed. In addition to the complaints aforesaid, 12 complaints were preferred by Superior Officers against members of the Force, and they were all held to be proved. We may refer in this connection to Return 26, showing the amount of fines imposed upon Bookmakers for betting in streets within the Metropolitan Police District during each of the 10 years ended 31st December, 1905, and the total for the 10 years. This total amounts to £127,276, which gives an average of £12,727 per annum, and the fines for 1905 alone were £29,715. It is evident from the figures in this Return that for several years prior to the Street Betting Act, 1906, the business of street bookmaking continued to be extensively carried on notwithstanding the frequent arrests of offenders and the heavy cost of the fines imposed upon them by the magistrates upon conviction. It has, of course, been alleged that there was a regular system of bribery of members of the Force by street Bookmakers, and that it was by collusion with the police that they were able to defy the law. We reserve for the third part of our Report our comment on the allegations which have been made to this effect.

Appendix, p. xix.

(2) With regard to the relations of the Force with Prostitutes and Brothel-keepers, the complaints received from private persons numbered 92, but of these complaints 46 were against the police generally, and 46 were complaints against particular constables. As a result of the steps taken to test the truth of the complaints so made, the allegations were mostly found by the Commissioner of Police to be untrue. In the two or three cases where the complaint was proved, the offence complained of was severely dealt with. In addition there were 13 complaints preferred by Superior Officers, including one of consorting with Prostitutes when off duty, and 12 of relations with Brothel-keepers, and all except 1 of the 13 were held to be proved.

(3) With regard to the relations of the Force with Licensed Victuallers, this is really beyond the limits of our Inquiry. The complaints received from private persons numbered 215, and 154 were against the police generally as against 61 complaints against particular constables. In 17 cases the complaint was substantiated, and the officers were punished. In addition there were 19 complaints by Superior Officers, all of which were proved to be true.

(4) With regard to Restaurant-keepers, there were only 4 complaints by private persons, and 5 complaints by Superior Officers.

The foregoing complaints may also be classified according as they are (1) Authenticated, (2) Anonymous, or (3) Pseudonymous, and it is to be observed that the authenticated complaints are comparatively few, and complaints are for the most part anonymous.

In every other public department it is, we believe, the practice to ignore anonymous communications, but it would appear that complaints as to these matters, whether authenticated or anonymous or pseudonymous, are taken note of and inquired into by the Police Authorities, and where offences are brought home the constables implicated are, generally speaking, suitably punished. The Commissioner of Police, of course, has the services of the Criminal Investigation Department at his disposal, and is therefore in a better position than any other authority for dealing with such complaints.

PART III.

CONCLUSIONS AND RECOMMENDATIONS.

General Observations.

§ 1. Having now reported upon the duties of the Police in dealing with street offences, and set forth the general and statistical evidence which we have been able to obtain upon the matters referred to us, and bearing in mind the results of our investigation of the complaints dealt with in our Reports on Particular Cases submitted herewith, we proceed to state our general conclusions, and to make certain recommendations.

We have no hesitation in coming to the conclusion that the Metropolitan Police Force, as a whole, discharge their duties in connection with the three classes of offences mentioned in our Terms of Reference with honesty, discretion and efficiency.

The fact that upon the materials before us we must also find that occasionally constables have been guilty of misconduct of various kinds, and of various degrees of seriousness, is one that every person conversant with the difficulty of governing men, and who has had experience of life, would naturally expect. No reasonable man would, in approaching the question of the efficiency of so large a body as the Metropolitan Police, expect that every one of them should on all occasions act with sufficient intelligence and be invariably courteous and good tempered in the discharge of very difficult duties. No one would expect that blunders should never occur, nor that instances of intentional wrongful action should never happen. In fact, it is not reasonably possible, however able and vigilant superior officers may be, to guarantee the absolute efficiency of every member of a body of 17,000 men; and the utmost that can be hoped for is that the instances of individual misconduct should be so few as not to afford any reasonable ground for a lessening of the general confidence of the community in the integrity and efficiency of the Force as a whole.

We have mentioned above the total number of communications received by us containing charges of all kinds against the Police. Having regard to the large population of the Metropolitan Police District (which was in 1901, 6,678,808, and is now well over seven millions), and to the statistics as to the total number of arrests effected each year by members of the Police Force (which has not fallen below 119,000 during any one of the last four years), we think that number is so small as to prove that there exists no cause for believing that there is any habitual tendency to make wrongful or improper apprehensions. As any person who conceived that he had any cause of complaint against the Police in regard to arrest for street offences had a reasonable opportunity of coming before us, we regard the figures as indicating that there can be no widespread dissatisfaction with the conduct of the Police in connection with the matters referred to us. See above,

The statistical evidence which we have obtained seems to us to afford satisfactory proof that instances of positive misconduct on the part of Police Constables are, when one considers the immense number of cases with which they have to deal, so comparatively rare as to give no cause for disquietude.

In considering the figures, one must bear in mind that, large as is the number of cases in which persons are arrested and brought to the police-station, the total of such cases represents only a proportion of those in which the Police intervene for the purpose of maintaining peace and order. Probably in the majority of cases in which a constable, in the exercise of his duty to prevent the commission of offences, warns a person by telling him to move on or by the use of other words of caution, the necessity for further Police action is done away with, and the prudent and well-timed activity of the constable thus prevents the commission of an actual offence.

An arrest once effected, it becomes the duty of the constable to take his prisoner to the police-station, and there, as we have seen, he is at once face to face with a superior officer whose duty it is to refuse or to accept the charge.

The figures we have given above show that in the vast majority of the cases in which a constable prefers a charge it is taken and not refused. It is, however, a mistake to suppose that the refusal of the charge by the Inspector shows, as a matter of course, that the constable is to blame. Constables have generally to exercise the power of arrest for street offences with great promptitude, and it sometimes happens that, when the prisoner is charged at the station, an explanation of the circumstances that led to the constable's interference, which does not involve any misconduct on his part, is disclosed. This often occurs in cases of arrest for drunkenness and disorderly conduct, where the prisoner's appearance and behaviour in the street have been such as might lead an honest observer to come to the conclusion that the cause of his unusual conduct was excessive indulgence in intoxicating liquor, though it becomes plain at the station that he is sober. In all such cases, though the charge is refused, and the refusal is entered in the Refused Charge Book, no real blame can be properly attached to the constable. In considering, therefore, the question whether the percentage of refused charges is so high as to show that the number of arrests improperly made is unduly large, proper allowance must be made for cases in which, though the Inspector does not think it prudent to detain the prisoner, and to bring him before a Magistrate, there has been no breach of duty whatever on the part of the Constable.

So, again, in considering the ratio of the number of cases in which the prisoner is discharged to the number of cases in which prisoners are convicted for these street offences before the Magistrate, similar allowances must be made. All the Magistrates examined before us without exception told us that the mere fact that they discharge a prisoner does not necessarily involve any misconduct on the part of the arresting constable.

The statistics which we have given above, comprising the total number of cases in which prisoners were charged before Magistrates with offences coming within our Terms of Reference, show that the percentages of cases in which the prisoner was discharged were in 1905 (the year before the appointment of this Commission) in cases of arrest for prostitution 6·3, for drunkenness and disorderly conduct 8·9, and disorder simply 29·0. The percentage in cases of prostitution and drunkenness strike us as remarkably low. The higher percentage in cases of disorderly conduct is explained very largely by the fact that in a large proportion of these cases the Magistrate binds over the prisoner and inflicts no fine, or in his discretion simply dismisses the prisoner with an admonition to be of good behaviour in future; and, as we have said above, prisoners so dealt with are in the Official Returns treated as discharged. It should be noticed, too, that in these returns prisoners discharged under Section 16 of the Summary Jurisdiction Act, 1879, are similarly treated. It must not be inferred from the figures that there was misconduct in all or in any large number of the cases in which the prisoner was discharged; and without inquiring into the circumstances of each particular case, it would not be safe to conclude that the discharge by the Magistrate implied that the original arrest was unlawful, or, even if the arrest was not technically justifiable, that there was any breach of duty on the part of the constable concerned.

See above, p. 95.

The principal reasons which make it necessary to inquire into the facts of each discharge of a prisoner before using the figures as a basis of generalisation as to the conduct of the Force as a whole are these:—

(1) In dealing with these street offences, the jurisdiction of the Magistrates is one of an eminently discretionary kind. A Judge sitting at the Central Criminal Court trying a prisoner who has been arraigned and pleaded Not Guilty to a charge on an indictment is, if some evidence is given on the part of the Crown that the prisoner has committed a crime for which he is put upon his trial, bound to leave the case to the jury, and to enter their verdict when given upon the Record. In the Metropolitan Police Courts the Magistrate is judge of law and of fact, and, even, if he considers that the offence is proved, he has power under the Summary Jurisdiction Act, 1879, Section 16, to discharge the prisoner without punishment; and, even if he thinks that there is some evidence that one of the statutory offences is proved, he may still come to the conclusion, in his discretion, that the evidence does not amount to complete proof of the common statutory offence, and accordingly may dismiss the prisoner with a caution, or bind him over under the powers given to him by his commission as a Justice of the Peace. Whether he discharges the prisoner under Section 16, or simply in the exercise of his discretion, his taking that course is not inconsistent with the arresting constable having exercised a sound discretion in making the arrest, and having given perfectly truthful evidence in Court.

(2) The statutory offences in respect of which a summary power of arrest is given to the Metropolitan Police are intentionally defined in such wide terms that their application to particular cases may involve questions of difficulty upon which difference of opinion may legitimately arise. The words "Drunk," "Disorderly," "Riotous and Indecent Behaviour," "To the Annoyance of the Inhabitants or Passengers," "Threatening, abusive or insulting words," or "Behaviour whereby a breach of the Peace may be occasioned," and so forth, are all of them expressions of such generality that it is difficult to fix the precise logical or grammatical extension of the terms employed, and which may require, in any case, definition. It follows from that that an intelligent constable may honestly believe that the specific acts which he observes, or the words which he hears constitute an offence, while a Magistrate may be of a contrary opinion.

(3) The issue before the Magistrate is whether the prisoner is Guilty or Not Guilty of the offence with which he is charged, and in determining that question, the Magistrate is bound to act in accordance with the principle that the prosecutor is bound to prove the case against the accused beyond all reasonable doubt. The question whether the constable who arrested the prisoner was guilty of misconduct in apprehending him must not be confounded with the issue before the Court.

Furthermore the constable who prosecutes in the Police Court the person whom he has arrested does so subject to the criticism of his Sub-Divisional Inspector or other superior officer who attends the Police Court in accordance with the Regulations to see that the Police do their duty in regard to prosecutions, and also to that of the presiding Magistrate. If the former has reason to believe that the constable has arbitrarily or wrongly exercised his power of arrest, or been guilty of any breach of the Regulations in regard to his treatment of the prisoner, or if he exaggerates the case against the prisoner in order to secure a conviction, it is his duty to report as to the constable's conduct. So, also if the Magistrate in dismissing a case does so on grounds involving the finding that there has been any arbitrary or indiscreet conduct on the part of the constable, or that he has spoken falsely, he usually, in briefly stating his reasons for dismissing the charge, adverts to the conduct of the Police, and it is then the duty of the Inspector at the Police Court to communicate his remarks, in accordance with the Regulations, to the Police authorities.

When these considerations are borne in mind it becomes clear that it is not safe to assume, simply from the fact that the Magistrate discharges a case, that there has been any kind of improper conduct on the part of the arresting constable.

Looking at the statistics which show the percentage of cases in which charges of street offences are dismissed by the Metropolitan Police Magistrates, in the light of these reflections, and of the experience which we have gained by investigating the complaints upon which we report, we are of opinion that they afford no ground whatever for inferring that wrongful arrests are frequent.

When such arrests occur, we believe that they generally do so owing simply to indiscretion or to loss of temper following on mistaken interference by the constable in the intended performance of his duty.

It appears to us that the cases of Mrs. Braham, Baker and Mullins may be taken as typical instances of the way in which constables are led to make improper arrests.

In Mrs. Braham's case, the original intervention of the constable was due to a mistake as to the character of the lady, and the mistake once made led to an unjustifiable arrest because the constable did not see a way of extricating himself from the difficulty in which he found himself placed when the lady became excited and threatened to report him.

In Baker's case the offence, if offence it was, which the constable observed was of so trivial a character under all the circumstances as to make his interference injudicious, and when Baker refused to give his name and address except at the Police Station, and insisted on going to the station, the constable committed the error of arresting him on a charge of being drunk and disorderly.

In the case of Mullins, the complainant annoyed the constable by making an offensive remark under a mistake as to the identity of the constable whom he believed to

be a friend, and this led to a loss of temper on the part of the constable which was aggravated when Mullins, instead of remaining quietly at home, sallied forth once again in order to get his number.

In not one of these cases did the constable deliberately plan the arrest of the person concerned, and in all three cases there was conduct on the part of the latter which afforded some pretext for the initial blunder or misconduct of the constable.

We believe that probably, in nearly all the cases in which the magistrate dismisses a case, and in which an accusation of wrongful arrest is brought against the constable, if the matter were investigated, circumstances analogous to those disclosed in these three cases would be found to exist, and that the instances in which a constable arrests a person with malice prepense would be so rare and exceptional as not to afford any ground at all for a generalisation adverse to the integrity of the Metropolitan Police.

It may be added, too, that it is not easy to see why there should be any disposition on the part of an ordinary constable to effect an unnecessary arrest. Every arrest involves some amount of personal risk, and the chance, except in simple cases, where there can be no doubt that an offence has been committed, of the propriety of the arrest becoming a matter of controversy, and, therefore, possibly of censure.

Suggestions were made to us that constables were unduly zealous in making arrests and preferring charges, because, by so doing, they attract the attention of their superior officers, and increase their chance of promotion in the Service.

Upon this point, Sir Edward Henry's remarks seem to us deserving of great attention. He said :—

Q. 56. "I have often seen it stated that a Constable's activity in prosecuting cases affects his promotion. This is quite incorrect. A Constable's activity or otherwise with regard to arresting or prosecuting persons is not taken into account at all in considering the question of promotion. Our rule is that no promotion is given except as the result of an examination held at New Scotland Yard, written and oral, by an Examining Board, consisting of a Chief Constable and four superintendents, supplemented by an examination independently held by the Civil Service Commissioners. During the time that I have been Commissioner I know of only two instances in which promotion was given without such examination, and in one of these the candidate passed in his professional examination but failed before the Civil Service Commission. The number of promotions each year, I may add, would aggregate about 400. So that during the time that I have been Commissioner there have probably been about 1,400 promotions made, and I can only call to memory two
Q. 57. cases in which the examination test was foregone. . . . Every Constable with five years or more blameless service to his credit (formerly it was a little higher, but we have recently promoted men of shorter service) is eligible for promotion and can apply to be promoted to compete at these examinations. I may mention here incidentally that in order to satisfy myself that that Constable possessed the necessary education the Superintendent causes a preliminary examination to be held in the division, and if a man who was anxious to get promotion failed at that preliminary examination he would be told it would be no use his appearing at New Scotland Yard until he had improved his education. I may add that there is no special record kept of the cases in which Constables are concerned. If I wanted to know what work in connection with cases an individual member of the Force had done, I should have to call for a very lengthy and tedious search to be made amongst the registers in order to arrive at the information. Our rule is well known to all the men engaged in the Police Force, and no inducement of any sort or kind is held out to them to be unduly active in relation to arrests or prosecutions of individuals. On the contrary, it is well recognised that the bringing of charges involves much inconvenience to the officers concerned at the time and subsequently, and frequently entails loss of rest. For instance, if a man arrests a person while he is on night duty he goes off that night duty a little before six in the morning, and he has to be at the Police Court at ten o'clock, so he practically loses his rest."

There is, of course, no reason to doubt the accuracy of that statement, and we need only add that we can find nothing in the evidence before us, or in the behaviour of the constables in the cases into which we have inquired, to indicate that there is any over-zeal on their part in making arrests due to the belief that the number of arrests which they might effect would commend them to their superior officers.

We have had no complaints at all from any quarter that constables, either from timidity or laziness or indisposition to take upon themselves the burden of prosecution, neglect their duties, and abstain from effecting arrests, where it may be necessary to do so in the interests of public order.

We think, we may safely say, that, upon the whole, the Metropolitan Police steer with remarkable skill for the middle line between fussy and over-zealous intervention, on the one hand, and timid or negligent inactivity, on the other.

Checks upon Police Action.

§ 2. This is, perhaps, the best place in which to make some observations which have forced themselves upon us in the course of our Inquiry, as to the checks upon misconduct by Police Constables.

Underlying a good many of the suggestions that have been made to us, and of the comments which from time to time appear in the public Press, there appears to be the notion that it is quite an easy matter for a constable to misbehave in any way whenever he pleases. It is, of course, true that an innocent person may be suddenly arrested by a constable in a London street without any provocation and without any adequate justification, and that when taken to the police-station he may find himself in a singularly helpless position. An arrest may be effected there without anyone taking any particular notice of it, and the prisoner would, in the case supposed, probably be quite unable to get the evidence of any witnesses who had seen the arrest or anything that took place before it, to disprove whatever charge the constable might make against him. His position before the Magistrate may, assuming that the arresting constable is dishonest and untruthful, be one of extreme difficulty; and it is possible that even the most careful Magistrate might, if the constable gave his evidence very plausibly, decide against the prisoner. Such a miscarriage of justice due to abuse of authority cannot be absolutely insured against under any system of procedure.

According to our system of summary jurisdiction in the Metropolis, the burden of guarding against the contingency of wrongful arrest is mainly thrown upon the Magistrate, and it is left to his care, experience and skill to judge whether in such a case as the one supposed the constable is to be trusted. It would be absurd to suppose, having regard to the thousands of these petty cases that are dealt with every year in the Metropolitan Police Courts, that occasionally a wrong decision may not be arrived at by a Magistrate, but, if indeed prisoners were often wrongly convicted in these Courts, we may be sure that, when their proceedings are followed by a vigilant Press, and when no class of the community can be described as unduly subservient to or timorous of authority, appeals to the Home Office would multiply indefinitely, and public discontent would make itself felt through countless channels. In fact, as we have mentioned above, though in the year 1906, for instance, the total number of cases in which the defendant was charged with offences punishable summarily amounted to the large aggregate of 115,794, yet in only thirty-four cases was an appeal made to the Home Office by way of complaint against the action of Magistrates, and in only ten of these did the person convicted complain that the decision was wrong. It seems to us, therefore, proved conclusively that wrongful arrests are seldom made.

See above, p. 95.

Whilst we are of opinion that wrongful arrests are rare we think the utmost care should be taken by the police authorities to prevent their occurrence.

So far, however, as the Police are concerned, the checks on misbehaviour by an individual Constable are greater than those who entertain the popular notion to which we have referred imagine. They may be thus briefly stated :—

(1) Every constable has the greatest inducement to adhere strictly to his duty, and to commend himself by civility towards his superior officers, and his comrades, as well as to the members of the general public. He belongs to a Force in which from the comparatively humble rank of an ordinary constable he has the fullest opportunity of rising to almost the highest grade in the Service to which he belongs. Unless there are radical defects in his character, or unless he is unintelligent, the temptations to deviate from the path of duty are very weak as compared with the advantages to be obtained by resisting them and scrupulously obeying the Regulations laid down for his guidance.

(2) Though a constable, for the most part, has to discharge his duty on his own initiative on his beat or his patrol, he is constantly under the watchful surveillance of his Sergeant and the Inspector on duty. The rules of the Service are such that he can never know when or where he may meet a superior officer, and he also knows that should any complaints have been made against him for misconduct of any kind he may be under the observation of plain clothes officers.

(3) He is also aware that any person can easily identify him by his number and the initial of his Division, and that, without a word being said to him, any observer can go to the Police Station and make complaint against him, which is certain to be taken note of, and as to which inquiry will be made.

(4) In case he makes an arrest, he is bound to take his prisoner at once to the nearest Police Station, and there charge him before an Inspector or Station Sergeant, whose duty it is to hear his statement and exercise his discretion as to whether he will accept or refuse the charge, and, in case he takes the latter course, to enter his reasons for so doing in the Refused Charge Book.

Finally, there is the check, already mentioned, imposed by his having to appear in public to prosecute his charge before a Magistrate and in the presence of an Inspector. In this connection we may refer to the Regulation which provides that the Inspector present at a Police Court is to report any misconduct on the part of the Police or any remarks by the Magistrate affecting them. As we construe this rule if a magistrate dismisses a case the Inspector ought, if the circumstances disclosed in Court afford some ground for thinking the arrest was improper, to report the matter. But we understand that in practice no report is made by him unless the Magistrate makes some comment on the conduct of the police concerned. We think that the Inspector, whether the Magistrate in dismissing a charge makes any comment or not on the action of the police, should himself report such a case if there is any ground for thinking that the arrest was one that ought not to have been made.

White Book, p 302.

Q. 10687.

Method of Effecting Arrests and Treatment of Prisoners.

§ 3. The Regulations as to the method of effecting arrests and as to the treatment of prisoners appear to us to be clear and satisfactory.

We have no reason for thinking that the Police effect apprehensions with unnecessary violence, or that, when they have taken their prisoners into custody, they exert greater pressure upon the arms than prudence requires, or twist or move the arms of prisoners so as to cause needless pain. Though some of the Magistrates told us that prisoners do make complaints as to ill-treatment, not one of them referred us to instances in which they believed such complaints to have been well founded. In none of the cases mentioned by Mr. Cluer, and not fully enquired into by us, was any allegation made that there had been anything improper about the way in which the arrest was made, or about the subsequent treatment of the prisoner.

In the cases of special complaints which we have heard, accusations of undue violence either in arresting or in conveying the prisoner to the station were made in four cases, viz., those of Mullins, Andrews, Riley, and Altfuldisch.

In the case of Mullins, where, in our view, the constable had completely lost his temper, we found that the charge was well founded.

Q. 10757. Andrews definitely complained that on the way to the Station the constables twisted his arms up his back very much as high as they could get them, and caused him a great deal of pain. He, however, was undoubtedly a refractory and struggling prisoner, and a witness on whose word we can place no reliance whatsoever, and any pain that he suffered was due to the force properly used to bring him to the station.

Q. 28098. Riley did not allege that his arrest was effected violently, but his complaint was that P.C. Mizen knocked him down with a blow from his fist while they were taking him down Prusom Street, and that then he and P.C. Kemp dragged him along for about two hundred yards. However, we have decided that this accusation was untrue.

Altfuldisch did not suggest that any undue violence was used in arresting him, but he did complain that Sub-Divisional Inspector Mackay took hold of his collar and pushed him along violently, and at one point pushed him down and shook him. That Sub-Divisional Inspector Mackay did have to push Altfuldisch along, and had a great deal of trouble in getting him to the Station, is perfectly true, but any violence that was used by Sub-Divisional Inspector Mackay was made necessary by the extraordinary conduct of Altfuldisch himself on the way to the station. Q. 4939. Q 4940.

Mrs. Braham's complaint was not of undue violence on the part of the constable, but of holding her in an indecent manner, and, as to that, we think she was quite mistaken.

Save, therefore, for the conduct of the constable who arrested Mullins, there is nothing in the cases which we enquired into to afford any ground for the generalisation made by Mr. Timewell, that the Police habitually twist the arms of drunken persons. If there were any substantial ground for thinking that the Police are unnecessarily cruel in exercising their powers, we feel persuaded that others would have come forward and drawn our attention to the fact.

A study of the evidence which we received in Harding's case as to what happened when P.C. Cann arrested Callaghan will show what difficulty there may arise in arresting and conveying to the station a violent and drunken prisoner, especially in and through crowded streets; and the case seems to afford a very good illustration of the way in which the Police discharge their duties under circumstances of extreme provocation without doing any harm at all to the person of the prisoner, for there is absolutely no suggestion that Callaghan when he arrived at the Police Station showed any sign of ill-usage.

At the same time we think it is quite possible that some constables may occasionally give unnecessary pain to prisoners. After all, the business of a constable is a rough one, and all cannot be expected at all times, and under all circumstances, to measure with nicety the amount of force which is necessary. In this connection the personal danger to which constables are exposed in arresting and taking prisoners, especially drunken prisoners, to the station ought not to be overlooked. How serious that danger is, a reference to the Return which we have printed above, and to Mr. Clinton Dent's evidence, will show. *See* above, pp. 60, 61.

Our conclusion is that the Metropolitan Police, as a rule, arrest and take their prisoners to the Police Station in accordance with the spirit and letter of their instructions, and that the instances in which unnecessary pain is inflicted are extremely rare.

Proceedings in the Charge Room.

§ 4. The Regulations as to the proceedings in the Charge Room, which we have set out in full above, appear to us to be satisfactory in substance, though their wording and their arrangement do not seem so clear as they might be, and compare unfavourably with the analogous Regulations made for the use of the Liverpool Constabulary. As we understand from Sir Edward Henry that the Regulations are undergoing revision we think it unnecessary to make any formal recommendation for their amendment. *See* p. 38.

We think there is no doubt that the proceedings in the Charge Room are conducted in general with strict propriety. We found that statement not only upon the result of the minute inquiries which we made in hearing the special complaints brought before us, and upon the evidence given by the learned magistrates upon the point, but also upon our examination of the Charge Sheet and Refused Charge Book at several police-stations, and actual observation of the manner in which officers in charge of stations take or refuse charges.

Some doubt has arisen as to the precise nature of the duties imposed upon a station officer before whom a charge is preferred. We have stated our view of his functions above, and it is unnecessary to repeat it here. *See* above, pp. 40–42.

In cases where the charge preferred by a constable is refused by the officer at the Station it is very properly provided in the Regulations that the reasons for the refusal of the charge are to be entered "as clearly and briefly as possible" in the Refused Charge Book. We regard the strict observance of this Regulation as of the utmost importance; and recommend that the statement of reasons should be sufficiently full to

enable the Superintendent or other superior officer who examines the book to form a judgment as to whether an inquiry into the conduct of the constable who effected the arrest is desirable.

There is only one other important detail of the proceedings in the Charge Room which seems to require some comment, and that is the treatment of statements made by a prisoner in the Charge Room. The Regulations contain three provisions upon the matter.

By Regulation 198—

White Book, p. 252. "A statement made by a prisoner when charged at a station is to be accurately written down at the time by the officer on duty and reported to the magistrate who hears the case."

White Book, p. 252. By Regulation 203 it is provided that the statements of witnesses and any statements made by the person charged are to be patiently and attentively heard.

By Regulation 209 :—

White Book, p. 353 "The charge as entered upon the sheet is always to be read over to the prisoner, not with a view of extracting an answer, but to inform him of the nature of the offence with which he is charged, but any observation he makes is to be noted and attended to."

Regulation 198 is quite general in its terms, and appears to refer to all prisoners, whatever may be the nature of the offence with which they are charged, and to apply not only to statements made after a charge has been accepted and read over to the prisoner, but also to those made before the charge is accepted. The words in Regulation 198, "When charged at a station" are not, as it seems to us, to be construed as meaning when the charge is "read over to the prisoner" in compliance with Regulation 209. We are told, however, that in practice Regulation 198 is only followed where the prisoner is charged with an indictable offence, and that it is not the custom for the Inspector or other officer taking the charge in a case punishable summarily to take down the statements made by the prisoner in the dock; and, as we gather, it is not usual to take down the answer, if any, made by the prisoner when a charge of an offence punishable summarily is accepted and the charge sheet is read over to him.

Sir Edward Henry told us that though such an instruction is given (*i.e.*, an instruction to take down anything the accused may say), in practice it is not advantageous to give effect to it, and questioned the necessity of a strict adherence to the Regulation in petty cases. He said :—

Q. 52519 "The best practice is for the officer in charge of the case to make a note in his pocket-book of any statement the accused person may make, because he is then in a position to prove that when he appears before the Magistrate at the Police Court. If you had to depend on the station officer it would mean that the station officer would have to go to the Police Court; and I might mention that 25 per cent. of our stations send their cases to two Police Courts; and so if a station officer were required to attend to prove the statements made by the accused he might be required to appear at two different Police Courts at the same time. In addition to that, he is a man who is on duty at night to six in the morning, and if he had to attend at the Police Court he would have no sleep, and therefore we should require extra station officers; we should have to double them."

There is, of course, nothing in the Regulations forbidding the Police Constable who prefers a charge to make a note in his book of anything said by the prisoner in the charge room, in order to refresh his memory upon the point when appearing at the Police Court to substantiate his charge. An entry in the notebook of the constable gives no added guarantee of his good faith, and supposing that the accuracy of the entry, if referred to in Court, is challenged by the prisoner, though the Magistrate may remand the case for the attendance of the Inspector, yet, unless the latter has taken down the statement at the time, having regard to the number of cases with which he has to deal, he may not remember it and even if he does his evidence will not have the same weight as if it were supported by reference to an entry made at the time in the course of his duty.

We can well understand the difficulty of carrying out the Regulation that a note is to be made of anything that is said by a prisoner in the charge room in cases in which the prisoner is charged with drunkenness, or with being drunk and disorderly, as in a very large percentage indeed of such cases the prisoner is either so much affected by drink or so excited that his statements are incoherent, or too rapid, or confused to be recorded with complete accuracy. But no such consideration applies to the case of a prisoner who is charged with an offence in which drunkenness is not an element (*e.g.*, solicitation under the Police Act, 1839, Section 54, Sub-section 11.)

We see also that the obligation of taking down the prisoner's statement in the docks quite fully in the numerous cases of street offences would impose great additional labour upon the officer taking the charge, but any such additional labour could be met by increasing the staff where necessary.

We think that though probably in the immense majority of cases the statements of the prisoner, unless they amount to express or implied admission of guilt, are not likely to throw very much light on the question of the prisoner's guilt or innocence, they may become, notwithstanding the opinion of the Inspector or the Station Sergeant at the moment, of very great and even crucial importance. Take, for instance, the case of Messrs. Gerothwohl and Lavalette, where the allegations made by them in the dock were certainly matters relevant to the case.

Sir Edward Henry suggested two difficulties in applying Regulation 198 to prisoners charged with the offences with which we are concerned :—(1) That there would be a great additional burden thrown on the officer taking the charge, and an unnecessary duplication of notes of the prisoners' statements by the arresting constable entering the statements in his note book, and the Inspector also taking down in writing what the prisoner says ; and (2) That it was impossible for an Inspector, unless the staff at the station was largely increased, to attend at the Police Court.

The second objection is sufficiently answered by the fact that compliance with Regulation 198 would not make the Inspector a necessary witness except in a very small percentage of cases. If the magistrate, after listening to the evidence of the Constable, and after the latter has, if necessary, read out the statements of the prisoner from his note book, is satisfied, there would be no necessity for the attendance of the Inspector ; but if, in the opinion of the Magistrate, there is any doubt as to what was really said by the prisoner in the charge room, and the Magistrate thinks that the matter is one which ought to affect his mind in arriving at his judgment, he can then do what he does now, namely, remand the case for the attendance of the Inspector, and then the Inspector would be able to refer him to what he himself took down at the time when the prisoner was in the charge room with much greater effect than at present.

With regard to the first difficulty suggested by Sir Edward Henry, we have only to say that however great the burden may be, and even if it should be, as we think, quite possible that additional station officers might be required by a rigid adherence to the rules, we think that the interests of justice are paramount to considerations of convenience and economy. So, while recognising the force of what Sir Edward Henry said, and the difficulty which may arise from the condition of the prisoner in cases in which drunkenness is an element in the offence with which the prisoner is charged, we think that statements made by prisoners charged with these offences should be treated as nearly as possible in the same way as those made where the offence is indictable.

Sir Edward Henry made the suggestion that duplication of documents might be avoided by the Inspector initialling the entry in the constable's note book. We think this by no means an unreasonable suggestion, provided that the entry in the constable's note book is read out in the prisoner's presence, and thereupon forthwith initialled by the Inspector also in his presence ; and we are inclined to think that in cases of drunkenness and disorderly conduct the Inspector might have the power, in his discretion, of taking that course instead of himself writing down the statements made by the prisoner.

With regard to solicitation cases, we think, however, that the existing Regulations ought to be scrupulously observed.

In making these observations we do not wish to be understood as suggesting that undue importance is to be attached to what prisoners may say in the charge-room. It is for the Magistrate to consider their relevancy and effect. What we are desirous of is that the magistrates shall be afforded evidence of what is said by the prisoner in the charge-room which is as complete and accurate as possible. We are not concerned with the question whether adherence to the Regulation in question would tell in favour of the person charging or the person charged, and are thinking only of the interests of justice.

In former days it is perfectly clear that, speaking broadly, all classes of the Community regarded conviction for these street offences as matters of little gravity.

The Magistrate himself looked upon his jurisdiction rather as that of a *bonus pater familias* administering the necessary discipline to those under his control with the object of keeping his household in a peaceable and decent state, and not as a judge trying, with pomp and circumstance, crime; and it must be remembered that in those days the Magistrate at the Police Office had under his control his own body of Police, and his jurisdiction in these classes of offence was looked upon as closely connected with his executive duty of keeping the peace in the Metropolis. At the present time a Magistrate in a Metropolitan Police Court is only in name a Police Magistrate; he has no special control over members of the Force, and no connection with it; he is the Judge of an independent Court of first instance, with a very varied and extensive jurisdiction over the more trivial criminal cases. The proceedings of the Court are conducted in public, and are widely reported in the newspapers, and a conviction for one of these street offences is published, whenever it is likely to interest other persons, quite as widely as if the cases were tried at the Central Criminal Court. Owing to the greater sensitiveness of public opinion, and the existence of an improved standard of morality, quite as much damage may be done to a man's character by a conviction in these Courts as by a judgment against him in a Court of higher jurisdiction. Under these circumstances, it seems necessary that the Police should proceed with the same care, and with the same rigid regard to the Regulations in these matters, as in regard to cases of indictable offences. It is very necessary, therefore, that, immense as is the number of these not in themselves very serious offences, the Police should deal with persons accused of them in no perfunctory manner, but with the same care as if they were dealing with serious criminal matters.

There are three subsidiary matters connected with the proceedings in the charge room to which we think it worth while to call attention.

The first is the practice which seemingly prevails at every station of ordering, and, if necessary compelling, a prisoner to sit down on the bench which is provided at the police-station during the time that he is waiting to be placed in the dock and charged.

There does not appear to be any specific rule upon the point, and we are at a loss to understand why the arresting constable should insist upon his prisoner sitting down. Though, at first sight, the matter seems to be entirely trivial, yet there are indications in the evidence which has been given before us that prisoners resent and misunderstand the use of force to make them sit down. Unless there are some over-ruling considerations, of which we are not informed, we think it would be advisable that the prisoner should be simply asked to sit down, but that, if he declines, he should not be compelled to do so.

The next point is the searching of prisoners arrested for these street offences.

The Regulations provide that any prisoner may be searched:—

White Book, p. 262. "If it be suspected that he has upon his person any deadly weapon or any article which has been stolen or unlawfully obtained."

and seems to contemplate that the search should only be made upon the hypothesis clearly laid down. The practice, however, seems to be to search prisoners in all or in nearly all cases. We do not see why a practice of this kind should be followed where the only charge against the prisoner is that he has committed a street offence. Prisoners arrested for such offences naturally resent treatment which seems only proper where the charge is one of a grave crime against the person or against property. Both Dr. Gerothwohl and M. Lavalette were searched, and both gentlemen naturally felt that it was an added indignity, and it seems difficult to see why it should have taken place. We can hardly think that it was really necessary in that case to submit them to the process of search; yet, in fact, it was done, with the result simply that both these gentlemen referred to it with indignation, and as an added illustration of the brutality of the Police without any advantage being obtained.

Q. 13796. Maurer complained that Sub-divisional Inspector Mackay searched his pockets and behaved to him like a dog, and that papers, letters, postcards, and a couple of cigars were taken from him and thrown into the fire, and that his knife and pencil case, and things like that, were likewise taken from him. Though we do not believe his account of the way in which the search was carried out, it is not denied that his knife and pencil case, for instance, were taken from him and afterwards handed back, yet we find that in the Charge-Sheet under the heading:—"Property found on person or elsewhere," the entry is "Nil." It appears to us that if the search of Maurer was made

in pursuance of the Regulation, a description of the property found upon him ought to have been entered in the proper column. The Charge-Sheet and the Regulation must be read together, and where a search is made under it in strictness the deadly weapon or other property found upon the prisoner ought to be noted. Sub-divisional Inspector Mackay evidently was not quite easy in his mind as to the practice, because he told us that it was generally done simply for the protection of the prisoner, and his observation implied that it was not treated as a formal search within the meaning of the Regulation.

We see no reason for departing from the Regulation, and think that prisoners arrested for these street offences should only be searched in case the officer in charge of the station suspects on reasonable grounds that the prisoner has upon his person a deadly weapon or property stolen or unlawfully obtained.

Thirdly, having regard to the complaints of Andrews and Altfuldisch of ill-treatment at the station before they were placed in the dock to be charged, we desire to say that it is inexpedient to order that a noisy and unruly prisoner, waiting to be charged, should be taken on to landings or into places outside the main station building; and we recommend that, when it becomes necessary to remove a prisoner temporarily from the charge room, he should be taken to some convenient room and kept there in custody, not only of the constables who have brought him in, but of at least one other constable not concerned in the arrest.

Suggested Increase of the Powers of the Officer in Charge of the Police-Station.

§ 5. Suggestions were made to us that the improper or indiscreet exercise of the powers entrusted to individual Police Constables in respect of these street offences may, unless adequately checked, lead to the infliction of injury to the reputation of an innocent person even if he is acquitted by the magistrate before whom he may be brought. It was suggested that a Constable, under some mistake, may arrest a man engaged in some occupation in which personal character is of extraordinary importance, that, without any fault of his own, he may be placed upon his trial, and that the very fact of being so placed upon his trial upon an accusation of having been drunk and disorderly, though the charge may be dismissed, may cause permanent damage to his reputation and hinder him in his career. It was also suggested that this evil might in many cases be prevented if an Inspector, when a prisoner is charged before him at the police-station, had vested in him a discretion, if he should think it advisable, to make further inquiries before accepting the charge instead of being obliged to take it at once with the necessary consequence of the prisoner's having to appear in public before the magistrate the next day.

Such an object might no doubt be attained by giving the Inspector power to release the prisoner upon his entering into his own recognisances or giving satisfactory bail to appear not before the magistrate but before the Inspector at a future time when he would be in a better position to decide the question whether the charge was sufficiently well founded to justify the prisoner being placed upon his trial in public.

The same object might also be attained by altering the present system whereby the Police officer in charge of the station takes over the custody of the prisoner in case he accepts the charge and substituting for him a public official not, connected with the Police, whose function it should be to make a preliminary examination of the case and decide whether it is one in which the evidence is strong enough to justify the prisoner being placed upon his trial in public.

We invited the learned magistrates and other witnesses to express their opinion upon these questions, and all of them, with the exception of Mr. Plowden, are of opinion that no change in the present system is advisable. Their view may, we think, be expressed in the proposition that the best safeguard of the liberty and reputation of any person, whatever his avocation and whatever his degree in life, against the abuse of the right of arrest by a constable, or of false charges by him or anyone else, is afforded by the present law which compels accuser and accused to appear at the earliest possible moment before an independent Judge sitting in a Court, the proceedings of which take place in public.

Mr. Plowden, as we have pointed out above, recognised what he described as :—

Q. 44342. "the constant overhanging risk of unfounded charges which are not the less unfounded because they may be made in perfect good faith."

and he pointed out that to some people :—

"It is of little consequence whether they are brought into a Police Court or not, or what happens to them when they are there; but to others, and many others—persons of position and character—Police Court proceedings, even with an acquittal, cause annoyance and humiliation."

Mr. Plowden went on to make a suggestion that "where there is present to the mind of the Inspector taking the charge a reasonable doubt that the constable who has brought a man, say in a public position, into the station, is making a mistake, and the accused person is there with his card, and his name and address and his denial all before the Inspector" he should have "power to take that accused person's bail to appear not the next morning before the magistrate but, say, in a week's time" with a view to giving an opportunity for further inquiries into the matter, and if, upon such further inquiries being made, it should become apparent that there is no reasonable ground for pressing the charge, or for believing that the magistrate would convict, the charge might be refused, and the case never be brought before the magistrate in public.

Mr. Plowden also threw out the suggestion that, in case such a power as he recommended were not given to the Inspector, the same object might be attained by giving to the magistrate power to inquire into the charge in his private room if the Inspector felt doubtful about accepting the charge, and that the magistrate might direct him to refuse the charge, or that the charge be taken, and that the case should be tried in public in the ordinary course.

We have given both these suggestions our consideration. With regard to the second, we may say at once that we think it would be inexpedient to adopt it for the simple reason that it would be going back upon the principle acted upon since the passing of the Police Act, 1839, of effecting a complete severance between the executive functions of the Police and the judicial functions of the magistrate. It would, in effect, convert the magistrate into the adviser of the Police and make him responsible to some extent for the prosecution, or else it would commit him to a discharge of his judicial duties in private.

For these reasons we cannot recommend its adoption.

More may be urged, however, in favour of the first suggestion of Mr. Plowden. The requirement that every prisoner shall be brought at the earliest possible moment before a Magistrate is one of a very fundamental character in our English legal system, and is the basis upon which the freedom of the subject stands. It is a principle introduced for the benefit of the prisoner, and not in the interest of the prosecution, that is to say, of the Crown, and if in a particular case a prisoner likes to waive it because he thinks insistence upon its being carried out would involve greater damage to him than temporary detention, there seems to us to be no *a priori* objection to his having the right in cases where its possession and exercise involve no damage to the public interest.

Let us see how it would apply in a concrete case. Suppose a man is charged at Vine Street at midnight with being drunk and disorderly in one of the adjacent streets, under the present system if the Inspector at Vine Street accepts the charge the accused is bound to appear the next morning at Marlborough Street Police Court with only a very meagre opportunity of obtaining the legal assistance of a Solicitor, and practically none of retaining and instructing Counsel. It is true that no injustice is likely to be done, because the magistrate would, at his request, adjourn the case, and give the accused every opportunity of obtaining legal aid and collecting and summoning witnesses, and ultimately, unless the case were proved beyond all reasonable doubt, the prisoner would be acquitted, and he might leave the Court without a stain upon his character, to use an ordinary phrase. Still there remains the fact that he has been placed upon his trial, and that fact may be generally reported in the Press and, innocent though he was, great damage may be done to his reputation.

While admitting that it is quite possible that some injury and much annoyance may result to an innocent person through the blunder of a constable in such a case, we believe that cases in which any real or lasting damage to a man's reputation has been caused by Police Court proceedings which resulted in acquittal have only very occasionally occurred, and that they are not often likely to happen in the future. After full consideration, we

cannot see our way to recommend any increase in the powers of the officer in charge of the Station in regard to taking or refusing a charge made by a constable, so long as the existing system of prosecution by individual constables or private persons is maintained.

If the evil to which we have referred should be deemed to be of such a magnitude, as to make a change advisable, we think that the change should be made in the direction suggested by Mr. Plowden of giving the Inspector power, on the application of a prisoner, to take bail for his appearance before the Magistrate, not on the same or on the following day, but after the lapse of a short interval during which further inquiries may be made before the charge is finally taken or refused.

Drunkenness in the Streets.

§ 6. We are of opinion that the statutory provisions in regard to cases where a prisoner is charged with drunkenness, or with being drunk with aggravating circumstances, are adequate and sufficiently clear.

In the great majority of cases, vague though the term "drunk" is, no difficulty whatever arises in regard to the application of the statute to the cases which come under the head of "drunkenness," or "drunken and disorderly conduct," and they, as a reference to the statistics given above will show, form the great bulk of the total number number of street offences with which the Police and the Magistrates have to deal. The cases in which the prisoner denies that he was drunk with any seriousness or insistence are, comparatively speaking, few and far between. In those cases the duty cast upon the Inspector in the charge room is undoubtedly one oftentimes of very great delicacy and difficulty. In some of them he has to decide the question whether a prisoner, who is in an excited and unusual condition, is drunk or simply ill. In other cases he has to consider whether, though the prisoner is undoubtedly to some extent under the influence of liquor, he is so drunk that it is fair to accept the charge. In the former class of cases the Regulations direct that the Divisional Surgeon is to be sent for immediately, even though the prisoner makes no complaint, and the Chief Commissioner especially "desires that a liberal interpretation may be placed on all orders and regulations with respect to the attendance of Divisional Surgeons in cases of illness, accident, injury or drunkenness." White Book, p. 99.

The symptons of drunkenness in many cases are, to anybody except a surgeon or medical man, very similar to those due to some kind of mental or physical illness. In such cases it is easy for a constable honestly to make a mistake. A further difficulty arises from the fact that, as experience shows, the shamming of illness by persons who are drunk is not an uncommon device.

The case of Mr. Davis mentioned by Mr. Cluer affords an illustration of the difficulties that may arise in this class of case, and of the differences of opinion which may arise as to the propriety of Police action in regard to them. There, a constable who observed Mr. Davis fall, went up to him, and came to the conclusion that he was drunk, and arrested him, and after being taken to the Station, where he was examined by a Divisional Surgeon, he was brought before Mr. Cluer, who told us that the constable then swore that Mr. Davis was drunk, that the Divisional Surgeon said he was drunk and smelt of drink, and that the Inspector swore he was drunk, while, on the other side, there were a bank manager and half a dozen of the prisoner's friends to speak to his sobriety, and his own doctor to prove that he had epilepsy, and the prisoner himself assured the Magistrate that he had drunk absolutely nothing for four days. It is clear that Mr. Cluer's recollection was somewhat at fault, because the Inspector did not give evidence in the case, though that fact is not very important for our purpose, since the Inspector had in fact come to the conclusion that he was drunk, or he would not have taken the charge. In Mr. Cluer's view the Police were in fault, and it certainly is a very odd case, but as the Divisional Surgeon, whom we believe to be an honest and competent medical practitioner, certified that the prisoner was drunk, the blame for the acceptance of the charge, if there be any blame, must, under the circumstances, fall upon his shoulders and not upon those of the Police. It was evidently a very difficult case, and it seems to us that the fact that this gentleman was subject to epileptic fits, or, at any rate, had had such fits before, did not necessarily conclude the matter, because it is quite possible that an epileptic subject may get drunk like anyone else, though, on the other hand, neither in his case nor in that of anyone else does the smell of the breath

afford any satisfactory evidence of drunkenness. We are not of opinion that the Police were wrong, but we refer to the case as a good illustration of the difficulties with which both a constable in the street and an Inspector in the Charge Room are occasionally confronted. It is difficult to know what more can be done by the officer in the Charge Room in such cases than to call in a Divisional Surgeon, though even he, skilled though he be, may undoubtedly make a mistake.

Of course, except where the charge is that the prisoner is "drunk and incapable," there is always present in all cases of this class the difficulty created by the fact that there is and can be no absolute standard by which the degree of drunkenness required to satisfy the statute or, what comes to the same thing, the discretion of the Magistrate, can be measured.

In cases where the drunkenness of the prisoner is not quite obvious, and the prisoner denies drunkenness, and there is no suggestion or appearance of illness, the Regulations do not make it obligatory upon the officer taking the charge to send for a Divisional Surgeon. In practice, however, if the Station Officer understands from the prisoner that he seriously denies being drunk, the Divisional Surgeon is sent for, and unless objection be taken by the prisoner, he examines him, and having done that, makes an entry giving the result of the examination in a book kept for that purpose, while the Inspector makes an entry in the Occurrence Book of the fact of the doctor's examination of the prisoner, and a reference to the page of the Surgeon's book in which his entry is found. Until recently it appears to have been the practice for the Divisional Surgeon to make the entry in the Occurrence Book. A copy of the doctor's entry, usually called the doctor's certificate, is pinned to the Charge Sheet containing the entry relating to the particular case to which it applies, and therefore accompanies the Charge Sheet to the Police Court. The certificate is not *per se* admissible in evidence against the prisoner at the trial, and the Magistrate, of course, who has not got the Charge Sheet, but the Register compiled from it before him, does not use it against the prisoner, but if the fact that the Divisional Surgeon saw him comes out in the course of the hearing, and the prisoner raises no objection, he refers to it, and asks the prisoner if he would like the doctor to be called; if so, he is summoned, and, if necessary, the case is remanded for his attendance.

The fee of the doctor for his attendance at the Station is usually taken into account in fixing the fine in case there be a conviction, and the fee of the doctor for attending at the Court as a witness is taken into account as part of the costs of the case. It appears that the doctor's fees for attending at the Police Station are paid out of the Metropolitan Police Fund, though the fund is recouped out of the fine in case there is a conviction.

The practice appears to us to be regular and unobjectionable; and we think that the attendance of the Divisional Surgeon or other medical man at the Station ought to be encouraged as being highly desirable in the interests of justice.

We think it, however, absolutely necessary, in order to avoid any suspicion on the part of a prisoner, that the doctor is simply acting with a view to shielding the arresting constable against the consequences of an abuse, or a mistake in the exercise of his authority, that the examination should be conducted in every case without the slightest interference by the Inspector, and without the doctor being informed of any of the allegations made against the prisoner, or as to the circumstances of the arrest, or as to the conduct which induced the constable to intervene. It ought to be made plain, so far as possible, to the prisoner that he is being subjected to a purely impartial examination. Probably in a very large number of cases in which a prisoner denies with more or less insistence that he is drunk, a Divisional Surgeon has no doubt at all as to his condition; but it is in the cases in which, though the prisoner is angry and excited, there may be a doubt as to whether he is "drunk" in any fair sense of the term, that the expert opinion of a medical man may be of some value to the Inspector in coming to a conclusion whether he ought to be detained, and to the Magistrate in deciding whether he ought to be convicted.

We are not charged by the Terms of Reference with the duty of inquiring into the manner in which the Divisional Surgeons discharge the duties cast upon them in regard to cases of drunkenness, or drunkenness with aggravation, for they are not members of the Police Force, though their services are retained in accordance with the orders and regulations made by the Chief Commissioner.

It does not appear quite clear whether, according to the terms of their engagement, they are bound to attend to examine prisoners who deny being drunk, but who

are obviously not ill, and have not sustained injury, and where their intervention and examination of the prisoner can only serve the purpose of helping the Inspector to decide whether he ought to detain the prisoner or of qualifying themselves to give expert evidence at the Police Court. In practice, however, they evidently regard it as their duty to attend at the Station when summoned.

Suggestions have reached us, and in more than one of the cases into which we have inquired were made, that Divisional Surgeons allow themselves to be unduly biassed in giving their opinion on the condition of a prisoner in favour of the Police. We believe these suggestions to be groundless in fact. At the same time we think that the form in which they make their entry as to the result of the examination is too often couched in such general or ambiguous terms as occasionally to afford plausible ground for the suggestion that they desire to support the Police view that the prisoner is drunk, or to word it in such a way as to render it least damaging to a constable in case a blunder has been made. It appears to us that this is really due to the difficulty of fixing a precise meaning to such terms and phrases as "Drunk," "Recovering from the effects of excessive drinking," "Fit to be detained," and so forth, and to the absence of any agreement or understanding among the Divisional Surgeons themselves as to the data upon which their opinion upon the question should be based, as to the tests which should be applied, and as to the point at which in the gradual process commencing with slight exhilaration and ending with insensibility a prisoner may properly be said to be drunk.

If a medical man is called in and asked to determine the question whether a particular man who is pointed out to him is or is not drunk, he is asked to solve a medical or scientific problem, and the first question that he ought to ask himself is, what are the data upon which he is to solve his problem? It appears to us that he ought to exclude from those data as irrelevant anything that he is told by the Inspector or the constable as to what the prisoner has been doing or saying before arriving at the Station. If he does not do so, and if he is going to take into his consideration all the circumstances of the case, he is really anticipating the work of the Magistrate. What he ought to do is to diagnose the condition of the prisoner, and take notice of all the symptoms or signs which knowledge and experience tell him to be relevant, whether they tell in favour of or against the theory that the prisoner is drunk. Even if he should go no further than to note down certain physical facts (*e.g.*, dilation of the pupils of the eyes, difficulty of articulation, marked unsteadiness in gait, and the like), his evidence that such symptoms were observed is material to the Magistrate in the exercise of his judicial discretion. The writing down in a book by the doctor of his inferences in such general terms as "drunk" or "recovering from excessive drinking," not "drunk now," and the production of a copy of the entry, if it becomes admissible, affords little guidance to a Magistrate who has to decide the disputed issue; though it may well be useful and proper as a help to the Station Officer in the discharge of his duties.

We gather, indeed, from what the learned Magistrates told us that this is their view, and that in any case where there is substantial doubt they attach little value to the so-called certificate, but require the attendance of the Divisional Surgeon in order that they may ascertain the ground upon which he made his entry. If the Divisional Surgeon who had examined the prisoner at the Station attended as a matter of course at the trial, the precise form of his entry in the Medical Book or in the Occurrence Book would be of little importance save for the purpose of refreshing his memory in case he did not also make memoranda in his note-book; but the attendance of a professional gentleman involves expense which, though the fee is small, is heavy to most prisoners.

Impressed as we are with the advantage of having an examination of the prisoner at the Station in cases where the drunkenness is seriously denied, we think the advantage would be much increased if, instead of making simply a general entry in the book at the Station, the Divisional Surgeon entered concisely the symptoms which he observes about the prisoner's condition, adding to those particulars, if he chooses, the words "Drunk" or "Fit to be detained" or "Not drunk now, but recovering from the effects of excessive drinking," or other words accurately describing the condition of the prisoner at the time of examination. If these particulars were put in the entry or certificate, and the prisoner were allowed before leaving the Station or at the Police Court to look at it, he would have a better opportunity of deciding whether it was worth his while asking for the attendance of the Divisional Surgeon.

In many cases where drunkenness is disputed the prisoner asks that his own doctor, or, at any rate, some medical gentleman whose name and address he knows, should be sent for. In those cases the Regulations prescribe that every reasonable effort should be made to secure the attendance of the person whose name is given by the prisoner. As we know from what took place in the cases of Messrs. Gerothwohl and Lavalette, and of Mr. Baker, the Regulations are carried out, and we have nothing before us to justify the suspicion which it appears prisoners sometimes entertain that the Police are very lukewarm in their efforts to get any doctor except the Divisional Surgeon. Any attempt to force upon a reluctant prisoner an examination by the Divisional Surgeon, whether indirectly by not making any real effort to secure the attendance of the medical gentleman the prisoner requires, or directly by getting the Divisional Surgeon into the Charge Room without the freely given consent of the accused, would be, in our judgment, conduct of a reprehensible character.

Here, we ought to point out, that a good deal turns upon the time at which the examination by the medical expert is made. In the interests of justice the examination should be made at the earliest possible moment after the arrival of the prisoner at the Station, because, as everyone knows, the effects of alcohol pass off with greater or less rapidity, and, accordingly, the longer the examination by a doctor is delayed, the less value can be attached to his evidence upon the point as to what the condition of the prisoner was when the arrest was effected.

It is also desirable that the medical examination should take place, if possible, very soon after the arrival of the prisoner at the Station, because in that case it can be done before the charge is taken or refused by the Station Officer.

We think that in cases where the prisoner denies drunkenness, and the Inspector is not absolutely certain as to the propriety of taking the charge, it is expedient that the examination should take place before the charge is taken and the prisoner is placed in the cell. In cases where the prisoner is willing to be examined by the Divisional Surgeon, we think the best course the Inspector could take would be to wait for his attendance and examination before accepting the charge.

In this connection we may refer to the 12th Recommendation of the Police and Public Vigilance Society laid before us on their behalf by Mr. Timewell, which is as follows :—

"It may well be worth considering whether it would not be in the interest of all parties concerned to have a number of medical men on the books at each Police Station who would be willing to visit accused persons at stated fees instead of limiting the work to the Divisional Police as at present."

It is not accurate to say that the work is limited to the Divisional Surgeons at the present time since the prisoner is allowed to have an examination by a doctor named by him if he will attend, and we do not quite understand what is meant by the phrase :— "On the books at each Police Station." We think that the suggestion is a good one, and that it would be advisable to have a notice put up in the Charge Room on which properly qualified medical practitioners resident within a short distance of the Station might be allowed to insert their names as signifying that they are willing to attend when summoned by prisoners in order to examine them as to their sobriety, and that if a prisoner asks for a doctor he should be told that he may be examined either by the Divisional Surgeon or by any one of the gentlemen whose names and addresses are given in the notice. We think that in the notice on which the medical practitioners inscribe their names, the fee for which they are willing to attend should be stated. We also think that if a prisoner should ask for the attendance of one of the medical practitioners named in the notice, and he attends, the prisoner should also submit to an examination by the Divisional Surgeon if the Officer in charge of the Station thinks fit to send for him.

In conclusion, as to this class of case, we think it desirable to point out that we are very greatly struck, as a result of our Inquiry, with the importance which prisoners attach to the charge of drunkenness. When the Metropolitan Police Force was first established the habit of intemperance prevailed among all classes of the community to a larger extent than at present, and drunkenness was treated much more leniently than it is at the present time. From the communications which we have received, and from what we observed in inquiring into the special complaints, it seems to us clear that persons arrested by the Police resent a charge of drunkenness very greatly as compared with a charge of disorderly conduct. It is the accusation that they were drunk that, in

their opinion, seems to give real gravity to the charge. This is due partly to the improved tone of society as to intemperance, but chiefly to the fact that employers attach much more importance than formerly to their servants being sober persons. For instance, Mr. Baker, who is an ironmonger's assistant, did not appear to be aggrieved by being brought to the Station and given the opportunity of explaining his conduct as to the alleged breach of the County Council bye-law against indecency, but he was greatly upset when a charge of drunkenness was preferred, and we gathered that to be the case because it imperilled his position as assistant in a respectable shop.

This leads us to make the observation that a constable should be extremely careful, even if he thinks that a prisoner is somewhat under the influence of liquor, to consider whether the condition of the prisoner is such as to justify his making drunkenness an element in the charge. It is perfectly true that in the great majority of cases in which a constable observes a man behaving in a disorderly manner, whether by quarrelling and molesting passers-by or by using obscene language, or doing something of that kind, drink is the cause of the man's misconduct; but in many cases, even if a man has had a glass or two, the real and effective cause of his misbehaviour may be something in his disposition or something that has happened to provoke impropriety of conduct, and in those cases it seems expedient, if there is substantive evidence of disorderly conduct or of bad language, to charge him under Sub-sections 12 or 13 of the Police Act, 1839, Section 54, and not under Section 12 of the Licensing Act, 1872. Even if the appearance and speech of the offender give reasonable ground for thinking that he has taken more than is good for him, it is expedient that the constable should not take upon himself a greater burden of proof than is necessary. In Mrs. Braham's case, for instance, if the constable had, instead of jumping to the conclusion that she was drunk, contented himself when he got to the Station with a description of what had taken place, and had charged her with disorderly conduct, though, in that particular case, the Magistrate would probably have come to the conclusion that there was not sufficient evidence to justify a conviction under Sub-section 13 referred to, yet the constable would only have been guilty of an error of judgment in taking her to the Station when he found that his original notion that she was a prostitute, and had been guilty of accosting, was unfounded; and his treatment of the case, though open to considerable censure, would have presented an entirely different aspect from that which it did in fact assume.

We could not help noticing how an experienced officer like Sub-divisional Inspector Mackay, in the case of Altfuldisch, avoided a similar blunder. There, a party of men had just come out into the street from a convivial entertainment, with the result that somehow or other a fracas took place in the street, and a considerable number of men became excited and disorderly. Sub-divisional Inspector Mackay charged the crowd, and properly arrested Altfuldisch, who was aiding and abetting in the disorder, and though, as he drily observed, he thought his prisoner "had had enough," and his conduct on the way to the Station might have led an inexperienced person to think he was really drunk, yet Sub-divisional Inspector Mackay contented himself with the true charge of disorderly conduct.

We do not intend by these observations to suggest that constables, where they are satisfied that a prisoner is drunk, should abstain from making the charge under the Licensing Act, 1872, Section 12, but we are only suggesting that they should not rashly assume that in every case where a man's conduct is unusual, unbecoming and disorderly, he is drunk.

Disorder in the Streets.

§ 7. The manner in which the Police deal with cases of disorder in the streets as distinct from cases where drunkenness forms an added element in the offence calls for very few comments.

As we have pointed out above, and as more than one of the learned Magistrates told us, the word "disorder" is not in itself a term descriptive of any crime or misdemeanour or statutory offence. For the purposes of our Inquiry we have taken it to cover: (1) Assault or attempt to assault, or disturbance of the peace, which, when committed within view of the constable, justifies intervention and the arrest of the offender at common law; and (2) Offences committed in the street, which have been created by statute, and for which a constable has the right of summary arrest, and which are tried

See above, p. 27

summarily at a Police Court. Such are the offences punishable under the Police Act, 1839, Section 54, Sub-section 12 as to "Obscene language or literature," and Sub-section 13 as to "Threatening, abusive, insulting words or behaviour with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned;" and the offence of street betting created by Section 23 of the Metropolitan Streets Act, 1867.

So far as we are able to form an opinion, we think that the Police habitually deal with these offences in a regular and entirely proper manner, and the statutory provisions appear to us, upon the whole, adequate for the maintenance of public order.

Sir Edward Henry did not complain that the existing law was not sufficient for keeping the peace in the Metropolis, but Major Tarry complained that in Leeds the powers possessed by the Police for dealing with instances of disorder are not satisfactory. He said:—

Q. 39146. "The only provision that we have in Leeds for dealing with disorderly conduct is a local Act which makes it an offence punishable by a fine of 40s. to be guilty in any street of any disorderly conduct. The expression is a wide one, and may cover anything from a turbulent schoolboy to something approaching a riot."

and he suggested that:—

Q. 39147. "Some classification might be adopted for the more serious forms of disorderly conduct and that more power of arrest be given to the Police in a case where an offender, after a second or third request, neglects or refuses to comply with the requirements of the constable to conduct himself properly and leave the vicinity. At present no such power exists, although if the offender is unknown, and refuses his name and address, he may be taken to the Police-Station. Cases occur, however, where offenders tender their name and address, and refuse to quit the spot."

and he particularly referred to a case arising out of a disturbance near the Tivoli Music Hall in Leeds.

The real point made by Major Tarry is not as to the terms of the local Act, which obviously are so broad as to give the widest possible discretion to a Magistrate before whom a person may be summoned for disorderly conduct, but that the Police have no power of summary arrest.

It would be presumptuous on our part to offer an opinion upon the expediency of amending the Act in question, but Major Tarry's reference to the broad terms of the local Act called our attention to the question whether there is any necessity to amend the Police Act, 1839, by giving the Police a power of arrest for disorderly conduct wider in its scope than that conferred by Sub-section 13 above referred to. We have considered the matter, and have come to the conclusion that it is not necessary to do so, and that the powers already possessed by the Police are adequate.

Solicitation in the Streets.

§ 8. Difficult as sometimes are the duties of the Police in dealing with cases of drunkenness, their duties in regard to solicitation in the streets strike us as being still more difficult.

With regard to solicitation by men, Police intervention appears to take place or to be called for only rarely. In no communication to us has it been suggested that the Police abuse their authority under the Vagrancy Act, 1898, in regard to the disreputable class of men who solicit other men, or that they are reluctant to exercise their powers on fit occasions.

Communications have been made to us that many respectable women and girls are accosted in the streets by men either under the mistaken impression that they are prostitutes or with a view of making their acquaintance for improper purposes; and it is suggested that not only does the conduct of such persons insult and annoy those accosted, but that the unchecked action of these persons frequently leads inexperienced girls astray. It is not, however, suggested that the Police are to blame, but that, in the existing state of the law, they are practically powerless in the matter. We gather that this kind of misconduct on the part of men is more frequent, at any rate in its more open manifestation, in those parts of the Metropolis where prostitutes are to be found every afternoon and night walking the streets.

We received complaints on this head from tradesmen carrying on business in Regent Street, and elsewhere, in the West End, on the ground that this kind of

solicitation affected them in their business, and we took the evidence of one gentleman, Mr. C. J. Vollhardt, upon this point. He told us that he was the Secretary of Messrs. Swan & Edgar, Limited, who carry on a large business in Piccadilly and Regent Street. He said, after complaining of the number of prostitutes using Regent Street and Piccadilly :—

"Another, and apparently increasing evil, calling for Police intervention is the molestation by well-dressed men of ladies walking in the West End shopping district, and particularly whilst looking in shop windows. We feel most strongly on this subject, as we have had numerous complaints from customers, friends, and relatives, some of whom have been absolutely terrified by the persistence of these blackguards. These complaints we have at various times reported to the Police authorities, only to be answered with an expression of regret: 'Yes, we know all about it, but are quite powerless unless a charge is made at the Police Station by persons molested'—an ordeal which not one lady in ten thousand would face. There are several of these pests well known as regular loiterers round our windows, whom we, as well as our outside employés, have seen raise their hats to ladies in the endeavour to attract their attention, or deliberately push against ladies walking along or looking in the shop windows, and then, by pretending apologies, try to entrap unsuspecting ones into conversation. We could point out one or more such gentry almost any fine afternoon, and most certainly think the Police should have discretionary powers to warn them or to move them on, as well as to act against offenders on a simple complaint made on the spot, or on witnessing an act of annoyance, making the offence a Police charge. 'Prevention is better than cure,' and we are firmly of opinion that even only a word of caution here and there from the Police would be a sure means of mitigating a serious scandal and nuisance known to exist everywhere in the West End where lady shoppers are to be found." Q. 45882.

Mr. Vollhardt added that he had himself verbally complained to the Police upon the subject, but without any effect, because he was given to understand that the Police had no power, and that he had been told by Inspector Drew, formerly Inspector at Vine Street, that the great difficulty was the possibility of making a mistake. We think it very likely that Mr. Vollhardt to some extent misunderstood what he was told by Inspector Drew, though, in calling attention to the difficulties of any action on the part of a constable in these cases, Inspector Drew was only mentioning a fact which must be patent to everyone acquainted with the law, and with the difficulty of applying it in this class of case. Q. 45887, &c. Q. 45898.

Closely connected with this topic is Mr. Coote's contention that in regard to sexual vice the existing law is unequal. "Practically," he said, "there is no law against a man soliciting, but a woman must not solicit." That does not appear to us to be an accurate statement of the law. Solicitation, *per se*, is not an offence either on the part of a man or on the part of a woman. But it must not be taken as certain that the Vagrancy Act, 1898, Section 1, Sub-section 1 (*b*) does not apply to the case of men persisting in soliciting or importuning women for immoral purposes. It is true that the clause referred to was, as Mr. Coote says, put in to lay hold of a certain kind of blackguard who is unmentionable in decent society. But an Act of Parliament has to be construed by the Court according to the meaning of the words, and not according to the intention of the framers of the Act. And, though the primary object of the legislation as conceived by those responsible for the measure was to put down immoral solicitation for unnatural practices, it must by no means be assumed, even if it were relevant, that all those who supported it intended to limit its application in the manner suggested. We do not, however, think it expedient to express our opinion upon the true construction of this enactment. Q. 6962. See above, p. 33.

Furthermore, we entertain no doubt whatever that a magistrate has precisely the same power to bind over men frequenting the streets who molest and annoy women by their words, their gestures, or other discourteous or insulting behaviour, as he has to bind over a woman guilty of similar misbehaviour.

We have called attention to the general power given to Justices of the Peace by virtue of their Commission under the Act, 34 Edward III., on the complaint of a person of good credit, to take of persons of whom complaint is made "sufficient surety and mainprize of their good behaviour towards the King and his people"; and, as pointed out by Mr. Curtis Bennett, if a woman summons a man who has insulted her by improper proposals, there can be no doubt that the magistrate would have power to bind over the defendant to keep the peace, and be of good behaviour. Here we may point out that it is stated in a work of great authority that among the classes of persons who may be dealt with by Justices under their Commission are "common whore-mongers and common whores." Of course the difficulty found in practice is that respectable women, however much they may resent the conduct of a man, will not take proceedings, probably because they feel that more harm will be done to their Q. 45371. Dalton's Justice of the Peace, c. 124, p. 411.

reputation by having to attend in Court, and being talked about in connection with any affair of the kind, than by suffering the indignity to which they have been exposed in silence. Experience shows that, in regard to ordinary cases of solicitation by prostitutes, no man ever comes forward to help the Police except in those cases where the accosting has only been a trap with a view to robbery, and has led to his being assaulted. That being so, one will understand the reluctance of women of good character, however much annoyed they may be, to take proceedings on their own account.

It may be said that the mere obligation to be bound over or to find sureties to keep the peace is not a sufficient punishment for the misbehaviour that we are discussing, but, having regard to the position in life of a great many of the persons referred to by Mr. Vollhardt, it can hardly be doubted that the publicity attending Police Court proceedings, and the decision of the Magistrate that they should be bound over, would be felt to be a punishment to be avoided.

Several of the learned Magistrates pointed out to us, also, that Sub-section 13 of the Police Act, 1839, Section 54, is so wide in its terms as to cover all the more pronounced and offensive methods of molesting respectable women. If a man so far forgets himself as to stop a woman whom he does not know, and unequivocally treats her as a prostitute, his words and behaviour, however courteous in form, are "insulting words or behaviour" within the meaning of the sub-section, and, if so, he is using words and behaviour "whereby a breach of the peace may be occasioned," and we think that in such a case there is no reason why a constable should not intervene and arrest the offender. And, in saying that, we are fortified by the authority of the chief Magistrate, Sir Albert de Rutzen, whose great experience entitles his words to the greatest weight. We think it well to call attention to an answer which he gave us dealing with cases of accosting of women by men. Sir Albert de Rutzen was asked :—

Q. 44210. "One or two cases have been mentioned in the correspondence which I have had as Commissioner, and in substance the case put is this : A man goes up to a well-dressed lady walking along, say, Piccadilly, and says : 'Good evening, my dear,' or 'Good afternoon,' or very likely he politely raises his hat, and says : 'Will you come and have some tea with me ?' or something of that sort. Is that an offence at all on the part of the man speaking ?"

Sir Albert de Rutzen answered :—

"That would depend entirely upon the particular circumstances of the case. What might be to a certain extent excusable if it were twelve o'clock at night, might be perfectly inexcusable if it were twelve o'clock in the day time, and what might be excusable in Regent Street at twelve o'clock in the morning, might be most unreasonable if it were in Grosvenor Square at twelve o'clock in the day. It must depend upon the particular circumstances of each case, I think. It would not have been an assault, but it might very well be sufficient evidence of insulting behaviour, and if a woman came to me and asked me for a summons under such circumstances, I should not hesitate to grant it to her."

In our view, therefore, though of course the law might be amended to make the matter more clear, there is really, when the matter is analysed, no inequality created by the law itself. It is not the fault of the legislature or the fault of the Police that unchastity on the part of a woman, as compared with unchastity by a man, is looked on with much more gravity in the former than in the latter case. It is, we believe, true, as Mr. Coote suggests, that the censure of society in general is passed more severely upon women than upon men for breaches of the moral law, but we doubt whether that is true in regard to breaches of the criminal law of the country, and it must be pointed out that, for such inequality as exists in the infliction of social punishment, common experience warrants us in saying that women are severer judges than men of their own sex, and it may be that there is some good excuse for this inequality to be found in the fundamental facts of human nature.

We therefore are of opinion that the law is more powerful in regard to these cases than seems to be imagined and that it cannot fairly be described as unequal, though we recognise its application calls for great caution.

Solicitation by Women.

§ 9. With regard to the treatment of cases of solicitation by women, we have come to the conclusion that the Police exercise their powers with adequate zeal and activity, and at the same time with a remarkably high degree of intelligence, caution, and gentleness

The existing powers of dealing with this class of case are given by the Vagrancy Act, 1824, and by the Police Act, 1839, Section 54, Sub-sections 11 and 13. We have set out the statutory provisions above. See above, pp. 32-33.

The evidence of the learned Magistrates shows that there is a substantial agreement between them as to the construction of the statutory provisions, and as to the amount of evidence of each material allegation which goes to form the offence which they require in the exercise of their magisterial discretion; and, as far as we have been able to ascertain, the views of the learned Magistrates are well known and understood by the Police. It has, however, been stated to us that in some Courts it is usual to proceed under one Act and in others under the other Act, for the reason that some Magistrates construe more strictly the limitations contained in the different provisions.

In cases where the charge is preferred under the Vagrancy Act, 1824, or under Sub-section 11 of the Police Act, 1839, Section 54, which are the provisions intended more directly to deal with solicitation by women for prostitution, it is necessary to prove that the woman arrested is a "common prostitute or night walker."

Under the Vagrancy Act the prosecution must give some evidence:—(1) That the prisoner is a "common prostitute"; (2) That she was, when arrested, "wandering in the public streets or public highways or in any place of public resort"; and (3) "Behaving in a riotous or indecent manner."

Under the Police Act, 1839, Section 54, Sub-section 11, the prosecution must give some evidence:—(1) That the prisoner is a "common prostitute or night walker"; (2) That she was, at the time of arrest, "loitering in a thoroughfare or public place for the purpose of prostitution or solicitation"; and (3) That she was acting "to the annoyance of the inhabitants or passengers."

The necessity of proving that the prisoner belongs to a definite class—"common prostitute or night walker"—imposes upon a constable the proof of a fact as to which it may be very difficult to obtain evidence in a large and populous city. In provincial towns even of considerable size it is possible for the Police to make themselves acquainted with the avocation and character of most of the persons living in the disreputable parts of the town, and who frequently come under Police observation for various reasons. That is impossible in London. Women who habitually resort to the central portions of the Metropolis, especially those which have been described as the "areas of vice," may live far away in the suburbs or in respectable streets in another Division, where they never come in contact with the Police. It is, therefore, not to be expected that independent testimony as to the way in which the prisoner is earning her living, or what her circumstances are, can be obtained. In practice, the only evidence which the constable can obtain is that founded on his own observation or on that of other constables in the same Division of the habitual behaviour of the prisoner. He has, therefore, to rely upon asking the Magistrate to hold that the prisoner is a "common prostitute" as an inference from her having been for a longer or shorter period of time before the day on which she was actually arrested in the habit of walking about the streets and accosting men in such a manner as to lead an ordinary observer to think that she must be a prostitute, coupled with proof that she has been cautioned in accordance with the regulations where the charge is made under the Police Act, 1839, Section 54, Sub-section 11.

The White Book contains an instruction to the Police that before a woman is arrested under Sub-section 11, just mentioned, she "should be cautioned by the Police on duty and told to move on and conduct herself properly," and "should she refuse and persist in misconducting herself she should be taken into custody and charged with such offence as she may be guilty of." That appears to us to be a very proper direction. The person warned may explain the conduct which has led the constable to think it necessary to give her the caution, and have the opportunity of denying that she is a person of the class supposed; and if indeed the constable is mistaken, and the conduct of the woman, though equivocal and compromising, has been simply due to innocent impropriety, she has only in future to abstain from repeating such conduct to avert any further unpleasant consequences. If, however, whatever she may say, she does either the same night or on a subsequent night accost men, she can hardly complain that she is set down as a "common prostitute." White Book, p. 339.

It was stated to us by Sir Edward Henry that the obligation laid upon a constable by this Regulation gives "practical immunity to large numbers of women who are habitual frequenters of the place for the purpose of prostitution, because if warned they Q 65.

take care to remove themselves from the observation of the particular constable who warned them, and take care not to solicit again whilst in his sight or under his observation." It appears to be assumed in the Force that the caution must be given on the same day as the arrest, and the result of this is that a woman carries on her avocation in a street until cautioned, and then moves to the beat of another constable, when she is again free to act until once more cautioned. This procedure materially interferes with the success of Police action, and we think that it should be made clear to the Police charged with arresting prostitutes that if they can prove that a woman has been cautioned within a reasonable period anterior to the arrest they are entitled to arrest her under the Regulations.

The White Book only imposes the obligation to caution in cases in which the charge to be preferred is that under the Police Act, 1839. We assume in cases which come within the terms of the Vagrancy Act, 1824, the caution is not insisted upon. Though at first sight it is not easy to see why any distinction should be drawn between the proceedings under these two Acts, we think that the distinction made is sound, because, when the whole scope of the legislation is considered, it appears that the Vagrancy Act is really intended to apply not to the kind of solicitation cases that occurs in Piccadilly but rather to a class of prostitutes who are found wandering about the streets practically destitute, and who are beggars or habitual criminals, though quite ready to prostitute themselves if opportunity occurs.

Cases of solicitation by prostitutes are also dealt with under Sub-section 13 of the Police Act, 1839, Section 54, when the conduct of the woman is such as to amount to "insulting behaviour" or her language to "insulting words whereby a breach of the peace may be occasioned." Where the charge is preferred under that sub-section, it is not necessary to give evidence showing the prisoner to be a prostitute, and conviction on a charge preferred under that section does not involve the finding by the Magistrate that the prisoner belongs to that class. So, also, where the accosting is accompanied by the use of indecent or obscene language, there is no reason why she should not be arrested under Sub-section 12 of the same section, if there is evidence to show annoyance on the part of the person accosted or other passer-by. At Marlborough Street the Magistrates have lately given a very broad interpretation to the words of Sub-section 13, and it has become the practice, in cases where a Police constable is not in a position to prove that a woman whom he observes to be soliciting, after having been cautioned, is a prostitute, to arrest her, and prefer a charge of disorderly conduct, if a person accosted by her, in view of the constable, has shown, by gesture or words, that he was, to some extent, annoyed or embarrassed, even though he does not complain to the Police.

All the Magistrates who gave evidence before us were agreed that many cases of solicitation could be dealt with under Sub-section 13, above-mentioned, without unduly stretching its terms beyond the limits of their usual grammatical denotation; but there appeared in their evidence some slight difference of opinion as to the propriety of convicting under that sub-section where the only evidence against the prisoner is that she has solicited a man in the usual way without any indecency or any greater violence than by putting her hand upon his arm, or where he simply, by gesture or words more or less impatient, rejects her advances. Mr. Fenwick told us that he had never used the section even when he sat at Marlborough Street, but he told us at the same time that he was not confident that the sub-section might not be held to apply even to such cases. He said:—

Q. 45983. "When I was at Marlborough Street, where this class of offence is more common than at any other Court that I know of, one had to consider it from time to time, and cope with it, and I had to consider amongst other things, whether one could call in aid that Sub-section 13. Personally, I did not use it, but I am not prepared to say that it cannot be used. I am not prepared to say that conduct such as we have been considering would not amount to conduct which would be calculated to provoke a breach of the peace, especially when you remember that case of *Bonnor* v. *Lushington* which was decided. One sometimes wondered whether they would hold that to be riotous and indecent behaviour when a woman was catching hold of a man's arm. But the Court of Queen's Bench said yes. The Magistrate found it and the Quarter Sessions did not find it. It is a question of fact, and I should not like to say you would not take that view of Sub-section 13, but I have not used it myself."

The circumstances under which the practice of bringing these charges, which are really charges of solicitation, under Sub-section 13, arose were explained to us by Sub-divisional Inspector Mackay. He told us:—

Q. 1912. In Camera (Mrs. X.'s Case). "We had a great amount of difficulty in dealing with complaints. I think a little over two years ago there were a number of complaints, coming from gentlemen going home from their clubs in the evening,

about women soliciting them in the street, and the question was brought before the Police by myself, and they told me that they did not know these women to be prostitutes; they had seen them walking about there, but they did not know them to be prostitutes. They could not prove they were such, and the magistrates refused to convict them unless they did so. Then they fell back on the present section . . . with the knowledge and sanction of the Magistrate. I pointed that out to the Magistrate's Clerk at the time, and he thought it would be a very good thing to rid the streets of these people. There are a great number of women, I know, who are not prostitutes, and I have gone up myself in plain clothes, because I knew it was dangerous to charge them with being common prostitutes. We have found this Act to be of great service, and I am glad to say a number of women—in fact, I believe more than three-quarters of them—we do not see now; they have left the streets; they saw the folly of it. I heard a question asked of Inspector Remfry about the seriousness of the charge. I would not look at a charge under Sub-section 13 with the same seriousness that I would look at a charge under Section 3 of the Vagrancy Act. I think it is more flagrant than under the Police Act, and the penalty is much more severe. With regard to a number of these cases of insulting behaviour, the magistrate discharges them under Section 16 of the Act of 1879; that is, the Summary Jurisdiction Act, and I am glad to say it has been very useful in that way, because these women have gone back to their employment, or have left off coming to the streets. A great number of them have been in employment. . . . I know a great number of them. I think it would not be fair, and I think it would be entirely wrong of us to charge them with being common prostitutes. We have the evil of solicitation in the streets, which is undoubtedly an annoyance, to get over. Gentlemen ask us to keep order in the streets, and we try our best at times; but sometimes we have a difficulty in doing it which private persons do not realise."

Q. 1914. In Camera (Mrs. X.'s Case).

The evidence of this experienced officer and other information we have received convinces us that this practice has evidently had a very beneficial effect, while at the same time the course taken is obviously of advantage to the accused, because she escapes the terrible disgrace of being publicly declared to be a common prostitute.

In view of the improved condition of the streets within the area of the C Division, in regard to which the practice prevails, we do not desire to say anything (even if we have the right to do so) which might be deemed to imply that we hold the action of the Magistrates at Marlborough Street to be in any way improper. It is sufficient to say that the law entrusts them with a very wide discretion, and that all the evidence before us tends to show that they exercise their discretionary powers with remarkable accuracy and prudence, and with entirely beneficial results, without undue harshness towards the unfortunate women with whom they have to deal.

What we have to say as to the Police action in regard to solicitation cases may be thus shortly stated. All the evidence given before us tends to show that the Police exercise their powers in dealing with solicitation cases in thorough good faith, with very marked intelligence, and with almost unerring accuracy. Aware of the serious consequences to an honest and chaste woman which may be caused by the mere fact of being put upon her trial for a disgraceful offence they only arrest a woman after cautious observation with a view to ascertaining with as much certainty as possible her true character, and where her conduct is such as to be an offence against public decency.

The testimony of the Magistrates and of those ladies and gentlemen whose philanthropic missionary enterprise brings them into contact with the prostitutes of the streets entirely supports this view, and tends to prove that constables do not enforce the law against solicitation with any undue severity.

The Chief Commissioner, too, is satisfied that, notwithstanding the fact that the state of the law throws upon constables an unusually difficult task in dealing with this class of case, misconduct as to this department of their work is so extremely rare as to be practically non-existent.

In cases where he has found it necessary, on disciplinary grounds, to inquire into complaints against constables for arresting women for solicitation, the result, as we gather, invariably shows that the constable was right in his judgment as to the character of the woman arrested.

We have, as appears in our Special Reports, fully investigated three cases in which allegations were made that the Police were mistaken as to the character of the woman arrested.

The case of Eva D'Angely turned out to be one of the most ordinary type. She was undoubtedly a foreign prostitute living under the protection of a *souteneur* whom she falsely described in the Police Court as her husband.

As to the character of Miss A. and Miss B., whose arrest formed the main part of the complaint made against the Police by Mr. Y., we have no doubt that they are both women of the town.

As to Mrs. X., though we do not feel justified in finding that she was a common prostitute loitering about the streets for the purpose of prostituting herself for reward, and though it may possibly be that she did so from love of excitement without any intention of prostituting herself, yet she on a series of occasions behaved in and near Oxford Street in such a manner as to justify the inference that she was an ordinary prostitute, and behaved in such a manner as to offend against public decency and order.

We think it not unlikely that if we had minutely inquired into every one of the cases in which during recent years charges of solicitation have been preferred against women by the Police, and which have been discharged by the Magistrates, it would be found that the constables had not acted without reasonable ground, notwithstanding the fact that the Magistrate did not think it safe to convict. We think it right to point out that we have given to any woman, who thinks she has been aggrieved by the action of the Police during the last four years, an opportunity of complaining and of being heard. In fact, though we have received some general complaints against the Police on this head, only Mrs. X. and Mr. Y., on behalf of Miss A. and Miss B., requested to be heard.

The case of Mrs. Braham was not, strictly speaking, an instance of the misuse of the power to arrest for solicitation, for though the constable made a mistake as to the lady's character, and intended to caution her, he discovered his blunder in time, and, in order to extricate himself, wrongly arrested the lady on a charge of being drunk and disorderly.

As a result of our Inquiry we have no hesitation in saying that the Police are not intentionally guilty of any abuse of authority in dealing with this class of case, and that, as a rule, they discharge their duty with remarkable care and intelligence, and, without being over-zealous, exercise a proper and reasonable activity in cautioning, and, if necessary, in arresting women who infest the streets.

We have been unable to discover anything that tends to show that the Police are unduly tolerant or negligent in the discharge of their duty as to this class of case. It has been proved before us that during the last few years the action of the Police, especially in the C Division, has led to a great improvement of the streets, notably Regent Street and Piccadilly, in which a large number of prostitutes formerly openly carried on their business, and which at certain hours became so crowded with undesirable persons of both sexes as to make the use of the streets irksome to respectable persons. Not only the evidence but our personal experience and observation warrant the finding that these streets are now generally so quiet, and so comparatively free from this inconvenience, that women and girls, to whatever class they may belong, may pass through them even late at night without the risk of compromising their reputation or of being exposed to insult. That this improvement has been very largely due to Police action in regard to these street offences is no doubt the case, but other causes have probably contributed to it. We have been told that during the last few years a very considerable number of disorderly houses (over three hundred) have been closed in consequence of legal proceedings in the area of the C Division alone. We are not sure that this fact has contributed to the improvement to which we have referred, and it may be that there is no necessary connection between it and the diminution of the number of prostitutes frequenting the streets of the West End, but it certainly tends to disprove the allegation sometimes made, that the closing of brothels increases street prostitution.

We have referred to the difficulties in which constables are sometimes placed by the scope and language of the statutory provisions affecting solicitation in the streets, and we feel bound to ask ourselves whether under all the circumstances there is any necessity for an amendment of the law in this respect. We have had evidence as to the law in other towns, particularly in Leeds, Liverpool, and Glasgow.
Q. 39862. The words of the Act regulating this subject in Glasgow are as follows:—"Every prostitute or street walker who on or near any street loiters about or importunes
Q. 39159. passengers for the purpose of prostitution shall be liable to a penalty." In Leeds up to the year 1905 the law was almost identical with that in Glasgow, but in that year the Corporation of Leeds presented to Parliament a Consolidation Bill in which *inter alia* the old law with regard to solicitation was proposed to
Q. 39199 be continued. This Clause passed the Police and Sanitary Committee of the House of Commons and also the House, but the Committee of the House of Lords substituted for this the words generally applied to other English towns, namely, those of the Towns Police Clauses Act, 1847, section 28, which makes obstruction or annoy-

ance of residents or passengers in the street an element in the offence. It follows from what we have said that the existing statutes and the system of Police administration, on the whole, is working well in the Metropolis, where the Magistrates place a broad interpretation, rightly as we think, on the relevant statutes, and constables are therefore free to act whenever they are satisfied as to the character of a woman whom they observe accosting night after night over a considerable period.

So far as we can see, the main difficulty in enforcing the law is caused by the over-sensitiveness and impatience of the public whenever there seems ground, however slight, for alleging that there has been a mistake in arresting a woman on a charge of solicitation. The proceedings in the Metropolitan Police Courts are widely reported in the newspapers, and if a Magistrate refuses to convict in one of these solicitation cases, a wave of indignation at times passes through the community, and not only the particular constable who effected the arrest but the Police, as a whole, find themselves suddenly the object of public censure in the Press, in Society, and even in Parliament. Persons ordinarily reasonable seem to jump to the conclusion that the Magistrate's action necessarily means that the arresting constable was guilty of heinous misconduct, that his witnesses are perjured accomplices, and that the prisoner is the innocent victim of Police persecution. Such displays of emotion are curious in the case of so law-abiding and law-respecting a community as ours, seeing that similar feelings of indignation are rarely aroused in cases where men are acquitted of crimes of the greatest gravity. Everyone must recognise that it is a very terrible misfortune for an honest woman or girl to be publicly tried on a charge involving an imputation of peculiarly disgraceful unchastity, and must be filled with the utmost sympathy for the distress of mind caused to the accused, her relatives and friends, by so untoward a circumstance. Many thousands of women and girls have to make their way through our streets in the pursuit of perfectly lawful occupations at late hours of the night. When one reflects that a constable may wrongly arrest any one of them, and that she may, therefore, be subject to undeserved misfortune, with consequences to her character which the dismissal of the charge by the Magistrate cannot wholly avert, we can understand the thrill partly of alarm and partly of pity in regard to this kind of case which passes through the minds of respectable people of all classes and which results in the clamour against the Police. On these occasions the volume of complaint is swelled by the voices also of those who, in their heart of hearts, object to any interference with their pursuit of pleasure. People whose opinions widely differ on problems connected with sexual relations and habits of life find a common platform from which to attack the Police. Whatever may be the causes of, or the excuses for, these gusts of popular emotion, there can be no doubt that they have in the past tended, and still tend, to some extent to impair the activity of constables in this class of case. We were incidentally informed by Miss Colson that a constable had told her one night that he would leave the work more to her, as he did not like the risk of losing his post, because he had a wife and five children dependent upon him. It was a natural observation, and from our standpoint the fact that so many constables should have the courage, notwithstanding the possibility of heavy censure if they should make a mistake, to discharge their peculiarly disagreeable duty in regard to this class of offence is one for which the Force deserves commendation. Q 40527.

We have made these observations because they have considerable bearing on the question whether the law should be amended so as to increase the powers given to constables for putting down solicitation in the streets. If, notwithstanding the limitations now imposed by the present statutory provisions upon the Police, cases occur which give rise to attacks on the Police which must tend to discourage them in the performance of their duties, it would appear to be inexpedient to increase their powers in dealing with the evil of street prostitution. In our opinion, this consideration should be borne in mind in considering any proposed amendment of the law upon the subject.

Suggested Amendments of the Law as to Solicitation.

§ 10. Comments upon the existing law, and suggestions for the purpose of its improvement, were made to us by Mr. Coote as embodying the view of societies which are composed of men and women whose zeal for public morality and whose position and experience entitle their views to most respectful consideration. In criticising these suggestions we must point out that we should be going beyond the scope of

the matter upon which we have to report, and in respect of which we are empowered to make recommendations, if we attempted to deal with the broad social problems connected with the existence of female prostitution on a considerable if not large scale in London. The solution of those problems depends, in the long run, on the settlement of still wider questions connected with the relations of the sexes, as to which public opinion is much divided, and is in a state of flux. We are faced, however much people may desire to ignore it, with the fact that a numerous class of women, who earn the whole or a part of their means of subsistence by prostitution, exists in the Metropolis, as in other great cities. It is difficult, probably almost impossible, to obtain, even approximately, accurate statistics as to the number or as to the earnings of these women. Only a proportion (how large or how small a proportion we cannot say) of these persons systematically frequent the streets for the purpose of carrying on their business. It is only as to the manner in which it is expedient that the Police should deal with solicitation by this class of women who habitually use the streets that we think we ought to speak, though, in confining our observations to that topic, we must not be taken as assuming that it is only by Police action that the Government can do something to diminish or remove the evil caused by the existence of such a class in the community.

Basing his suggestion upon the general views which he had laid before us, Mr. Coote put forward some practical proposals, not only on his own behalf, but on behalf of the National Vigilance Association and the London Council for the Promotion of Public Morality, in the following terms :—

Q. 6952. "I may say we have had a number of meetings, and the names of those who have taken part in the discussion with regard to this question I am submitting, would be a guarantee to you gentlemen that although it would not appear to be a solution, and may have some peculiar elements about it in the opinion of the public, yet considering all the difficulties of this question, this is the combined wisdom of a number of experts on this very question. We suggest that a verbal or printed warning should be given to both men and women, who, in the opinion of the constables or constable on duty, frequent a public thoroughfare for immoral purposes. After a second warning they should be liable to arrest, on the evidence of two policemen, for frequenting the place for the purpose of soliciting to prostitution. We further suggest that in the cases of minors charged with the above offence, an effort should be made to place them under proper and legal guardianship, rather than to send them to prison, or to inflict upon them a fine. We offer these suggestions as a method which, in our opinion, would effectually deal with this difficult problem, and at the same time safeguard the rights of the public, and to make it well-nigh impossible for official mistakes to be made in connection with solicitation in the streets for immoral purposes. We further think that as a warning and preventive power to men, especially young men, it would be all-powerful in preventing the daily and nightly visits to the public rendezvous of vice, which are disastrous alike to the individual, the home, and the nation."

As we understand the proposal, a constable ought to be vested with power: (1) To give to any person who, in his opinion, is frequenting a street for immoral purposes, a verbal or printed warning; (2) to give a second warning to the same person; (3) if, after such second warning, the person frequents the place for such immoral purposes, the person so neglecting the warning shall be guilty of an offence punishable summarily, and liable to arrest and conviction on the evidence of two policemen; and (4) if the persons so warned are minors, the magistrate should have power to place them under proper and legal guardianship instead of punishing them by fine or imprisonment.

With regard to the last of these proposals, we may say that we should regard it as a quite reasonable provision consequential on the adoption of the others, but we believe that the powers given to the Courts by the Probation of Offenders Act, 1907, are sufficient to attain the object aimed at.

If we are right in assuming that it is meant that "frequenting a public street for immoral purposes" is not, of itself, to be a criminal offence, then it seems to us that the proposal is that a constable should be empowered to warn people against what is morally reprehensible conduct. In effect, constables would be required to discharge duties analogous to those which are, or ought to be, performed by parents, by ministers of religion, by teachers, missionaries, or rescue workers. We think that to throw upon the Metropolitan Police any such work would be to place upon them a burden which, in practice, they could not perform, and would be extending the range of Police action far beyond that within which it must be confined if they are to perform their ordinary duties with efficiency; and that any attempt to invest them with official authority to warn people against vice and immorality would lead to such irritation against them as to make the proper discharge of their duties, already difficult enough, almost impossible.

If the task of improving public morality and raising the general tone of Society comes within the sphere of State action in a community like ours it should, in our opinion, be entrusted to special officers appointed for the purpose, and not allotted to public servants who, however fit for the duty of preventing the commission of ordinary crime, of aiding in bringing offenders to justice, and of maintaining public order, are not specially fitted for the more delicate task of restraining or reproving erring, vicious or dissolute persons.

Shortly put, Mr. Coote's proposals amount to the creation of a new offence which may be described as "frequenting a street for the purpose of soliciting to prostitution after two prescribed warnings against doing so have been given to the defendant by a constable." We think that the words are too vague to be fitly introduced into criminal legislation. Unless we are willing to run the risk of allowing Magistrates and Judges to make any conduct of which they disapprove the object of punishment, and thus subject our freedom of action to the practically uncontrolled discretion of Courts of Justice, it is necessary that the acts and forbearances, or the series of acts and forbearances, which are to be treated as constituting a criminal offence, should be clearly defined. To tell a constable that, after a second warning, he is to arrest a man or a woman, simply because he or she has been guilty of frequenting a public thoroughfare for immoral purposes, is to give him an order so vague as either to place the liberty of others in his discretion or else to embarrass him so much that he will never feel it right to act on the order at all. Mr. Coote did not contend that the existing law as to solicitation by women is not strong enough, and his proposals seem to be really directed to punishing solicitation by a man not only of chaste women and girls but of common prostitutes. In considering them it ought not to be forgotten that the great difference between habitual solicitation by a common prostitute and occasional solicitation by a man is that the former is carrying on an immoral business in a way offensive to the sense of public decency and so as to become a nuisance to respectable persons using the streets.

We do not think it likely that legislation making solicitation by a man addressed to a woman who does not resent it, or, at any rate, shows no resentment or annoyance, would be acceptable, even if it passed through Parliament, to the community at large, and that any attempt to put down unchastity by legislation enlarging the sphere of Police action would be an utter failure in the present state of public opinion.

We cannot see our way to recommending these proposals made by Mr. Coote, not only for the general reasons indicated by the observations we have just made, but because of the formidable addition which they would make, if adopted, to the work of the Police, who are already sufficiently oppressed by the multifarious duties which they have to carry out on beat and on patrol.

Mr. Coote himself, as might be expected from his great experience, showed in his evidence that he quite foresaw the practical difficulties, because, when examined by Mr. Dickinson, he admitted that the proposals were complicated, and that in view of the complaints that might be made the propriety of the police constable's action in giving the warning in a particular case might have to become the subject of private inquiry before the Chief Commissioner. His exact words were :—

"Supposing a young man who is innocent is given this warning by the Police, there is no publicity. The warning would state where it emanated from. He and his friends would go privately and have the whole matter investigated. It would obviate anything like a public mistake on the part of the Police. Supposing a respectable woman was given a printed warning, her friends and she immediately—not in a Police Court, where everything is public, but in a private room before, say, the Chief Commissioner—could go and deal with it, and it would be investigated at once, and no harm is done practically. That is what we think, and, as I say, it would rid the place of the young men who would be in fear of getting this bit of paper." Q. 698

We cannot agree with Mr. Coote in thinking that no harm would be done practically because of the privacy of the admittedly necessary investigation. Even if it were possible (and we are certain it would not be so) for the Chief Commissioner to deal with the complaints which would be the inevitable result of any considerable activity on the part of constables in giving these warnings, we are convinced that such private inquiries as are contemplated would create such friction and such suspicion as would soon make the whole proceeding a kind of public scandal.

We have only to add that, so far as the condition of the streets is concerned, Mr. Coote's own testimony hardly supports the view that these proposals as a means for clearing the streets of undesirable persons are necessary or that in fact any drastic alteration of the law is required. Mr. Coote's words as to the condition of the streets are so emphatic as to deserve reproduction. He told us :—

Q. 6958 "I have known London for the last forty years, and my memory goes back to quite forty-seven years. I knew the Haymarket and Piccadilly very well forty-seven years ago, and I say that London to-day, compared with what it was forty years ago, is an open-air cathedral. Then it was vicious in every particular. To-day the change is marvellous in the people, both in the crime and in the habits of the people. Everything has gone for the better. That is my conviction as a citizen of London, and I am proud of London."

Upon the whole, we do not think it necessary to recommend any alteration in the statutory provisions relating to cases of solicitation.

Indecency in the Streets.

§ 11. The Chief Commissioner called our attention to a matter closely connected with solicitation cases, namely, the inadequate provisions for dealing with cases of sexual intercourse in streets and public places.

Q. 67. Such offences come under the terms of the London County Council bye-law to which we have referred above, but constables have no power of arrest for breach of such a bye-law, and can only demand the names and addresses of offenders and proceed by summons. In fact, however, where the indecency is of so gross a kind as the actually having connection in a street, or attempting to do so, constables apprehend offenders on a charge of having committed a common law misdemeanour ; but the usual practice of the Magistrates is not to commit for trial in such cases but to deal with them under the County Council bye-law. The practice appears to us to be entirely expedient as the law now stands, but to arrest for an indictable misdemeanour and then to proceed for an offence under a County Council bye-law is a somewhat illogical method of procedure.

Q. 67. The Chief Commissioner pointed out to us that over one thousand cases of gross indecency were successfully prosecuted in 1905, but added that the procedure for dealing with the common law offence is cumbersome, and that it would be expedient, in his opinion, to make the having, or attempting to have, sexual intercourse in the streets a statutory offence in respect of which a Constable should have the power of summary arrest.

We are not prepared to recommend that a power of arrest should be given for all offences coming within the terms of such a vague provision as the County Council bye-law, but we think that the Police Act, 1839, might be amended by the addition of a new statutory provision making sexual intercourse, or attempt to have sexual intercourse, in the streets, within the view of a constable, an offence in regard to which the constable shall have power of arrest.

Alleged Bribery of the Police by Prostitutes.

§ 12. Communications were made to us suggesting that constables, and especially constables of the C Division, have been in the habit of receiving bribes from prostitutes with a view to being permitted to pursue their avocation without interference.

We consider such a charge as one of a very serious kind, because the existence of any such practice on a large, or even on a considerable scale, would not only involve neglect of duty on the part of constables who were party to it, but because it would indicate such laxity and corruption of character on the part of the recipients as must impair public confidence in their general efficiency. We should have deemed it our duty, as being a matter indirectly connected with the manner in which the Police deal with solicitation cases, to ourselves have inquired into any complaint which might definitely have been made even by prostitutes, if any person making specific allegations had approached us with precise charges against individual officers or constables. In fact, no person to whose word it was possible to attach any credence has taken that

course. We at one time thought it might be possible, with the aid of some of the ladies engaged in rescue work, to bring before us some of those who, by their instrumentality, have abandoned life on the streets, and perhaps some who were still pursuing their avocation, but we gather that these ladies found the difficulty of inducing the attendance of such persons insurmountable, and we felt that the exercise of our compulsory powers would lead to no satisfactory result. Under these circumstances, we have to rely for our conclusion as to the extent, if any, to which there is truth in this suggestion upon the general evidence and upon inferences founded upon the knowledge and experience we have gained as to the conduct and character of members of the Force during this Inquiry.

We ought to point out that except as to a charge that there is a widespread or systematic practice of bribery tantamount to a general levying of blackmail on these unfortunate women by the Police in any Division or part of the Metropolis the question whether any constables should so far forget themselves as to receive gifts from prostitutes is only part of a much larger question, namely, the receipt of gratuities from members of the public by police officers and constables.

The Regulations as to gratuities are strict and precise. The receipt of gratuities by the Police is not forbidden by the Regulations except in certain specified cases; but it is expressly laid down that no gratuity is to be retained by any police constable without the express permission of the Commissioner. It is matter of common knowledge that constables do, when they render special services to persons, often receive gratuities, but it is the duty of the constable to report the matter and take it subject to the decision of the Commissioner as to its being retained or returned to the person giving it. We think these Regulations ought to be strictly observed. The general knowledge of their existence and practical application would go far to discredit with the public allegations with reference to the taking of money by the Police which, although having very little foundation, tend to lower the reputation of the Force in public opinion.

See White Book Gratuities, pp. 29 to 31.

We have no reason to think that these Regulations are habitually disobeyed by constables. We refer to this practice of giving gratuities in order that the distinction between what may be called "tipping" and the kind of bribery suggested may be clearly noticed. The matter is not without relevancy to the present topic, because, in some of the communications received by us, the suggestion of bribery simply amounts to the tipping of constables by women, who may or may not be prostitutes, when leaving restaurants or places of amusement, in recognition of small services, such as obtaining a cab. Such a practice, if it exists, has obviously nothing to do with the alleged bribery by prostitutes in the streets of constables on a beat with a view to securing immunity from arrest. Sir Edward Henry in reference to this topic said :—

Q. 85

"I have often since I have been Commissioner received letters, sometimes anonymous and sometimes authentic, alleging that bookmakers gave money to the Police, but I have not received a single letter, and no complaint, oral or written, has been made to me during the three and a half years I have been Commissioner, charging the Police with levying blackmail from women of the unfortunate class. From what I know of the tone of the men themselves, I am satisfied that if any individual man were to take money from these women it would certainly come to the knowledge of his comrades, and I am also satisfied that his comrades would look upon him as an unmitigated blackguard, and that he could not remain in the Force for long. I do not, of course, say that individual instances of taking money may not occur, but the whole Force know that any proved misconduct of this sort would be dealt with with severity. I think, too, that the system which I have endeavoured to explain to the Commission makes it quite impossible that there should be any systematised form of blackmailing like this, because the variation in the beats is so great, and in a street like Regent Street, where, I suppose, on either side you have parts of ten beats, it would not be of the slightest use a woman bribing the first constable she came to, because she would only go a few yards before she came to another beat; I suppose on both sides of Regent Street there are probably twenty beats; and then, besides that, there is continual patrolling by the Police. Therefore it seems to me that anything like a system of blackmailing these women is more or less impracticable, and certainly it could not exist for many days without becoming known to the authorities."

We have carefully considered and tested this statement of the Chief Commissioner, as well as the Police Returns, and the effect of the general evidence upon this point. We were greatly struck by the testimony of Mr. Coote, which dealt, in the main, with foreign women who in considerable numbers have during recent years infested the streets of the West End, because circumstances came to our notice which made it probable that, if attempts to corrupt the Constables on any large scale had been made, it is these women who would have been most likely to make the effort. Many

of these foreign women are not, like most English prostitutes, mere unfortunate units on the streets, but they have been brought over by other persons as part of a more or less organised business of supplying the Metropolis with prostitutes, and making money through their instrumentality; but what Mr. Coote told us, as the result of his conversations with foreign women of this class, is strongly in favour of the Police.

We have come to the conclusion that there is no ground for believing that there has existed, or that there at present exists, any widespread and systematic bribery of the Police by prostitutes in any part of London, and though we cannot believe that isolated instances of constables having received money gifts from women have never occurred, we believe that they have been and are very infrequent.

The main grounds upon which we have formed this opinion are :—

(1) The character of the officers and constables of the Force. Whatever the defects of the ordinary constable may be, and even if it be admitted that, like a good many other persons in public employment of a similar grade, he is ready to accept a gratuity, we do not think he is the kind of man who would try to make money out of the unfortunate women who resort to the streets as a means of livelihood, or care to form a kind of alliance with those of the more successful among them which the receipts of sums of money from them would involve. Anything like frequent acceptance of a bribe must, under the conditions of service, become known to his brother-constables, and though he might, through a mistaken feeling of comradeship, not report the misconduct to a Sergeant or Inspector, the public opinion of the Force would make itself felt, and sooner or later the irregular practice would become known to the authorities. From what we have seen of members of the Force we are ready to believe the Chief Commissioner when he says that :—

"The general tone of the men is such that his comrades would look upon a man guilty of this mean and disreputable misconduct as an unmitigated blackguard."

The general evidence of the ladies and gentlemen engaged in the good work of reform of which we have heard, bringing to our notice, as it does, so many acts of kindness towards prostitutes, especially those who have only just commenced walking the streets, confirms the view which we have just expressed.

(2) We think that the earnings of those individuals of the prostitute class who find it necessary to resort to the streets in order to find customers are so scanty as to make it impossible for anything like bribery of the constables to be carried on on a scale which would affect their conduct or be an inducement to them to deviate from the path of duty. We are convinced that the majority of these women are very poor indeed, and Mr. Coote, speaking with ample experience, said :—

Q. 6975. "From a public point of view I am glad to believe, on the evidence, that prostitution does not pay from an English point of view, that is, after they descend from the theatres and the music halls into the streets. From eighteen to twenty-four, yes; but then they leave the different music halls, and they are out of the proprietorship, and on their own account, and it does not pay. That is my conviction from what I have seen, and I am glad to know that honest industry pays better than most of the forms of vice so far as the English girls are concerned. Some it may pay, but only for a time."

(3) The conditions under which a constable performs his duty on beat or on patrol make it practically useless for a woman to attempt to bribe with a view to secure immunity from arrest. Of course, if a woman who has been cautioned, and whom a constable is about to arrest for a subsequent accosting, were to slip 5s. into his hand to induce him to let her go, that act, if the constable were ready to misconduct himself, might be successful and the affair might terminate by his saying with affected sternness, "Move on; go about your business," or something of that kind on that particular occasion. But even then there would be great risk of the transaction being observed. In the populous and crowded parts of the town which these women frequent, the beats are small and the number of constables on patrol so considerable that it would be useless for a woman to procure freedom from arrest by small bribes to this or that complaisant constable. If she should succeed in obtaining immunity from one constable, it would profit her but little, because, before she had gone a few yards further on in the street, she might meet another constable whom she had never seen before; and again, it must be borne in mind that a constable is only allowed to be on one beat for a short time.

(4) The improvement in the streets, as to which we have had ample testimony, and the number of convictions of prostitutes for solicitation during recent years, both negative the suggestion of extensive bribery.

(5) Discipline is, as we have ascertained, extremely strict upon this point, and the arrangements made in Regent Street and Piccadilly, and in the other principal streets which are crowded at night, are such that a constable could not for any lengthened period be guilty of receiving bribes from women without almost certain detection by an Inspector or a Sergeant, and he knows that in addition to his uniformed superiors there may be plain clothes men keeping observation in the street, and he has ever present to his mind the knowledge that discovery would mean instant dismissal from the Force and the ruin of his career.

For all these reasons we feel reasonably sure that, whatever may have been the case for short periods in years gone by, there is no ground for believing that the practice of accepting money from prostitutes prevails to any appreciable extent.

Alleged Bribery of the Police by Bookmakers.

§ 13. In some of the communications made to us it was alleged that street bookmakers have been in the habit of bribing members of the Force in order to escape interference with the carrying on of their business, and it was even suggested, as was done by Platt into whose complaint we inquired exhaustively, that the practice was general and widespread. Sir Edward Henry, too, told us frankly that he had had many "allegations of the Police being corrupted at times by bookmakers," and he had had to deal with those cases when they arose. He drew a distinction between cases of bribery by prostitutes and of bribery by bookmakers, and evidently considered the prevalence of the latter as more likely than that of the former. We agree with him on the point. We are satisfied that instances in which constables have yielded to the temptation of taking money from prostitutes are much more rare than those in which they have been guilty of receiving money from betting men. We have stated above the result of our inspection of the Returns of Complaints on this head against the Police made to the Chief Commissioner during the ten years ending December 31st, 1906. From them it appears that the total number of cases in which it was proved that members of the Force were guilty of receiving money or being in improper relations with bookmakers was thirty-two out of a total of 560 in which complaint had been made. In fairness to the Police reference ought also to be made to the Return printed in the Appendix to this Report giving the statistics as to the number of prosecutions for street bookmaking and as to the fines imposed during the ten years ending December 31st, 1905. This Return shows that during those years there was a continuous increase of Police activity which seems to be inconsistent with any extensive or effectual corruption of the men engaged in the work of putting down street betting; though, in considering the bearing of these figures on the question, allowance must be made for the increase in the number of men carrying on the business and in the extent of their operations. We regard the statistics as tending also to show that this kind of bribery has not become an organised system. On the other hand, though Platt failed to substantiate his charges against the members of the Force accused by him, it is clear as appears from our Report on the case that in their secret dealings the bookmakers who were examined before us acted as though the bribery of Policemen was a common and quite credible thing.

Q. 85.

See p. 100.

Appendix, p. xix.

We have considered the matter in all its bearings and have come to the conclusion that there is no reason for believing that bribery of the Police by bookmakers has been carried on according to any organised system; but the Force as a whole cannot be absolved altogether from the charge of receiving money from bookmakers. The Police authorities, we believe, made every reasonable effort to suppress the evil of street betting so far as possible under the legislation existing before the passing of the Act of 1906, and we do not think their failure to suppress it more effectually was caused by the fact that improper relations had been established between bookmakers and any considerable proportion of those constables who have been specially engaged in keeping observation upon them with a view to their detection and punishment. Still, we think upon the materials before us that the practice of receiving gratuities from bookmakers has to a certain extent—the exact extent it is impossible to determine—prevailed in the Force. It is the general opinion that the stringent provisions of the new Act have made it im-

possible for bookmakers in the future to carry on their business profitably in public places ; and, if so, one great temptation to misconduct to which constables have been exposed will henceforth cease to exist. We regard the taking of money from this class of person as a serious offence in a constable, and there should be no relaxation of vigilance on the part of the officers of the Force, and any offence of the kind, if proved, should, we think, be punished with severity.

Sobriety of the Police.

§ 14. We should not have considered it necessary to make any comments at all in regard to the general sobriety of the Police, as to which we felt no doubt, but for the fact that Mr. Timewell, the Secretary of the Police and Public Vigilance Society, to our surprise, in the course of his general evidence, which we understood was to be directed to the manner in which the Police deal with street offences coming within our Terms of Reference, thought fit to make a sweeping charge of insobriety and of habitual secret drinking contrary to the Regulations against the Police as a whole.

Though we are not, by a strict construction of the Terms of Reference, charged with an inquiry into the question whether the Police misconduct themselves by intemperate indulgence in intoxicating liquor, we did not feel that we could absolutely reject evidence which was apparently intended to show that constables are in the habit of drinking so much as to be incapable of attending to their duties properly, and therefore efficiently dealing with street offences ; and for the same reason we have hesitated to expunge Mr. Timewell's extraordinary allegations from the notes of evidence.

If Mr. Timewell had simply come before us as an individual, we should have let the matter rest, but being Secretary of the Society which we have mentioned he could not be regarded as speaking simply in his personal capacity. The Police and Public Vigilance Society, though its members are few in number, has for some years been actively engaged in a campaign against the Metropolitan Police, and its efforts have been assisted by the widespread publicity given by the Press to the cases in which it has, rightly or wrongly, alleged that Police action has been mistaken or wrong. We are certain that it is in the interests of the Metropolitan Police, and therefore of the whole of the law-abiding part of the community, that the charges made by such a society or by any other of the critics of the Police, should be made in the most open manner, and their truth or falsehood judged by the opinion of competent and responsible persons.

Impressed by these considerations, we think it worth while to reproduce Mr. Timewell's charges on this head and to pass our judgment upon them.

Mr. Timewell said :—

Q. 52661 "I think the most serious matter that we ought to consider is the persistent drinking on the sly of Policemen. I think that is the most serious matter we have to contend with. They have regular places of call at all hours of the day and at all hours of the night, where they drink on the sly—at public houses, at general shops, at receiving offices, and at all sorts of places—and I think it is quite a common thing for Policemen between the hours of ten and twelve at night to get six or eight or even nine drinks before Q. 52562. midnight . . . while they are on duty. My contention is that 50 per cent. of the night duty men are more or less under the influence of drink, and they are quite incapable of doing their duty ; they are quarrelsome, and they interfere with people unnecessarily, and, as I say, when once they get a charge, they go through with it somehow. I can assure you that what I am speaking of now I know as a fact, for I have seen it, and I have, I think, on more than one occasion, had to complain to the Police Commissioner with regard to secret drinking. The most recent complaint I sent in he acted upon, and the men were punished."

Having regard to the fact that in no one of the numerous cases into which we have minutely enquired, except that of Dubery, a new recruit, who had grossly misbehaved himself within a few weeks of his joining the Force, and who would have been dismissed if he had not resigned, no witness directly or indirectly asserted that any one of the Police concerned in those cases had been in the slightest degree under the influence of drink, and to the fact that ample opportunity had been afforded for the giving of evidence complaining that drunkenness was common amongst Policemen while on duty, or that breaches of the Regulations as to drinking while on duty were common, we heard these statements from Mr. Timewell with great surprise and brought them to the notice of Sir Edward Henry at our next sitting, when he said :—

Q. 52759 "I believe there is no foundation whatever for it" (Mr. Timewell's accusation). "I go about myself, I see the men on their beats, and I have never come across a man who has been under the influence of drink. Of course, occasionally it is found by the officers that a man has had drink. Then he is brought up before us and very severely dealt with, but it is comparatively exceptional, or quite exceptional."

We thereupon felt it right at once to say that . . -

"We were very surprised to hear Mr. Timewell make a sweeping charge against the Police that 50 per cent. of the constables were under the influence of drink while on night duty, and that that was the cause of the mistake that so often occurred. We think it right to say, as this is the last day on which evidence will be taken—we have been taking evidence now for a considerable time—that nothing has more struck us in the course of our proceedings than the testimony afforded to the sobriety of the Police by the fact that, except in one among the many cases we have investigated, no complainant has even suggested that any constable concerned was 'under the influence of drink.' In that one case, a young constable who had only been in the Force a very short time had undoubtedly misbehaved himself and had been immediately dismissed. . . . In view of the gravity of the statement made by Mr. Timewell, and the publicity given to it in the Press, we think it right in the public interest at once to make this statement." Q. 52761.

We desire to repeat that statement here, and to state as a result of our Inquiry that the Chief Commissioner may be congratulated upon the general sobriety of the very large Force of which he is the head, and upon the fact that the cases in which any officer or constable is found drunk or sensibly under the influence of liquor while on duty are so extremely rare.

The Regulations as to drinking and drunkenness, and as to the scale of punishment for the same form a body of Rules of a strict and far-reaching character, and it is difficult to see in what practical respect they could be made stronger without making total abstinence both off and on duty a condition of employment or continuance in employment as a constable. Considering that the number of men to which the Regulations apply is over 17,000, and the general habits of the community, the number of cases in which breaches of the Regulations applicable to drinking and drunkenness strike us, so far as we have been able to ascertain them, and certainly during the last few years, as having been remarkably small. We have had occasion, in considering our Report on the special complaints made to us, to look at the defaulters sheets of all or nearly all the constables immediately concerned in the affairs in consequence of which our inquiries had to be made, and we find that breaches of these particular Regulations are quite exceptional. See White Book, pp. 34–38.

We are glad to observe that these startling allegations were advanced by Mr. Timewell on his own responsibility and not as part of the recommendations which he was authorised by the Police and Public Vigilance Society to bring before the Commission.

The Prosecution of Charges in the Police Court.

§ 15. As we have pointed out above it is the duty of a constable who has exercised his power of summary apprehension and taken his prisoner to a Police Station and there preferred a charge which is accepted to prosecute in the Police Court. It is also the duty of a constable in case he has observed the commission of an offence for which he has been unable to effect an arrest, even if he has the legal power of arrest, to lay an information before the Magistrate with a view to the issuing of a summons if the Magistrate thinks fit to take that course when the name and address of the offender can be obtained. It is equally his duty in cases where he has observed the commission of an offence for which he has not the legal right to arrest the offender to lay such an information if he can obtain the name and address of the person offending. In either case he himself is the person who from a legal standpoint takes steps to set the criminal law in motion. In prosecuting he is doing so on behalf of and in the name of the King, and subject to any action taken by the Attorney-General he is allowed to do so by the Constitution.

In England and Wales there is no Public Prosecutor save so far as the Director of Public Prosecutions may be regarded as discharging the functions of such an officer. There is no officer in the Metropolis whose rights and duties correspond to those of the Procurator Fiscal in the City of Glasgow. It follows that upon the constable's arrest of a person for one of these street offences the burden of getting together the witnesses in support of his charge, of procuring their attendance at the Court, and of conducting the case in the Police Court, is thrown upon him. In practice, under the Regulations, he is assisted in the discharge of his duty by his superior officers, and he can always ask for guidance from them, and may, where it is deemed necessary by them in their discretion, obtain legal assistance. In the immense majority of the cases of this class

which arise in London the constable himself attends, and the case is dealt with by the magistrates without either the prosecuting constable or the prisoner being represented by Counsel or Solicitor.

The Regulations which we have set out above give excellent practical instruction to the Police as to the manner in which they are to discharge their duties as prosecutor, and to give evidence, and we see no reason for suggesting their amendment in any particular.

The most important Regulation in the interests of the community is that which enjoins a constable :—

White Book, p. 13.

"To speak the truth at all times and under all circumstances, and when called upon to give evidence to state all he knows respecting the case, without fear or reservation, and without any desire to influence the result, either for or against a prisoner."

We believe that in general this Regulation is complied with by members of the Force in dealing with the classes of offence with which we are concerned, both in preferring the charge in the Charge Room and in the subsequent hearing at the Police Court.

The general evidence which was given before us by Sir Forrest Fulton, Sir Ralph Littler, and the Magistrates appears to us to be eminently favourable to the Police in this regard. The action of the Magistrates in their own Courts shows as conclusively as is possible the general trustworthiness of Police evidence.

We have, as appears from our special Reports, had the responsibility cast upon us in a considerable number of cases of considering whether Police witnesses on the one hand or witnesses not connected with the Force on the other have been speaking the truth before us. If our special Reports are looked at it will be seen that we have come to the conclusion that the officers and constables whom we have examined have generally given us truthful and accurate evidence. In the cases in which we have come to a conclusion adverse to the Police it follows from the opinions that we have expressed that we disbelieve the evidence of one or more of the constables called on the Police side, and in some cases we consider that perjury was committed. It will, however, be found that in those cases the perjury has been consequential upon other conduct. In not one of the cases is the perjury itself the primary offence, and in not one of those cases is there anything to show that the constable, acting from malicious motives determined from the commencement of his intervention to commit perjury, and where he has done so it has been to shield himself from wrongful conduct which he has already committed. That consideration, while it aggravates the misconduct of the particular constable in a particular matter, seems to afford little warrant for the supposition that constables are more prone than other men to speak falsely in general.

After listening for many days to the witnesses in the cases of special complaint, the impression left upon our minds is a very definite one to the effect that on the whole the Police are quite as trustworthy witnesses as those of any other class.

White Book, [p. 254.]e above, p. 39.

It is the duty of the constable concerned in a charge to bring forward the necessary witnesses. We have no reason to think that this Regulation is not in general complied with. In the cases which we have investigated we have, however, noticed that in nearly all of them the evidence against the prisoner at the Police Court was that of the Police. We were struck by the fact that in none of these cases had there been any attempt on the part of the constable or constables concerned to obtain the names and addresses of bystanders. We recognise that in many, perhaps most, cases it would be difficult if not practically impossible for a constable effecting an arrest to take steps at once to secure the attendance as witnesses of onlookers. But, in cases where the circumstances are such as to bring several constables on the scene, we do not understand why one of the constables should not make it his business to get the names of quiet and seemingly respectable persons who have had the opportunity of observing what has taken place. In Harding's case, for instance, we should have thought some of the persons residing in Sclater Street might have seen the assault on P.C. Cann, and could have been subpœnaed if it were found that they could give relevant evidence. We feel that there are difficulties in placing upon constables the duty of generally taking the course suggested, but we think that whenever it is reasonably possible the Police evidence should be supplemented by that of persons not belonging to or connected with the Force.

Suggestions were made to us in the course of our Inquiry that the Police are sometimes placed at a disadvantage by the fact that the conduct of cases under the existing law and practice must be entrusted to the constable who preferred the charge, and that no one on the side of the Crown is entitled to take any public part in the proceedings with a view to guiding or helping him, and that he alone, either as the constable who set the law in motion by arresting the alleged offender, or by laying an information against him where the case comes before the Court on summons, has the right to address the Court or to cross-examine the accused if he gives evidence, or his witnesses, if any, should be called for the defence. Our attention was also attracted to this matter by a remark made in the report from Sir Edward Henry to the Secretary of State in regard to the complaint of Dr. Gerothwohl, in which he pointed out that if the Police had had legal assistance and had cross-examined the defendant a different complexion might have been put upon the matter.

In the view of the learned Magistrates who expressed an opinion upon this point, the existing practice does not sensibly operate to the detriment of the prosecution. They feel it part of their own duty to find out the actual facts of the case and to ask such questions as they deem necessary of the defendant in case he elects to give evidence, and of his witnesses. Whenever an application is made on reasonable grounds they remand a case so that the prosecuting constable has the opportunity of getting further evidence and of consulting, it may be, his superior officers.

We believe that in the great majority of cases of street offence with which the Magistrates have to deal their view is entirely well founded, but we think that in many cases where the facts leading up to the arrest or to the summoning of the defendant are in dispute the Magistrate himself can have no adequate materials for effective cross-examination, and even if he had those materials he would hardly be in a position to use them without conveying a very false impression to the public. The truth is that Police Magistrates in London and Justices in the country in dealing with trivial offences have been in the habit, where there is any serious conflict of evidence, of freely giving the prisoner the benefit of the doubt. There has been a general disposition to look upon the magisterial power as *quasi* paternal. The complaints made to us, and what we read from day to day in newspapers, show that a very considerable change has come over public opinion in regard to the gravity of these street offences and the consequent proceedings in Police Courts. We believe the change is due : (1) To the greater sensitiveness of the community as to conviction on charges of drunkenness and of drunkenness and disorderly conduct, which is itself due to an improvement in the moral tone of all classes; (2) to the increased publicity given to Police Court proceedings in the Press; and (3) very largely to the legislative changes made in regard to the London Police Courts and Petty Sessional Courts throughout the country.

When the Metropolitan Police Force was first established the jurisdiction of the Magistrate at what was then called the " Police Office " was closely connected with his authority as controller of a body of constables. As the result of the Police Act, 1829, the Police Act, 1839, and the Metropolitan Police Courts Act, 1839, a Police Magistrate has ceased to have any special control over or connection with the Police.

As Mr. Curtis Bennett said, the Metropolitan Police Courts have now become Courts of first instance for the trial of criminal offences and certain other cases in which jurisdiction is given by Statute just as the County Courts are Courts of First Instance in civil matters. He suggested to us that it would be expedient by a change in the designation of these Courts to emphasise the new character and importance which they have assumed. We should be going beyond the kind of recommendation which we think we have a right to make under our Commission if we were to make a formal recommendation upon the subject, but we feel that it would not be presumptuous on our part to say that our opinion is that it would tend to increase public confidence if it were made clear to everybody by the very name of the Court that all persons who were being tried by a London Magistrate were being tried by a Judge absolutely independent of and free from Police control. Q. 45390.

The disadvantage in which the Police are placed in the Police Courts by the existing practice under which a prosecuting constable has in general himself to conduct his case without the active help of a superior officer or legal aid is felt not only in the Metropolis, but in other cities. Major Tarry, Chief Constable of Leeds, informed us that he had found the existing rules added to his difficulties. He explained Q. 39342.

that he had attempted, to some extent, to get over those difficulties by ordering that, whenever possible, a superior officer should lay an Information, and, as informant, secure a right of audience and the conduct of the case at Petty Sessions, but that that course of action did not lessen the difficulties that arise in cases where a constable has summarily arrested a prisoner. He therefore suggested that in those cases the superior officer of Police in attendance at the Court should be allowed a *locus standi*, but pointed out that in order to carry the suggestion into effect legislation would be required.

We have seen that by the Regulations in the Metropolis, an Inspector is always in attendance at the Police Court for the purpose of superintending and watching the constables who have to attend as prosecutors or witnesses. We have considered the question whether it would be expedient to give to these Inspectors the right of addressing the Court, examining the witnesses for the prosecution, and cross-examining those for the defence, but have come to the conclusion that very little, if anything, would be gained by such an innovation in the practice of the Court. An Inspector is at the present time in a position to give advice to, and to help the prosecuting constable in the management of his case, and we do not believe that any substantial advantage would be obtained by throwing upon him the duties of an advocate. So long as there is no office of Public Prosecutor for the Metropolis, we can only recommend that legal assistance should be freely given upon the application of a prosecuting constable whenever the case is out of the ordinary course, and the accused seriously defends himself against the charge.

White Book, p. 277.

The present Regulation is, that: "Should circumstances transpire during the hearing of a case, which render it desirable that the Police should be legally represented, application is to be made for an adjournment for a sufficient period to enable the case to be laid before the Commissioner." As we gather, the Magistrates, as a rule, accede to an application for an adjournment when requested. It is not expressly stated who is to determine the circumstances which render it desirable that an application for an adjournment should be made, but we understand that, in practice, the Inspector who watches the case takes upon himself the duty, if the prosecuting constable does not act upon his own initiative, of asking, when he thinks fit, for an adjournment for the purpose of making a request to the Commissioner. This procedure strikes us as somewhat too cumbrous, and we think that it would be expedient, in order to avoid delay and adding to the work of the Chief Commissioner, to allow a Superintendent to give the desired permission to the prosecuting constable to obtain legal aid.

See p. 90.

We have referred above to the fact that there is in London no officer corresponding to the Procurator-Fiscal in Edinburgh and Glasgow, and though we should be travelling beyond the scope of the recommendations which we are empowered to make if we were to suggest proposals necessarily involving a fundamental change in the general system of criminal procedure in England and Wales, it seems necessary, as being closely connected with the duties of the Police in prosecuting at a Police Court, to call attention to the fact that the position of a constable as private prosecutor is one of a somewhat difficult and anomalous character.

The Lord-Advocate was good enough to give us a lucid and interesting statement as to the way in which criminal prosecutions are conducted in Scotland. There, he told us, the system of private prosecution is substantially unknown.

Q. 51971.

"The general rule of the Scotch jurisprudence is that when an offence is committed it is committed against society, and society protects itself through the public officers,"

whom he mentioned,

"and in this way a system of public prosecution universally prevails."

At the head of the system is the Lord-Advocate, and under him there act the Solicitor-General for Scotland as his Advocate-Depute, and a certain number of salaried gentlemen who also act as Advocates-Depute. In each county there is a Procurator Fiscal, who is also the Lord-Advocate's Depute. He further explained the development of municipal government in Scotland by virtue of various Statutes, and he particularly referred us to the Statutes relating to Edinburgh and Glasgow under which Procurators Fiscal are established in those cities with duties as his Depute corresponding to those discharged by the Procurators Fiscal in the counties. The effect is that the Procurator Fiscal in Edinburgh and in Glasgow is, as the Depute of the Lord-Advocate, and, therefore, as a subordinate Officer of the Crown, the prosecutor in every criminal case, whether

it is one of the graver kinds of crime or one analogous to the street offences with which we are concerned. It is, therefore, " process " issued by or on behalf of the Procurator Fiscal that gives jurisdiction to the Police Courts in Edinburgh and Glasgow.

Mr. Stevenson, the Chief Constable of Glasgow, gave us information as to the way in which this system actually works there. It is, of course, obvious that in a great city like Glasgow, which has nine Police Courts, it would be impossible for the Procurator Fiscal to himself attend to every one of the numerous cases of offences summarily triable which have to be dealt with. The Procurator Fiscal is appointed by the Corporation, and is in no sense a Police official. He is not under the control of the Chief Constable, and he has absolute power of taking up or rejecting any case. Each of the Superintendents of Police, and each of the Lieutenants of Police, is also appointed by the Corporation as an Assistant Procurator Fiscal. The Superintendent acts as Assistant Procurator Fiscal in his own Division, and the Lieutenant acts as Assistant Procurator Fiscal in charge of the Police Station or Office where charges are taken by virtue of the Glasgow Police Act, 1866, Section 100, which enacts that:—

" The officer on duty (the Lieutenant) may deal with every person brought to the Police Office in custody of a constable as follows: If he has been in custody charged with having committed penal offence within the city, he shall cause him to be detained until he can be brought before the Magistrate; if he has been taken into custody either in pursuance of or without a warrant, in consequence of being accused or suspected of having committed any Police offence, or in consequence of his having failed to attend before the Magistrate when duly cited in pursuance of the provisions of this Act, the officer on duty shall inquire into the circumstances, and may either cause him to be detained until he can be brought before the Magistrate, or may accept bail or security that he shall appear before the Magistrate at some time or place to be then appointed, and at all times and places to which the case may be adjourned by the Magistrate, and liberate him; or if the officer on duty thinks that the charge is unfounded or is not supported by sufficiently strong evidence to justify his being detained in custody, he may liberate him." Q. 39838.

The effect is that the Lieutenant at the Police Station in Glasgow may, when a prisoner is brought in and charged with a Police offence, inquire into the case, and either cause him to be detained or take bail for him and liberate him, or, if he does not think the case is sufficiently strong, he may liberate him.

Though the proceedings present a remarkably close resemblance to the proceedings in a Police Station in the Metropolis before the officer in charge, there is this material difference, that in Glasgow the Lieutenant is acting in a double capacity, as an officer of Police and as the Deputy of the Procurator Fiscal. For acts done in the former capacity he is responsible to the Chief Constable, and for acts done in the latter capacity he is responsible to the Procurator Fiscal; and it is upon " process " issued by him in his latter capacity that the jurisdiction of the Police Court is founded.

Putting aside technicalities, the effect of the Scottish system, as compared with the London system, is: (1) That if complaint is made by a person alleging that he has been wrongfully arrested, he may complain to the Chief Constable in respect of the wrongful arrest by a constable, or of any ill-treatment by him, or he may complain to the Procurator Fiscal in regard to any error of judgment or misconduct on the part of the Lieutenant who takes the charge and thereupon prosecutes; and (2) The Procurator Fiscal, and not the arresting constable, is responsible for the conduct of the case in the Police Court.

It is very likely that in ninety-nine cases out of one hundred it does not matter to the person arrested for one of these street offences whether he is dealt with under the Scottish system or under the London system. The person arrested probably does not know, when the officer in charge of the Station in Glasgow is considering the charge preferred by the constable who has arrested him, whether he is addressing an officer of the Police or a Deputy of the Procurator Fiscal; but in the hundredth case it may conceivably make a good deal of difference. According to our system, from the moment a man is arrested down to the time that he is brought before a Magistrate, he is in the hands of the Police. According to the Scottish system, the Deputy of a public officer, who has no connection with the Police, deals with the case as soon as the prisoner is brought to the Police Station. There is, therefore, an earlier check upon the action of the Police.

We think it right to call attention to the system prevailing in Scotland in order that the authorities may consider whether it would be expedient, in view of the difficulties under which the Metropolitan Police labour, to create in the Metropolis an officer with rights and duties corresponding to those of the Procurator Fiscal. So

many considerations of expense, and so many changes in Police administration and Police Court arrangements might be required in order to effect such an alteration, as to which we are not fully informed, that, even if we felt empowered to make a recommendation on the point, we should hesitate to do so without more prolonged inquiry.

Complaints to the Home Office and the Chief Commissioner.

§ 16. An important subject, to which our attention has been drawn by the evidence in some of the cases investigated, is the course pursued by the Police authorities when complaint is made of misbehaviour by a particular constable, by or on behalf of persons aggrieved thereby. Such complaints are made, in the first instance, either to the Secretary of State for Home Affairs or to the Chief Commissioner.

See p. 78. The complaints to the Secretary of State relating to the conduct of the Police as to the street offences with which we are concerned appear to have been very few in number during recent years, as appears from Mr. Troup's statement set out above.

The complaints received by the Home Office resolve themselves into cases of complaint:—(1) by persons who have been tried in the Police Courts; and (2) by persons who allege some misconduct or neglect of duty on the part of the Police in general, or by some specified members of the Force.

As to the first class of cases where the complaint is made by a person who alleges that he has been wrongly convicted by a Magistrate, it assumes the form of an appeal for the exercise of the Prerogative of Mercy, but the consideration of the exercise of that prerogative, in many instances, involves inquiry into the conduct of constables who arrested, or gave evidence against, the accused persons. As to the manner in which the Secretary of State has been in the habit of dealing with that class of cases it would not be proper for us to make any comment.

The practice pursued by the Home Office in regard to all cases has been where misconduct by the Police is alleged or suspected, and the matter is one of sufficient seriousness to justify it, to send on the papers to the Chief Commissioner for inquiry and report by him, and it is, of course, for the Secretary of State to determine whether the inquiry made by the Commissioner, who forwards his report to the Home Office, is or is not satisfactory.

It is difficult to see, having regard to the organisation of the Home Department, and to the fact that the Secretary of State has no power to take evidence on oath, or to appoint any person or persons to do so, what other step he could usually take than to forward the papers connected with the complaint to the Chief Commissioner who is responsible to him for the control and discipline of the Metropolitan Police Force, in order that he may inquire into the matter in the same manner as that in which he inquires into breaches of discipline, and so forth, alleged to have been committed by the officers and men under him. When a complaint is referred by the Home Office to him, the practice of the Chief Commissioner is to take the same steps as if the complaint had been made direct to him.

Complaints as to misconduct by members of the Force made directly to the Chief Commissioner may proceed either: (1) from superior officers or constables who are members of it; or (2) from private persons.

With regard to the first class, *i.e.*, those arising within the Force, the regulation, as pointed out above, directs that they should be dealt with in the same way as complaints by private persons so far as the regulations are applicable thereto; and we desire to make no comment upon the methods adopted with regard to them, since discipline seems well maintained in the Force and the Regulations work satisfactorily.

The complaints from members of the public made direct to the Chief Commissioner are of varied kind. Many of them appear to be complaints made by persons who have observed what they deem to be improper conduct on the part of the Police in a particular neighbourhood, or of some named member of the Force on a particular occasion; others relate to some neglect in patrolling the street or place in which the complainant resides; and as to the substance of these complaints some refer to mere breaches of discipline, lack of courtesy, bad language, rough conduct, and the like, while others deal with more serious breaches of duty. The practice of the Chief Commissioner, and those who assist him at the Central Office as to acknowledging and receiving such

complaints, appears to us to be, as a rule, satisfactory. But suggestions have been made to us that complaints by persons aggrieved, or thinking themselves aggrieved, by the action of members of the Force, are not inquired into so effectively as the public may reasonably expect.

The question of how such complaints ought to be dealt with is, in our opinion, one of great importance, because the maintenance of good relations between the Police and the rest of the community largely depends upon the existence among law-abiding persons of the confident belief that any grievances which they may have in connection with the behaviour and exercise of authority by members of the Police Force will be respectfully received, promptly and effectively inquired into, and, so far as possible, remedied.

We note with interest that very soon after the establishment of the Police Force in 1829 attention was drawn to the necessity of dealing promptly and effectually with complaints made by members of the public before the Select Committee of 1834, when the then Commissioners, Colonel Rowan and Mr. Mayne, were being examined. They stated the practice of their office as follows :—

"A letter is sent off, generally immediately, to say that the complaint will be inquired into; probably the same moment the complaint is made; the constant practice is to have that letter prepared immediately, and given into the hand of the person who makes the complaint to the Commissioners, stating 'that the complaint will be inquired into immediately,' in order that they should feel a satisfaction that the thing should be done, without waiting for the result which sometimes cannot be got at for several days, as the inquiry may occupy a good deal of time. After the complaint has been inquired into the result, in some shape or other, is always made known to the person who has made the complaint. . . . They are almost immediately heard; generally the arrangement is such that the parties coming in to complain are heard almost immediately; I should say, immediately. We always give precedence to them before the other business with our own people; and generally such an hour has been appointed that we see them the moment they come; they name the hour themselves, and as soon as they come we see them. It frequently happens that parties have refused to lay complaints before the Magistrates against the Police, and have preferred coming before the Commissioners; but I should wish to say it is our opinion, after the experience we have had, that it would be preferable to send complaints much more frequently to the Magistrates than to us; we conceive it to be less immediately our duty, and I think it would be more satisfactory to the public to have the cases heard before the Magistrates, who decide in public, and who would not be supposed to have any leaning in favour of the Police; at the same time, I really believe that we have decided more strictly against the Police than a Magistrate would have done, in some, at least, of the cases."

See Evidence before Select Committee of 1834. Q. 4246. Appendix, p. xxv.

See Evidence before Select Committee of 1834. Q. 4251. Appendix, p. xxvi.

That evidence was given, and that method of dealing with complaints was the practice at a time when the establishment was very small as compared with the present numbers, and it would probably be quite impossible for the Chief Commissioner at the present time to give a personal interview at once to every complainant; but there seems no reason why someone—an Assistant-Commissioner or other member of the Central Staff—should not be appointed for the purpose of giving, whenever asked for, an immediate personal interview to anyone who wishes to make a representation against any member of the Force.

Major Tarry, the Chief Constable of Leeds, told us that it was his custom to deal with complaints personally, so far as possible, and that he found that his so doing had happy results in keeping up a pleasant relation between the Constabulary and the inhabitants of the city, and gave him the opportunity of giving explanations which satisfied the persons aggrieved and removed all feelings of soreness or discontent, whether due to some Police blunder or to over-sensitiveness on the part of persons complaining.

Q 39316.

The methods applicable to a provincial city are not, of course, necessarily applicable to London, and no one acquainted with the work which has to be performed by the Chief Commissioner could expect him personally to attend to every complaint, but we feel sure that it would be a great advantage to all concerned if it were generally known in the Metropolis that anyone who wishes to complain about the Police may go to Scotland Yard with the assurance that he will be patiently listened to by a responsible and competent officer as a matter of right. In making that observation we must not be taken as expressing the opinion that complaints have not been recently, or are not now, courteously dealt with.

The Chief Commissioner receives communications not only from private persons, but also occasionally directly from the Magistrates, though, as a rule, any criticisms on the conduct of Police officers or constables concerned in a case which the Magistrate may have made, are conveyed to the Chief Commissioner by a report from the Inspector in attendance at the Court, whose duty it is to call attention to any misconduct on the part of a constable which he observes or any remarks made by the Magistrate.

White Book, p. 302. General Instructions, s. 16.

The testimony of the Magistrates was, except as to Mr. Cluer's evidence, unanimously to the effect that any representations made by them to the Chief Commissioner were treated in a courteous manner in New Scotland Yard, and that their relations with the Chief Commissioner were of the best character.

Q. 45040. Mr. Cluer, however, committed himself to the general statement that the relations between Magistrates and the Chief Commissioner were deplorable, and he gave two instances in justification of his statement. He also alleged that in cases of misconduct brought to his notice, the punishment inflicted by the Chief Commissioner was often inadequate.

Q. 45034. One of the two instances in which Mr. Cluer said he considered the Magistrate had reason to be dissatisfied with the reception of his communication by the Chief Commissioner occurred so far back as 1890, and referred to a case as to which the late Mr. Corser had written to the then Commissioner.

As this matter arose before Mr. Cluer was on the Bench, and many years before Sir Edward Henry became Chief Commissioner, we think it unnecessary to make any observations upon it.

The correspondence as to the other case took place in 1903, and arose in connection with a charge of assault which had been preferred by a constable against one Ahern and two others, in dismissing which Mr. Cluer stated that he disbelieved the evidence of the prosecutor and another constable altogether.

We should have preferred to pass over the matter in silence, but, having regard to the importance which Mr. Cluer appeared to attach to the matter, and that Sir Edward Henry, not without reason, considered the Magistrate's observations as a personal reflection, we feel bound to refer to it.

Q. 45036. Mr. Cluer, after referring to the earlier instance in 1890, and reading a letter to the late Mr. Corser from Assistant-Commissioner Bruce, in which the latter observed: "With all due deference he cannot recognise any right in a Magistrate to ask him to discuss the nature and extent of the proceedings which in connection with a request for inquiry have been taken," said:—

Q. 45040. "On the other hand, I myself have made a mistake. I remember one mistake in which I wrongly dismissed a charge of assault by the Police against a man, and, on the application of the man, I granted him a summons against the constable. I then had, to make it as fair as possible, to ask a colleague from another Court if he would mind taking the case so that the man might not be prejudiced, as I had already formed my opinion, but only as to a detail, I admit, on the evidence. My colleague took the case, and entirely acquitted the constable. Mr. Mead was good enough to try the case for me. Upon hearing that I wrote to the Commissioner myself, and said I hoped nothing would happen to this constable.
Q. 45041. He had already been transferred to another Division. I expressed my regret for my blunder in that matter. All I got was a printed communication saying: 'The Commissioner directs me to acknowledge the receipt of your letter.' That is the relation between Magistrates and the Commissioner, and it is a very deplorable one. It is a great pity that if we have cases, as I do, of Police who go wrong the Commissioner does not attend to them otherwise than by sending the men over to other Divisions. . . . I have had a number of cases in which I ought to have complained, but I gave it up. I do not go on writing letters to an official who merely takes no notice of them."

It seems only fair to Sir Edward Henry to state the personal explanation which he gave in answer to Mr. Cluer's remarks:—

Q. 52067. "I regret to have to make an explanation which may appear personal in character. Mr. Cluer, the learned Magistrate, has made statements which the Commission will no doubt expect me to meet. He has said that the relations between the Commissioner and the Magistrates are deplorable, and he has referred to individual cases brought before him, in which he alleges the Police were guilty of misconduct. With reference to the relations between the Commissioner and Magistrates, I am authorised to say that he is speaking on his own behalf exclusively, and that this is not the opinion of the other Magistrates, who consider the existing relations to be excellent. Apparently, he bases his opinion on certain incidents. The first was an incident which happened before I was Commissioner, or before my predecessor, even, had been appointed Commissioner, it happened seventeen years ago, five years before Mr. Cluer himself had been appointed magistrate. I presume the Commission will not desire me to discuss the facts minutely. I have looked at the papers and find that, in a case in which two persons were charged with pushing coping stones off a pillar in 1890, on the remand the evidence of the two constables, who were their accusers, was traversed by the statements of two other constables to the effect that it was not the defendants who had pushed the coping stones off, but the constables themselves, though they had not seen the act. The Magistrate, Mr. Haden Corser, discharged the defendants, and came very reasonably to the conclusion that two of the constables must have given false testimony, and he referred the matter to the Commissioner. The Commissioner apparently found it impossible to decide which pair of constables had been lying, and so he scattered the whole four, transferring them from where they were to other Divisions, so that there might be no opportunity of their acting either in collusion with each other or in hostility to each other. Mr. Haden Corser, hearing of this, wrote to the Commissioner, and pointed out that if a transfer

was a punishment, it was rather hard that the innocent pair of constables should have been punished and he wanted an explanation of this. This explanation the Commissioner was not prepared to give, and so the matter ended, and as Mr. Haden Corser, unfortunately, is dead, and the Commissioner concerned is not present to speak for himself, it can be carried no further. The other incident is one which concerns myself. In a case heard by Mr. Cluer, on July 6th, 1903, in which Ahern and two others were defendants, Police Constables Robinson and Fern gave evidence in support of a charge of assault. Mr. Cluer heard the case, discharged the defendants, and commented on the testimony of these two constables, stating that he disbelieved their evidence altogether. Though inquiry showed that the constables had acted properly in the case, it became necessary to remove them from the Division, as it was felt that they would be completely useless for the performance of their duty there, owing to the opinion publicly expressed by the Magistrate. In consequence of his remarks, the defendant Ahern took out a summons for assault against Constable Robinson, being supported, I understand, in this by Mr. Timewell, who provided him with a solicitor and counsel. The case brought by Ahern against Police Constable Robinson was heard, at Mr. Cluer's request, by Mr. Mead, another Magistrate. Mr. Mead came to the conclusion that the accounts given by the complainant and his witnesses were so contradictory that no credence whatever could be attached to their statements, and he dismissed the summons. Mr. Cluer having read Mr. Mead's notes then wrote to me as Commissioner, saying that he hoped that nothing would happen to Constable Robinson, and he expressed his regret for his mistake in that matter. I may say I was not in this country when the letter was received, and in my absence Mr. Cluer received a formal acknowledgment, thanking him for having written. Mr. Cluer's comment upon it was as follows: 'This is the relation between Magistrates and the Commissioner, and it is a very deplorable one. It is a great pity that when we have cases, as I do, of Police who go wrong, the Commissioner does not attend to them otherwise than by sending the men to other Divisions.' I regret that Mr. Cluer did not receive a fuller reply, but had I received the letter in person, the acknowledgment I should have sent Mr. Cluer would probably not have seemed acceptable to him, because it appeared to me that in the matter of these two Constables, Mr. Cluer's action was wholly inadequate. In open Court he had imputed to them misconduct of the gravest character. When he discovered his mistake he was, in my opinion, bound to make the most complete reparation in his power. In consequence of his remarks they had their homes broken up, and were transferred under a cloud to other Divisions. The public might very well believe of them that they had given false testimony. It was a grievous slur upon their character, which could have been removed by Mr. Cluer if he had followed the course which was obviously indicated of expressing in open Court his regret that owing to a misapprehension of the facts, he had unwittingly done these two men a wrong, and unreservedly withdrawing his condemnation of them."

Upon the constables' action in this case of Ahern and others, seeing that Mr. Cluer admits he made a mistake, it is not necessary for us to express any opinion. As to the controversy which has arisen we have, on the one hand, only to observe that we do not see what Mr. Cluer could have been expected to do more than what he in fact did when he became satisfied that his remarks as to the evidence of the constables were unfounded, except, perhaps, to make a statement in open Court withdrawing the reflections which he had made on them. On the other hand, we think that the fact that owing to the absence of Sir Edward Henry, Mr. Cluer only received a mere acknowledgment of his letter affords no justification whatever for his general statement before us that the Chief Commissioner treats the communications of Magistrates improperly, or that their relations with him can be truly described as "deplorable." Q. 45040.

We have only to add as to this incident, that we cannot agree with Mr. Cluer's view that a Magistrate has any special right to complain of or to suggest the amount or character of the punishment which the Chief Commissioner may inflict in cases of misconduct brought to his notice by a Magistrate. That is a matter which is entirely within the discretion of the Chief Commissioner, and he is responsible to the Secretary of State for the manner in which he discharges his duty.

We regret that the relations between the Chief Commissioner and Mr. Cluer should be strained, and we trust that, after the very courteous and temperate explanation given by the former as to the brevity of the letter of which the latter complained, and of his general attitude towards Magisterial criticisms on the Police all misunderstanding between them will be removed.

While, however, we are satisfied that there is no reasonable ground for finding fault with the manner in which complaints against the Police, whether made by private persons or by Magistrates, are received and acknowledged at the Central Office, we do not think that the existing method of inquiry into complaints made against the Police by private persons is satisfactory.

The method at present pursued is to call for written reports from the officers or constables whose conduct is complained of, or who have been concerned in the affair out of which the complaint arises, and then, if deemed necessary by the Chief Commissioner, the holding of an inquiry by an Assistant-Commissioner or Superintendent of the Division, to which the constables concerned are attached, at which witnesses are examined orally, and the proceedings conducted in accordance with Regulations 56 to 60 which we have set out verbatim above. See p. 52. White Book p. 33. Q.Q. 4727 and 4735.

An instance illustrating this method of inquiry was afforded by that held before Chief Inspector Taylor as Acting Superintendent at the Brixton Police Station in consequence of the complaint made by Mr. Braham. That inquiry appears to us to have been conducted in accordance with the Regulations, and, assuming that the Regulations are satisfactory, no adverse criticism can be made upon the proceedings before Chief Inspector Taylor. Mr. Braham, in fact, made no complaint as to what took place there, though he expressed himself before us as dissatisfied with the terms of the letter of apology which he received from the Chief Commissioner after a decision had been arrived at upon the matter.

When such an inquiry as to the alleged misconduct of a constable takes place before a Superintendent, he has a discretion as to whether he should at once put the accused constable on the Defaulter's Sheet, and then report his opinion on the case to the Central Office, or abstain from putting the constable on the Defaulter's Sheet, and simply report the result of the inquiry to the Chief Commissioner in order that the matter may be dealt with by him. If the former course is taken, the result is that the constable is treated as an accused person, and suspended from duty at once. In either case, the final decision as to whether the constable is or is not guilty is left to the Chief Commissioner, as is also the character and amount of punishment inflicted in case the decision is adverse to the accused Constable.

The whole procedure, as laid down in the Regulations, and as disclosed in the proceedings in, for instance, the Braham case just referred to, appears to us to be unduly cumbrous and inelastic. There are probably sound reasons for the existence of this somewhat complicated machinery in regard to mere breaches of discipline by members of the Force, or in regard to disputes arising within the Service. As a method of deciding issues between private persons and members of the Force where there is conflict of evidence it strikes us as being unsatisfactory.

Consider, for instance, how the system worked when it was put in operation in regard to the complaint of Messrs. Gerothwohl and Lavalette. There, indeed, the complaint was made to the Home Office, and the Chief Commissioner in calling for reports and instituting an inquiry by Assistant-Commissioner Wodehouse to some extent pursued the course which he would have taken if the complaint had been made direct to him, but he made no communication to the complainants and the Regulations as to complaints by private persons set out above were not complied with. The Secretary of State, however, did what the Chief Commissioner could not well do, viz., asked for information from the Magistrate, and, in deciding how to deal with the matter, had ultimately before him the statements of the two complainants, communications from Mr. Denman, who tried the case, and the report from the Chief Commissioner. We are not suggesting that the Chief Commissioner need, under the circumstances of that case, have done more than he did, since the complaint had not been made direct to him, and the Secretary of State was satisfied with his Report of the 24th April, 1906.

The treatment of Gamble's case, in which a firm of solicitors wrote making a definite charge against a constable, is of a different kind, because there the issue of criminal process was threatened; and the Home Office has laid down a general rule: "That when a complaint is made against a constable which amounts to a criminal charge, and when there is conflicting evidence on the subject, the Commissioner ought not to decide the matter, but it ought to be brought before a Magistrate, who can take evidence on oath;" and it was pointed out to us by Mr. Troup that in a case where that rule had been departed from (the case of Miss Cass in 1887) difficulties arose in consequence of taking an exceptional course. We think, therefore, that no obligation was placed on the Chief Commissioner to inquire into the charge against P.C. Ashford with a view to deciding whether he was guilty or not guilty, though we regret that the Inspector's suggestion for further investigation was not acted upon in the interests of the Force.

Q. 48180.

With regard to the practice of calling for written reports by constables, our inquiries into individual complaints have led us to the conclusion that the present system is open to considerable criticism. These reports are written and signed by the constables concerned and countersigned by a superior officer and then forwarded to New Scotland Yard. It is admitted that the preparation of these reports by constables possessing no high degree of education is not an easy task, and we have reason to think that these documents are often prepared by constables in consultation with other members of the Police who may be implicated in the case, and they are therefore not the independent and original productions that they are intended by the Regulations to be. We think this system should

See above, p. 46.

be abandoned in cases where a report is called for in consequence of the complaint of a private person, and that in lieu thereof there should be an Inquiry in the manner we are about to suggest.

In cases where the misconduct complained of amounts to misbehaviour for which there is no remedy at law, the only course that the aggrieved person can take is to appeal to the Home Office or to the Chief Commissioner, and in such a case we think it is plain that he ought to have the right to obtain full investigation of his complaint. We do not think that the mere fact that the complainant may take legal proceedings if he chooses should be a bar to his complaint being fully inquired into and its truth decided by a Police Inquiry. The remedy by civil action against one in the position of an ordinary constable is not effective, and the application for a summons in a Police Court entails expense, trouble, and delay from which people naturally shrink. It seems to us, seeing that the Police are invested with large powers which may cause great injury to private persons unless exercised properly and in good faith, that anyone who thinks himself aggrieved by an abuse of those powers ought to have the right without embarking on litigation in the Courts to have such alleged misuse of power fully inquired into by the Chief Commissioner or a competent officer acting on his behalf. If during the course of an Inquiry it appears that the alleged misconduct amounts to a criminal charge, and the evidence is conflicting, we think the Inquiry should be suspended and the facts reported to the Chief Commissioner, who should place them before the Director of Public Prosecutions. If no action is taken thereon by the Director of Public Prosecutions the Inquiry should be subsequently continued and completed.

With regard to the method of Police Inquiry into complaints by private persons we think :—

(1) That it should not be conducted by the Superintendent or other superior officer of the Division to which the accused member of the Force belongs or whose duties lie in the area in which the conduct complained of took place, but by an officer acting directly under the Chief Commissioner.

(2) The complainant should be invited to attend at New Scotland Yard or a convenient Police Station and to bring with him any witnesses, and the accused member of the Force should also be ordered to attend with his witnesses.

(3) The proceedings at the Inquiry should be conducted in accordance with the Regulations 56 to 60 with the alteration that the complainant and the accused respectively should have the right to cross-examine witnesses directly and not simply to put questions through the officer conducting the Inquiry.

(4) The officer conducting the Inquiry should make a Report on the case to the Chief Commissioner giving his decision on the complaint together with the evidence.

We recommend that an officer duly qualified by a knowledge of the law and experience in legal proceedings, acting under the direct superintendence of the Chief Commissioner, should be appointed for the purpose of dealing with complaints against the Police by private persons and conducting Inquiries into them in the way just suggested.

We have not attempted to do more than give the outline of a scheme for such Inquiries. We would only say generally that in our view the object to be aimed in the arrangements made should be to satisfy complainants and the general public that complaints are fully and fairly investigated.

We do not forget that the criminal classes have an interest in discrediting the Police and that to raise the cry of Police tyranny and oppression is an easy way of turning the tables, and while we think that alleged misuse of their powers should be fully inquired into, and, if proved, adequately punished, we recognise on the other hand it should be the effort of the authorities and of the community, whose servants they are, to protect the Police as much as possible in the execution of their onerous duties, which are such as to make them obnoxious to all kinds of false charges by the evilly disposed, and which continually bring them into danger from false witnesses.

The Suggestions of the Police and Public Vigilance Society.

§ 17. We have incidentally dealt with such of the twelve suggestions made to us on behalf of the Police and Public Vigilance Society as come within the category of

recommendations which we feel ourselves entitled to consider under our Terms of Reference.

Q. 52656. As to the suggestion "That the Metropolitan Police Force should be placed under the control of the direct representatives of the electors in the Metropolis who would be more amenable to the wishes of the people than the Home Secretary," and consequential suggestions, we do not feel ourselves entitled to express any opinion at all, as their consideration involves matters of public policy in reference to which we took no evidence, and as to which we have no special information.

As to the suggestion for raising the age at which candidates should be admitted into the Force, and as to the diminution in the total number of the Force, for similar reasons we think we ought to abstain from making any recommendation.

The other suggestions appear to be matters for the consideration of Magistrates, rather than for ourselves or for the Chief Commissioner.

Concluding Remarks.

§ 18. In conclusion, we desire to add that:—

(1) We think the discipline of the Force is well maintained.

(2) The general arrangements for the maintenance of order and for the prevention of offences in the streets, and for the apprehension and punishment of offenders are excellent, and are carried out almost invariably in a thoroughly satisfactory manner.

(3) The Metropolitan Police Force is entitled to the confidence of all classes of the community.

We desire to add an expression of our high appreciation of the ability, tact and vigilance of the present Chief Commissioner, to whom our thanks are due for attending before us whenever we have requested him to do so, always giving us the fullest information in his power, and permitting us access to all the documents in his office which could help us in our inquiry.

All which we humbly submit to Your Majesty's gracious consideration.

(Signed) D. BRYNMOR JONES.

RUFUS D. ISAACS.

C. A. WHITMORE.

W. H. DICKINSON.

J. FELIX WALEY (*Secretary*).

19th June, 1908.

II.—REPORTS ON PARTICULAR CASES.

INTRODUCTORY REMARKS.

We here include our Reports upon the complaints made against particular Officers or Constables investigated by the Commission, which we may, for the sake of brevity, call special complaints. We have thought it better to report separately on each such complaint (treating a complaint made jointly as being one complaint).

In our Report on each complaint we have, as far as was reasonably possible, incorporated all the relevant documents and given a summary of the evidence at such length as seems necessary to make our observations and judgments intelligible.

In inquiring into each complaint, and arriving at our conclusions, we need hardly say that we have done it without any prepossession in favour of or against the members of the Force concerned. We have approached each complaint independently, and with such detachment of mind as might be expected if the cases had come before us as Judges in a Court of Law, though we have power neither to give redress to the complainant nor inflict punishment on the Constable whose conduct is impugned.

We have not, however, having regard to the character of our Inquiry, and the practice of Royal Commissions, deemed it proper to consider ourselves bound by the strict rules of evidence. At the same time, we have excluded so far as possible in the evidence, and entirely in coming to our conclusion, all topics of mere prejudice or matters too remote to be really useful in arriving at the truth about the issue.

The total number of special complaints into which we have inquired, and upon which we report, is nineteen. They all appear to us to be typical, and a study of the evidence in each complaint affords an illustration of the various kinds of difficulty that arise in the exercise of Police powers, of the problems which a Constable has continually to solve, and of the issues which the Magistrates have to try.

In all the cases, with two or three exceptions, there is some conflict of evidence, and in most the conflict is glaring.

The special complaints may be thus classified by reference to the character of the offences with which the complainant was charged, or which afforded, rightly or wrongly, a pretext for Police interference :—

(1) *Cases of Drunkenness.*

The complaint of :—

(1) Dr. Maurice Alfred Gerothwohl and Henri Lavalette.
(2) James Baker.
(3) George Mullins.
(4) James Riley.

(2) *Disorder.*

The complaint of :—

(1) Edward Wells.
(2) Ferdinand Altfuldisch.
(3) William Maurer.
(4) George Wilson.
(5) William Henry Andrews.
(6) Arthur Harding (alias Tresadern).
(7) Edward Emms and John Norrey.
(8) James Clinch.
(9) Alfred Francis Platt.
(10) A. Dubery.

(3) *Solicitation.*

The case of :—

(1) Madame Eva D'Angely.

The complaint of :—

(2) Mrs. X. (in Camera).
(3) Mr. Y. (in Camera).
(4) Mrs. Braham.
(5) George Gamble.

Note.—Lest the gentlemen who appeared before us should think that we treat them with discourtesy by referring to them by their surnames alone, we desire to explain that we have done so for the sake of brevity, except in the case of persons whose usual style affords an indication of their professional character.

The letters "P. C." before a witness's name means Police Constable.

I.

GEROTHWOHL AND LAVALETTE'S CASE.

The Secretary of State brought to our notice a complaint which had been made to him by Mr. Maurice A. Gerothwohl, D.Litt., a Fellow and Member of the Council of the Royal Society of Literature, Honours Lecturer at Trinity College, Dublin, etc., against two constables in the C Division, and against an inspector who had been in charge of the police station at Vine Street, W., on April 8th, 1906.

Dr. Gerothwohl's complaint was made in a letter dated April 12th, 1906, to the Secretary of State, which was in the following terms :—

"To the Right Honourable the Home Secretary .

SIR,—

I beg respectfully to submit that an inquiry be instituted into the conduct of the police at Vine Street Station in connection with the charge of 'drunkenness and disorder' brought by them against myself and a friend, Mr. Henri Lavalette, on Saturday night (April 7th), a charge dismissed by Mr. Denman at Marlborough Street Police Court on Wednesday, April 11th. My main reasons for demanding such an inquiry are the following :—

(I.) By virtue of the magistrate's acceptance of the defendants' story, which suggested that they (the defendants) had been arrested at the station door when on their way to tender their cards as witnesses on behalf of a third person, at that time unknown to them, I contend that Police-Constables 43 C.R. and 6 C.R., who, on Monday, 9th, at the aforesaid police-court, swore specifically, and with abundance of detail, to arresting us (the defendants) in Piccadilly, cannot escape the two-fold charge of perjury and conspiracy, and, having previously been dismissed the Police Force as a public danger, should be prosecuted on public as well as private grounds.

(II.) The evidence given by the defendants, and accepted by the magistrate, reveals brutal methods of treatment and procedure by the constables, indicating a grave state of affairs at the Vine Street Station, and denoting culpable negligence, not to say encouragement on the part of the Inspector.

Confident that you cannot fail to appreciate my reasons for suggesting that an inquiry be held, I shall be interested to learn whether it would facilitate the task of the Home Office in this connection if the matter be made the subject of queries in Parliament by Members on both sides of the House, or if the Home Office authorities would prefer to take immediate and independent action, in which case my friend, Mr. Henri Lavalette, and myself would be glad of an interview at the Home Office.

Meanwhile, and thanking you in anticipation for your careful consideration of this matter,

I beg to remain, Sir,

Your obedient servant,

(Sd.) MAURICE A. GEROTHWOHL, D.Litt.

(Fellow and Member of Council of the Royal Society of Literature, Honours Lecturer at Trinity College, Dublin, etc.)

P. S.—I append extracts from the 'Daily Chronicle,' 'Daily Telegraph,' and a leader from to-day's 'Daily News.'"

Further correspondence took place between Dr. Gerothwohl and the Secretary of State, which it is unnecessary to set out here, but which will be found printed in the Appendix to the Evidence.

After the appointment of the Commission, Dr. Gerothwohl communicated with the Secretary of the Commission, and he was informed on our behalf that we would inquire into his complaint. In due course he and Mr. Lavalette (the person referred to in the letter of April 12, 1906), sent in statements containing the evidence which they proposed to give before us and upon which they based their charges of misconduct against the police.

Notice was given by us to the solicitor acting for the Metropolitan Police of our intention to investigate the case.

We heard the evidence of Dr. Gerothwohl and Mr. Lavalette, and of the witnesses they called, as well as that of the witnesses called by Counsel for the police, and also that of Mr. Timmings, whom we summoned of our own motion, on July 23rd, 25th, and the 30th, 1906, and Sir Edward Henry was further examined on certain points connected with the matter on the 16th October.

Material Facts as to Which There is no Dispute.

The material circumstances connected with this complaint as to which there is no dispute are as follows :—

At 12.15 a.m. on Sunday the 8th April, 1906, Maurice A. Gerothwohl, 8, Alma Terrace, W., Professor, British Subject, Henri Lavalette, 8, Alma Terrace, W., Journalist, Belgian Subject, and Charles Timmings, 6, Baker Street, Fulham, Groom, were charged at Vine Street Police Station with the offence of being drunk and disorderly in Piccadilly, in the Parish of St. James'. They were so charged by P.C. Isaacson, 43 CR. The charge was taken by Inspector Berry, who was in charge of the police station on the evening of the 7th and up to 2 a.m. on the 8th. The three prisoners were detained and taken to the cells. Gerothwohl and Lavalette were released on bail at 2.40 a.m. and 2.35 a.m. respectively, and Timmings was released on bail at 12.10 p.m. on the 8th April.

On the 9th April the case was called on at Marlborough Street Police Court before Mr. Denman, and all three defendants appeared. Gerothwohl and Lavalette were represented by Counsel, but Timmings appeared in person. After hearing the evidence of the prosecutor, P.C. Isaacson, 43 CR, and of P.C. Wallington, 6 CR, the Magistrate remanded the case to the 11th April. On that day the parties appeared as before, and the Magistrate heard the evidence of Inspector Berry, P.C. Divers and Dr. Alexander Mitchell for the prosecution. Gerothwohl and Lavalette were called and gave evidence on their own behalf. Timmings, although he did not expressly plead guilty, on being asked what he had to say, made no answer, and he was not called as a witness on behalf of Gerothwohl and Lavalette. Mr. Sherrington also gave evidence for the defence.

Mr. Denman then stopped the case and dismissed the charge against Gerothwohl and Lavalette, but found Timmings guilty, and fined him 10s.

The following is a copy of the Charge Sheet :—

METROPOLITAN POLICE. "C" or ST. JAMES DIVISION.

COPY of a CHARGE taken at Vine Street Police Station on the 8th day of April, 1906.

No. of Charge.	Date and hour brought to station.	Persons Charged.			Charge.	Persons Charging. Name, Address, and Occupation.	Witnesses. Name and Address.	Taken into Custody by	Property found on person or elsewhere.	At the Station House.		Signature of Police Officer taking the Charge.	Magistrate before whom the charge is brought.	Charge how disposed of by Magistrate.	Remarks by Magistrate.
		Age.	Name, Address, and Occupation.	Administrative County in which charged.						Detained.	Or hour admitted to bail.				
1	8/4/06 12.15 a.m.	29	Morris A. Gorothwohl, 8, Alma Terrace, W., Professor, British Subject.	London.	All drunk and disorderly at Piccadilly, Parish of St. James's.	Avely Isaacson, P.C.43 CR.	C. Wallington P C. 6 CR.	C. Wallington P. C. 6 CR.	Nil.	Detained.	2.40 a.m. 8/4/06.	Wm. Berry, Inspector.	G. L. Denman, Esq.	Remanded 11th, 12 noon, O.R. £2. Dismissed Evidence insufficient.	
—	—	25	Henry Lavalotte, 8, Alma Terrace, W., Journalist, Belgian Subject.	—	—	—	—	A. Isaacson, P.C. 43CR.	Nil.	Detained.	2.35 a.m. 8/4/06.	—	—	Dismissed Evidence insufficient.	
—	—	19	Charles Timmings, 6 Baker Street, Fulham, Groom.	—	—	—	—	Do.	Nil.	Detained.	12.10 p.m. 8/4/06.	—	—	10s. or 7 days.	

Metropolitan Police Office,
5th day of July, 1906.

Certified true Copy,
J. WEST, for Superintendent.

The Accounts of Gerothwohl and Lavalette.

The accounts given by Gerothwohl and Lavalette of the events which led to their being charged at Vine Street, and upon which the principal charges of misconduct are based, are substantially identical, and the complaint of Gerothwohl and that of Lavalette may be treated as practically one. They were assisted in the proceedings before us by a solicitor, but they preferred to conduct their own case, if we may be permitted to apply a technical phrase to the hearing of the complaint by us. Gerothwohl took the leading part and Lavalette acquiesced in his doing so.

Stripped of non-essential details the story told by these gentlemen of their experience on the evening of Saturday, the 7th, and in the early morning of Sunday, the 8th April, may be thus summarised:—Having dined together at the Monico Restaurant they afterwards proceeded to Soho, where on a Saturday night there takes place the Soho Market, which Gerothwohl described to Lavalette as "a most interesting cosmopolitan sight"; they went to observe the Market; and afterwards they listened for nearly three-quarters of an hour to the preaching of a temperance missioner, and then they proceeded towards Piccadilly. At about 10.45 in Regent Street they met Sherrington, who may be described as a friend of Lavalette's; Gerothwohl had met him once before, though Sherrington did not remember the fact. They went with Sherrington to the Trocadero Restaurant, where each of the three had a whisky. Sherrington left them at 11.30 p.m. They then walked "down Coventry Street to Leicester Square and about"; then they "went down Lower Regent Street, keeping in the middle of the road as the pavement was very rowdy." Gerothwohl noticed that "there were a great many people coming out of the theatres, who also were walking down in the same way to have a look at the sight of the students, who were rather rowdy, as is usual on that night." We give the account of what follows in Dr. Gerothwohl's own words, as in our opinion a good deal turns on some of the details of the story, and the precise conduct of the actors in the affair. "On coming back towards Piccadilly we came back on the pavement, and then proceeded down Piccadilly in order to take our bus home. That was about midnight. Just shortly before reaching St. James's Church, although people were very rowdy behind, there was no crowding just around us. There was a crowding a good many yards ahead, some young men in a ring, and between that crowd and ourselves there was a youth walking very quietly by the side of the kerb. At that moment a police constable, whom we found afterwards was 43 CR, pushed past us this way—(*describing*)—and pushed the young man forward, and then shoved him this way—(*describing*)—and the youth fell against a hansom cab which was standing there. Then he pulled him up and took him in charge and crossed the road with him. I then said to Mr. Lavalette: "This is really too bad, let us go and give our cards to the inspector." I said that, or its equivalent, to him in French. We together crossed the road a good way behind them, and we noticed at the corner of Swallow Street and Piccadilly another constable, who was coming from the Sackville Street direction, take hold of young Timmings on the other side. *There* was Police Constable No. 43 C, *there* was Timmings, and *there* was the other constable, and they all went up Swallow Street. We followed, gradually gaining on them, and towards the middle of Swallow Street we were nearly abreast, when Mr. Lavalette stooped forward to look at No. 43, who was on the extreme left, to take his number. We then turned the corner of Swallow Street and Vine Street, and just as we were turning I glanced like that—(*describing*)—and I saw a unit in blue—of course it was a policeman in his blue uniform. I did not stop to look at him, but I saw there was a policeman standing there. Then we proceeded behind them very closely towards Vine Street Police Station. Just before we reached the station I noticed there were two policemen standing on each side of the entrance. There was No. 43, there was Timmings, and the police constable, who turned out to be No. 427 C, well in front, we following. Just as I put my foot on the first or second step I was seized behind, shoved forward up the steps, and on the staircase Police Constable 43 let go of Timmings, turned round, and facing me this way he seized me, twisted me round, and flung me on to another constable. That constable flung me back. I was again seized by No. 43, and twisted into the dock. As I was twisted into the dock I saw Mr. Lavalette following, spinning round from one policeman to another. It

reminded me rather of a game of skittles with human pins, in which, I am afraid the ball suffered more than the nine pins. Timmings was already in the dock when I came. I immediately protested."

Lavalette's account is substantially to the same effect.

The Police Account.

The account of the arrests given by the police constables, which differs in every material respect from that of Gerothwohl and Lavalette, shortly put is as follows: P.C. Isaacson, 43 CR, and P.C. Wallington, 6 CR, were on patrol duty at midnight on the evening of April 7th from the Circus to Air Street on the south side of Piccadilly. They heard a great noise in Piccadilly and saw a crowd proceeding down Piccadilly westward, and P.C. Isaacson with P.C. Wallington went into that street and found a great number of people and a number of persons arm in arm leading the crowd. He spoke to them and cautioned them to conduct themselves in a gentlemanly manner. They took no notice of him, but passed on. He got in front of them again at St. James's Church and spoke to them again. P.C. Wallington was still with him. At the church he noticed Gerothwohl, Lavalette, Timmings and two others arm in arm; there were certainly five people arm in arm, and they were compelling people going east to get off the pavement. He said to Timmings "Why don't you be quiet and behave yourself." He took no notice, and P.C. Isaacson then arrested him and he handed him to P.C. Divers, who came up at that moment, telling that constable to take the prisoner to Vine Street. Divers started with Timmings. Isaacson then immediately arrested Lavalette, and at the same time P.C. Wallington arrested Gerothwohl. This was on the pavement on the south side of the street about a yard from where Timmings was arrested. P.C. Isaacson and P.C. Wallington with their respective prisoners were delayed a little by traffic, but crossed the road after a slight pause and walked into Swallow Street. When P.C. Isaacson with Lavalette arrived in that street, which is quite short, he saw P.C. Divers just turning into Vine Street. P.C. Isaacson with Lavalette, followed by P.C. Wallington with Gerothwohl, proceeded to Vine Street Station without incident, and they placed their prisoners in the dock. Their prisoners went quietly. P.C. Isaacson charged Gerothwohl, Lavalette and Timmings jointly with being drunk and disorderly in Piccadilly, and the charge was taken in that form.

Specification of the Charges made Against the Police.

Such are in their main features the two accounts given before us of the series of events which led up to Gerothwohl, Lavalette and Timmings being charged at Vine Street. The main charge against the constables by Gerothwohl and Lavalette is in regard to their alleged assault and false imprisonment under the circumstances described above, but it will be observed from Gerothwohl's letter to the Secretary of State that he makes further charges not necessarily involved in or consequent upon the original arrest. Gerothwohl's complaint is not only against P.C. Isaacson, P.C. Wallington and P.C. Wellbelove, who, if his account be true, were actually concerned in setting upon and arresting him and Lavalette at the entrance to Vine Street, but also against P.C. Divers and Inspector Berry. Gerothwohl complains that what took place at Vine Street revealed "brutal methods of treatment and procedure denoting culpable negligence, not to say encouragement on the part of the inspector, namely, Inspector Berry."

It seems necessary for our purpose that we should endeavour to specify, more particularly than is done in Gerothwohl's letters, the acts of misconduct charged against each of the police officers concerned in this affair. When the whole of the evidence of Gerothwohl and Lavalette is considered and analysed, the charges which they make against the police may be divided into acts of misconduct committed

before the prisoners were in the charge room and acts committed after they arrived there.

(1) The acts of misconduct alleged to have been committed before the prisoners were in the charge room are :—

(a) P.C. Isaacson so violently assaulted Timmings while he was walking quietly in Piccadilly that he fell against the wheel of a cab, and then arrested him without adequate cause.

(b) P.C. Wallington and P.C. Isaacson, aided by P.C. Wellbelove and other constables whose names are unknown, arrested Gerothwohl and Lavalette near or on the steps at the entrance to Vine Street Station without justification and with great violence.

(2) The acts of misconduct alleged to have been committed after Gerothwohl, Lavalette and Timmings were placed in the dock are :—

(a) P.C. Isaacson falsely charged Gerothwohl and Lavalette with being drunk and disorderly in Piccadilly, and falsely stated that they were arrested in Piccadilly.

(b) That Inspector Berry was reckless and negligent in that (1) he did not maintain order in the charge room, (2) that he concluded that Gerothwohl and Lavalette where drunk, whereas in fact they were quite sober ; (3) that he omitted to send for the Divisional Surgeon, although he knew or might have known if he had attended to what the prisoners were saying with reasonable care that they denied the charge ; (4) that he omitted to attach the importance reasonably due to the allegations made by Gerothwohl and Lavalette that they had been arrested while coming to the station on Timmings' behalf ; and (5) that he aided and abetted the constables then in the charge room in disorderly behaviour.

(c) That P.C. Isaacson, P.C. Wallington, P.C. Divers and other constables unidentified behaved in a noisy and disorderly way in the charge room, and in particular that P.C. Isaacson seized a stick which Gerothwohl held in his hand and broke it across his knee.

(d) That P.C. Isaacson and P.C. Wallington committed wilful and corrupt perjury on the hearing of the charge at the Police Court.

General Observations.

We have summarised above in their main features the two accounts given before us of the series of events which led up to Gerothwohl, Lavalette and Timmings, being charged at Vine Street.

Now the first reflection that occurs to us is that the two stories differ so widely that both cannot be wholly or substantially true. They are not simply discrepant, but as to all important points contradictory and cannot be reconciled. Both stories, are, however, coherent and possible. Either may be true, but we cannot accept one as true without rejecting in all important respects the other. It is, however, important for us all along to bear in mind that both accounts may be false in material particulars.

Great, however, as is the diversity of these accounts, and acute as is the conflict of testimony, there is nothing very unusual about the issues to those who have experience in criminal courts. Such glaring contrasts between the case for the prosecution and that for the defence are of frequent occurrence, but fortunately for the judge they have to be decided for the most part by a jury, which gives no reason for its finding, and which acts or ought to act in accordance with the principle that the prosecution must prove the case beyond all reasonable doubt. We do not, however, think that we can discharge our duty by simply saying that we find for Messrs. Gerothwohl and Lavalette, or for the police constables. To take that course would deprive our inquiry of much of its value, and it would do little or nothing to assist

the Commissioner of Police in the discharge of his duty, or to satisfy the public, who are naturally concerned in the question whether the constables exercise the important powers with which they are invested by law honestly and efficiently.

Seeing that this is the first case upon which we report, we think it well to make some general observations as to the principle and the method according to which the Commission ought to determine disputed matters of fact. In this case we have such acute differences between the parties that the decision involves a special degree of responsibility in coming to a conclusion. Our position is one of unusual difficulty as compared with that of an ordinary court of justice. We have, it is true, all the powers, or substantially all the powers, of the High Court or of the Central Criminal Court, but the issues that come before them do so in accordance with a prescribed procedure, and the manner in which judges and juries ought to arrive at verdict and judgment is well settled. In regard to every issue of fact upon which the final verdict and the consequent judgment must be found and entered the law casts upon the one party or the other to the litigation the burden of proof, and accordingly in regard to those issues it is quite proper and legitimate for the tribunal after listening to the witnesses, considering the documentary evidence, and weighing the reasons for and against the acceptance of either version, if it cannot with certainty or with any confidence decide upon the evidence, to find against that party upon whom the law has cast the burden of proof. Courts of justice exist for the purpose of giving redress to some person who demands it against another person, or for the purpose of punishing men accused of having committed crime. It is accordingly only fair to throw upon the person demanding redress or on those who on the part of the Crown demand that a defendant should be punished the duty of satisfying the Court as to the truth of all the material allegations upon which the validity of the claim for redress or for punishment, as the case may be, by law depends. We are not sitting as a court of justice, and we have no power to give redress to anyone who complains before us of misconduct on the part of police officers, nor have we any power to inflict punishment upon police officers who in our opinion have failed to discharge their duty. We are appointed to inquire and report upon the manner in which the members of the Metropolitan Police Force discharge their duties in regard to the three classes of cases mentioned in our terms of reference. We sit as persons appointed to make a general inquiry, and our inquiry into any cases of misconduct on the part of individual officers is only undertaken as part of that general inquiry, and with a view to enable us to give an answer to the general question implied in the terms of our Commission. We have no right to throw any special duty upon Gerothwohl and Lavalette. Seeing that they had made a complaint, it was their duty no doubt, as honourable men, to attend to support it, on pain of being condemned by public opinion, if they did not, but it was equally the duty of the constables, whether Gerothwohl and Lavalette came forward or not, to come before us and to acquit themselves if they could of the very grievous charges made against them. Our primary duty is not one owed to the parties who come before us in each case and cannot be discharged by the simple application of rules as to the burden of proof. Our function is, therefore, one that can only be properly fulfilled by making the most thorough search into the facts bearing on the conduct of the police in each case which is reasonably possible, and then deciding whether any and what kind of misconduct is proved against any of the police concerned.

Our duty then being to endeavour, without regard to the interests of anyone who comes before us, to arrive as to each matter which we investigate at the very truth of the affair it seems to follow that we ought not to consider ourselves bound by the rules of evidence acted upon habitually in our courts of justice. Those rules, the result of long experience, and now brought into a form stripped of all unnecessary technicality, are admirably adapted for their purpose and are in practice so convenient and so helpful in arriving at a just decision that they ought naturally to be those to which we ought as a rule to conform; but we see no reason why we should, having regard to the character of our task, feel ourselves rigidly bound by them in our inquiry. We are not aware that any Royal Commission to inquire and report has affected to follow them without exception, and in dealing with the various particular cases which have come before us, we have thought it right to take a good deal of oral evidence from the witnesses which would not

have been admissible at the trial of a criminal case and have also allowed ourselves a greater latitude as to the documentary evidence than would be correct if we were trying the constables whose conduct was impugned in court. Thus we have in each case thought it fair to take note of the facts connected with the career of every constable upon whose veracity doubt had been thrown, or suggested itself to us by looking at what is called his "Defaulter's Sheet." We have not hesitated to make use of the reports and communications between officers of the Force which came into being in the ordinary course of police administration and action. So again in this case we have inquired into incidents which took place at Vine Street Police Station on the night in question, not immediately or directly connected with the Gerothwohl affair; so again we have derived some help from the evidence of two expert witnesses, Dr. Dent and Dr. Nelson Hardy, who were not called, to use a technical term, by Gerothwohl and Lavalette: so also we have taken into account knowledge of police methods and incidents connected with the action of the police in regard to summary arrest derived from the evidence which we have taken in regard to complaints made by other persons. In short we have treated this complaint of Gerothwohl's not as an isolated case, but as one among a good many others relevant to the inquiry.

Our decisions on the principal issues in this case depends almost entirely on oral testimony. In many disputes which come before our courts where there is a great conflict of evidence the judge is assisted by having before him letters or documents which directly relate to and which came into existence during the period in which the disputed events occurred, and which being in themselves indisputable affords solid ground from which to reason as to and criticise contradictory statements. But that is not the case here. We have before us the letter of Gerothwohl to the Secretary of State written almost immediately after the trial at Marlborough Street, but it carries conviction no further. We have, too, the written reports of the constables, which are useful as a check on the evidence given before us, as was shown in cross-examination, and also the charge-sheets and official records kept at Vine Street Station. Still in the main our judgment must turn upon the view we take of the oral testimony given by the witnesses. Our task is, therefore, one of no ordinary difficulty.

Seeing that the matter primarily turns on the credibility of two sets of witnesses, one naturally asks what characters they bear respectively. Common experience leads us to believe that men who in their several callings and in the society in which they move behave with such reasonable correctness as to earn the esteem of their associates are more likely to tell the truth even about matters in which their interests are at stake than those whose conduct justly earns the censure of those who know them. We have known cases in which everyone would have agreed that a particular version of a transaction ought not to be trusted, simply because of the obvious and proved bad character of all or of the majority of the witnesses upon whose testimony it was advanced. The test of character is one consideration which may fairly be taken into account in deciding cases of this kind. Here, however, the test of character does not seem to help us at all. All the witnesses who came before us as to this complaint may, we think, be described as of good character. Their positions in life vary very considerably, of course, but we are certainly not prepared to say that a professor is necessarily a man of better character than a policeman. Of Lavalette we know nothing except what is entirely in his favour. Gerothwohl occupies positions of trust for which none but a man adjudged to be of high character could possibly be selected. But a precisely similar statement must be made of P.C. Isaacson, P.C. Wallington, and Inspector Berry. P.C. Isaacson had been over nineteen years in the Force, and his record is excellent. Save for one offence committed many years ago, and long since forgotten by his superiors, he has been guilty of nothing but breaches of discipline which from the point of view of character are of trivial concern, while he has on many occasions been commended for meritorious acts of bravery. Nor can anything be urged against the character of any of the other police witnesses except P.C. Wellbelove, who has recently been punished for misconduct. In our opinion, therefore, we cannot solve the problem raised by this case by reference to the character of the witnesses, and say we believe the one side because the witnesses on the other side are men of bad character.

There are two things which are worthy of notice in comparing the witnesses

on the one side and on the other, and which require some comment. First of all Gerothwohl and Lavalette are men of superior education, Gerothwohl especially being skilled in the use of language. The constables on the other hand are men of obviously inferior education to that of these gentlemen. We cannot allow the superior education of Gerothwohl and Lavalette to weigh in this case in the scales to their advantage. From our experience, though men who have received a University or professional education are more accurate, more careful in the choice of words, and less prone to exaggeration, than men of little or no learning and culture, yet we cannot say that they are more honest; at most we can only allow that an educated observer is more likely to give a verbally accurate, clear and coherent account of what he has seen or heard than an ignorant man trying to give his recollection of the same thing on the assumption, of course, that both are obviously trying to give true evidence. We cannot accept education as a surer guarantee of truth than ignorance in the recollection or description of matters where self interest is concerned. It is often more difficult to find out the falsity in the case of an educated witness than in the case of an unlettered one. To our minds therefore the different degrees of education of Gerothwohl and Lavalette on the one hand and of the constables on the other hand do not seem to afford us much help. Secondly, all the witnesses on the Police side, except Dr. Mitchell, are members of the Force, and he himself has such a connection with the Force as is involved in his being a Divisional Surgeon. Practically, therefore, the issue is between what we may call the civilian witnesses on the one side and the police witnesses on the other. This is also the case in regard to a good many of the other matters before us. In fact the question what is the value and credibility of police evidence assumes for us a very great significance. Everyone knows that attacks are often made upon police evidence just as attacks are made upon "expert" evidence. There are not wanting those who have a rooted disbelief in the credibility of policemen when they are in the box, and who believe that in nine cases out of ten a constable does not hesitate to tell a lie, to distort facts, or to exaggerate an incident in order to procure a conviction in a case in which he himself is the prosecutor, or to help a comrade. In our opinion such judgments upon the police as witnesses are quite unsound. We do not think it is possible to make any generalisation upon the subject without doing possible wrong to a very useful class of the community. Speaking as the result of our own observation we should say that there is no more ground for attributing habitual perjury to policemen than to any other class. The truth is, it is impossible to lay down any general rule. To disbelieve or to suspect a witness simply because he is a policeman, strikes us as an eminently dangerous course if one wishes to arrive at the truth of a disputed affair. The better course is to treat a policeman's evidence exactly as the evidence of other men is treated, its value being considered, tested, and criticised separately in each case.

Next, we ought to remember, in considering the claims of witnesses to be credible, the kind and the extent of the interest they have in the result of our deliberation on the case. Without being obnoxious to the charge of taking an unduly cynical or pessimistic view of human nature one may confidently say that experience of life leads one to the belief that real or supposed self-interest is the strongest amongst the factors that determine the actions of ordinary men with regard to all matters not directly connected with domestic or sexual relations, or perhaps religious belief. Bearing this in mind everyone who has to decide issues depending on oral testimony ought to ask himself what is the interest of each witness in the result of the case. One can hardly help feeling that the man who has no pecuniary or other selfish interest in the result is more likely *prima facie* to give an honest account of something he has seen or heard than one who has; and although we do not for a moment deny that there may be men who speak the truth, without regard to the consequences to themselves or others, yet we are bound to say it is a very safe and proper rule in deciding upon different versions of a transaction to attach much greater importance to the evidence of disinterested than to that of interested witnesses.

These considerations give us some, though not very much, help with regard to the case in question. We are fortunate, for instance, in having the testimony of Sherrington and of the medical men, all of whom may be fairly described as disinterested witnesses, but the principal witnesses cannot be so described. To P.C.

Isaacson, P.C. Wallington, P.C. Divers, P.C. Wellbelove, and even to Inspector Berry, our decision is a matter of much moment. It is not too much to say that although we have no direct authority over them their future prospects and career depend largely on, or may be gravely affected by, the views we express as to their conduct. The interest of Gerothwohl, Lavalette and Timmings is not of the same kind. The interest of Timmings is so slight that we are inclined to class him as an independent witness. The interest, however, of Gerothwohl and Lavalette is obviously very considerable. Under the circumstances they cannot claim to be simply members of the public coming before us wholly in the public interest and actuated only by a desire to secure the efficient and correct conduct of the London Police. It is true that Gerothwohl suggests that P.C. Wallington and P.C. Isaacson should be dismissed as a public danger, and that they should be prosecuted on public as well as private grounds. But consider the circumstances. As the sequel of an evening passed in a somewhat aimless, though in no sense an improper wandering in the most crowded West End streets on a Boat Race night, Gerothwohl and Lavalette found themselves charged at a Police Court with being drunk and disorderly in Piccadilly. The charge was, it is true, dismissed, but Gerothwohl is in our opinion in error in treating the decision of Mr. Denman as an acceptance of the defendants' story, and in referring to it as "a complete acquittal" in his letter to Sir Mackenzie Chalmers of the 14th April, 1906. Gerothwohl and Lavalette could if they chose have brought a civil action or could have instituted criminal proceedings against those who had wronged them. We do not think their failure to take either course is a circumstance which tells against them, but the mere fact that they appealed to the Home Office, and, after the appointment of this Commission, came before us with a view to exposing what Gerothwohl calls in his letter to the Secretary of State of the 22nd April, 1906, "a grave public scandal," does not entitle them to be deemed independent or impartial witnesses. Although their interest in the outcome of our investigation is not so vital as that of the constables, still they must be regarded as being interested witnesses.

The result of these observations is to convince us that this is not one of those cases in which we can safely arrive at a decision *per saltum*, as it were. We can discover no general or broad reason for accepting the account given by Gerothwohl and Lavalette in preference to the account given by the police witnesses. The surest method, therefore, by which we can arrive at the truth, if it be possible to do so with any certainty, is to bear clearly in mind the acts of misconduct alleged to have been committed by each constable which we have set out with particularity above, and next to pick out and keep distinct in our minds the relevant facts which are either admitted or not disputed or proved beyond doubt, and then to select and discuss separately the principal issues raised. Now the principal admitted facts have been set out above, or appear from a comparison of the story told by Gerothwohl and Lavalette with the police account. If that comparison be made, it will be seen that practically there is no contradiction of the evidence given by Gerothwohl and Lavalette as to what happened down to the time at which Sherrington left them. So also there is no serious conflict of testimony as to what took place after they had been taken from the charge room and placed in the cells. The dispute that arises is as to what took place during a few minutes between midnight and a quarter-past midnight when the prisoners were undoubtedly in the dock, and as to whether they were or were not then drunk or under the influence of drink. But it is worthy of notice that from a comparison of the two accounts it may be inferred: (1) That all the constables concerned were perfectly sober. There is no suggestion that any one of them was in the slightest degree the worse for liquor. (2) P.C. Isaacson and P.C. Wallington were duly on patrol duty, and in proceeding to Piccadilly they were acting in strict accord with their duty. (3) There was in Piccadilly a large crowd of persons, and there was a great deal of disorder there at or shortly after midnight. (4) There is no suggestion that before the arrest of Timmings these constables had been in conflict with or badly treated by anyone, or that anything had happened likely to lead the two constables to lose their tempers. (5) Neither P.C. Isaacson nor P.C. Wallington had ever met Gerothwohl, Lavalette or Timmings before, and Gerothwohl and Lavalette had never seen Timmings before. (6) Before the arrest of Gerothwohl and Lavalette, whether it took place in Piccadilly or in Vine Street, there was no conversation between them and the two constables except that, if the constables speak truly, P.C. Isaacson loudly cautioned Gerothwohl, Lavalette, Timmings and others in Piccadilly twice. (7) No one at the time of Timmings' arrest remonstrated with P.C Isaacson either on

his making the arrest or on the manner in which it was effected. (8) There was no attempted rescue of Timmings, and no interference either by Gerothwohl and Lavalette or any other person in the crowd with P.C. Isaacson in the execution of his duty or supposed duty.

The Two Principal Questions.

When one comes carefully to compare and consider the cases presented to us by Gerothwohl and Lavalette on the one hand and the police on the other, especially if we read over the evidence *in extenso*, we find that there is a considerable number of points upon which the testimony is contradictory or in some respects conflicting, or as to which discrepancies are disclosed; but two main questions emerge as being of a fundamental character: the first is the question, Were Gerothwohl, Lavalette and Timmings drunk, or if not drunk markedly under the influence of drink at about midnight on the Boat Race night? The second is, Were Gerothwohl and Lavalette arrested in Piccadilly, or just outside, or at the entrance to Vine Street Police Station? The latter is in our view the crucial question in the case, because, whether Gerothwohl and Lavalette were drunk or sober, if they were arrested with the violence and at the place described by them, the police officers concerned were guilty of misconduct of a very grave kind. The gist of the misconduct alleged is from our point of view the abuse of authority involved, and the unnecessary force employed in arrests made in the way described by the complainants. The offence of perjury which is also alleged against the constables, although in general a much more serious one than assault not causing actual wounding or maiming, or made with intent to cause grievous bodily harm, is here, if indeed it has been committed, a subordinate and consequential crime to which the guilty parties were forced almost as a matter of course for their own protection. The primary offence alleged against these policemen strikes us as one of the utmost seriousness. It is, indeed, not easy, putting aside some imaginary cases of continued fraudulent blackmailing done in the capacity of a police officer, to conceive more dangerous conduct on the part of a constable than that which is alleged against P.C. Isaacson, P.C. Wallington, and P.C. Wellbelove in this case. Especially charged and sworn to keep the peace, clothed with authority and invested by law with special powers of arrest they, if the charge made be true, assaulted and deliberately arrested two men, who whether drunk or sober were about to enter the police station quietly, and having done so falsely charged them with being drunk and disorderly in another place, and falsely stated that they had arrested them at that other place. But although the question of the place and manner of arrest is the principal issue that we have to decide, the question as to the condition of Gerothwohl and Lavalette is also of great importance, because the value to be attached to their evidence and the probability of their version of the whole affair and of its details being true are obviously to a considerable extent dependent upon their sobriety at the time.

We think that the soundest method by which we can arrive at a decision of the case with as much certainty as is reasonably possible is first to consider whether at about midnight on April 7th the three prisoners were drunk or sober, and then having, if possible, come to a conclusion upon that question to pass on to discuss the question of the place of arrest; and although the answers to these two questions will not conclude the whole matter, yet if we can arrive at something like clear and certain answers to them, such light will be thrown upon the whole transaction as to make the remainder of our task comparatively easy.

The Condition of Gerothwohl, Lavalette, and Timmings at about Midnight.

In discussing the question of the condition of each of the three prisoners as to sobriety it is expedient to separate the case as to Gerothwohl and Lavalette from that as to Timmings; and we will first discuss the evidence as to the condition of Gerothwohl and Lavalette.

In the proceedings before us Gerothwohl and Lavalette naturally, as complainants of misconduct on the part of the police, gave their evidence first, but in dealing with the matter it seems better to state and to criticise the police evidence in support of the view that these gentlemen were drunk as alleged, and it seems well also to separate the consideration of the direct testimony of ordinary witnesses from that of medical gentlemen who have given us their evidence and opinion.

Now, taking that course we have to take into account on the police side the evidence of P.C. Isaacson, P.C. Wallington, P.C. Divers and Inspector Berry. P.C.

Isaacson, who was the first witness called on the police side, gave an account of his movements and of what took place in St. James's Street to the effect summarised above; and we confine our attention for the moment simply to those portions of his evidence which directly bear upon the question of drunkenness. After saying how he came with P.C. Wallington to St. James's Church, he said:—"I saw a man Q. 1094
named Timmings, Gerothwohl, Lavalette and two others. There may have been a third, but I am not certain as to a third one. There were five people walking arm in arm, causing people to go off the footway going east. After speaking to Timmings, and when he refused I arrested him. He was drunk." Dr. Gerothwohl who was cross-examining the witness on a report of what had been deposed to at the Police Court, said:—"At the Court you said 'Decidedly drunk.'" Q. 1171
And P.C. Isaacson answered "You were all three drunk." Dr. Gerothwohl continued—"Will you kindly tell us how you distinguish between people who are drunk and people when they are not particularly drunk." P.C. Isaacson answered—"There is one stage of drunkenness when a man is entirely incapable of taking care of himself and he loses the use of his legs. Another stage of drunkenness is when a man is Q. 1172
very drunk in his head and he gets it over like that (*illustrating*), but he can walk without assistance. There is a third stage of drunkenness when a man gets Q. 1173
more than he should take, which makes him become quarrelsome, and wishes to kick Q. 1174
up a row with everyone he meets, and that is the stage you were in. (*Q.*) How do Q. 1175
you know it was the third stage? (*A.*) There are several stages. By your appear Q. 1176
ance, by your manner, your speech, your eyes, and how you walked. (*Q.*) Did I speak to you? (*A.*) When in the station you did. (*Q.*) But before that I mean? (*A.*) I spoke to you. (*Q.*) We said nothing? (*A.*) No, you did not speak a bit. (*Q.*) Then how could you tell by my speech? (*A.*) By your appearance, by your Q. 1177
general behaviour, and by your general conduct in the street. A gentleman dressed as you were, in his sober senses would not behave in the manner in which you did." Later on when being asked when he formed the opinion that Gerothwohl and Lavalette were drunk, he said:—"When I saw them behaving in that manner, Q. 1211
after I had cautioned them a second time. (*Q.*) There was not much time? (*A.*) I Q. 1212
thought they were the worse for drink. I do not say they were rolling drunk or beastly drunk." In answer to a further question he said he thought they were the worse for drink. "From the appearance of their eyes, and from the appearance Q. 1213
of their faces—the colour of their faces—and the way in which they were acting. (*Q.*) Do you say their faces were coloured? (*A.*) Their faces were red and Q. 1214
flushed." (*Q*). "You would expect that they would have been drinking a good deal Q. 1216
before their faces became flushed, would you not? (*A.*) They were all sufficiently drunk and under the influence of drink to make them quarrelsome, and when men are in the state of drunkenness that they were in they are inclined to be quarrelsome." "That was my opinion at the time I arrested them—that they were Q. 1217
drunk." Being more categorically asked whether they were "Not under the influence Q. 1219
of drink, but drunk?" he answered, "Drunk. There is no doubt whatever in my mind about it." There is more in the evidence to the same effect.

Now the comment that one naturally makes upon this evidence is that it does not pretend to be founded upon any minute physical symptom except the alleged fact that their faces were flushed, which it is quite possible an observer, even under the circumstances which P.C. Isaacson described, might notice. Putting aside that one indication there was nothing upon which P.C. Isaacson could base his opinion that they were drunk except their behaviour—that they were walking arm in arm with three other people, behaving in a noisy and disorderly manner in the streets and without regard to the caution which he, as constable, had given to them. If P.C. Isaacson is speaking the truth, and if in fact Gerothwohl and Lavalette did so far forget themselves as to indulge in the kind of conduct alleged, no one would, we think, blame P.C. Isaacson for coming to the conclusion that they were not sober. It does not, however, follow, as a matter of course, that in fact they were drunk. If this disorderly conduct were admitted we should be inclined to attribute very considerable weight to the judgment of an experienced constable like P.C. Isaacson. Here, however, the very facts upon which he himself admits that he formed an opinion as to the condition of the prisoners are in dispute, and without accepting his version of what took place his evidence carries us no further in our attempt to solve the problem of the condition of these persons.

P.C. Wallington gave evidence to the same effect, and his evidence is open to precisely the same criticism

The evidence of P.C. Divers upon this point is, however, entitled to some weight. He did not pretend to have seen anything of the five men in a row "booing," and so forth, or any of the circumstances related by the other constables as having taken place before the arrest of Timmings, and, indeed, he seems not to have seen or, at any rate, noticed Gerothwohl and Lavalette until they came into the charge room after he had placed his own prisoner Timmings in the dock. His evidence on the question of drunkenness is founded solely on what he saw and heard in the charge room. After referring to the condition of Timmings whom he had brought along, with
Q. 1961 which we will deal, and after expressing the opinion that Timmings was drunk, he was asked: "With regard to Dr. Gerothwohl and Mr. Lavalette, when they got there they
Q. 1962 certainly were not, according to you, in the same condition as Timmings? (*A.*) No. (*Q.*) There was a very noticeable difference, was there? (*A.*) I should not have known they were drunk only from the excited condition they were in." Later on, in answer to
Q. 1965 another question, he said: "I thought they were drunk because they were in such an excited state." Then being asked whether he thought a man might be in a very
Q. 1967 excited state and yet not be drunk, he replied, "Yes, quite right." Now whatever view may be ultimately taken as to the credibility on other points of P.C. Divers, we cannot but think that he is speaking quite fairly on this question. It is perfectly clear that the only data upon which he formed an opinion as to the condition of Gerothwohl and Lavalette were their actions and appearance in the dock. We believe that P.C. Divers honestly thought that they were not sober, but it seems to us that his opinion, though natural enough, is not of any great value to us in a case where the excitement upon which it was based may be possibly explained by the arrest of the complainants and the unpleasant position in which they were placed.

We come now to the evidence of Inspector Berry, who was in charge of the station on the night in question, and here if we can trust the witness we come to a matter which is distinctly helpful. *Prima facie* there is no reason at all why we should not regard Inspector Berry as an entirely honest witness. He has been long in the force, and no one can suggest on the evidence any reason for believing that Inspector Berry was actuated on this Saturday night by any malicious motive in regard to any of the rather numerous prisoners with whom he dealt on the night in question. On that night he was on duty from 10 p.m., and had, when the three prisoners with whom we are concerned were brought in, dealt with a very considerable number of charges. Between 11.50 p.m. and 12.30 a.m. he took 5 charges, exclusive of that against Gerothwohl, Lavalette, and Timmings, namely: 3 before and 2 after dealing with that one. These facts we take from the charge-sheets for this night at Vine Street, which we have inspected and which are clearly documents that came into being in the ordinary course of business. Not one of the persons charged on this night at Vine Street except Gerothwohl and Lavalette has made any complaint as to Inspector Berry's conduct. It is perfectly clear that he had not the slightest personal animus against any one of these three prisoners as they were total strangers to him; nor have we been able to discover anything to show any special degree of friendship or even acquaintanceship between him and any of the constables concerned in this matter. We may assume, then, that when he came from where he was standing at the door of the Inspector's office when Timmings was brought in and he found that he had new charges to attend to, he intended to do his duty and to act in accordance with the ordinary rules prescribed.

Inspector Berry, after describing what he observed and what took place when he went into the charge room and took his place at his desk after the three prisoners in question were in the dock, went on to give evidence as to the allegation of drunkenness. The Inspector's answers on this point deserve attention:—Mr. Eldon
Q. 2166 Bankes—"As regards the allegation of drunkenness, would it be your duty to inform yourself, as well as you could from their appearance, whether the charges could be justified? (*A.*) Yes, I should exercise my personal opinion whatever the constable
Q. 2167 said. (*Q.*) What was it that led you to think from what they said and did in the charge room that the men were under the influence of drink or drunk? (*A.*) They smelt strongly of drink, their faces were very flushed, their voices were rather thick, they did not seem to have proper control over their tongues, and their eyes had a
Q. 2168 glassy appearance, which follows from drink. (*Q.*) Were they very excited? (*A.*)
Q. 2169 Yes, Dr. Gerothwohl particularly, but Mr. Lavalette not so much. (*Q.*) Upon that you took the charge, you entered it, you read it over to them, and they made no answer? (*A.*) No answer whatever." There are some other answers given by the

Inspector bearing upon the question of the prisoners' condition, but the gist of his evidence is given in his answer to question 2167. The data upon which the Inspector forms his opinion are these: the smell of the breath, flushing of the face, thickness of speech, some loss of control over their tongues, which we suppose means a hesitation or stammering, or something of that kind, and a certain glassy appearance of the eyes. If the Inspector's observation was accurate and these symptoms were noticeable we think they afford strong reasons for believing that these two prisoners were under the influence of drink, though whether they could fairly be described as "drunk" is a question on which there might be difference of opinion seeing that the term is one of ambiguous import. Still even assuming accuracy of observation and good faith on the Inspector's part, he may have been mistaken in thinking their appearance and excitement were due to drink. It is not suggested that either of them staggered or had lost control of his limbs, and the description of their behaviour in the dock, given by the Inspector himself, does not suggest that they had reached any advanced stage of intoxication.

In making these observations we have assumed that Inspector Berry acted in good faith. It is only fair, however, to point out that Gerothwohl impugned his honesty and veracity in his letter to the Home Office and in his cross-examination of the Inspector before us. Having regard to the fact that our conclusion on the question we are now discussing depends mainly on independent and medical evidence, it is not necessary at this stage of our judgment to make any observations on Inspector Berry's character or conduct, except that we see no reason to qualify what has been said above as to the spirit in which he approached the taking of the charges against the complainants and Timmings.

We have now dealt with all the police evidence on the question of drunkenness except the expert evidence of Dr. Mitchell with which we deal below.

Gerothwohl's and Lavalette's Case.

Gerothwohl and Lavalette, of course, asserted expressly or impliedly throughout the whole course of their evidence that they were perfectly sober. They are men obviously not in the habit of drinking to excess, and they gave us a rational account of the way in which they had spent the evening. These facts tend to confirm their statements, but in endeavouring to solve the difficult problem before us we think that their evidence is so inextricably mixed up with the main question that their asseveration of sobriety ought for the moment to be dismissed from our minds for the same reason that we ignore any value which, under ordinary circumstances, might be attached to that of P.C. Isaacson and P.C. Wallington.

Sherrington's Evidence.

Fortunately for Gerothwohl and Lavalette they had a few minutes before 11 met a gentleman who was acquainted with Lavalette, but who according to his recollection had not met Gerothwohl before. Sherrington, who is a well-known barrister, was called both at the police court and in our proceedings. He gave an account of his accidental meeting with Gerothwohl and Lavalette on the evening in question, and he entirely corroborated that which we had already received of that meeting from them and the evidence they gave as to the conversation which took place in the Trocadero Restaurant. The conversation lasted for a little more than half an hour and Sherrington had therefore every opportunity of noticing their condition; he left a little before 11.30 p.m.; and he told us that they were then perfectly sober.

We have here the testimony of a witness who is as disinterested as any witness who could possibly be obtained. He gave his evidence in such a way as to carry to our minds the conviction that he was conspicuously fair and careful. He was in a position to judge of Gerothwohl and Lavalette's condition without any uncertainty whatsoever, and there is no reason to doubt that they were, as he said, sober when he left them. One observation, however, must be made, not in qualification of Sherrington's evidence, but with a view to considering the possible subsequent condition of Gerothwohl and Lavalette. Sherrington left them in the street, and got into a cab; he did not therefore have the opportunity of seeing what, if any, effect the whisky they had just taken had upon them when they came out into the open air. His evidence, notwithstanding this, makes it clear that they

were sober at 11.30, and raises a presumption in favour of their having been sober at midnight. We have no direct evidence apart from their own as to how they spent the time between 11.30 and the time at which the affair began a few minutes after midnight outside St. James's Church. All the public-houses and places of refreshment shut at midnight on Saturday, and that being so the period during which it was possible for Gerothwohl and Lavalette to take further refreshment becomes limited to half an hour. In any case, supposing that they were in a place of refreshment and were able to get a drink even after the clock had struck, the period during which they could obtain anything more than they had had at the Trocadero is limited to some 35 minutes. Making every allowance for the effect of the one whisky apiece that they, perfectly sober men, took at the Trocadero, it does not seem to us at all likely that the drink they then had would be sufficient to make them drunk at midnight, or to put them under the influence of liquor. If, as seems to be the case, they were men who were habitually very moderate in the use of stimulants, it is of course possible that when they got into the open air such an effect was produced upon them by the whisky they had just taken and the lively scenes in which they found themselves as to cause them to lose their ordinary self-control; still that does not seem to us to be at all probable. They were both strong young men, in the enjoyment of almost perfect health, as we know from the tests to which later on they were subjected by Dr. Davis and by Dr. Walker. If, therefore, they did exhibit at a quarter past twelve the symptoms mentioned by Inspector Berry, we think they must have taken further refreshment during this half hour.

Q. 259 Let us see what they did according to their own account. They "walked down Coventry Street to Leicester Square, keeping in the middle of the road." Then, "On coming back towards Piccadilly," they "came back on the pavement and proceeded down Piccadilly in order to take" their 'bus home, and they got as far as St. James's Church when the incident of Timmings' arrest took place. According to Lavalette's evidence they "walked down Lower Regent Street," as far as the "Continental," keeping in the middle of the road so as not to mix with the "crowd which was being thrown out of that hotel." It is obvious that in this not very long walk there was the most ample opportunity for their taking one or even two drinks and yet accomplishing the distance they traversed in half-an-hour or 35 minutes. If one walks at an ordinary pace the ground over which they passed could easily be traversed in about a quarter of an hour, though, taking into account the crowded state of the streets, the period might be lengthened by slow sauntering without any intentional stopping to half-an-hour or even more. The account therefore which they give is quite consistent with the theory that they took another drink or two. On the other hand, having regard to the state of mind in which both of them were, as displayed in the conversation at the Trocadero, and seeing that they had spent the evening in by no means a convivial manner, and that they had had plenty of opportunities between the time they finished dinner and the meeting with Mr. Sherrington of getting as drunk as they pleased, there seems no reason why they should have taken any more, and why they should not have been proceeding soberly home, as they say. Of course, if we believe P.C. Isaacson and P.C. Wallington's story about their conduct in Piccadilly, it would be probably true to infer that they did take more drink, but that story is in dispute, and we have no right at the present moment to assume that the police story is true. Eliminating that, it seems to us that the presumption upon the evidence discussed up to this point is in favour of their not having taken anything to drink after Sherrington left them.

Medical Evidence on Police Side.

But we have now to consider the medical evidence. On the police side Dr. Mitchell, the Divisional Surgeon of the C Division, was called, and on the other side two gentlemen practising in Kensington, Dr. Ivor Davis and Dr. Henry George Walker, gave evidence. It is unfortunate that owing to Inspector Berry not having understood, as we think he should, that Gerothwohl and Lavalette were denying that they were drunk, Dr. Mitchell was not sent for, as he should have been, to examine the prisoners before the charge was taken, and that owing to some mistake in the transmission of the message, which seems to have been due to an accident, the medical gentleman

Dr. Stewart, whom they summoned, did not attend. It was not until a quarter-past 2 in the morning that Inspector Berry suggested that they should see the Divisional Surgeon, and that upon their assenting Dr. Mitchell was called in. Dr. Mitchell examined Gerothwohl at 2.30 a.m. and Lavalette at 2.45 a.m. So that two hours and a quarter had elapsed since the former and two hours and a half since the latter had been placed in the dock. Dr. Mitchell's evidence therefore assumes the character of expert evidence, save so far as his description of their physical condition at the time of the examination may be looked upon as plain statement of fact. Neither Gerothwohl nor Lavalette said anything as to the circumstances of their arrest to the doctor, and it does not appear that he had any information upon the matter or as to their accusations against the police. Dr. Mitchell, it is true, had been on the premises when these prisoners were charged, and when leaving the opposite room (*i.e.* the inspector's office) after a quarter-past 12, he had seen three men in the dock, who, no doubt, though he was not able to swear as to their identity, were Gerothwohl, Lavalette, and Timmings. He made in the corridor outside the cells a very careful examination of both Gerothwohl and Lavalette, and embodied the opinion which he formed as to their condition in two entries, from which copies called certificates were made, in the Occurrence Book kept at the station. He also made in his own notebook some notes of the symptoms of the prisoners. The entries in the Occurrence Book are as follows: "I examined at 2.30 a.m. Maurice A. Gerothwohl and found him recovering from the effects of excessive drinking. I think he is not now drunk." "I examined at 2.45 a.m. Q. 3210. Henri Lavalette and found him recovering from the effects of excessive drinking. I think he is not now drunk."

The evidence which Dr. Mitchell gave as to the examination and the method by which he arrived at his conclusion is as follows:—"(*Q.*) Will you tell us what are Q. 3213. the indications which you look for of drunkenness, or of a man having been drunk? (*A.*) Do you mean the symptoms? (*Q.*) Yes? (*A.*) I generally examine the eyes Q. 3214. to begin with, and in almost every case I find the pupils dilated and inactive. They do not react to light, the whites of the eyes are usually congested, the speech is hesitating and stammering, the expression vacant, gait unsteady, the lips parched, and the breath smells of drink. (*Q.*) Those are the symptoms you look for Q. 3215. in order to make up your mind? (*A.*) Yes. (*Q.*) What did you find upon your Q. 3216. examination of these gentlemen that led you to form the conclusion which you state in your certificate? (*A.*) I examined them as to gait, and found it perfectly steady; the expression was intelligent, the voice in either case was not thick, and they did not stammer or hesitate, and I therefore came to the conclusion that they were sober; but when I examined their eyes I found the pupils still dilated, I found their lips parched, and their breath distinctly smelling of drink, and therefore I concluded that they were recovering from the effects of excessive drinking." These answers contain the substance of Dr. Mitchell's evidence.

The certificates based upon the symptoms which Dr. Mitchell observed resolve themselves into two propositions, namely that (1) Gerothwohl and Lavalette were not drunk at 2.30 a.m. and 2.45 a.m., and (2) they were recovering from the effects of excessive drinking, which is tantamount to saying that their condition was such that as a skilled medical observer he was bound to infer that they had been drinking to excess. As to the meaning of the first proposition no difficulty arises in its application to the condition of the prisoners at that time. It meant that whatever amount of alcohol they might have recently consumed, its effect so far as its control over mental or physical action was concerned had quite passed away. With regard to the second proposition, it should be noticed that it is of a very ambiguous character. The form of words used by Dr. Mitchell may possibly mean that they showed symptoms of being habitual drunkards, or of having had a drunken bout three or four days or a week or more before. But used in the context in which they here occur the words seem to apply to recent drinking by the prisoners. Again, the word "excessive" is of uncertain import; it may be construed as meaning that they had taken so much drink that they had been quite drunk, or only enough to become noticeable; but probably a criticism of that kind might be directed against almost any summarised conclusion arrived at by an examining doctor, especially when the form of words has to be abbreviated as much as possible for the purpose of entry in an official book. Taken in conjunction with Dr. Mitchell's oral statement, we think that his opinion may be put clearly enough in the following

way :—That the prisoners were sober in the sense that the effect of drink so far as it affected the will or muscular action had completely passed away, but that certain symptoms which he mentioned were observable, and that from them he was bound to infer that they had consumed so much alcoholic liquor that they had been recently under the influence of drink to such an extent as to affect their appearance and conduct.

That being so, his evidence amounts to a very important corroboration of the view taken by Inspector Berry. The strength of that corroboration depends upon whether we can believe Dr. Mitchell's statement as to the symptoms he observed, and whether the inference which he drew from those symptoms is either necessarily or probably sound. *Prima facie* Dr. Mitchell is entitled to implicit credence. He is a Doctor of Medicine, he has practised for many years, he has had as Divisional Surgeon of Police for a considerable number of years great experience in testing the condition of persons with a view to determining whether they were sober or not, and he had an entirely favourable opportunity of observing the condition of these prisoners. Until we had the opportunity of visiting Vine Street Station at night we had rather imagined that the circumstances under which the examination took place might not be very favourable for exact diagnosis. We pictured to ourselves the corridor referred to as a dim, rather ill-lighted, narrow place, where even a careful surgeon, and certainly one performing a disagreeable duty in the dead of night, might easily make mistakes unless there was something to put him especially upon his guard. This idea was entirely unfounded. We have been to the corridor in question late at night, and we find it so exceptionally well lighted and so broad and convenient a place for making a man walk up and down and observing his gait and so forth, that it could only be a very negligent or unskilful surgeon who could make a mistake in discovering the absence or presence of symptoms such as those relied upon by Dr. Mitchell.

A suggestion, of course, which may be made, and which, indeed, to some extent was made by Gerothwohl in his cross-examination, is that Dr. Mitchell, though, of course, not intentionally dishonest in examining prisoners, may allow himself to be misled by a professional bias in favour of the police. We can discover absolutely nothing to warrant any suspicion of the kind. The utmost that can be said in support of such a suggestion is that insensibly, almost without knowing it, a doctor who is often called in for the purpose of deciding whether he thinks a man is drunk or not, and finds in nine cases out of ten that he is so, becomes liable to take an unfavourable view of slight indications which to the ordinary man in the street would have no particular significance. That such may become the attitude of a Divisional Surgeon of Police is of course possible, especially if he does not take pains to note carefully each of the points which he regards as a test which ought to influence his opinion in some book which he may use so that he may check himself when he comes to make his entry in the Occurrence Book. It does not seem to us likely that any such tendency can have affected Dr. Mitchell on this occasion. It is true that the case then presented itself to him as merely an ordinary one, but it is also true that in accordance with his custom he wrote down at the time points which he noticed as important data for his conclusion.
Q. 3216. It does not seem to us reasonably possible to believe that Dr. Mitchell can have been under any mistake when he wrote down—"I found the pupils dilated, their lips parched, and their breath distinctly smelling of drink." It is the practice of Dr. Mitchell, as we know from seeing him examine persons in the corridor at Vine Street Station, to observe the eyes of such persons through a magnifying glass as well as to note down at once the result of his inspection. The fairness and the completeness of the examination are confirmed by the fact that Gerothwohl and Lavalette do not dispute the statement made by the doctor as to the tests to which they were subjected, and also by the fact that he wrote down that
Q. 3216. he found their gait was steady, the expression intelligent, the voice not thick, and that they did not stammer or hesitate. Indeed, it would be difficult to hint any doubt upon the matter with plausibility were it not for the fact that equally careful examinations of the two prisoners were made by Dr. Davis and by Dr. Walker soon after they left the station, and that both these doctors found the eyes of Gerothwohl and Lavalette normal and not dilated, failed to detect any smell of whisky or spirits about the breath of either, and seem to have noticed nothing unusual about their lips. It is, of course, quite possible that the symptoms noticed and relied

upon by Dr. Mitchell at 2.30 and 2.45 a.m. may have completely disappeared when they came to be examined by the Kensington doctors. But possibly that is not the case, and, if so, the evidence of those gentlemen may throw doubt upon the accuracy of Dr. Mitchell's diagnosis.

So much as to the existence of the symptoms described by Dr. Mitchell upon which he founded his opinion. As we have said, we understand he means to convey to our minds that he believed he was right in concluding from those symptoms that Gerothwohl and Lavalette were drunk or much under the influence of liquor quite recently, and at the time when they were brought into the cells. The question then is, what weight are we to give to the inference which he draws from the somewhat scanty but not necessarily insufficient data which he had before him? In effect he says—"I believe that they were drunk or under the influence of drink about midnight, because, though they could walk steadily, and so forth, their lips were parched, their breath distinctly smelt of drink, and the pupils of their eyes were dilated." Dr. Mitchell seems to have had no difficulty at all in coming to that conclusion, and that he did so perfectly honestly seems to us beyond argument. It is, however, open to us to believe that he made a mistake. He knew nothing then about the scuffle and assault outside the station, if, in fact, it took place. Gerothwohl and Lavalette maintained silence as to the events which had led to their being in the dock; and the doctor had not for the purpose of making his entry anything more than what he himself personally observed, and the fact that they had been arrested on a charge of being drunk and disorderly.

The question whether the symptoms noted by Dr. Mitchell might not be accounted for by the alleged experiences of the prisoners was naturally raised in his examination before us in various forms, and the excitement manifested in the dock and its possible effects upon the physical condition of the prisoners were then present to the doctor's mind. Perhaps the most important questions and answers are the following:—"(*Q.*) With regard to the smell of drink. Would anybody be able to Q. 3358.
detect what they had been drinking from the smell? (*A.*) I smelt distinctly in the breath of both whisky, and probably wine and beer. (*Q.*) Why do you say probably wine and beer. (*A.*) Wine and beer ferment in the stomach and produce sour condi- Q. 3359.
tions. In Dr. Gerothwohl's case it was particularly marked, but in the other man it was not. (*Q.*) That would depend on the condition of the stomach? (*A.*) Yes, and Q. 3360.
the drink would not oxidise in a stuffy police cell as it would outside. After all, speaking of drunkenness, it is difficult to say when a man is really drunk. My own opinion is this: Given an individual who through excessive indulgence in alcoholic stimulants becomes a danger to himself or the public, or an annoyance to the public, or commits acts against his own interests through his having over-indulged in stimulants, that man is drunk. Some people run away with the idea that unless a man falls on the floor or in the gutter, and cannot get out of it, he is not drunk; but that is not my opinion. (*Q.*) What I was trying to find from you was with Q. 3361.
regard to the smell. How long do you think the smell would last from a man who had taken, we will say, two whiskies and sodas from 11 o'clock to 12.15? How long would he continue to smell? (*A.*) So much depends. If he is in the open air it would pass off in half an hour where oxidisation is going on, but if that man is in a stuffy police cell it might last two or three hours or longer. I have often found that. (*Q.*) When you examined them, and they had been in a stuffy police cell Q. 3362.
for two hours and three quarters, and when you found them still smelling, would that be from two whiskies and sodas. (*A.*) Probably two or three whiskies is all they had taken altogether, but they are not men who drink much. They are not drinking men at all. I do not say anything of the kind. (*Q.*) And I suppose you Q. 3363.
would also agree that the great excitement under which they were apparently suffering when they were arrested would, or might, cause people to think that they were drunk? (*A.*) Probably they were drunk for a moment, for the time being. Q. 3364.
(*Q.*) You mean drunk from excitement? (*A.*) In consequence of the alcohol they had taken, its action being accentuated through excitement, which is a very common Q. 3365.
thing. (*Q.*) A man may become intoxicated without taking alcohol at all? (*A.*) Yes, from taking coffee sometimes. (*Q.*) Anything that is very stimulating and exciting? Q. 3366.
(*A.*) Yes. (*Q.*) And it may be only conversation that may cause it? (*A.*) Yes, per- Q. 3367.
haps it might." The effect of these answers is that the violence to which Gerothwohl and Lavalette had been, if their story is true, subjected, and the consequent

mental and physical excitement in the dock would, in his opinion, not be sufficient to account for the symptoms which Dr. Mitchell observed, and to some extent, at any rate, it seems to us obvious that he is right. We may put aside the "parched lips" as not being important since it is not of itself an indication of drunkenness. The smell of the breath, however, cannot have been caused by the assault and the excitement. So, again, as to the dilated pupils; that symptom cannot have been due merely to such an unpleasant experience as they allege. The fact that the pupils of their eyes were dilated in an exceedingly well lighted corridor after coming from a dark cell is clear proof that their eyes did not act to light at that time. It seems difficult to believe that this could have been the result of the alleged sudden violence of the police. It looks to us therefore as proved beyond reasonable doubt that Gerothwohl and Lavalette had before midnight drunk such a quantity of alcoholic liquor that typical signs of their having done so were observed more than two hours afterwards. Gerothwohl and Lavalette admit that they had taken whisky at a little before 11.30 p.m. Whether the small quantity which they then took would account for those symptoms in their particular case, or whether they took one or more drinks afterwards is one upon which we can hardly expect to get certain guidance from any of the doctors, but the inclination of our opinion is that the answer on this point must be against Gerothwohl and Lavalette. It does not, however, seem to us to prove necessarily, as Dr. Mitchell says, that the drinking must have been excessive in the sense that they were drunk. We should hesitate to express any view on the point but for the fact that Mr. Clinton Dent, who read the relevant portion of
Q. 48913. the evidence of Dr. Mitchell, said that though he thought Dr. Mitchell's opinion sound, the word "excessive" seemed to him to be the whole point. The Chairman
Q. 48914. thereupon said, "I put it to you in this way: is it a true scientific inference from the data which the doctor had before him?" and his reply was, "I think the word 'excessive' is too strong as I read it there." That observation seems to us to support the view we take, that when examined by Dr. Mitchell both Gerothwohl and
Q. 48915. Lavalette showed symptoms which could not have been caused simply by violence and consequent excitement and must have been caused by some quantity of drink, but that the symptoms were not such that we are bound necessarily to infer that they had been drunk at midnight.

This concludes what we think it is necessary to say about the medical evidence on the Police side.

Medical Evidence on Gerothwohl's and Lavalette's Side.

Gerothwohl and Lavalette upon being released took the precaution of at once proceeding to submit themselves to an examination by two independent medical gentlemen of position with whom they were personally unacquainted. They walked
Q. 287. to Hyde Park Corner and there took a cab to the house of Dr. Ivor Davis, who resides at 3, Drayton Terrace, South Kensington, and had an interview with him.
Q. 1009. According to Dr. Davis he was awakened at ten minutes to three. It is clear that the time he gives is incorrect, but of course allowance must be made for the difference of clocks or watches. As we know from Inspector Berry and from Dr. Mitchell's entry in the Occurrence Book, which there is absolutely no reason for doubting, Gerothwohl was examined at 2.30 a.m. and Lavalette at 2.45 a.m. If those times are nearly correct, as is probable, then the time given by
Q. 1054. Dr. Davis is considerably too early. Dr. Walker, who resides at Marloes Road, was called up by Gerothwohl and Lavalette at 4 o'clock. It appears that the examination by Dr. Davis took half-an-hour. If we allow ten minutes for going from Drayton Terrace to Marloes Road they must have left Dr. Davis at 3.50, and if that be so then they arrived at Dr. Davis's somewhere about 3.15. This calculation would give them 25 minutes to get from Vine Street Station to Drayton Terrace, a time which, as they walked as far as Hyde Park Corner, is perhaps a little short. We think we may take it as pretty certain that they were with Dr. Davis a few minutes before half-past three. However, the discrepancy as to time is in any case not very great, and may be disregarded.

At the interview Dr. Davis was fully informed as to the occasion of the visit, and was evidently made fully alive to the kind of medical problem presented to him, and he knew that he would very likely be called to give evidence at the Police Court. He subjected both Gerothwohl and Lavalette to the same tests. The

examination he made was severe and so exhaustive that it is difficult to suggest what else he could have done. Taking Gerothwohl first the doctor says in regard to him that (*a*) he examined the eyes and found them normal; they acted to light Q. 1019. and they were not dilated; there was a little congestion of the mucous membranes (conjunctiva), but that did not indicate anything. (*b*) He could detect no smell of whisky or spirits about the breath. (*c*) He examined Gerothwohl's hands with a paper held between the fingers, and there was no tremor of the hand or arm. (*d*) He made Gerothwohl put his two feet together, close his eyes, and then turn round and round in a circle as on a pivot, and Gerothwohl did so perfectly. (*e*) He made Gerothwohl walk, and he did so perfectly straight. (*f*) Gerothwohl's pulse was normal. (*g*) He made Gerothwohl repeat sentences after him and pronounce very difficult words, and this also Gerothwohl did perfectly. Lavalette was subjected to a similar examination. As to both, Dr. Davis's conclusion was that they were not under the influence of drink.

Dr. Walker's evidence was to the same effect as that of Dr. Davis. He examined both gentlemen separately and did not detect about either of them any signs of drink.

We see no reason for drawing any distinction between the weight to be given to the evidence of these two medical gentlemen except this, that Dr. Davis's examination took place half an hour earlier and therefore half an hour nearer the time at which Dr. Mitchell's diagnosis had been made. The testimony of these two gentlemen is undoubtedly important, but after giving it the best consideration it does not appear to us to be so conclusive as Gerothwohl and the two witnesses themselves seem to think. That Dr. Ivor Davis's examination was more rigorous and more exhaustive than that of Dr. Mitchell is perfectly true, and if Dr. Mitchell had found that Gerothwohl and Lavalette were still drunk or not sober at half past two it would have possessed a very critical value. In regard to many points the results of the examination agree with those obtained by Dr. Mitchell. Two of the three symptoms upon which Dr. Mitchell relied are, however, expressly negatived by Dr. Davis, and another (the parched lips) is not touched upon. Dr. Mitchell found the pupils of the eyes dilated. Dr. Davis found the eyes normal, acting to light and not dilated. Dr. Mitchell noticed distinctly in the breath of both whisky, and probably wine and beer. Dr. Davis noticed no such smell. There is therefore as to two very important statements a contradiction between the diagnosis of these two gentlemen. We do not think, as we have said above, it can be reasonably suggested that Dr. Mitchell was mistaken, and for an exactly similar reason we think it is practically impossible that Dr. Davis can have made any mistake, and no suggestion of intentional falsehood on the part of either can possibly be entertained. It seems to us, however, that the contradiction can be reconciled quite naturally by the fact that when Gerothwohl and Lavalette got into the open air and walked away the symptoms mentioned by Dr. Mitchell disappeared simply by the lapse of time and by contact with the cool air of an April morning.

So much for the evidence of Dr. Davis and Dr. Walker as to the actual condition of their patients when they saw them. Dr. Davis, however, expressed an opinion Q. 1026. upon a question put to him by Gerothwohl who said, "I have only one question to put to you, and that is whether in your opinion we might have been drunk two hours before. (*A.*) No, it is impossible." Following up that question later on Mr. Q. 1046. Rufus Isaacs asked: "You told us that there was no indication of their having been drunk two hours before. Take the time we have in this case, namely from 11.30 to 12.10. Was it possible at the time you saw either of those gentlemen that they could have been drunk between 11.30 and 12.10?" and the answer was "They could not possibly have been." In answer to the next question, "Was it possible that they Q. 1047. might have been not drunk but under the influence of drink," he replied, "No, I do not think so." Further asked whether, if they had been under the influence of drink during that time, he would have been able to detect it by the examination he made at 3 o'clock, the doctor replied, "I think so; in fact the odour would have been Q. 1048. distinct if they had been drinking steadily, but if they had had one drink I should very likely not detect the odour of that at all. I tested particularly for the odour that night, but unless I got quite close to them I could not detect it." That answer at first sight looks as if it conflicted with what the witness had already stated,

to the effect that he could detect no smell of whisky, but we think he was speaking hypothetically. As we understand those answers they amount to this, that in Dr. Davis's opinion, having regard to the condition in which Gerothwohl and Lavalette were when he saw them, they could not possibly have been "drunk" at midnight, and that it is not probable that they could have been even under the influence of drink at that hour. Of course if we are right in thus interpreting the opinion of the doctor (and if we accept it) it would be conclusive of the case, because we can see no possible ground whatever for doubting the absolute truth of Dr. Davis's diagnosis; but it seems to us a very doubtful inference, and we heard Dr. Davis's answers with great surprise. Still the same opinion, though not with such certainty, was expressed by Dr. Walker, who having said that neither Gerothwohl nor Lavalette showed any sign of having been under the influence of drink, said he agreed with Dr. Davis that if they had been under the influence of drink some two or three hours before probably some symptoms would have been noticeable. The Chairman then said, speaking to Gerothwohl, "You had better put to him" (the witness) "the exact time, as Mr. Rufus Isaacs puts it. Supposing they had been drunk or under the influence of liquor between 11.30 and 12.10, would their condition have been the condition that it was when you saw them? (*A.*) No, I think not." Still it seemed to us that the opinion expressed was a somewhat risky one, and feeling that, we took the opportunity when Mr. Clinton Dent, the Chief Surgeon of Police, was examined before the Commission to ask him what his view of Dr. Davis's judgment was. The Chairman had put the facts to him and read the questions and answers to which we have just referred, and Mr. Clinton Dent said: "Speaking for myself I think it is too positive a statement." The same question was put to Mr. Nelson Hardy, who has had twenty-one years' experience as Divisional Surgeon of Police at Dulwich, and his view was that Dr. Davis's expression of opinion was "altogether incorrect," and "that he was not warranted in going so far as he did." Then in answer to Mr. Whitmore, who put the question thus: "You mean it is not impossible that they might have been drunk," he replied "Yes." We are therefore quite clear that we cannot accept Dr. Davis's opinion as by any means conclusive, and indeed that we ought to regard it as one of a very speculative character.

Qs. 1060–1061.

Q. 1062.

Q. 48361.

Qs. 49090–49097.

There is a word or two which we ought to add in regard to Dr. Mitchell's evidence. When we first read the certificate it struck us, seeing that he was called in after the prisoners had been a long while in the cells, that the very form of the certificate suggested that he (Dr. Mitchell) was wishing to summarise his view in a manner favourable to the police. We did not think for a moment that he intended to be unfair or improperly try to shield the police, but we did think that he had gone beyond what was strictly necessary under the circumstances, and we accordingly asked him several questions tending to elicit what was his real duty under the circumstances. His answers to those questions completely satisfied us that he was quite right in going into the whole matter, and in making the entry in the Occurrence Book, briefly putting what he believed to be the real condition of the prisoners.

In connection with this point it should be noticed that neither Gerothwohl nor Lavalette said one single word to Dr. Mitchell about their having been assaulted by the police. We are not saying that they need have done so, nor are we pressing that as a point against them, but as Inspector Berry also does not appear to have told the doctor anything about the accusation made by the prisoners or of their excitement in the dock, the inference is that Dr. Mitchell when he examined Gerothwohl and Lavalette knew nothing to induce him to believe that there was any particular occasion for shielding the police, or that the matter was one of any unusual importance.

Summing up the effect left on our minds by the evidence of Dr. Davis and Dr. Walker it comes to this—that it leaves the evidence and the value of the judgment of Dr. Mitchell quite untouched; it shows that Gerothwohl and Lavalette were not only sober, but were in excellent physical condition; it proves conclusively what no one had suggested—that they were not drunk and incapable at midnight—but as to whether they had been appreciably under the influence of liquor at midnight it affords no certain clue.

The Excitement of Gerothwohl and Lavalette.

There is one other topic which has a bearing upon the first question before us. We mean the unusually excited appearance and behaviour of Gerothwohl and Lavalette when in the dock at the police station. As to the fact that they conducted themselves in an extraordinary manner there is no doubt. They protested loudly, they shouted noisily ; Gerothwohl flourished a card and changed his position in the dock, and so forth. Except as to the raising of his stick and the way it came to be broken there is little conflict of evidence as to what took place in the charge room. In discussing the question as to the place of arrest we have deemed it necessary to examine minutely that evidence in order to try to ascertain what they said at that time and how far the Inspector really understood their allegations. It is not necessary for our present purpose to anticipate the result of that examination. It is sufficient that it is common ground that both these prisoners displayed in appearance and behaviour great and unusual excitement.

For their excitement there must have been some cause. P.C. Divers and Inspector Berry not unreasonably thought it was due to drink. Gerothwohl and Lavalette evidently thought that an explanation was necessary, and the suggestion to be gathered from their account is that it was due entirely to the emotions of anger and indignation, and the mental confusion and temporary loss of balance naturally caused by a sudden and violent personal outrage. The policemen, too, it was said by Gerothwohl, were all shouting, and, as we gathered, he mentioned this as some excuse for his own shouting. But substantially the reason advanced for their behaviour by Gerothwohl and Lavalette was the ill-treatment which they described.

Now it is clear that as positive disproof of the allegation that they were drunk or under the influence of drink when in the dock such an explanation is by no means conclusive, because the sudden and violent arrest may have been committed as they say and yet they may not have been sober. Still it cannot be denied that if there were no other ground whatever for believing they had taken too much the theory that their excitement was due to their ill-treatment would be a reasonably sound and satisfactory explanation of their behaviour in the charge-room.

This completes what it occurs to us to say as to the question of the condition of Gerothwohl and Lavalette.

The Condition of Timmings.

The next question we have to discuss is—What was the condition of Timmings ? Was he drunk or was he under the influence of liquor, or, as he told us, quite sober ? It should be noticed that Timmings is not a complainant against the police in the same sense as Gerothwohl and Lavalette. He did not make any complaint to the Home Office about his conviction, nor did he of his own motion come forward upon the appointment of the Commission. Upon inquiry we found that he had given at the station his correct name and address, and we caused a summons to be sent to him. He came quite willingly and made his statement to the Secretary as directed, and it was upon that statement that the Chairman examined him, allowing him so far as was possible to tell his story in his own way. It does not appear to us that the fact that Timmings did not come forward to make an independent complaint against the police is a circumstance of any importance. His attitude throughout was one of indifference. His silence at the Police Court and his showing no desire to make common cause with Gerothwohl and Lavalette either there or till he was actually before us exhibit consistency of purpose.

Although Timmings did not make any formal complaint to us it is clear that that does not in the least absolve us from considering the question whether the police were guilty of misconduct in his case just as much as in regard to Gerothwohl and Lavalette. The question of Timmings' condition is not only important in determining whether he was rightly arrested by P.C. Isaacson, but because his evidence is relevant to the main question which we have to decide. It is true that assuming

the veracity of Gerothwohl and Lavalette he can only directly corroborate their case in reference to a portion of the series of events upon which that case depends. He could not say anything about what is alleged to have taken place just outside the police station, but he was, quite consistently with the story as told by them, able to speak as to the circumstances of his own arrest, as to what took place on the way to the station and in the charge room, and as to their conversations in the cell. The value of this evidence, however, largely depends upon whether he was sober enough to observe and recollect accurately what was taking place.

The Police Case Against Timmings

Let us see then how the evidence stands as to Timmings. The police case
Q. 1094. in the main was the same as that against Gerothwohl and Lavalette. P.C. Isaacson says he saw the three prisoners in Piccadilly all drunk and shouting. Before us he repeated this statement, and said emphatically Timmings was drunk, and that he had got hold of Gerothwohl's right arm. He was confirmed at the Police Court and before us by P.C. Wallington. With regard to Timmings, as with regard to the others, their evidence is not of the slightest value unless we are prepared to accept the whole story as told by them. When we come to the evidence of P.C. Divers, however, that is not the case. It is common ground between all concerned that at some point or other on the way from St. James's Church to the station P.C. Divers was either alone or together with P.C. Isaacson in charge of Timmings. P.C. Divers' evidence carries the matter a
Qs. 1957–1960. good deal further. He told us he had formed the opinion that Timmings was drunk on the road from Piccadilly to Vine Street Station, that the prisoner was able to walk all right, but that he sometimes staggered a bit, and that he could feel the jerk on his arm as the prisoner staggered ; and he drew a distinction
Qs. 1961 1962. between his condition and that of Gerothwohl and Lavalette. Then he said, "I should not have known they were drunk only from the excited condition they were in, and they were certainly not in the same condition as Timmings." If that evidence is to be trusted there seems no doubt that Timmings' condition was not normal, and the reasonable inference is that he was more or less drunk.

The evidence of Inspector Berry was practically the same with regard to Timmings as in regard to the others ; he noticed his breath when he passed in front of the dock ; but of course, as Timmings according to all accounts was quite quiet, the Inspector could not have come to the conclusion that he was drunk except upon very superficial signs.

The Case for Timmings.

Both Gerothwohl and Lavalette had something to say about Timmings' condition. Of course, seeing that if their account is true, they had had no conversation with him and could not have had any close inspection of him before they were in the dock, and that during the time they were there by their own admission they were angry and noisily shouting, their opinion as to his condition could only be based on what they saw of him before he was thrown down by P.C. Isaacson and what they observed in the cell. Gerothwohl does not say categorically that Timmings was sober, and he describes him as " weeping and apologising to the police very much." We understood that to refer to the time when they were in the dock. If it meant that he was weeping and apologising on the way to the station, that hardly accords with the evidence of P.C. Divers. If it does apply to that period, and it is true that he had been knocked about by P.C. Isaacson, it would seem to tell rather against Timmings' sobriety, because if he was sober he might be crying very much ; but still one does not see why he should be apologising for having been knocked down, and a similar comment may be made if he were crying and apologising in the dock. Timmings himself says nothing about apologising. Lavalette was asked the question directly whether he thought Timmings was sober, and he answered that he was quite sober. As to the weeping and the apologising he says nothing, and he also stated that in the cells Timmings categorically said, "I am not drunk," although neither Gerothwohl nor Timmings confirms such a positive statement.

Upon the whole, even if we were to accept Gerothwohl and Lavalette's story as in the main true, no great weight could be attached to their evidence as to Timmings' condition. It is evident that they did not apply their minds at all to the question whether he was drunk or not, but that they were assuming his sobriety as a matter of course, because it was their impression that they had seen him walking quietly along when he was arrested by P.C. Isaacson.

Coming now to Timmings' own evidence, shortly summarised it was this. He was 19 years of age, and was in April of last year living with his father, who is a coachman. He himself is a groom, and he had been in service earlier in the year until he became ill from acute rheumatism. He had been three weeks in the infirmary and three weeks in a convalescent home, and on the Boat Race night he had been home a week out of employment, and the doctor who had treated him had given him some direction about treatment—"He told me not to touch any intoxicating liquor, only I could have a glass or two every now and then." He had been at home the greater part of the Saturday in question, though he had been out once during the evening, and at ten minutes past eleven at night he "thought a blow on the 'bus would do me better than sticking indoors." Accordingly he took a 'bus after taking a glass of bitter at the Redcliffe Hotel, a public-house in the Fulham Road. He got off the 'bus at the Leicester Arms or the Leicester Hotel in Leicester Square; he had a glass of bitter there and he left the public-house a few minutes before it closed, that is to say a few minutes before 12. He then walked to Piccadilly, being on the south side until he got to St. James's Church. He did not get quite as far as the church "because there was a big crowd, and a rather biggish constable pushed me against a cab-wheel." To use his own words, "I picked myself up, and as soon as I picked myself up the constable arrested me. I told him he was making a mistake, and he told me to come along with him—he would see all about that. He took me very nearly up to the top of Swallow Street." When they got to the top of Swallow Street, the constable (*i.e.*, P.C. Isaacson), whom Timmings identified before us, handed him over to another constable, whom he also identified as P.C. Divers.

Q. 3418, but see Qs. 3568, 3569.
Q. 3423.
Q. 3439.
Q. 3443.

That is all that bears on the question of drunkenness in Timmings' evidence in chief.

What are we to say about it? If we put aside the other circumstances in the case, what would one conclude from Timmings' own statement about himself? Here we have a young man not fully recovered from an illness which had obviously been very severe, and he admits that his doctor had told him to be very sparing in the use of intoxicants. He asks us to believe that he went out late at night for a "blow," simply for a kind of constitutional outing for the benefit of his health. He had been out before that evening, and the necessity for taking the air between 11 and 12 o'clock on an April night is not very obvious. His intention in going out is of no great importance, but we have no doubt he did so for the express purpose of seeing what was going on about Piccadilly Circus, and to join in the general hilarity which appears incident to a Boat Race night. He admits having two glasses of beer, but it is not to our minds likely that when once he had got into the desired neighbourhood he contented himself with one glass at a public-house in Leicester Square. He was certainly not averse to going into public-houses, because it accidentally came out that on Sunday, as soon as he had got back to Fulham, and notwithstanding the scrape he had got into, the first thing he did was to go into the Redcliffe Arms for refreshment. It seems to us quite likely that he took more on Saturday night than he either admits or remembers. That, however, taken by itself is by no means satisfactory proof that he was drunk or markedly under the influence of drink, but taken in conjunction with what undoubtedly followed, it has very considerable significance. See what took place. If we are to believe his story, when he got to St. James's Church he was suddenly pushed down and arrested without the slightest cause or justification. As to the exact circumstances of his arrest the accounts vary. Those of P.C. Isaacson and P.C. Wallington are clear and precise enough, that he was one of the five men who were arm-in-arm shouting, and refused to behave themselves when cautioned. According to Gerothwohl and Lavalette he was pushed down and arrested while walking quietly along a pace or two in front of them at a place where he was not surrounded by the

crowd. According to the detailed account which he gave in cross-examination there was a considerable crowd all round him when he was arrested ; it stretched right up to him, in front and behind; they were close all round, touching him, "just like a swarm of bees." He was walking quite by himself, but there was no space all round him; he denies that he was in front of the crowd, but says he was on the pavement and yet not on the pavement. He was just on the kerb, and the crowd stretched from him to the wall, and nobody could pass the other way if they wanted to go in the other direction ; there was a great deal of shouting all round him.

Qs. 3653–3669.

For the moment we will pass by any attempt to reconcile or to criticise these various accounts of what took place when Timmings was arrested. If either Gerothwohl and Lavalette's account or that of Timmings be true, there was no justification for his arrest. If his own recollection be correct it is quite possible that P.C. Isaacson in forcing his way to the front of the crowd may have pushed him and have arrested him under what in that case would be a mistaken belief that he was one of the active disturbers of the peace. But, apart from some suggestion of that kind, we are asked to believe that P.C. Isaacson arrested Timmings wantonly and without motive. However the affair really began, the attention of the "big" constable must have been drawn to him by something which he observed in Timmings' conduct or appearance, and even if the constables are lying as to the exact circumstances of the arrest it is more probable that Timmings was disorderly than that his being picked out was entirely fortuitous, and if he did behave in a disorderly way it is, having regard to his admissions, probable that he was under the influence of liquor.

Our doubt as to the truth of Timmings' view of his condition is strengthened by his own account as to what he said in the cell in conversation with Gerothwohl. Asked if he had a conversation with Gerothwohl, he said, "Yes, he asked me if I was hurt, and I told him not much to make a fuss about, but I felt a little pain. I told him about the illness when we got to know each other. I told him it was more illness than drunkenness, and that the constable had made a mistake."

Qs. 3495–3497.

Gerothwohl's account of the conversation is fuller. According to him, Timmings said, "When he was put into the cell he felt very ill because he had been thrown. He was ill before, but that made him worse"—something to that effect. Later Gerothwohl added, "I fancy in the notes I have here that he said it was more illness than drunkenness." Lavalette does not mention the use of the phrase.

Qs. 384–392.

We think we may take it that Timmings did in the cell say that his condition was more due to illness than to drunkenness, and without placing any unduly strict or adverse interpretation upon it, it does seem to suggest that he knew he was not quite sober. It looks to us as if what he meant to say was "It" (meaning his behaviour and his present condition) "was due to the fact that the illness had made the drink which he had taken upset him." Some light is thrown upon the point by his answers in cross-examination. "(*Q.*) You have more than once said it was more illness than drunkenness? (*A.*) Yes. (*Q.*) That conveys the impression, does it not, that you were drunk, but that you were more ill than drunk? (*A.*) Yes. (*Q.*) Is that what you mean to say—that it was more illness than drunkenness? (*A.*) Certainly it was. (*Q.*) But there was some drunkenness in it? (*A.*) Two glasses of bitter would not knock me over. (*Q.*) It may depend. But is that what you mean to convey —that it was more illness than drunkenness; that you were the worse for liquor, but it was because you were ill that you were so bad? (*A.*) Certainly not. Two glasses of bitter would not touch me, I do not think. (*Q.*) Why did you say it was more illness than drunkenness? (*A.*) That was my opinion. (*Q.*) Is that your opinion still? (*A.*) Yes. (*Q.*) Then there was something peculiar about your behaviour, was there not? (*A.*) There was not the least sign of bad behaviour, or anything, or shouting on my part. (*Q.*) What were you explaining by saying that it was more illness than drunkenness? What was more illness than drunkenness? (*A.*) The policeman said I was drunk. (*Q.*) Were you not explaining your own condition as more illness than drunkenness? (*A.*) Yes. (*Q.*) Therefore there was something that required explanation in your condition? (*A.*) I cannot say that. I say I was

Qs. 3758–3768.

queer, that is all." The effect of those answers (and we ought to say the witness made them very fairly) is that what he meant to convey by what he had stated in the cell was that he was not entirely sober, but that the beer he had taken had had a greater effect upon him than usual because of his illness.

It may be mentioned here that there is no doubt that Timmings was crying in the dock. It may of course be suggested with a considerable amount of force that seeing that he was quite young the very fact of his arrest might make him cry, and that is the explanation which Timmings gives, because he asks us to believe that he broke down, not because he was in a maudlin condition from drink, but because he was overcome by the possible consequences of what had taken place—"Because I was downhearted and afraid that it would reach my mother, who was ill." He says, moreover, that it is quite untrue to say that he was apologising in the dock, and so far from apologising to the police, his recollection is that he told the constable he had made a big mistake. On the whole, the crying does not seem to tell much either way. Qs. 3682–3688.

We now come to what has if not a crucial yet a very important bearing upon the question with which we are now dealing—his complete silence in the charge room and on both occasions on which he appeared in the police court. There can hardly be any mistake about it, because he was categorically asked whether he had ever before the day on which he was examined by us suggested that he was not drunk, and his answer was "No." The point need not be laboured. There is no doubt about the fact, and a very strange fact—if, indeed, he was sober on the night in question—it is. Timmings appeared to be a bright, alert cockney-bred groom, quick and more than ordinarily intelligent. He reads the newspapers, and some of his answers to some of the questions put to him in cross-examination suggest that he knows a good deal about London life, about what goes on in the police courts, and about the sort of conduct that brings people into the clutches of the police; and it is difficult to believe that such a young man, if he were when really sober unjustly arrested by the police, could have maintained the absolute silence and passivity displayed by him under the circumstances. That he did not say much, or indeed anything, in the charge room, even when the charge was read over, may be explicable even if he were sober, and it was natural enough if his mind was confused by drink; but if he was quite innocent of the charge made against him his silence at the Police Court would be astonishing even under ordinary circumstances, and would be still more astonishing when we consider that the case at once developed into one of obviously unusual gravity. Consider what the position was in the Police Court and what Timmings, who was sober enough no doubt in the Court, saw and heard. He heard the two men who had been his companions in the dock and in the cell on Saturday night defending themselves by counsel with the utmost vigour, and he must have gathered that they were alleging that they had come on his behalf to complain of the brutality with which he had been treated by the police. That he was asked by Mr. Denman what he had to say in some proper form of words there is no doubt, and it is not easy to believe that if he had been perfectly sober, when arrested, he would not, on the Wednesday at least, have stated what he knew about the affair and defended himself to the best of his ability. The inference that we draw from his silence is one much more creditable to Timmings than the explanation which he himself gave of this silence. On Monday and on Wednesday he knew the plight into which he had got, he was still ill, and he still knew how he felt on Saturday night when he came into collision with the police, and we think it was his knowledge that the beer he had taken, whatever its quantity, had been too much for him that made him tongue-tied, and he felt that if he once endeavoured to explain the matter or to tell an untruth about it, he would only find himself worse off before the Magistrate than if he held his peace, and therefore he allowed the Court to do what it liked upon his tacit admission of guilt.

The explanation that he gave of his silence is one that is not, however, unbelievable. In effect, he tells us that his state of mind was this: He had got into trouble, and although he was quite innocent of any bad behaviour or of any shouting, and in his own opinion he was not drunk, it was entirely useless for him to struggle against the police, as conviction was a dead certainty whatever he might say or do, and that the Magistrate would inevitably believe anything the police said; he was brokenhearted over it, and he wanted to get it over quickly. Well, that may be entirely

true. It may be that even in the case of an intelligent young man by no means ill-educated, having regard to his father's position, such a belief about the power of the police, the way in which they use it, and the authority which their word possesses in a police court, might exist. But it seems very doubtful whether Timmings' real conviction went so far as that. He himself, when pressed as to why he did not tell
Q. 3709. the Magistrate that he had not been drunk, said "I thought I would get it over quickly. I was told by an ex-policeman, if you want to know the truth, that the policeman
Qs. 3709–3728. had me and he would make me pay." He would not give us the name of this ex-policeman, and in fact seemed not to know it, but he said that he could find him, and that he had witnesses to say what the ex-policeman said. Being further pressed he told us the ex-policeman said to him, "If the constable has got you it is no use your getting out of it. What is the use of saying anything?" It is not at all unlikely that some such conversation took place, but the advice given seems to be quite as consistent with the belief on the part of the adviser that Timmings was drunk as that he was sober. Timmings also told us that in conversation with his father the latter made the somewhat oracular remark—"If the policeman says you were drunk
Q. 3805. you must have been drunk." Timmings seems to have thought that all his father meant was that it was no use his making any defence, though on being asked whether he thought his father believed the policeman he said "I expect so." He added, "They
Q. 3808. generally have their way from what I can see of it."

We have now gone over all the portions of the evidence that directly affect the question of Timmings' sobriety. The view which we have formed is that though Timmings was not very drunk he had taken a great deal more than was good for him in his weak condition, and that he was in such a state as to make it quite likely that he joined in the disturbances in Piccadilly to some extent or other.

Conclusions.

The principal conclusions of fact at which we arrive with certainty from the foregoing consideration of the first question are :—

(i.) Gerothwohl and Lavalette were sober when Sherrington left them.

(ii.) They had ample time and opportunity to take more drink between that time and the time at which Timmings was arrested.

(iii.) P.C. Divers honestly thought they were drunk when in the dock.

(iv.) Doctor Mitchell's diagnosis was accurate, that is to say, at the time he examined them (2.30 a.m. and 2.45 respectively), their breaths smelt of drink and the pupils of their eyes were dilated.

(v.) The diagnosis of Dr. Davis and of Dr. Walker was quite accurate, but the opinion expressed by the former that Gerothwohl and Lavalette could not have been drunk or under the influence of drink at midnight is unsound, or at any rate very speculative; but though the absence of all indications of drink at the time these doctors examined them is not inconsistent with their having been under the influence of drink about four hours before, it makes it improbable that they had been drunk in the ordinary acceptation of the term at that time.

(vi.) The excitement displayed by them in the dock may be wholly accounted for by the assault, but it is not inconsistent with their having been drunk or under the influence of drink.

The general inference we draw from these conclusions, coupled with the admitted facts of the case, is that neither Gerothwohl nor Lavalette was on the night in question drunk; but it is common ground that they were both very much excited in the charge-room, and we are not satisfied upon the evidence we have just analysed that they were not to some extent under the influence of alcohol. We have ample testimony to warrant us in believing, as we do

believe, that both these gentlemen are habitually sober and even abstemious men. In saying that as the result of our consideration of the case up to this point we are not satisfied that the mental excitement displayed by them at the police station may not have been partly due to alcohol, we do not wish to be understood as making any reflection upon their characters for sobriety.

The Second Question.

Place of Arrest.

Let us now consider the second and principal question which we have to decide, namely, the question of the place at which Gerothwohl and Lavalette were arrested. One's first inclination is perhaps to think that this point is practically dependent upon the question whether Gerothwohl and Lavalette were sober or drunk about midnight on the evening in question.

If Gerothwohl and Lavalette were sober, as they say, it is still possible that they were arrested in Piccadilly, and if they were drunk or under the influence of liquor it is still possible that they were arrested just outside Vine Street Station. The importance of their sobriety lies in this, firstly, that it makes the disorderly conduct attributed to them more unlikely, and, secondly, that it tends to support their evidence, because in that case it may be urged that it is not likely that two sober men could be wholly mistaken as to what took place in regard to their arrests; while if they were drunk or under the influence of liquor, the improbability of two men of their position and character behaving in the silly and rowdy way alleged by the police is greatly diminished and may possibly disappear altogether, and the story which they have told may be the confused and distorted recollection of a series of events which passed very rapidly when their powers of observation were weakened and their minds muddled in consequence of undue indulgence. Seeing that the direct evidence bearing on their condition is not quite conclusive, in dealing with the question where they were arrested it seems better to approach it with an open mind on the question whether they were or were not to some extent under the influence of drink when the affair commenced.

It is unnecessary to repeat Gerothwohl's and Lavalette's evidence as to what took place outside or on the steps of the police station or as to their movements after the time when Timmings was arrested in Piccadilly. It is a clear enough story. The question for us is, Do we believe it? The allegation that constables of good character violently arrested two perfectly sober men proceeding to a police station because they suspected on admittedly very slight grounds that those men were going to say something to the Inspector as to a prisoner who had been arrested in a street crowded in parts with groups of disorderly persons, is certainly strange. It is by no means unbelievable on that account, because very extraordinary things, which upset one's preconceived notions and one's ideas of probability, are often occurring. The story is, as we have said above, a possible one, and that, not simply because there is nothing in the laws of nature which makes it impossible, but because of the conditions prevailing at the place where the arrest is said to have taken place, and because the official character of the persons concerned made it easy for them to take men unawares with comparative safety. Gerothwohl and Lavalette, in walking along Vine Street, cannot have thought of the necessity of guarding themselves from violence on the part of policemen, and the instinct of anyone who may have seen the alleged arrest would be to assume that the proceeding was all right and that the constables had good grounds for the apprehension. Still, in dealing with an accusation of this kind against men who from the character of their duties are peculiarly liable to having such a charge made against them, it would be, in our opinion, very unsafe to assume its truth without some reasonably satisfactory corroboration. That, we apprehend, will not be denied by anyone having to administer justice. But there are cases in which the proposition must be received with some qualification, namely, cases in which the misconduct alleged is of such a kind that, from its very nature, the possibility of direct confirmative testimony is absolutely impossible. That is so in all cases where the victim of an alleged outrage

or misconduct has placed himself, or is placed by the course of events, completely in the hands and at the mercy of a person or persons who, as he alleges, took advantage of the situation to commit the misconduct asserted.

Now, it must be said that when once a man is in the hands of the police, once he is within the precincts of a police station, whether in custody or not, he is, or may be, completely at the mercy of the police officials. That, however, is not quite the present case, because here the alleged outrage commenced, at any rate so far as Lavalette is concerned, before he was in the police station, and as to Gerothwohl, it commenced on the steps of the police station, that is to say, at a place where somebody standing, say, at the top of Piccadilly Place could see what was going on. But, practically, at midnight in Vine Street two men close to the door of the police station might find themselves, as seems to have been the case here, in a practically empty street, and, therefore, as much at the mercy of police officials as if they were in the corridor leading to the cells. If so it is not possible for them to obtain the testimony of observers not connected with the police, to corroborate the story they tell, and the consequence is that the mere absence of direct corroborative evidence does not tell against the complainants with anything approaching that degree of force which it would do in an ordinary case. Any tribunal that has to deal with an offence alleged to have been committed under such circumstances as those asserted before us ought not to dismiss the matter merely for want of such direct corroboration. The duty is still imposed upon the tribunal of carefully examining every circumstance that has the slightest relevancy in order to discover if there is anything that tends indirectly or inferentially to support the charge. In doing so it ought to bear in mind, however, that just as it is difficult in this class of case for the complainant to obtain any direct and personal corroboration, so also is it easy for any person to make a charge which it is difficult to disprove because the accused are the only persons who *ex hypothesi* can give on their side a direct and personal contradiction.

Before considering whether there is in this case any corroboration of the story told by Gerothwohl and Lavalette, let us see what light, if any, is thrown on the matters in dispute by facts which can be gathered from inspection of the place where the alleged assault and the consequent events occurred, and from evidence the weight of which does not depend materially on the truthfulness of any of the men concerned in the affair.

Vine Street Station: Its Position and Approach.

The main entrance to Vine Street Station, through which prisoners are taken, is situated in Vine Street itself. The Station is the last house in the street on the left hand side if one walks from Swallow Street. There is a block of buildings at right angles to it, and looking towards the station from the corner of Vine Street and Swallow Street one would imagine that the street is a *cul-de-sac*. That, however, is not the case. Immediately opposite the entrance to the station there is a narrow passage which is a public way for foot passengers leading to Piccadilly, and which is called Piccadilly Place; and between Vine Street Station and the block of buildings above mentioned there is a narrow passage which leads in a curve to Regent Street, which is called Half-Moon Passage. We have been there at night, and have found the street and the entrance to the station also well lighted. The ground floor of the police station stands a few feet above the level of the pavement, and the interior is reached by a flight of five steps. These steps do not project beyond the front of the building, but rise in a kind of tunnel to the corridor or passage which runs into the charge room, the door of which is in fact opposite the entrance door. That being so, if a constable were to arrest a man just before he put his foot upon the first step he could be seen by anyone standing a short distance away either in Vine Street or Piccadilly Place, and possibly by anyone with good eyesight looking at the entrance from the corner of Swallow Street and Vine Street or from the bottom of Piccadilly Place where it runs into Piccadilly. If a person were arrested while on the steps mentioned the arrest could not be perceived by anyone not standing somewhere almost immediately opposite the entrance.

On the whole, the result of our view of the premises was to make us think that the place rather lends itself to misconduct if it can be supposed that police officers ever desire to treat people roughly. The station is no doubt conveniently situated, as it is in close proximity to Piccadilly Circus and easily accessible from Regent Street and Piccadilly, but still, its site may be not unreasonably described as somewhat obscure and secret for a public building. It compares unfavourably in this respect with that of most of the stations with which we are acquainted.

Number of Constables in the Charge Room

We now turn to another point. The account of Gerothwohl and Lavalette states that the number of police officers in the charge room was considerable; in Vine Street, after passing the corner, they say they observed, besides the constables in charge of Timmings, two at the entrance to the station. The question of the number of constables in the charge room or about the station is not of primary importance, but it has a relevance as being a point by which we may test the witnesses' powers of accurate observation, and because if there were several constables about ready to help P.C. Isaacson and P.C. Wallington the fact might facilitate the accomplishment of those constables' desires. Let us see what Gerothwohl and Lavalette say on the matter. Gerothwohl's statement is: "Just before we reached the station I noticed Q. 259.
there were two policemen standing on each side of the entrance." "Just as I put my foot on the first or second step I was seized behind, shoved forward up the steps, and on the staircase P.C. 43 let go of Timmings, turned round and facing me this way, he seized me, twisted me round, and flung me on to another constable. That constable flung me back. I was again seized by No. 43, and twisted into the dock. As I was twisted into the dock I saw Mr. Lavalette following, spinning round from one policeman to another." This statement brings on the scene two policemen on the pavement at the foot of the stairs, P.C. Isaacson himself on the staircase, P.C. Divers, who was in charge of Timmings, and possibly another constable; that is, including P.C. Isaacson, five constables. Lavalette's account is this: "Just as I was doing that the policeman who had been following Q. 825.
us seized me by the arm and pushed me against the wall, when another policeman took hold of me and I was pushed against another policeman on the steps, and finally I found myself in the dock." This accounts for one policeman who had been following them—one of the five whom Gerothwohl's account brings on the scene—a second policeman who took hold of Lavalette, and a third policeman on the steps—that is, three constables. Of course the second and third constables mentioned by Lavalette would almost certainly be two of Gerothwohl's five. Putting the two accounts together they seem to involve the participation of six constables. According to Gerothwohl there were in the charge room quite fifteen. He also stated, "There Q. 675.
were a great many constables in the station, and a great deal of chattering going on." Lavalette in his evidence in chief said, "There were eight to twelve constables Q. 825.
in the charge room," and in cross-examination ten to twelve.

We are, however, in a position to determine almost with certainty the number of officers in the charge room, unless we are to assume that there was an utter disregard of the rules of discipline at Vine Street on that particular night. The taking of the charge against the three prisoners in question must have taken, one would think, at least five minutes, but it may have taken less. It cannot, however, have taken much more, unless the Vine Street charge sheets of that evening are inaccurate as to the time of taking the different charges, which were considerable in number on that evening, though by no means exceptionally large for a Saturday night.

Here, we may say before stating what the charge sheet disclosed, that it was indicated more than once in the course of our inquiry that according to popular belief a police station is a place where a practically unlimited number of police can be found at any time. In those police stations where there is a section house, that is a boarding house for policemen, there may of course at any moment of the day be a very considerable number of men off duty resting in their cubicles or occupying the

See Regulations.

common room. The section house, whether it is in a separate building or not, consists of an aggregation of rooms not approached through the charge room, and the inspector or sergeant in charge of the station does not permit his office, the charge room, or any of the rooms set aside for the discharge of office business to be used by any men off duty. Of course, any constable, even if off duty, who has some special reason for asking a question or bringing a message to the inspector in charge may come to the charge room temporarily, but any user of the charge room by constables on duty or off duty for the purposes of conversation or reading would be entirely contrary to the discipline of the station. At stated hours the men about to go off duty and those about to go on duty are paraded at the station. This operation does not involve the constables coming into the charge room.

Under the Regulations arrangements are made for the distribution of the men on duty in each division and in connection with each station during the three eight-hour periods into which the day is divided. To each man "on duty" a particular duty is assigned, and by the aid of the monthly "roster" and the sergeants' daily "state" one can ascertain the place at or near which each man on duty ought to be found at any moment. According to the usual rule there is in each station on duty (1) an inspector or station sergeant whose duty it is to superintend the work of the station, see callers, keep order and receive or refuse charges; (2) a gaoler who is in charge of the cells and who takes over persons detained after they have been charged and the charge has been accepted from the police constable who brings in the prisoner; and (3) a police constable who stands at or near the door, whose duty it is to keep order there, to admit persons coming on business to the station, and to assist if need be in keeping order in the charge room or in bringing in a prisoner. Besides these persons there is usually one who is placed in the telegraph and telephone room whose duty it is to receive and dispatch messages. As a general rule no other uniformed constable is on duty in the station or allowed to stay in the charge room except for the purpose of doing the temporary duty which brings him to the station. The men on duty do come and go into the station; they bring in prisoners, they carry messages, they may come for some such purpose as fetching an ambulance, or asking for the aid of a superior officer in cases of emergency, and so forth. Sometimes police constables thus arriving in the course of their duty may belong to other divisions, but in general such temporary uniformed visitors belong to the division in which the station is placed. Besides these uniformed constables there may be found coming and going others in plain clothes engaged on detective business wishing to make inquiries, to give information, or to consult the books and papers in the office. These, of course, have the entrée to the inspector's office as well as to the charge room. The moment a police constable on duty has discharged his business, he ought to return to his beat or point, and an inspector would be failing in his duty if he allowed him to linger or chat in the charge room. Except the inspector and the two other police constables mentioned, and those coming on business, no officers on duty except superior officers, *e.g.*, a superintendent or sub-divisional inspector, can properly be in the station except on merely temporary business. No change is made in the arrangements on a Saturday night, nor was any change made even on a Boat Race night till this year. The only deviation from the normal state of things on such an occasion as that of the Boat Race is as to the disposition of the patrolling officers, and they are then naturally concentrated where experience shows that when the places of amusement and public-houses close the greatest crowds are likely to collect. Accordingly, there is no reason at all to doubt that the police witnesses are speaking the truth when they tell us there was nothing unusual in the Vine Street arrangements at midnight on the night in question. It is idle to suppose that any special number of constables was collected at the station in the expectation of something out of the ordinary happening. Whether Gerothwohl speaks truly or not, the arrival of these particular persons at the station was as much unexpected by Inspector Berry as their arrest was by themselves. It seems equally idle to suggest that between the time of the arrest of Timmings in Piccadilly and the arrival of the prisoners at Vine Street, either P.C. Wallington or any other police-constable who had seen Timmings' arrest could have intentionally got together a body of constables to come and crowd the approaches of the station, or the charge room itself.

Bearing these things in mind, let us now see what light the documents, which came into being, be it observed, in the ordinary carrying on of the business of the

police station, and not with any special reference to the charge with which we are concerned, throw upon the matter. In the Occurrence Book we find the following entry :—

Roll Call C.D. — At 12 night all men off duty present and correct and unnecessary gas extinguished.

(sd.) E. West, P.S. 35 C.

Duty S.F. — F.P.S. 41, C. Smith reports having called the Roll at S.F., all men off duty present and correct.

(sd.) W. Berry, Inspector.

These entries refer to the men who resided in the section house, and who were off duty, and were made in accordance with the rule laid down to be followed every night. They show that at midnight none of the men off duty can have been loitering round the entrance to the station, at least, it makes such a thing very improbable.

Now let us see what charges were made from a few minutes before midnight until half an hour after midnight. It should be remarked with regard to the entry giving the "Date and hour brought to station," which has to be filled in by the officer taking the charge, that no interval of time less than five minutes is recognised or noticed.

The following table shows the particulars as to the prisoners brought in, the charges taken, and the time at which they were brought to the station, for the period just mentioned, which are relevant to our present purpose.

Date and hour brought to station.	Persons Charged.	Charge.	Persons Charging.	Witnesses.	Taken into custody by
7/4/06. 11.50 p.m.	F. B., No home. Labourer.	Drunk and disorderly. Albemarle Street, Parish of St. George's.	Oliver Ward, P.C. 407 C.		Oliver Ward, P.C. 407 C.
7/4/06. 11.55 p.m.	F. N	Drunk and disorderly at Regent Street, Parish of St. James's. Further with assaulting P.S. 3 CR. MacDonald by striking him on the face with his fist while in the execution of his duty at same time and place.	Robert Mac Donald, P.S. 3 CR.	F. Heicock, P.C. 10 CR.	R. MacDonald, P.S. 3 CR.
8/4/06. 12.10 a.m.	F. F.	Drunk and disorderly at Piccadilly Circus, Parish of St. James's.	Robert Longton, P.S. 20 CR.	Inspector Randall.	C. R. Longton, P.S. 20 C.
8/4/06. 12.10 a.m.	G. G., No home. Match seller.	Begging from foot passengers at Regent Street, Parish of St. James's.	Frederick Sennitt, P.C. 329 C.		F. Sennitt, P.C. 329 C.
8/4/06. 12.15 a.m.	Morris A. Gorothwohl, 8, Alma Terrace, W. Professor. British subject.	All drunk and disorderly at Piccadilly, Parish of St. James's.	Avely Isaacson, P.C. 43 CR.	C. Wallington, P.C. 6 CR.	C. Wallington, P.C. 6 CR.
	Henri Lavalotte, 8, Alma Terrace, W. Journalist. Belgian subject.				A. Isaacson, P.C. 43 CR.
	Charles Timmings, 6, Baker Street, Fulham. Groom.				do.
8/4/06. 12.15 a.m.	J. C.	Begging from foot passengers at Coventry Street, Parish of St. James's.	Frederick Sennitt, P.C. 329 C.		F. Sennitt, P.C. 329 C.
8/4/06. 12.30 a.m.	H. D.	Both behaving in a disorderly manner at Piccadilly, Parish of St. James's.	Frank Swindon, P.C. 21 CR.		Charles Randall, Inspector C.
	R. E. D.	R. E. D., further with being drunk at same time and place.			F. Swindon, P.C. 21 CR.

Looking at these charge sheets it will be seen that the two charges taken next before Timmings was brought into the room were those against F. F. and G. G. The entry "12.10 a.m." means the time at which they were brought into the station. Owing to the rules explained above that does not affect to be accurate to a minute. Accordingly, so far as the entry shows, F. and G. must have been brought in a little before or a little after 12.10 a.m., but certainly before 12.15 a.m., at which Timmings is entered as brought in.

The entry immediately before that relating to F. is the one relating to F. N., and it will be observed the time of his being brought in is 11.55 p.m., so that there was an interval of about fifteen minutes between his arrival and that of F. and G. This interval is so long that if the proceedings were conducted with reasonable celerity (and there is no reason to believe the contrary having regard to the number of charges dealt with in the course of the twenty-five minutes) there can be very little doubt that if the rules of discipline were observed P.C. MacDonald, the charging constable in that case, had finished his work in the station and gone back to his beat before P.S. Longton came in with F. Accordingly we may assume that when F. was brought in there was no constable in the charge room except Inspector Berry and the gaoler Walsey, P.C. 438, who, as we know, from the inquiry before Major Wodehouse, was on duty that night. We exclude, of course, from consideration the constable in charge of the telegraph and the telephone. Two officers came in with F. F., Inspector Randall as a witness and P.S. Longton as charging constable; and with G. G. who arrived after F., came P.C. Sennitt, 329 C, who had him in custody.

If the only material we had were the charge sheet it might be quite proper to conclude that all or any one of those officers were present when Timmings came in, and, if so, there would have been six constables in the charge room at that time, and if all three stayed whilst the charge against Gerothwohl, Lavalette and Timmings was being taken there would have been nine constables in the charge room. We, however, have before us the note of the evidence taken at the inquiry before Major Wodehouse, and before him P.C. Walsey and Inspector Randall gave evidence. P.C. Walsey says that he saw Gerothwohl, Lavalette and Timmings brought in, though he could not remember in what order they came in. He says, "I was engaged with a prisoner in the cells at the moment the inspector was investigating the charge." We understand him to mean that as they were coming in he took a prisoner to the cells, because he goes on to say "I came back and saw the stick lying on the table broken in half, and the prisoners were in the dock. The charge was about to be taken." He added that the prisoners made no reply to the charge, that he did not hear them make any statement in his presence, that he put them in the cells and that they said nothing to him at the time; but this witness also said, "They sat down pending the inspector's investigation." That is a thing nobody else had suggested, and it is quite clear that his recollection as to the details of the case cannot be trusted. But we think what may be trusted is the fact that at the time when Timmings came in both the cases of F. and G. had been dealt with and that the prisoner he was putting in the cell when the three came in was one of those persons, and if so, the police officers concerned in the two preceding cases might, if they were doing their duty smartly, get clear of the premises before Timmings arrived; at any rate there was some short interval, because after the charge was accepted the taking of a prisoner from the dock consumes, as we know from having observed the proceedings personally, a little time; and one, at any rate, of the three officers concerned had time to get away, because Inspector Randall, who had been in the charge room as a witness in the charge against F., came in with P.C. Swindon in charge of H. D. and R. E. D., while Inspector Berry was taking the charge against Gerothwohl and the other two prisoners. It may be well to quote his own words as to what he saw and heard on coming in the second time. "Gerothwohl, Lavalette and Timmings were in the dock as I entered the charge room. Inspector Berry was taking their names prior to entering the charge against them. I saw nothing of the stick. They were just handing their cards to the Inspector taking the charge. They were protesting, particularly one of them; I do not know which by name, but the stoutest one of the three." (Clearly Gerothwohl.) "He was protesting very much on being charged. He said he came to the station behind the other man who had been brought there. I did not hear

See Notes of Inquiry in Appendix to Evidence

the others say anything." In answer to the question, "Who was in the charge room when you got there," he said, "There were the three constables, the three prisoners. I do not know whether there was another prisoner waiting to be charged. I am not quite certain. I took in a prisoner and a constable brought another in." They were obviously the two D.'s. Although Inspector Randall was not quite sure, he was right in suggesting that there may have been a prisoner waiting to be charged, because in the charge sheet it will be noticed that at the same time (12.15) at which Timmings and the others were brought in C. is entered as having come in with P.C. Sennitt, it is just possible that as an entry of 12.15 does not purport to be the exact moment, C. may have been brought in a minute or two before 12.15, dealt with rapidly, and that he may have been the prisoner whom Walsey was putting in the cell when Timmings was brought in. It seems, however, to us from the order of entry that he was dealt with afterwards. However, it should be noticed that the same constable who is entered as having brought in G. at 12.10 is entered as having brought in C. at 12.15, both upon a charge of begging. The matter is not of much importance, because it only involves the question whether P.C. Sennitt was in the charge room when Timmings came in; and if so, when Inspector Randall came back there would be four constables in addition to the Inspector and the gaoler in the charge room.

Putting all the facts together it seems to us perfectly certain that there were not more than six officers all told in the charge room when Inspector Randall and the constable brought in the D.'s and found Gerothwohl and the other two in the dock. That being so, it is shown that Gerothwohl in saying there were fifteen constables in the charge room, and Lavalette when he said, correcting his first statement, from ten to twelve, were not observing accurately, and the actual facts prove that their recollection is not trustworthy, while on the other hand it confirms
Qs. 1143–4. what P.C. Isaacson told us, *i.e.*, that when the charge against them and Timmings was being taken there were four constables and the Inspector in the room.

Now there is no doubt both Gerothwohl and Lavalette were very noisy and excited in the dock, and it may therefore be urged that their mistake as to the number of the constables was due to their mental condition. How far their anger and indignation at their arrest as alleged, if they were quite sober, might explain a mistake as to numbers is open to dispute. But what appears to be another error in numbers committed by Gerothwohl cannot be explained on any such ground, for it was made as
Q. 259. to something he saw before the occurrence of the alleged outrage. He stated positively to us :—"Just before we reached the station I noticed there were two policemen standing one on each side of the entrance." It is quite clear that it is not the custom at Vine Street or any other police station to put two men on guard at the door. It is the practice to have one, and at Vine Street on this night P.C. Wellbelove was, it is admitted, there on duty. We have no doubt that in suggesting that two constables were standing on guard one on each side of the door Gerothwohl is in error. It is, of course, possible that a constable may in breach of duty have been idling there and talking to P.C. Wellbelove; but it is not likely, for loitering there would be risky for a man on duty. It was a busy night, and the section house was closed. The movements of P.C. Sennitt and Inspector Randall show that neither of them could well have been standing still or even been at the entrance when Gerothwohl arrived there. The former brought in two different prisoners within ten or fifteen minutes, and was either in the charge room or on his way to the station with his second prisoner when Gerothwohl and Lavalette arrived. The latter was probably then in Piccadilly, since he brought in H. D. whom he arrested there while the three prisoners we are concerned with were still in the dock.

Suggested Corroboration by Timmings.

The only direct corroboration of any part of the story of Gerothwohl and Lavalette which is in dispute is afforded by Timmings. If their evidence is true, he could hardly have seen the assault on them at the entrance to the police station, because it appears from their account that when Gerothwohl was first seized Timmings was on the staircase in front of them. He did not in fact affect to speak as to what may have happened in Vine Street after he had been taken through the door. But his evidence as to the circumstances of his arrest and what took place on the way to the police station and in the charge room demands attention.

The details of Timmings' arrest, as described by Gerothwohl and Lavalette, need not be repeated. He was walking quietly along, seemingly sober, a big constable passed him rapidly, pushed him down against a cab, and arrested him in such a manner as to arouse their indignation at what they felt to be brutal treatment. Let us see how far Timmings himself supports this description. His evidence on the point was as follows: "You got as far as the Church? (*A.*) No, I could not get quite as far as the Church, because there was a big crowd and a rather biggish constable pushed me against a cab wheel. I picked myself up, and as soon as I picked myself up the constable arrested me. I told him he was making a mistake, and he told me to come along with him—he would see all about that. (*Q.*) Should you know the constable again? (*A.*) Yes, I should; by the rough way he handled me I should know him? (*Q.*) What kind of man was he—a biggish man or a small man? (*A.*) A very big man. (*Q.*) Had he any moustache or beard? (*A.*) Yes, rather a heavy moustache. (*Q.*) When he said 'We will soon see about that' what did he do with you? (*A.*) He took me very nearly up to the top of Swallow Street." It will be noticed that beyond the use of the words "rough way he handled me" there is not the slightest suggestion of any brutality or great violence, or that he was hurt or cried out, or anything of the kind; on the contrary, according to his recollection he picked himself up and quite rationally and sensibly told the constable he had made a mistake. Of course if he did say so (P.C. Isaacson says not a word about that or about pushing him down), while his observation tells in favour of Timmings' sobriety it does not add any convincing support to Gerothwohl and Lavalette's view that the arrest was brutal, because if it were brutal one would suppose that the victim would have been crying out, or inarticulate, or if able to articulate would shout out, "Do not do that!" or "Why are you treating me like this?" or some exclamatory remark of that kind. Qs. 3439–3443.

In his cross-examination as to his arrest, Timmings gave a series of answers without the slightest hesitation and in a perfectly natural manner which are worth quotation *in extenso*. After he had been cross-examined as to the number of glasses of beer he had had at the Leicester, the examination goes on thus:—"And then you started to come back? (*A.*) Yes. (*Q.*) And then it was that you were arrested? (*A.*) Yes. (*Q.*) Was there a considerable crowd all round you? (*A.*) Yes, there was. (*Q.*) Right up to you in front and behind? (*A.*) Yes. (*Q.*) They were close all round, touching you? (*A.*) Just like a swarm of bees. (*Q.*) If it is said that you were walking quite by yourself with a space all round you and nobody there at all, that is not right? (*A.*) It would not be right. (*Q.*) They were all like a swarm of bees right up against you? (*A.*) Yes. (*Q.*) Were you in front of the crowd? (*A.*) No, I was going along *this* way. (*Q.*) Were you on the pavement? (*A.*) No, I was on the pavement and yet I was not on the pavement? (*Q.*) That means to say you were on the outside—the kerb? (*A.*) Yes. (*Q.*) As you say, you were neither on nor off the pavement? (*A.*) Yes. (*Q.*) Was this crowd stretching from you to the wall? (*A.*) Yes. (*Q.*) Right across? (*A.*) Yes. (*Q.*) Whether they were arm in arm or not they were straight across the pavement? (*A.*) Yes. (*Q.*) So that nobody could pass if they wanted to, coming in the other direction? (*A.*) No, I understand they could not. (*Q.*) That is the way in which you were proceeding? (*A.*) Yes. (*Q.*) Was that the way in which you had been proceeding all the way from Piccadilly Circus? (*A.*) That is the way you would have to proceed. (*Q.*) It is quite likely if you went there. There is no doubt that is the way you had been walking all the way from Piccadilly Circus. You were just on the kerb, and there was somebody or another between you and the wall, and no foot passengers could get the other way at all? (*A.*) You could not help it. (*Q.*) Was there a great deal of shouting? (*A.*) Yes, there was. (*Q.*) Shouting all round you? (*A.*) Yes. (*Q.*) Did you feel inclined to shout? (*A.*) No, I did not." Now, if those answers are to be trusted the arrest of Timmings was effected under circumstances which much more closely tally with the police account than with the account given by Gerothwohl and Lavalette. They are both perfectly sure that, according to what they saw and recollect, Timmings was not an individual in the midst of a crowd, but an isolated person, walking on the pavement or near the edge of the pavement alone and very quietly. "There was a crowd a good many yards ahead; some young men in a ring, and between that crowd and ourselves there was a youth walking very quietly by the side of the kerb." That is what Gerothwohl saw. When they were nearing St. James's Church Lavalette noticed that they were alone. He told us: "There was a little crowd of people there in front and a little knot of people behind. We were quite alone. We Qs. 3651–3672. Q. 259. Q. 822.

saw Timmings walking along with his hands in his pockets. Then we heard a noise in front and we saw a constable, Isaacson, pass behind a cab and push Timmings, and Timmings fell against the wheel of the cab." Later on in his cross-examination he
Qs. 970-982 told us that when he saw Timmings "two or three paces from us, walking alone with his hands in his overcoat pockets, he was not shouting, he was walking erect, not swaying at all;" and then he described how the constable passed them, as he thought, on the wall side of the street, walking fast, and how without speaking to Timmings he saw him push the young man, and he added, "I may say that Timmings is an absolutely helpless sort of man; he is very weak; he was crying and apologising, and he did not dare say anything." As to the last observation, if we are to believe Timmings, far from not daring to say anything, he did dare to make what was quite a pertinent observation.

Comparing, then, the result of Timmings' recollection with the account of his arrest given by Gerothwohl and Lavalette, we find that his story agrees with the latter in that (*a*) Timmings was arrested on the side of the kerb on the south pavement of Piccadilly near St. James's Church, and (*b*) that before being arrested he was pushed against a cab wheel; but the two accounts disagree as to a very material point. According to Timmings he was not walking alone but in the midst of a crowd of persons swarming round him like bees. The police account differs from both these versions. According to them Timmings was in a crowd but he was in the first rank arm in arm with other persons, and P.C. Isaacson positively denies the pushing down.

As to what took place after his arrest, Timmings, while agreeing with all the witnesses that he was taken to the police station through Swallow Street, says that
Qs. 3444-3449. he was "handed over to a young constable" (whom he identified before us as P.C. Divers) "at the top of Swallow Street." The "*top* of Swallow Street" probably means the corner at which Vine Street runs into it, but it may mean the point of junction with Piccadilly. Whatever place in Swallow Street Timmings may have wished to indicate as the place at which he was handed over, the fact of his being handed over there or anywhere else on the way to the entrance of the station is quite inconsistent with an essential part of the Gerothwohl and Lavalette story. The very gist of their narrative as told is that they followed Timmings and the constable who had arrested him, and who had been joined by another constable at the corner of Swallow Street and Piccadilly, without molestation right up to the door of the station, when they were suddenly set upon. Timmings' evidence on this point, so far from confirming their account, attacks it in a vital point. His statement as to the place at which the handing over occurred is indeed not in accord with that of P.C. Divers,
Q. 1860. who told us he took over Timmings in Piccadilly; but the recollection of Timmings that he was handed over before arriving at the station is a circumstance of much significance.

The only other part of Gerothwohl and Lavalette's narrative as to which Timmings could possibly give any direct confirmation is as to the way in which they were brought into the charge room, and what took place there. We think it well to quote the
Qs. 3454-3459 passages in Timmings' evidence bearing on this point. "(*Q.*) Perhaps you had better tell us was anybody else in the room when you were put in the dock? (*A.*) Yes, there were about a dozen; I do not know what sort of people they were, but they seemed to be arguing the point with Inspector Berry. I do not know what they were arguing over. (*Q.*) You say Inspector Berry. Had you known Inspector Berry before? (*A.*) Not till I heard his name. (*Q.*) You had never been to Vine Street before? (*A.*) No. (*Q.*) The inspector, whom you afterwards found to be Inspector Berry, was in the room when you were put in the dock? (*A.*) Yes. (*Q.*) Was he talking to other people? (*A.*) Yes, he was arguing the point there. (*Q.*) While that was taking place, what happened? (*A.*) There was a
Qs. 3467-3476 terrible rush outside, and then I happened to see two gentlemen being thrown about just like a football, and these gentlemen happened to turn up. (*Q.*) Now come back to what took place in the charge room at Vine Street. Were they put in the dock? (*A.*) Yes, they were pushed in. (*Q.*) You had better describe in your own way what took place? (*A.*) These two gentlemen were holding out their cards, and about a dozen voices all halloaed out, 'We do not want that. What is the name and address?' Just like that. Then I saw one constable take the gentleman's stick away. The two gentlemen were shouting with excitement and very upset, and they kept on denying the charges and saying they had come to

speak on my behalf. (*Q.*) Were they talking loudly? (*A.*) Yes, sir, very excited. (*Q.*) How were the constables behaving? (*A.*) They were all round in a bunch standing on the off-side of the dock. One constable came up, I think it was the constable who arrested me, and broke the walking stick. (*Q.*) The constable who arrested you, that is the big man? (*A.*) Yes, that is the one I think took the walking stick. (*Q.*) It was the same man who arrested you who took the stick? (*A.*) Yes, that is what I think. (*Q.*) Did you say anything yourself at this time? (*A.*) No, not at all, I was weeping and crying, that is what I was doing. (*Q.*) Did you hear the charge read over by Inspector Berry? (*A.*) I did. (*Q.*) Did you say anything? (*A.*) No. (*Q.*) Why not? (*A.*) Because I did not know what to say, and did not know what to do."

It will be remembered that Gerothwohl gave a somewhat striking account of the way in which he and his companion made their appearance in the charge room; he said it reminded him of a game of skittles with human nine-pins in which he was afraid the ball suffered more than the nine-pins. Timmings' phrase—"There was a terrible rush Q. 3459. and then I happened to see two gentlemen thrown about just like a football and these two gentlemen happened to turn up"—is certainly peculiar, and gives one the idea that both his observation of what went on and the fact that Gerothwohl and Lavalette were the persons who "turned up" when the game was over were merely fortuitous occurrences. Of course Timmings can hardly mean that his noticing this particular incident was a pure matter of chance. The unusual phraseology, making every allowance for the indirect and peculiar turns of expression in which imperfectly educated witnesses often state facts, looks to us as not at all one that could have been hit upon by Timmings without some suggestion from an outside source. In the use of the metaphor about football we think one may suspect some recollection of Gerothwohl's own graphic illustration. We do not think that Timmings was in the room when Gerothwohl gave his evidence, but he admits that he had read newspaper reports of our proceedings, and he may well have allowed his own account to be coloured by reminiscence of other people's phrases. It looks as though Timmings was not speaking as to that part of the case with an unrefreshed recollection.

It will be noticed that his statement about there being a dozen people in the room when he was put in the dock, though consistent with Gerothwohl's and Lavelette's statement of the number of persons in the room, cannot possibly be true if our determination of the number of persons in the room at the time is correct.

There is one other point worth noticing in Timmings' statement as to how Gerothwohl and Lavalette were brought in: in cross-examination, when asked whether he would pledge his word that they were thrown about like a football, he Qs. 3749, said "They were going from one constable to the other." Neither Gerothwohl nor 3750. Lavalette say that anything of the sort took place before Inspector Berry. Gerothwohl says that P.C. Isaacson twisted him into the dock, and that if done without undue violence might be a fair description of the constable's method of forcibly directing him into the dock, and is not necessarily a thing which would attract the attention or require the rebuke of the Inspector; but, as we understand his story, the undue violence alleged took place on the steps and in the corridor and not in the charge room. Certainly that is the case so far as Lavalette is concerned, and it is obviously a more likely account than that of Timmings.

It seems practically certain from documentary evidence that came into being in the ordinary course before any controversy had arisen as to the conduct of the police that Inspector Berry had, at the time when Timmings was brought in, dealt with the charge against G. G. before beginning to deal with that against Gerothwohl and the others, and that Timmings' recollection is faulty when he says that when he first got into the dock any people were arguing with Inspector Berry. His account of what took place after they were all three in the dock seems substantially the same as that of the police and the complainants.

Bearing in mind these comments, the result of Timmings' evidence seems to us to be this: If he was, as seems to have been the case, so much under the influence of drink as to make it likely that he had been joining in the shouting and disorder in Piccadilly, that fact must seriously lessen our confidence in the accuracy of his observation at the moment and his recollection of what he thought he observed so far

as details are concerned. If, however, he was in such a state that we may rely upon his being able to see and to remember what took place, then his testimony as to the circumstances of the arrest and as to his being handed over in Swallow Street, seriously damages Gerothwohl and Lavalette's account, but to some extent he corroborates the part of their narrative which deals with the way in which they were brought into the charge room.

The "Commotion."

A point was made, or rather suggested, by Gerothwohl during his cross-examination of Inspector Berry as to an admission by him that he had heard a "commotion" and had come out to see what it was. If the point were established it might afford some indirect corroboration of the complainants' story, because the form of the answer would seem to indicate that he heard something unusual. Some noise is always made by the arrival of a prisoner in the charge room, and the noise made by the coming up the steps and along the corridor of four men would be quite accurately described as a "commotion." The point suggested really is that the Inspector heard in this case a "commotion" of a kind different to that which usually accompanies the bringing in of a prisoner. The matter arose thus: Inspector Berry was asked "Did you hear a commotion," and he replied "Some distance off in Piccadilly." He then denied coming out of the front room on hearing the "commotion," and said that he was in the charge room. It appears from other answers made by him that that is not absolutely accurate, because he was in fact standing, when Timmings was brought in, in the doorway or just about the doorway which separates the charge room from his office. Absolute accuracy on such a point is of course not to be looked for in any case such as this. It was then put to him by Gerothwohl that he had said at the police court: "I was standing in the charge room by the dock when they were brought in. There was such a commotion I went out to see what it was." The witness disclaimed having used those words at the police court; his exact words were: "Not to that effect. I do not remember that." But being asked whether he remembered saying something to that effect, he replied "No, not exactly." Gerothwohl was reading from the shorthand note of the evidence in the case of Gerothwohl and others heard at Marlborough Street Police Court on the 11th April, 1906. Those shorthand notes were put in, and the words suggested by Gerothwohl as having been used by the inspector were these: "I was standing in the charge room by the dock when they were brought in. There was such a commotion I went out to see what it was."

Q. 2211.

See Qs. 2714, 2716, 2717.

Q. 2218.

Those words are undoubtedly in the note, but they must be considered in connection with what followed. The note runs after the inspector's answer in the terms just stated thus:—"(*Q.*) Such a commotion just outside? (*A.*) Yes. (*Q.*) Do you know that was where these gentlemen were arrested? (*A.*) I do not. (*Q.*) Would that account for the commotion? (*A.*) No, it was further away. I heard it in Piccadilly down the passage opposite. (*Q.*) I thought you said there was such a commotion at the door? (*A.*) No, outside I said. (*Q.*) I suggest if the arrest took place there it might account for the commotion? (*A.*) It might have been part of it. I was inside the station." That is no doubt a true report of what passed at the police court, but before us, though pressed by Gerothwohl, the inspector did, after denying the use of the words in the sense he thought suggested by that gentleman, deny that he uttered those words. Why the Inspector should deny his having given such an answer as was suggested is not very clear, and seeing that Gerothwohl was reading from the transcript in his hand, the witness, whatever view be taken of his character, can hardly have intended to mislead us on the point. It looks as if he really did not think he had used the exact words put to him. The matter being cleared up by looking at the transcript there does not appear good ground for alleging that the commotion referred to by the Inspector was not the noise coming from Piccadilly.

Q. 2217.
Q. 2218.
Q. 2219.
Q. 2220.

In this connection, reference may be made to what P.C. Wellbelove said about shutting the door of the charge room. He told us that is his duty when a rather unusual crowd goes in, to shut the door, and that when he heard the shouting in the charge room he shut the door on that occasion.

Qs. 2130–2135.
Q. 2096.
Q. 2098.
Q. 2101.
Q. 2015.

More important, however, bearing upon the same point is the evidence of P.C. Divers. In cross-examination by the learned Counsel for the defendants at the police

court, he said according to the shorthand note, "I saw nothing of the affair except that I took Timmings. The other two followed close. There was a great row, as the other two were violent." When P.C. Divers was before us he was cross-examined by Gerothwohl, from the shorthand note. The suggestion made was that at the police court in answer to the question, "Was there an awful row just as you were going to Vine Street," P.C. Divers had answered, "Apparently from the violence of the prisoners in trying to get away." Q. 1928. The answer he gave to that question before us was, "I think the question asked me was, 'Whether I thought it was inconsistent with your being arrested outside the station.' I think that was the question. You are referring now I believe to my cross-examination at the police court." The question being again put to him he said he could not quite follow what was meant. The constable then looked at the document from which Gerothwohl had been reading and said, "The question was asked me—'Was there an awful row just as you were going to Vine Street Station.' I understood that differently at the police court. The question I understood was—'Did you think the noise outside the station was inconsistent with Dr. Gerothwohl and Mr. Lavalette being arrested outside?' to which I replied, 'Apparently, from the violence of the prisoners in trying to get away.'" Mr. Rufus Isaacs then called attention to the next question and answer in the document which the witness had in his hand, saying: "The story now is that they were arrested in Piccadilly and tried to make their escape when they got to Vine Street. Your answer is 'I do not know, I only took Timmings to the station.'" The cross-examination being continued, P.C. Divers said he thought he heard an awful row coming from that direction—outside Vine Street, or Piccadilly it might be. Counsel for the Police before us then called attention to the fact that there was another question and answer in the shorthand note. "Was the row that you heard caused by their being arrested in Vine Street under protest? (*A.*) I do not think so." In Qs. 1933–answer to Mr. Dickinson the witness said "I heard a row outside. I was inside the 1938. station when I heard it. I thought it came from the direction outside in the street—in Vine Street—or from the direction of the passage which leads direct into Piccadilly, where the crowd would be at the time," and he said he thought it was quite likely it was such a row as to lead him to think that somebody was trying to avoid arrest. His answer to Mr. Dickinson, which was given with every appearance of frankness, seems to us probably quite accurate, and, if so, we may take it that an undoubtedly sober and competent observer in the charge-room did hear a noise which was like that which might be caused by a prisoner trying to get away. That it to some extent assists the Gerothwohl and Lavalette story is the case. It may be said that the kind of noise made by pushing a man forcibly up steps and along corridor is hardly distinguishable from the noise which might arise from forcibly preventing the man from escaping, and, therefore, that the "row" heard by P.C. Divers was caused by the setting on to and arrest of Gerothwohl and Lavalette. But the noise made by two constables and two prisoners in coming into the charge room would in any case be considerable. If that be so, the importance of the point seems very largely to disappear, because, if, indeed, the arrest of Gerothwohl and Lavalette did take place as described it was probably not attended by any great unusual noise; the whole success of the operation depended upon surprise, celerity, and such a use of force, that precluded anything in the nature of a struggle or a fight; in fact, there was not, according to Gerothwohl and Lavalette, any kind of struggle whatever; they became helpless in a moment, and the affair was so sudden that they only recovered breath and voice when in the dock. The worth of this criticism must obviously be matter of individual opinion, but on the whole our view is that the noise that P.C. Divers heard proceeded from some causes outside the station, unconnected with any produced by the arrival of Gerothwohl and Lavalette, whether in an orderly or a disorderly manner.

Indirect Corroboration afforded by what took place in the charge room.

Apart from what Timmings has told us there is no direct evidence to corroborate Gerothwohl and Lavalette's story. Though there were hundreds of people in Piccadilly and scores within a few yards of St. James's Place, and though great publicity had been given in the newspapers to the case in all its stages, no person unconnected with the affair who was in Piccadilly on this night came forward to give evidence for them. Whichever version of the story be true, the arrest of

Timmings must, one would imagine, have been seen by some persons besides Gerothwohl and Lavalette, and if all three arrests took place in Piccadilly and the police story is true, it is almost certain that the incidents connected with them must have been observed by a great many persons in that street. However that may be, no one has volunteered to come forward to say what he saw. This circumstance does not strike us as being more in favour of the one version than the other. According to both accounts, Swallow Street and Vine Street were nearly empty, and it was not suggested by anyone before us that the procession of the six men concerned was attended by any crowd. It is true that P.C. Wellbelove said before Major Wodehouse that there was a large crowd following the other two prisoners, *i.e.*, Gerothwohl and Lavalette, but not interfering with the police, that the crowd was such that he could not see whether the constables had hold of those two gentlemen, that the crowd was all round them, each side and behind, and that he dispersed the crowd. But no such statement was given in evidence by any witness before us, and it is evident the advisers of the police attached no credence to his statement, which was in contradiction to the evidence of P.C. Isaacson and P.C. Wallington.

It seems to us that it may be argued with some force that the behaviour and conduct of Gerothwohl and Lavalette in the dock, and especially the statements which they made when there, afford indirect confirmation of their allegation that they were arrested just outside Vine Street. Let us see exactly what their own evidence as to what took place in the charge room is. Gerothwohl said in the course of his examination before us, that when in the dock, just before the inspector
Q. 273. came in, he took out a piece of paper and wanted to take the numbers of the constables, and that Lavalette did the same. He did not mention it when giving his evidence in chief, but it is obvious, we think, that he means it was the first thing that he did, because he refers the action to the period just before the Inspector came in—that is just before he advanced from the doorway and passed before the prisoners in the dock. Gerothwohl began thus—"I saw Inspector Berry emerge from
Qs. 260–269. that room and walk to the desk, which is there. . . . Then I immediately began protesting and flourishing my card. I said 'I want it to be given to the inspector.' It was dealt with in this sort of way: 'We do not want your card.' I remember even the inspector said that himself. I went on flourishing my card and mentioned that I should write to the Provost of my University, and, of course, I was in a
Q. 260. great fury." "At that time I was holding the rail of the dock, and with my stick alongside. I was flourishing my card with the other hand. Police Constable C.R. 43
Q. 261. pulled my stick away and broke it deliberately across his knee. . . . . Then my card was eventually taken. I was asked my name and address. . . . . .
Q. 262. The policeman spoke to the inspector, but there was such a row at the station
Q. 263. that I really did not hear what was said. . . . I do not remember him saying
Q. 264. anything to us. He read the charge to us. . . . The charge was read out.
Q. 266. I heard something about drunk and disorderly. . . . I said we had come about
Q. 269. this third man Timmings. . . . I did not hear where" (*i.e.*, where we were drunk and disorderly) "because there was an uproar in the place. There were a great many police constables in the station, and a great deal of chattering going on." That was what Gerothwohl told us in the course of his examination by the Chairman.

The following questions and answers in cross-examination should also be noted:—

Q. 486:—"After the stick incident you were protesting, were you not? (*A*.) Oh, yes, very warmly."

Q. 487:—"And protesting that you had not been disorderly, but that you had come to the station of your own accord to give information about Timmings? (*A*.) Yes."

Q. 488:—"That was the substance of your protest? (*A*.) That was the substance of my protest."

Q. 489:—"I suggest to you that the only ground of your protest was that you had not been disorderly in Piccadilly, and that you had come to the station of your own accord to assist Timmings? (*A*.) I did not put it at such length. I said we had come about this third man. I had not heard the constable's charge of being drunk and disorderly in Piccadilly at that time."

Q. 490 :—"When you said that did the inspector turn to the constables and ask them as to where they had arrested you? (*A.*) It is very possible that he did. I would not swear that he did turn to them, but I think it is possible. He did say something to them. I do not know whether it was at that moment."

Q. 491 :—"Did they say in your hearing that you had been arrested on the pavement by St. James's Church in Piccadilly? (*A.*) I could not hear owing to the uproar there was."

Q. 492 :—"Who was creating the uproar? (*A.*) I was trying to flourish my card and give it to the inspector, and there were four policemen round the dock and so on."

Q. 493 :—"There was nobody there creating an uproar except yourself? (*A.*) Possibly, perhaps I had some ground."

Q. 494 :—"I am only trying to find out what the uproar was? (*A.*) They joined in."

Q. 495 :—"You really suggest that to the Commission, that the policemen joined in the uproar? (*A.*) I am putting it strongly, but when I was giving my card they talked as loud as I did."

Q. 496 :—"You say you did not hear what the constable said? (*A.*) No, because I was in such a state, wanting my card to be given to the inspector."

Q. 497 :—"After the inspector had questioned the constable about this point about which you were protesting, did he sit down then and take the charge down in writing? (*A.*) I could not say that, I do not know; I do not remember; very possibly he did."

Q. 498 :—"After he had taken something down on the charge sheet did he read it out to you? (*A.*) He read out the charge. I confess that in all this turmoil I did not hear much of it."

Q. 499 :—"You repeat again that there was a turmoil, but I suggest to you there was nobody making any turmoil there at all except yourself. This is what he wrote down at the time as the charge. He first of all gives your name. Had he taken the name from you? (*A.*) Yes, he asked us our names and addresses."

Q. 500 :—"Then he said 'All drunk and disorderly in Piccadilly, Parish of St. James's? (*A.*) I only heard the words 'drunk and disorderly.'"

Q. 501 :—"Is it not the fact that when he read that out to you you said nothing? (*A.*) I should think if I had I should have been howled down."

Q. 502 :—"Who by? (*A.*) By their refusing to take my card and pooh-poohing, and saying 'We do not want your card.' I am trying to give you an impression of the sort of uproar I mean to imply. I saw it was useless."

Q. 503 :—"The fact is that when the inspector read that out to you you said nothing? (*A.*) I said nothing then because I thought it was absolutely useless from the way they had been treating us."

So much for Gerothwohl's evidence on this point.

Lavalette gave his initial account in the following words :—"I was absolutely dazed in the dock. There I found Timmings and Dr. Gerothwohl. I was in the middle between the two. Then I heard Dr. Gerothwohl say 'Allow me to explain,' and he took his card and he passed me and he took hold of the railing like this —(*illustrating*)—and held it as he passed. He was rather nervous naturally. I saw Constable 43 get near the dock, and he took his stick and broke it across his knee. I tried to explain why we had come, and that at the door of the police station we had been set upon by the police. I said that at the station. I was so excited that I may not have heard what was said, but I know there was some noise in the court. There were about eight to twelve policemen there. We heard Constable 43 say something and we saw Inspector Berry taking down notes. Finally Inspector Berry said: 'Mr. Lavalette, Dr. Gerothwohl, and Timmings, you are charged with being drunk and disorderly.' Dr. Gerothwohl said 'Do you really think me drunk?' and the reply was 'Yes.' I spoke French at the time. We were then put out of the dock. I may say that the idea of taking a card was not very favourably looked Q. 825, &c

upon by the inspector, who said 'We do not want the card.' All right. Who are you? What is your name?' and so on; in fact, we were not treated as we should have been. Then we left the dock. Dr. Gerothwohl then said to the constable 'I want to see a doctor.' Then I heard him say something, but there was very great excitement at the time, and I cannot say exactly what he said." In his cross-examination, after saying that he had a stick when he went in but he did not recollect being asked for it when he was in the dock, he said that the stick was on the table when he got into the dock. Then he was asked by Mr. Eldon Bankes "Were you also very excited when you were in the room?" and he replied "Very." In answer to Mr. Bankes he further replied that he said "I have come here to give my name in favour of this fellow when I was seized by that gentleman" (meaning Wallington). "Then I found myself here. I designated Wallington as that gentleman who pushed me into the police station as he got hold of or set upon me. I said to Inspector Berry that I had been assaulted at the door of the station."

Qs. 902–904.

Q. 907.

Qs. 936–938.

The material allegations that, as we understand, Gerothwohl and Lavalette ask us to believe as to what took place in the charge-room seem to be:—

(i.) That Inspector Berry did not maintain order in the charge-room, but allowed the constables present to talk and shout so loudly that in consequence of their clamour the prisoners did not have a reasonable opportunity of explaining how they came to be in the dock.

(ii.) That their excitement was caused simply by the personal outrage of which they had been the victims, and

(iii.) That notwithstanding the noise they did complain that they had been coming to the station to speak on Timmings' behalf and been arrested on the way to the station, that is that at the first opportunity they complained of the alleged assault and illegal arrest.

As to the first of these allegations there is a direct conflict of evidence. As to the third allegation there is no considerable divergence in the statements of the parties, while our view of the second must depend on the inference which we draw from the proved facts.

Alleged Disorder in the Charge-Room.

The police witnesses all deny that the description of their behaviour in the charge-room given by the complainants is true. Passing by the evidence of P.C. Isaacson and P.C. Wallington at present as being that of the most deeply implicated, constables, we find that P.C. Divers, whom, as we have indicated, we regard as a trustworthy witness, in answer to Mr. Eldon Bankes' question, "Was there anybody doing anything that could be described as commotion except Dr. Gerothwohl?" replied "I think not." He added that if there was any commotion it was of Gerothwohl's own creation; and that there was no one else there who was doing anything, either talking loudly or creating a commotion of any sort, except Dr. Gerothwohl himself. The only other question and answer which is to be found in his evidence, and which bears on the charge room scene, is the following:—

Qs. 2043 2044

Q. 1877:—"Did you hear Dr. Gerothwohl say anything? (*A.*) He was very excited while in the dock, and was making use of some words or other, but what they were or what they were about I could not say."

It is Inspector Berry who is the most important witness as to this part of the case, because he is the only one not directly concerned in anything which took place outside the station. It is reasonable to think that he approached the taking of the charge against these prisoners in just the same disinterested frame of mind as that which he seems to have displayed in dealing with those already made before him. For what took place before the prisoners were brought in he has no direct responsibility, and *prima facie* he may not unreasonably ask us to presume that he discharged his duty as officer in command of the station as honestly and efficiently in regard to this matter as in regard to the numerous other cases that came before him on this Saturday night. But of course it cannot be denied that the allegations of the complainants as to the conduct of the proceedings in the charge room gravely affect him. His general description of the scene in that room after the arrival of the three prisoners is as follows:—"They were put in the dock, and Dr. Gerothwohl and Mr.

Lavalette were in a very excited state, Dr. Gerothwohl particularly. He was throwing his arms about; he had his stick in one hand, holding it by the middle, and he shouted out something about that he was coming to the station on behalf of the other man, indicating Timmings, who stood in the dock. I asked the constable what the charge was. Isaacson said he saw them arm-in-arm in Piccadilly, drunk, shouting, and pushing people off the footway. I said, 'You hear what they say about being arrested on their way to the station. Where were they arrested?' Isaacson said they were Q. 2148.
arrested at St. James' Church, on the other side of Piccadilly, indicating the far side. I asked Wallington if he knew anything about the matter, and he corroborated Isaacson to the same effect." "As he" (Dr. Gerothwohl) "was flourishing the stick about Q. 2149.
the constable, in the usual way, asked him for it. It was rather dangerous for a man in his condition, I thought, to retain it, so I stood by him while he took it." He then gave evidence as to the stick incident and as to getting the charge sheet ready. He asked them their names. They tried to give them but he could not understand them, Q. 2156.
so he copied them from their cards. They gave their cards to him, when a difficulty Q. 2157.
arose about the spelling of the names. He copied the names from their cards on Q. 2158.
to the charge sheet. While he was writing down the names both Gerothwohl and Lavalette were shouting. Dr. Gerothwohl especially was shouting and throwing Q. 2160.
himself about there. He kept on repeating about their former protest that they Q. 2160.
were coming to the station on behalf of the other man. "He repeated it several Q. 2161.
times."

That is all to be gathered from the inspector's evidence as to the way in which the two prisoners were conducting themselves, and as to their action in the dock. But the more important part of the inspector's evidence dealing with the charge room proceedings turns upon what he heard them say, and what inferences he drew from their remarks of protest or complaint. Upon this point the following questions and answers are worthy of attention :—

By Mr. Bankes :—

Q. 2172 :—"From what these gentlemen said you understood they were protesting about their arrest, because they were coming to the station of their own accord and were not disorderly. Did you understand that they were protesting on the ground that they were not under the influence of drink? (*A.*) No, I did not."

By Gerothwohl :—

Q. 2286 :—"Do you remember me flourishing my card in order that it might be given to you? (*A.*) Yes."

Q. 2359 :—"You heard our protest? (*A.*) About the way you were arrested."

By Chairman :—

Q. 2397 :—"Now, I am going to read a sentence from your report: 'As in my opinion they were all drunk, I did not place any credence in the allegations made by the two former prisoners respecting their arrests, and they were all charged accordingly.' The allegation, I think, is the allegation that they were going to the station to speak for Timmings? (*A.*) No—as to the way they were arrested."

Q. 2398 :—"'In the dock Gerothwohl stated that he and Lavalette were coming to station to hand in their cards on behalf of Timmings and were arrested when on way here.' That is, I take it, the allegation you refer to in the extract I have read? (*A.*) Yes."

By Mr. Rufus Isaacs :—

Q. 2585 :—"You understood it was, because you have told us here to-day that they protested, and not to waste time over this, inspector, did you not quite understand from the protest they made and repeated that their point was that they were wrongly arrested, and they had come to the police station in order to give evidence on behalf of Timmings? (*A.*) Yes."

Q. 2588 :—"I wish you would explain what you mean as to that. You told us that the moment they were in the dock they protested against having been arrested and where they were arrested, and they also said they had come to speak on behalf

of Timmings. You understood that as a protest against being charged with any misconduct, did you not? (*A.*) I understood they were protesting against being brought there."

Q. 2594 :—"If that is the case, I should like to know what you mean by saying that you did not understand, as you told us on the last occasion that they were protesting that they were not under the influence of drink. Is not that a mistake on your part? Let me read you what you said? (*A.*) As regards the drunkenness, I do not understand they made any protest from beginning to end."

Q. 2599 :—"What part of it did you think they were protesting against? (*A.*) The particular place at which they were arrested."

By Mr. Dickinson :—

Q. 2698 :—"Did you see Dr. Gerothwohl offer you his card before that? (*A.*) Yes, I did; it was the same card that he was offering."

Q. 2699 :—"He was offering his card to you the whole time? (*A.*) Yes."

Q. 2700 :—"Why did you not take his card the moment he offered it to you? (*A.*) I myself was too far away to take it. It was taken within a very few seconds after, and the constable handed it over to me. He apparently did not want the constable to handle it. He wanted to give it to me himself. As a matter of fact, I was too far away, and if he had given it to the constable it would have been taken much sooner."

We have now called attention to all the portions of the evidence which have any important bearing upon what took place in the charge room. It does not enable us to arrive at an absolutely complete account of all the events that took place or the order in which they occurred, but still it enables us to form a fairly clear picture of the scene and to come to a sound conclusion as to what really took place.

Having examined the evidence, let us see how far the general account of Gerothwohl and Lavalette as to the scene in the charge room is likely to be accurate. The general inference which they ask us to believe is that the scene presented was of a somewhat extraordinary character, something like this :—In the dock a small weak prisoner weeping piteously; another prisoner gesticulating and shouting first in French and then in English; a third also shouting and flourishing his arms and vainly proffering his card, and moving from one position in the dock to another; ten or twelve or fifteen constables looking on "howling down" the shouts of the prisoners by the uproar made by their stentorian voices all raised at once; one constable forcibly snatching a stick from the hand of one of the prisoners and "deliberately" breaking it across his knee; an inspector carelessly sitting at his desk "pooh, poohing" the proffered card, and taking no pains to quell the disturbance. That is the kind of mental picture of the charge room proceedings which they presented to us. Can it be true? Can anything like it be true? At 12.10 a.m. G. G., a beggar, is brought in by P.C. Sennitt; he is regularly dealt with by Inspector Berry; all is orderly; Vine Street is practically empty save for the approaching procession of Timmings and the rest; then just as gaoler Walsey is taking G. to the cells Timmings arrives, and then Gerothwohl and Lavalette come upon the scene, and then in a moment the room is filled up; there is weeping and shouting in the dock, and ten or fifteen constables are drowning by their noise the protests of the indignant prisoners. It is evident to us that, whatever may be the truth as to the arrest of Gerothwohl and Lavalette, there is gross exaggeration in all this. Take the allegation as to the number of constables present. It is, as we have seen, as nearly certain as anything can be as to a point of the kind, that there were not more than five constables in the room when Inspector Randall came in a second time and saw the three prisoners in the dock. Gerothwohl multiplied the number of constables by three, and Lavalette by two. By reducing the number of constables present to the correct figures we have left only the gaoler who was attending to his duties, and perhaps P.C. Sennitt, with the three policemen concerned with the prisoners then in the dock. That four constables could make a great deal of noise if they tried is no doubt true. Whether they could have howled down Gerothwohl and Lavalette is not so certain, even if Inspector Berry gave them the opportunity of doing so. But there is no cause suggested for this misbehaviour on their part. If indeed

P.C. Isaacson and P.C. Wallington had just been guilty of the alleged wrong one does not see why they should be shouting at all. It seems to us it was P.C. Isaacson's cue to keep as calm as possible and to watch the turn of events. That he spoke loudly and authoritatively we are ready to believe, and that P.C. Wallington joined in the conversation is likely enough, but that they or P.C. Divers did so noisily, or that Inspector Berry would have permitted them to do so, seems to us highly improbable. The wanton breaking of Gerothwohl's stick, again, is a thing that arrests one's attention; it appears a thing very unlikely to have happened, and yet Gerothwohl and Lavalette seem to have no more doubt that in fact it did happen than that earlier in the evening they had listened to a temperance lecturer in Soho. This stick incident we examine below as part of a criticism of the whole story put forward, and we will only anticipate what we there say by observing that careful reflection as to this part of the story leads us to reject the allegation as to the intentional breaking of the stick as too improbable to be entertained.

In our opinion, Gerothwohl and Lavalette's acccount as to this part of the story is exaggerated and inaccurate in several important respects; and that conclusion is confirmed by a little bit of evidence that came out before us quite incidentally, and, one may say, accidentally. It so happened that Dr. Mitchell had been called in to examine a prisoner, F. F., who had been brought in five minutes before Timmings, on a charge of being drunk and disorderly, and at the time Timmings was brought in the doctor was in the Inspector's office making his entry as to that case in the Occurrence Book. Having finished that he went out into Q. 3196
the charge room; and he tells us that he saw three men in the dock. Though he could not swear as to their identity, it is obvious they must have been Timmings, Gerothwohl and Lavalette; he says there were three men there, and there was a stick, and the stick was broken in the struggle. We are not referring to this statement of Dr. Mitchell with a view to raising the question of how the stick came to be broken, but as showing that the Gerothwohl and Lavalette picture of the condition of the charge room can hardly be true, unless we are to suppose that Dr. Mitchell is deliberately suppressing what he saw. In fact, he went from the Inspector's office, passed through the charge room while the three prisoners were in the dock, and he went to his own place, and in the ordinary manner, without seeing anything particularly unusual in the charge room. If in fact there had been twelve or fifteen constables there it would have been rather difficult for him to get through easily, and certainly if they were all engaged in howling down the prisoners his attention would undoubtedly have been attracted to what we cannot help thinking must have appeared to him an entirely unusual state of things.

We may state here that in none of the communications made to us, and in none of the cases inquired into by us, except the one now under consideration, was any complaint or suggestion made of the kind of disorder in a charge-room alleged by Gerothwohl and Lavalette to have taken place at Vine Street when they were being charged. Nor have we been able to discover in the course of our Inquiry any instance in which a prisoner has complained of being silenced by clamour or not allowed by the Inspector an opportunity of being heard.

Disregarding the denials of the incriminated constables, and assuming, for the sake of argument, that they are men likely to be guilty of all the misconduct alleged, the more we reflect upon this matter the more convinced we are that the representation given by Gerothwohl and Lavalette of what happened in the charge room on this evening while they were in the dock is wholly exaggerated and distorted. It does not, of course, follow from that that their description of their own mental state as recollected by them is equally faulty and inaccurate. Their recollection may be right enough as to that, and, if so, it is clearly shown that they were in a condition of some mental confusion, whatever may have been its cause. It is agreed that the two prisoners were very excited, shouting out and protesting loudly. But there was absolutely nothing extraordinary in that, and it is clear the charge was regularly taken; it may be, as we have indicated above, that P.C. Isaacson was talking very loudly, and we daresay that Inspector Berry did the same, and that the proceedings were not conducted with so much quietude as they usually are in a Court of Justice.

We think, therefore, we may take it as ascertained that Gerothwohl and Lavalette were not howled down by the constables, but had a reasonable opportunity, if they themselves had been calm enough to take advantage of it, of telling their full and detailed story to the Inspector, the very man indeed whom they tell us they wished to see.

The Excitement of the Complainants.

We understand that the argument which Gerothwohl and Lavalette suggest to us is that their mental excitement was solely due to the illegal arrest and force of which they had just been the victims, and that this phenomenon itself shows that they had been subjected to the ill-treatment alleged. The validity of that argument depends upon the proposition that the sudden outrage they describe was under all the circumstances the only or most probable cause of their excitement.

That they were not drunk we know, and if we were certain that they were calm and orderly in Piccadilly, the fact that Gerothwohl and Lavelette immediately after they were placed in the dock behaved like furiously angry men, would strongly tend to show that something unusual must have happened before they were placed in the dock, and to that extent would afford corroboration of their account of a sudden attack just outside the entrance to the station. The whole force of the reasoning depends upon its being shown that there was no cause for the mental excitement other than the occurrence of this sudden attack. Until we are quite convinced that Gerothwohl and Lavalette were in no way excited from drink or other cause when they started from Piccadilly there seems to us to be very little in the point. That their mental state in the dock is consistent with their story is obvious; but it is not inconsistent with that of the police. Sudden arrest in Piccadilly may have caused it. The excitement of men arrested is often suppressed for a time and only becomes such as to give complete vent to itself when the full consequences of their predicament are brought home to them.

Nor are we sure that the kind of excitement displayed by the complainants was of the character that we should expect in men who had just been taken by surprise as alleged. Gerothwohl was in a great fury. That is his own description of his mental state. Emotions of anger and indignation undoubtedly upset one's mental balance, affect the soundness of one's judgment, and often involve complete loss of self-control. Angry and indignant men do things and say things which in calmer moments they would not do and say, even if their own feelings are justified by adequate cause; but we naturally ask ourselves, are such emotions likely to impair the senses to such an extent that you believe you see fifteen constables where there are only five, that you are being howled down by other people when you are really the only person howling, or that you see another man deliberately breaking a stick across his knee, when, in fact, it had been broken in the course of its being snatched from your hand? It is not a point upon which we ought to dogmatise, but our impression is that anger and indignation alone are hardly causes for such illusions. Again, the utterance of threats of vengeance or punishment, is the commonest forms that excitement due to anger produces, but is it usual that a threat should be of a futile and childish character? That was so according to his own account in Gerothwohl's case. He positively thought that he could frighten Inspector Berry by saying that he would write to the Provost of Trinity College, Dublin. Does that look like the threat of a man of twenty-seven whose mind is unbalanced simply by anger? It may be so, but it seems strange.

The matter must be left there. The suggestions which we have made in the course of these observations are matters which we must consider in connection with all the other facts which are proved beyond all reasonable doubt.

Admissions of Inspector Berry.

Let us now see how the evidence stands as to what Gerothwohl and Lavalette said as to their arrest, and what they really conveyed by their words to the Inspector.

Both gentlemen are quite in accord as to the cause of their giving up their intention of going home in a "bus" and going to Vine Street; and when they started from Piccadilly their intention was to complain, not about the fact of Timmings being arrested but about the brutal manner in which it was effected, and that when they got to the entrance to Vine Street Station they were arrested under the circumstances which have been more than once stated. Let us ask ourselves what, supposing that they had been entirely calm, they would have said, when they found that the tables were so suddenly and adroitly turned upon them, to the Inspector, who was the very man whom they wished to see. They would have assuredly told their story much as they told it to us, and the two main points as to which they would give information to the Inspector would be the fact that Timmings had been brutally ill-treated, and that they had been arrested at the very entrance to Vine Street Station just as they were coming in voluntarily to tell the Inspector what they had seen of that ill-treatment. We think there is no doubt that, notwithstanding the excitement under which they were labouring (whatever may have been the real and effective cause of it), they did use expressions while in the dock which show that both these ideas were in their minds. How far they succeeded in conveying to Inspector Berry precisely what they intended to say is another question. It is a little odd that Gerothwohl's evidence is the less precise upon this point. If the evidence which we have just set forth is looked at, the effect of what he tells us is that he was "protesting" that he had come to the station of his own accord to give information about this third man Timmings. That was the substance of his protest. We cannot find that he anywhere stated that Timmings had been brutally treated, or that he himself had been arrested on the way to the police station or on the steps of the police station, or any precise words of the kind. Lavalette said that he tried to explain why they had come, and that at the door of the police station they had been set upon by the police, and, according to his recollection, he did in fact succeed in saying so. Neither alleges that he told anything like a detailed or consecutive story of what had taken place, nor, if their view of what occurred in the station is correct, was it possible for them to do so.

The important thing for us at the present moment is not so much what these gentlemen *think* they said but what the police witnesses admit that they heard them say. Neither P.C. Isaacson nor P.C. Divers gives us any specific information as to the words or phrases used by the two prisoners. The most important answer given by P.C. Wallington on the point is that to Q. 1639, namely, that Gerothwohl said he was on the way to the station to complain of the brutality of the police when he was arrested and pushed up the steps, though subsequent answers indicate that he did not really understand that the complaint was of brutality to Timmings in particular. In that answer we obviously have the two elements that one would expect to find in the complete statement if the prisoners were either calm enough to make or had the opportunity of making it, namely, a complaint of brutality and of being arrested on the steps of the station. We have considered very carefully the evidence given by Inspector Berry, which has just been set out above, and, so far as we can see, there is nothing at all in it that can be taken as an admission that he heard anything about brutality of the police or brutality of the police in the treatment of Timmings. But though that is so as to the literal use of the word "brutal" or "brutality," he did not say anything before us to qualify his statement before the magistrate that they (Gerothwohl and Lavalette) "said they were coming to speak about Timmings being badly treated." The clearest admission made by the inspector was that contained in his report where he says :—"In the dock Gerothwohl stated that he and Lavalette were coming to station to hand in their cards on behalf of Timmings and were arrested on way here." That statement was admitted by him in his evidence before us, and we do not think that the admissions made by him can be carried any further than that. If so, according to Inspector Berry, the effect of the words spoken by the two prisoners, so far as he gathered them, was (1) That they were coming to the station on behalf of, or to give their cards for, Timmings; and (2) That they were arrested on the way to the station. It cannot, therefore, be said that Inspector Berry heard anything said by the prisoners from which he was necessarily bound to infer that they had been arrested at the entrance to, or on the steps of, the station. This, of course, may be perfectly consistent with P.C. Wallington's answer that he heard Gerothwohl say that he was arrested and pushed up the steps. Under the circumstances he may have caught a phrase that the inspector

Qs. 2398, 2585.

failed to hear or *vice versa*. It seems that one may properly conclude that when he took the charge the inspector knew well enough that Gerothwohl alleged that he and his friend had been arrested while coming to the station, either to make some complaint as to the treatment of Timmings or to give evidence in his favour. Further than that we do not think we ought to go. We cannot say that Inspector Berry admitted that he understood that the prisoners meant they had been arrested at the entrance to the station. He himself told us that if he had understood the protest to mean that he would have made inquiries upon the subject.

In considering the view which we ought to take of the inspector's conduct we shall have to return to this point. Here we have to consider the bearing of his admission upon the question we are now considering, namely, the place of arrest. Without putting the matter too high, we think it may be alleged that it affords forcible corroboration of the complainants' statement that they were arrested at the entrance to the station. It may be urged on their behalf that the moment Gerothwohl arrived, confused and furious, in the dock, and recovered his breath he used words, incoherently it may be, but still unmistakeably indicating that he and his friend had just been set upon and wrongly arrested while on the way to the station to say a word on behalf of a third prisoner; that the allegation that the police had committed a gross outrage was not a mere afterthought, and that the story told with circumstance at the police court was not a fabrication made with the object of extricating themselves from the scrape into which they had got with some credit to themselves as the defenders of public liberty against the tyranny of the Force. The argument may be pushed further. It may be said that if the police story be true, if they had been disorderly in Piccadilly and arrested there, there was absolutely no reason why the notion that they had been set upon on the way to the station should have occurred to their minds, since the mere fact of their saying they were not arrested in Piccadilly would not help them at all under the circumstances; that, according to the police account, though excited, they had been proceeding to the station quietly; and that, making every allowance for any extra excitement that may have resulted from the full realisation of their position when they were placed in the dock, there was absolutely no reason for their sudden and violent protestation that they had been arrested while on the way to the station unless something of the kind had happened. It is not necessary to pursue the argument because its strength is very obvious, and it does seem when put thus to be a very strong point indeed in favour of their allegation.

But let us consider a little more closely the weight to be allowed to this argument. Stated baldly, it comes to this:—Gerothwohl asserted while in the dock that he and Lavalette had been arrested, not in Piccadilly, but while on the way to the station to speak on behalf of Timmings; and therefore it is probable that he was arrested while on the way to the station. The ground of the probabilty which it is sought to deduce from Gerothwohl's assertion is, that there could, under the circumstances, have been no reason for Gerothwohl's inventing a lie or no possibility of his making a mistake as to the place of arrest. Why, it may be asked, should Gerothwohl have thought of protesting that he was arrested near the station if it were not the case?

Though it is admitted by the police witnesses that he did make the assertion that he and Lavalette were arrested while on the way to the station, its truth is denied by them. We are here face to face with the main issue, and we must recognise the possibility that Gerothwohl's statement in the dock may have been a mere invention. In considering that possibility we ask ourselves was there any motive for his telling a lie? Assuming the police case to be true as to the place of arrest, whether he and Lavalette had or had not foolishly joined in the disorder his position was a decidedly awkward one for a University teacher. He knew he was sober and may have felt no doubt as to getting off on that head, but he may have too readily concluded that simple denial of the disorder as against the word of constables was not a defence likely to be accepted by a magistrate. In custody, rapidly reviewing his predicament during the walk from Piccadilly to Vine Street, he may have hit upon the notion that it would be well to take the line that he and his friend were unjustly arrested because they were coming to the station to complain of the police. It may be said that such a suggestion in the case of a man of Gerothwohl's admittedly good character is extremely unlikely, and we see the force of the observation; but we at the same time have to bear in mind that men usually honest and men usually wise, when suddenly placed in situations

of difficulty and embarrassment which may affect their reputations and their careers, do upon impulse very unwise and sometimes dishonest things. We also have to remember that to accept the truth of Gerothwohl's assertion involves our finding that two constables whose characters stand as high as those of himself and Lavalette have undoubtedly committed perjury. We have, however, not to decide the question thus raised by reference only to the evidence as to the charge-room proceedings, but upon all the material before us.

We must add too that if Gerothwohl's assertion in the dock was untrue in fact, it is possible that he may have made it under a mistake due to mental excitement. If from a combination of causes, Gerothwohl and Lavalette were already in an excited and somewhat hysterical condition, then it may be that they mistook the increased pressure caused by the constables rapidly guiding them up the steps, along the corridor and into the dock, for a violent and forcible arrest. It is not unusual for an arresting constable when he has brought his prisoner to the door of the station to tighten his grip, because experience shows that even a quiet prisoner on reaching the door of what may become a prison often exhibits a certain reluctance to go further which may end in an attempt to escape. Some support is afforded to the suggestion that they may have been mistaken as to the character of what took place on their arrival at the entrance by a careful examination of their description of the attack on them in the light of what we know about the number of constables in the charge room at the time. The conclusion one is forced to come to is that in the description of the attack as in regard to several other parts of the story there is exaggeration on the part of Gerothwohl and Lavalette, and we ought not therefore to overlook the possibility that they may be mistaken as to the extent of the force with which they were pushed up the steps and into the charge room. There is no allegation at all of any blow being struck; their hats do not appear to have been jerked off; they retained their sticks—at least Gerothwohl did; Lavalette's clothes were not disarranged; Gerothwohl said his collar was damaged, but only so slightly that he was able to put it right before leaving the station or on the way to Kensington. These considerations all tend to weaken the argument founded on their statements in the dock.

That argument seems to us the strongest that can be urged in favour of the complainants, but we cannot determine its real weight until we have fully examined and criticised their story.

Police Case as to the Place of Arrest.

The police meet the complainants' case with a categorical denial of all the material incidents alleged from the moment at which Gerothwohl and Lavalette first saw Timmings to that at which they were placed in the dock, and set up a counter case which is shortly summarised at the commencement of these observations.

In considering the issue as to the place of arrest we get no sure assistance from the evidence of P.C. Isaacson, P.C. Wallington, and P.C. Wellbelove, since as to that point it simply amounts to a contradiction of the complainants' case and an affirmation that the latter were arrested in Piccadilly; and we can find no satisfactory ground from our observation of their demeanour in the witness-box or from anything which came out during their examination before us for believing them in preference to Gerothwohl and Lavalette. Besides, they are the men who are most directly incriminated.

In dealing with the issue as to the place of arrest, we therefore think it well for the moment to put on one side their statements as being data which cannot in an inquiry like ours be allowed in the first instance to lessen such strength as the substantive case of a complainant may possess.

The evidence of P.C. Divers, however, on this point is of the greatest importance. Q. 1859, &c.
He told us that when he left his patrol in Sackville Street, he went to the assistance of his comrades in Piccadilly, that P.C. Isaacson handed over Timmings to him there, and that he thereupon took his prisoner alone to the station through Swallow Street without seeing any other arrest effected. If that is true the

Gerothwohl and Lavalette story is contradicted in a most material particular, as both gentlemen are positive that they followed P.C. Isaacson and Timmings right up to the entrance of the station, and saw another constable (P.C. Divers) take hold of Timmings at the corner of Swallow Street and Piccadilly. That P.C. Divers was perfectly sober and took no part in the arrest of Gerothwohl or Lavalette are unquestioned facts. If his statements are true, he behaved in strict accordance with his duty as laid down in the regulations; if he acted as Gerothwohl and Lavalette say, he was guilty of a breach of discipline for which the ascertained circumstances disclose no sufficiently strong motive. The only interest that he could have had in giving false evidence was a possible desire to shield his fellow constables if they had been guilty of misconduct, for he was in no way incriminated by the allegations of the complainants. The only plausible suggestion which can be made against his veracity is that a feeling of comradeship induced him to perjure himself. We are not inclined to minimise the strength of the inducement or of the *esprit de corps* which exists among the police. If he had been giving evidence for the first time in the matter before us when the case had become notorious and everyone seemed to feel that the police of the C Division were on their trial, we should certainly have felt bound to look upon his evidence with some suspicion. But two things lessen the suspicion which might be reasonably felt as to his evidence. First, his statement as to the handing over of Timmings to his care is confirmed by that prisoner, though he puts the place of the handing over "at the top of Swallow Street," and not the corner of that street and Piccadilly. Secondly, P.C. Divers gave at the Police Court, on Wednesday, the 11th April, precisely the same evidence that he gave before us. No reports, it should be noted, had then been called for and they were not made till two days afterwards, *i.e.*, on the 13th April.

Criticism on Gerothwohl and Lavalette's Story.

Before deciding what weight we ought to give to P.C. Divers' evidence, and before finally weighing and comparing both stories, it seems well to examine Gerothwohl's and Lavalette's story with a view to considering its probability as a whole, and in detail by reference to the ascertained facts of this particular controversy, and in the light of one's knowledge of human nature and experience of life. That is always a legitimate course to pursue when one has to choose between two contradictory narratives.

Q. 259. The moment we commence to apply to the Gerothwohl and Lavalette story the test of probability, taking it exactly as presented by them, we find difficulties in the way of its acceptance which it seems to us are not easily to be removed.

The story starts badly. Gerothwohl and Lavalette were proceeding down Piccadilly in order to take their 'bus home, and when they got as far as the church, P.C. Isaacson "pushed past them quickly and then roughly pushed" and arrested "a young man walking quietly with his hands in his overcoat pockets in front of them by the side of the kerb." There was no crowd round them, though there was a crowding "a good many yards ahead," and "people were very rowdy behind." It was not the fact, but the method of arrest that attracted the attention of Gerothwohl and Lavalette. It is the fact of the arrest under such circumstances more than the manner of its accomplishment that attracts ours, for we must confess that it appears to us extraordinary that a sober and experienced police constable like P.C. Isaacson, with scores of persons, as it seems, "shouting and booing" within a few yards of him to choose from, should suddenly pounce upon this small and inoffensive pedestrian as the object of his unpleasant attention. It is surely very unlikely that the affair really commenced like that. That P.C. Isaacson "pushed" past Gerothwohl and Lavalette, much as the former says, is probable enough, and is quite consistent with what he himself said. If Timmings was walking quietly alone P.C. Isaacson's action seems so wanton that one finds it difficult to believe it. What motive can be suggested for such an obvious neglect, or for such a ridiculously inefficient way of doing his real duty? It can hardly be that he was afraid, and that, feeling it incumbent upon him to arrest somebody so as to make it appear that he was zealously doing his duty he seized upon a man whom

it was obviously quite easy to arrest, for the police constable's sheet shows commendations of so many acts of bravery as to make any suggestion of cowardice quite untenable. Can it have been bad temper? Hardly, for nothing appears to have occurred to annoy him or P.C. Wallington or the police in general. Lavalette told us his opinion then was "that the police were doing their work well and patiently." Gerothwohl testifies Q. 852. that they appeared to be very efficient, and they appeared to be doing what they could to restrain the people; they were smiling; they had "the genial smile which is characteristic of the London bobby," and were "taking it" (that is the disorder) "very Q. 598. indulgently so far as they could."

In all cases of this kind great attention should be paid to the commencement of the affair. Gerothwohl and Lavalette can hardly, if they were quite calm, and if they had the opportunity of observing, be mistaken as to the circumstances under which Timmings was arrested. What they tell us, however, as to that arrest seems singularly unconvincing, and their account of the matter is the first improbability which we noticed about their case.

The Alleged Brutality.

There is another point closely connected with that which we have just considered which deserves attention. We can discover nothing which clearly shows that Timmings, however he was handled by P.C. Isaacson, was really hurt by his treatment; there is no allegation by anyone that he was bruised or wounded. Gerothwohl, Lavalette and Timmings himself go no further than to say that he was pushed; and having regard to the fact that he was recovering from an illness and, in the opinion which we have formed, also under the influence of liquor, we think a very slight touch might cause him to fall down. However that may be, it did not strike us, when listening to Gerothwohl's and Lavalette's account that the conduct of the police officer could possibly be described as brutal, or as necessarily implying the use of force greater than was reasonable under the circumstances for the purpose of apprehension.

The matter is not without importance, for it must be borne in mind that it was the exceeding brutality of P.C. Isaacson's attack on the young man quietly walking before them that attracted Gerothwohl and Lavalette's attention, aroused their surprise and indignation and induced them to decide to go to the station to give their cards to the Inspector. The fact of the arrest *simpliciter* may have surprised them, but as they do not affect to have heard anything the constable said they could not know for what the quiet young man was being arrested, and, under the circumstances, they could have hardly thought that the charge was one of being drunk and disorderly; for Timmings appeared to them to be quite sober. It was the manner of the arrest which led them to think that they ought to make a report to the constable's superior officer. We confess that by Gerothwohl and Lavalette's own account the occasion seems somewhat trivial. As we have said there was no blow with the fist and no bruise or wound was produced, and, what is more significant still, it is not said by anyone that Timmings cried out as if in pain. Timmings himself before us and in his conversation in the cell referred to his treatment in what we should think mild language, if indeed he had any real complaint against the way in which his apprehension was effected. Before us the impression left on our minds was that the real complaint was of the injustice of the arrest. However, it should be noticed that in the cell he said, according to Gerothwohl, "that he felt very ill because he had been thrown. He was ill before but that made him worse—something to that affect." Gerothwohl said he heard Timmings "simply say that he had been hurt by his fall. I heard him say something to that effect in the cell." Q. 391. When categorically asked whether Timmings complained in his (Gerothwohl's) hearing of any of the police constables he said (be it noted not quite consistently) "No; he was weeping all the time, and I heard him apologise." That may perhaps and Q. 392. probably does refer to Timmings' conduct in the dock or in the cell. Timmings' own account of the conversation in the cell is not quite the same and certainly he makes little of the "push" and the consequences. Asked if he had a conversation with Gerothwohl he said: "Yes, he asked me if I was hurt, and I told him not much to make a fuss about, but I felt a little pain." Then he added: "I also told him about Qs. 3495 to the illness when we got to know each other. I told him it was more illness than 3497 drunkenness, and that the constable had made a mistake." That looks to us as

though it were Gerothwohl who was suggesting to Timmings that he had been badly treated, and not Timmings, who was of his own motion complaining of ill-treatment. Certainly what was uppermost in Timmings' mind was the arrest itself and not the way in which the police-constable effected it.

Taking the whole of the evidence on this point into consideration it seems that P.C. Isaacson cannot have been guilty of any such treatment of Timmings as could with any propriety be called "brutal." If that be so, the reason given for their intended remonstrance to the inspector by the complainants is certainly not a very strong one.

Intervention of P.C. Divers.

There is another feature of the complainants' story which invites criticism, and that is what we may call the intervention of P.C. Divers. Very great importance attaches to this point. In the ordinary course of duty only one police officer is supposed to be required to take a prisoner to the station, and it is only one who is required to make the charge. No officer on duty, whether on point duty, or on beat, or on patrol duty, is allowed to leave his point, beat or patrol without adequate cause. If the account given by Gerothwohl and Lavalette be true, and the police officers concerned did their duty in the ordinary way, P.C. Isaacson, who had effected the arrest, would simply himself have marched the prisoner off to the station, for there is no suggestion of any interference by any one with him, or of any crowd following, or of any likelihood of attempted rescue. Neither P.C. Wallington nor any other officer in Piccadilly could without breach of discipline have accompanied him to the station and into the charge room. If Gerothwohl and Lavalette's story is true then not only P.C. Divers but also P.C. Wallington was guilty of a serious breach of duty.

Let us consider the point more closely. P.C. Divers is a young constable who, however, had had at this time about two and a half years' experience. It cannot be suggested, therefore, that he had not had ample opportunity of learning the elementary duties of his business. P.C. Divers seemed to be a constable of more than ordinary intelligence; he spoke with a clearness above the average; and he gave us the impression of being a very capable officer. He must well have known (it is almost idle to suggest that he did not) the rule as to leaving his beat. His defaulters' sheet is clean, and we certainly thought him on the whole the best witness who came before us in this case to give evidence on crucial points except Sherrington. As to the question whether Gerothwohl, Lavalette, and Timmings were arm-in-arm when the last was arrested, whether P.C. Isaacson used unnecessary violence in Timmings' arrest, and whether Gerothwohl and Lavalette were arrested in Vine Street, he could not say anything consistently with his own description of the way he came upon the scene. According to him (and there is no contradiction upon the matter) he had been on point duty (*i.e.*, regulating traffic, etc.) from 7 p.m. to 10 p.m., and then he was told off to take up a patrol at Sackville Street, and his duty under that order was to walk up and down that street. From a little after 10, when he took up that duty, down to a few minutes past midnight he had been patrolling Sackville Street. At that time a great noise in Piccadilly attracted his attention. Having regard to the fact that it was a Saturday night, and the consequently crowded condition of the streets, it was his duty to observe and to see if his aid was required for keeping order. If he came to the conclusion that the police in Piccadilly required assistance, even though not summoned by police whistle, it would be his duty to go to their assistance. He tells us that in the exercise of his discretion hearing the noise he went down to the corner of Sackville Street and observed; and seeing what was taking place he went from the corner of Sackville Street to cross Piccadilly diagonally; and as soon as he got on the opposite side of the road, just opposite the Church, before he got on to the path P.C. Isaacson handed over to him Timmings, and he took him to the station. He saw nothing of any other arrest. We know it is common ground that P.C. Divers did accompany Timmings to the police station, but the complainants and Timmings do not agree as to the place at which P.C. Divers first came into contact with Timmings. It is, of course, of the essence of the Gerothwohl and Lavalette story that P.C. Isaacson took Timmings to the station, and they say that it was at the corner of Piccadilly and Swallow Street that P.C. Divers joined Timmings, who was then in the custody of P.C.

Qs. 1919–2023. Q. 2017. Qs. 1921, 1922. Q. 1860. Q 259

Isaacson. Timmings does not agree with Gerothwohl and Lavalette on this point, for, according to his recollection, P.C. Divers joined him at the top of Swallow Street. Be it noted that if Gerothwohl and Lavalette's statement on this point is correct, P.C. Divers would be apparently without cause committing a breach of discipline in going with P.C. Isaacson and his prisoner to the station and in entering the charge-room. We say "apparently without cause," because it seems ridiculous to suggest that P.C. Isaacson required any assistance whatever in conveying so quiet and small a prisoner to the station. If there had been reason to fear a rescue and P.C. Isaacson requested P.C. Divers to come with him, the case might be different, but Gerothwohl and Lavalette agree, and in fact all the witnesses agree, that Swallow Street was practically empty at the time, and make no suggestion that any crowd was following in procession. Why then should this constable run the risk he did and commit a grave breach of discipline? Even if he went only as far as the entrance to Vine Street Station he ran the risk of meeting his sergeant, who would undoubtedly, if he did his duty, have reported him for being off his patrol. If he went into the charge-room, he would have found himself before Inspector Berry, who would have asked him why he was there. P.C. Divers tells us he committed no breach of discipline at all, and why should we disbelieve him? To our minds, he was an honest witness trying to state in language as accurate as possible exactly what he remembered of the events on the night in question; and one thing that struck us very forcibly in support of his general credibility was the fact that, though he might without running any grave risk of its being said that he was giving false evidence, if he were inclined to shield his comrades by departure from the truth, have sworn that he saw the five men arm-in-arm and the arrest of Timmings, and possibly that he looked back and saw P.C. Wallington arrest Gerothwohl, and P.C. Isaacson arrest Lavalette, he said nothing of the kind. His restraint in this regard argues very much in favour of his credibility. Q. 3446.

As to the fact that the intervention of P.C. Divers in the way stated by Gerothwohl and Lavalette would amount to a grave breach of duty, reference may be made to what was said by Sub-divisional Inspector Mackay upon this very point. He told us that P.C. Isaacson and P.C. Wallington being on patrol duty it would be a breach of their duty to leave their patrol without some good cause; and then his examination proceeded thus:—Q. 3178. Supposing, for instance, they had properly gone to St. James's Church to deal with this crowd, would it have been a breach of their duty to have left it and to have followed these gentlemen to Vine Street unless they had arrested them? (A.) They would not certainly be justified in handing a prisoner over. Q. 3179. He certainly would not be justified in handing over a prisoner unless he had another himself? (A.) That is so. Q. 3180. Supposing Timmings was the only one arrested there would have been a breach of this man's duty to leave the crowd at St. James's Church and go to Vine Street? (A.) Distinctly so. Qs. 3176–3180.

The rule in the White Book in defining the duty of a constable on beat lays down that he may leave his beat "to act in cases of fire, accident or other emergencies." We think it is clear that this disorder in Piccadilly was a case of emergency, and if so, P.C. Divers was quite right in going into Piccadilly to see if assistance in keeping order was required. If his assistance was not required it was his duty to go back to his beat at once; but in fact, according to him, he was required, as P.C. Isaacson having another person to arrest he had a right to hand over Timmings to P.C. Divers. We may add that from what we have gathered in other cases very great importance is attached by superior officers to any leaving of a beat or patrol by a constable on duty. Of course there may be cases in which it may be quite proper for two constables to take one prisoner to the station, but it is quite unusual. The evidence in Riley's case affords an illustration of the difficulties which sometimes arise in the application of the rule. There a police-constable on point duty followed a prisoner who had just been arrested within his sight by another constable for a short distance (*i.e.*, left his point), and that circumstance being pointed out the explanation given was that it was not unusual to do so until a prisoner had been taken a little way, and it became plain that one constable would be able to take him to the station, and there the constable, not being satisfied followed his comrade and the prisoner and found that the latter had attempted to get away. But here there could, as it seems to us, have been no excuse at all for P.C. Divers accompanying P.C. Isaacson and his prisoner at all. Pp. 557, 558

Under these circumstances we are entirely at a loss to understand why P.C. Divers should have run any risk by committing such a grave breach of discipline, or why P.C. Isaacson, having regard to the time when he was joined by P.C. Divers, even taking Gerothwohl and Lavalette's account as to the place to be accurate, and seeing that P.C. Isaacson could not possibly have had, at the time, any idea that Gerothwohl and Lavalette were coming to the station, should invite by speech or sign P.C. Divers to commit such misconduct. Our conclusion is that the intervention of P.C. Divers is not even plausibly accounted for by the complainants, and its taking place under the circumstances they state, adds another grave improbability to the truth of their story.

The Stick Incident.

There is yet another part of Gerothwohl and Lavalette's story which seems to us highly improbable, and which is also of some importance as throwing light on the state of mind of those gentlemen—we mean the account they gave of the way in which Gerothwohl's walking stick came to be broken in two in the charge room. According to their story, P.C. Isaacson pulled Gerothwohl's stick away and deliberately broke
Q. 260. it across his knee. There can be no question that if the constable in fact broke the stick in that way he was guilty not onlyof grave but of silly and ridiculous misconduct, which must, whatever leniency Inspector Berry may be supposed to have been willing to display, have led to rebuke by him, and consequent punishment. Considered as an act of misconduct the incident is, as far as we are concerned, only of secondary importance if he had already been guilty of the still greater offence of violent and illegal arrest. The incident is, however, of some significance for us in our attempt to arrive at the truth of the whole story.

Let us first see what Gerothwohl says. After describing what he had been
Q. 260. saying and doing, and what his state of mind was, he says "At that moment I was holding the rail of the dock, and with my stick alongside. I was flourishing my card
Q. 825. with the other hand. P.C. CR 43 (P.C. Isaacson) pulled my stick away and broke it deliberately across his knee. The pieces were produced at Marlborough Street."
Qs. 3468, 3470, 3473. This account is entirely confirmed by Lavalette and Timmings.

The police witnesses, on the other hand, all agree in saying that the stick was broken in a struggle while Gerothwohl was in the dock. P.C. Isaacson's account is—
Q. 1119. "Just before they were charged, Gerothwohl was asked for his stick, but he refused
Q. 1120. to give it up and raised it like that (*illustrating*). P.C. Wallington asked him."
Qs. 1120–1123. Gerothwohl did not give it up, and "there was a struggle to get it away, and in the struggle between the police constable and the prisoner it was broken."
Q. 1125. The pieces were handed by P.C. Wallington to P.C. Isaacson. P.C. Wallington's account is
Qs. 1590–1601. similar. He explained that in order to wrest the stick which Gerothwohl was holding up he took hold of it in two places and tried to twist it out of Gerothwohl's hands, and that in that operation it was broken.

Qs. 1875–1876. P.C. Divers gives substantially the same version.

Inspector Berry also gives an account which tallies in substance with that of P.C. Isaacson and P.C. Wallington, but he added that he as well as P.C. Wallington asked Gerothwohl to give up the stick.

This is substantially the evidence. That the stick was taken forcibly from Gerothwohl and that it was broken are therefore facts beyond doubt. According to Gerothwohl and Lavalette's evidence, given as the result of immediate ocular observation, it was broken intentionally by P.C. Isaacson. We pass over Timmings' evidence on this point as being less circumstantial and positive, and as being that of a man probably considerably under the influence of drink. According to the equally positive evidence of Inspector Berry, P.C. Isaacson, P.C. Wallington, and P.C. Divers, given before us and based on the same immediate ocular observation it was broken accidentally. Gerothwohl says that P.C. Isaacson "deliberately" broke the stick across his knee. There is no suggestion
Qs. 494 and 495 in his or in Lavalette's evidence that P.C. Isaacson was in a passion, unless the statements that "they" (the constables) "joined in the uproar" and "talked as

loudly" as Gerothwohl was talking, may imply that that was the case. Besides, there is nothing at all in the whole story as told by Gerothwohl and Lavalette to show any cause for loss of temper. There had been no kind of provocative action on Gerothwohl's and Lavalette's part except their coming to the station; and the whole burden of their story is that P.C. Isaacson and P.C. Wallington suspected their intention and trapped them on the steps of the station by subtly concerted action of a very cool and adroit character. Assuming Gerothwohl and Lavalette's story to be true, the cue of P.C. Isaacson and P.C. Wallington would be to be eminently cool, quiet, and correct in the charge room. So it seems to us that this possible explanation of P.C. Isaacson's action must be rejected.

Bearing all these things in mind we think that the account given by Gerothwohl and Lavalette as to the breaking of the stick is so highly improbable that we have come to the conclusion that it is untrue in fact, though it is possible that they honestly believe that they saw what they alleged. Whether the inaccuracy of their account of this incident be due to an intentional attempt to deceive the magistrate and ourselves and aggravate the misconduct of the constables, or whether it be due to their being so confused and excited that their senses were not to be trusted, it is in our opinion very damaging to the credibility of their case.

The Details of the Alleged Illegal Arrest.

We now come to consider for a moment the details of the alleged arrest in Vine Street; and it seems well to compare the accounts of Gerothwohl and Lavalette in order, among other things, to try and determine if we can with some precision the constables who were guilty of the misconduct involved.

After referring to the fact that P.C. Divers came up and accompanied P.C. Isaacson and Timmings up Swallow Street, Gerothwohl continued—"We followed, gradually gaining on them, and towards the middle of Swallow Street we were nearly abreast, when Mr. Lavalette stepped forward to look at No. 43, who was on the extreme left, to take his number. We then turned the corner of Swallow Street and Vine Street, and just as we were turning I just glanced like that (*describing*) and I saw a unit in blue—of course it was a policeman in his blue uniform. I did not stop to look at him, but I saw there was a policeman standing there. Then we proceeded behind them very closely towards Vine Street Police Station. Just before we reached the station I noticed there were two policemen standing on each side of the entrance. *There* was No. 43, *there* was Timmings and the police constable, who turned out to be No. 427 C, well in front, we following. Just as I put my foot on the first or second step I was seized behind, shoved forward up the steps, and on the staircase Police-Constable 43 let go of Timmings, turned round, and facing me this way he seized me, twisted me round, and flung me on to another constable. That constable flung me back. I was again seized by No. 43, and twisted into the dock. As I was twisted into the dock I saw Mr. Lavalette following, spinning round from one policeman to another. It reminded me rather of a game of skittles with human pins, in which, I am afraid, the ball suffered more than the nine pins." Q. 259.

Now according to that account P.C. Isaacson and P.C. Divers were on the steps ahead of Gerothwohl at the moment of his seizure. He was seized from behind. By whom? Apparently by one of the two constables who, it is said, were at the door. No others are mentioned by him as being in Vine Street, and the only other constable referred to is the one whom he saw just as they were turning the corner of Swallow Street and Vine Street. This constable may be identical with the constable whom Lavalette saw following them some yards behind, and if so it would seem to be P.C. Wallington. Notice then two facts. P.C. Isaacson was not the first aggressor. He cannot have seized Gerothwohl from behind, and as Gerothwohl's account stands, it was one of two constables at the door, neither of whom can have seen anything of the preceding events, who first attacked him. Taking that to be the case we then have it that P.C. Isaacson turned round and faced him, seized him, and so forth. That looks as if P.C. Isaacson expected the assault. What induced one of the two men at the door or both to seize Gerothwohl? It must have been some sign given or some words not overheard by Gerothwohl uttered by P.C. Isaacson while he was passing the two men at the door that induced the assault, unless we are to believe

that one of the men at the door did so spontaneously of his own motion. However, there the matter is, and the story does not seem to us to be a very likely one. If Gerothwohl and Lavalette were coming in a noisy, threatening, and aggressive manner to the station, and had had an altercation with the man at the door, the thing might be possible enough, but there is no suggestion that that was the case at all.

Now let us see what Lavalette says. Having described the arrest of Timmings
Q. 822. he then proceeded, "We followed, and we went straight to Swallow Street, towards the east corner of Swallow Street. They crossed to Swallow Street from the west to the east, and we went on to the east side, and therefore in the middle of Swallow Street we joined them. At that time we were all five quite alone. I stooped over to look at Isaacson's number, as I thought he had been treating Timmings wrongly. I have forgotten to say that at the corner of Swallow Street the Constable Isaacson was joined by another constable from the other side, and Timmings was marched
Q. 823. off between the two to Vine Street." Then when he got to the top of Vine Street he says: "Then looking over for his number I noticed a man walking behind,
Q. 824. about 10 feet—a constable." Then he said: "That was a third constable in the
Q. 825. street. We then crossed to Vine Street, and in the middle of Vine Street we may have fallen back a few paces. I was walking along, but it was rather dark, and I wanted to make my charge founded before I charged him, as I was going to. Just as I was doing that the policeman who had been following us seized me by the arm and pushed me against the wall, when another policeman took hold of me and I was pushed against another policeman on the steps, and finally I found myself in the dock. I was absolutely dazed in the dock. There I found Timmings and Dr. Gerothwohl. I was in the middle, between the two." Notice Lavalette did not see any constable standing near the corner. He did notice, however, what Gerothwohl did not notice—a man following behind. This man may have been identical with the police-constable whom Gerothwohl saw "standing there." Of course, there could be no mention of P.C. Wallington by name at that time, for Lavalette had not, and indeed could not, according to his story, have noticed him at all, and yet undoubtedly a moment afterwards when Lavalette was in the dock P.C. Wallington was in the charge room. It looks, therefore, as if the man whom Lavalette noticed walking behind was P.C. Wallington, and if so, it cannot well have been P.C. Wallington who first assaulted Gerothwohl, but it may have been he who seized Lavalette's arm and pushed him against the wall, though it ought to be mentioned here that the presence of P.C. Wallington in Vine Street when he ought to have remained on patrol is in no way accounted for in this evidence.

Comparing the two accounts, we are bound to say that though there are some slight discrepancies, yet the wonder is not that there are discrepancies, but that the two stories agree so well. It was of the essence of the police plan, if there was such a plan, that the attack, the rushing into the charge room and into the dock, should be performed quite quickly and in a manner to surprise those attacked, and it cannot be expected that people thus taken off their guard and subjected to such unusual and confusing violence should be able to tell what took place, especially as it was night time, with very great precision. We do not attach any importance at all to discrepancies in the story, but we do attach importance to the fact that both agree in the view that P.C. Isaacson was not the first aggressor. If P.C. Isaacson had indeed brutally treated Timmings, and felt that he had done wrong, and noticed that he was being followed by two men under circumstances which gave him reasonable ground for believing they were coming to the station to expose him, we could understand his stopping (allowing P.C. Divers to go on into the station with Timmings) and picking a quarrel with the two men, relying on the aid of P.C. Wellbelove and of any other constable who might be about, causing them to be arrested, and charging them with interfering with him in the execution of his duty. But that is not the case at all. It is not he that takes the first action, and it is not even P.C. Wallington (who was following, if we are right in surmising that the man whom Lavalette saw was P.C. Wallington). It was one of two constables who knew nothing about the affair, and could know nothing about the affair. Even if P.C. Isaacson did signal in some way to P.C. Wellbelove or to somebody else that he desired the arrest of the two men following, it seems to us very extraordinary that, however much they might desire to please P.C. Isaacson or to support him in anything he had done, P.C. Wellbelove should run the risk naturally involved in an assault upon two seemingly quite sober men, who were certain the moment they were in the dock to allege that

they had been subjected to so gross an outrage. The difficulties in the way of their account being believed were fully present to the mind of Gerothwohl, at any rate. In cross-examination by Mr. Eldon Bankes the suggestion he makes is that P.C. Isaacson guessed why they were coming, "If he knew he had made a mistake," and nodded or made some sign to the police-constables at the door, and that one of them acted on it. Neither Gerothwohl nor Lavalette state that they observed any nod or gesture or sign of any kind. That they make no such statement, though it would have strengthened their case, is a circumstance which certainly tells in favour of their honesty as witnesses; but the fact that the communication of the plan of action conceived by P.C. Isaacson was so little noticeable and yet so readily intelligible and so well carried out indicates a power of apprehension and a capacity for translating thought into action on the part of the constables concerned of such a high degree as to be somewhat extraordinary. Qs. 441–455.

Under the circumstances such a prompt and ready adoption of a plan conveyed by a mere sign without any verbal explanation is surprising on other grounds not connected with the mental ability of the constables concerned; for what was the state of things observed by P.C. Wellbelove and the other police-constables at the door on the assumption which, *argumenti causa*, we make that the Gerothwohl and Lavalette account as to the way in which the men concerned in this transaction got to the entrance of Vine Street Station be true? They heard the roar of traffic in Piccadilly; they heard too the noise of disorder coming directly through Piccadilly Place to the entrance to the Station; they knew it was a Saturday night and a Boat Race night when charges might be expected, and prisoners brought in not improbably in batches of two or three or more. Vine Street was practically empty. They saw two or three police-constables escorting from the corner of Swallow Street a very small and unresisting prisoner. The only wonder is that two constables should be bringing in one prisoner, and they would assume that that was capable of explanation; at any rate, it was no business of theirs. They saw a little behind the prisoner and the police-constables two young men walking quietly and obviously sober, seemingly making for the Station. There was nothing unusual in that. People are continually coming to Vine Street for all kinds of purposes and at all hours. Behind there was a police constable following. There was nothing unusual in that. He might have been coming to fetch an ambulance or to convey a message. There was no altercation, not even conversation going on between the two young men and the police constables and their prisoners. There was nothing which would give certain indication of the object of the two young men's visit. P.C. Wellbelove may indeed have imagined that their intention was to give evidence for, or that they were somehow connected with the prisoner, but there was nothing in that which would necessarily arouse particular interest or attention, or induce a suspicion that P.C. Isaacson might be prejudicially compromised; they might be coming to bail the prisoner out. The third or following constable had had no time to come up and talk to them before Gerothwohl put his foot on the staircase.

It is under these circumstances we are asked to believe that in the twinkling of an eye, and at an imperative but unobserved sign from P.C. Isaacson or P.C. Wallington, one, or it may be two, constables joined them in surprising Gerothwohl and Lavalette as described with all the swiftness, precision and success of a rehearsed dramatic episode. We are far from saying that such a thing is not possible. Constables, like soldiers, are accustomed to joint physical action, and are more quick at understanding what is required for the success of a violent operation of this kind than an ordinary citizen, and if it be admitted that they were willing to help in carrying out the subtly indicated idea of P.C. Isaacson there is nothing unbelievable in its dexterous and rapid execution. But even if that be so, it is surprising that the two police-constables acquiesced for P.C. Isaacson was not their superior officer. Even a momentary consideration must have shown them that it was a dangerous thing to do. The two young men were sober. Could it be imagined that they would take the wrongs inflicted on them with absolute quietude? The constables must have known they were running great risks. There was the risk of Inspector Berry's discovering what had been done, and even if it be assumed that they felt that he would be quite complaisant they must have known that the matter would

not rest in the station, but would be questioned in the police court. They must have known that discovery and exposure meant disgrace and punishment. Why then should they, at P.C. Isaacson's bidding or suggestion, sacrifice themselves to prevent him from suffering the possible consequences of conduct of which they knew nothing except by the merest surmise?

Attitude of Inspector Berry.

The next point that occurs to us as necessary in weighing the probability of the truth of the Gerothwohl and Lavalette story is to try and ascertain how Inspector Berry stands with regard to it. Gerothwohl charges Inspector Berry with conduct denoting "culpable negligence not to say encouragement on the part of the Inspector." It is not quite clear, even assuming the truth of the Gerothwohl and Lavalette account, what this means. It may mean that Inspector Berry actually saw quite enough of the alleged "brutal methods" to justify rebuke or reporting of the police-constables concerned, and that he shut his eyes to what he saw, or that, without his actually seeing anything unusual or improper, he conducted the proceedings in the charge room in a careless and perfunctory manner, assuming that Gerothwohl and Lavalette were drunk, when if he had been reasonably observant and cautious he must have discovered that they were sober and that their statements though given excitedly were genuine—in short that if he had taken reasonable pains he would have discovered their story was true and refused the charge as in the end the magistrate dismissed it. We are not sure whether Gerothwohl and Lavalette go so far as to suggest the former, which amounts to saying that the Inspector was an accessory after the fact to the misconduct. For our immediate purpose it does not matter much whether that is so, for we are not for the moment concerned with finally estimating the blame, if any, to be cast upon him for his share in the proceedings, but with the bearing of his knowledge of what is alleged to have taken place on the stairs, and the manner in which Gerothwohl and Lavalette made their appearance in the charge room, upon the question immediately at issue—the place of arrest.

Q. 2142. According to Inspector Berry's own evidence, he was standing "at the door leading into the Inspector's office when Timmings was brought in." Now we have been to Vine Street Station and stood in the doorway, and we found it was quite impossible for him to have seen what was going on on the stairs, but we are quite certain that if the entry of Gerothwohl and Lavalette into the charge room was effected in the manner they describe the inspector must have seen enough to lead him to infer that some violent affair had just occurred, and was being ended in his presence. We cannot go so far as to say that he must or ought to have inferred that any persons were being surprised and arrested on the steps of the station, for it is not an uncommon thing for prisoners (*i.e.*, men already arrested elsewhere), especially drunken prisoners, to resist in entering the station when perhaps for the first time they realise what is happening to them. Making, however, every allowance for that, we think what Inspector Berry saw and heard in this case, if Gerothwohl and Lavalette speak truly, must have led him to infer that something unusual was taking place, as to which he, as a superior officer, ought to have made inquiry. We know, of course, that Inspector Berry in substance admits that he quite understood that Gerothwohl and Lavalette were asserting that they had been arrested on the way to the station. But there is a very great difference between the hearing of loudly asseverated accusations of an illegal arrest outside the station and actual observation of any part of the improper violence alleged. We do not read his evidence as anything like an admission that he saw any violent twisting into the dock or anything unusual about the way in which Gerothwohl and Lavalette came into the room, but as an admission that if anything of the sort did take place he must have seen it. The matter is important for him, because if Gerothwohl and Lavalette are speaking the truth, he did by his silence and by taking the charge without any further inquiry connive at misconduct on the part of his subordinates and aid them in their attempt to pervert the course of justice.

Here again the acceptance of the Gerothwohl and Lavalette story involves us in the acceptance of conduct on the part of an officer which seems quite improbable. If

we do believe the Gerothwohl and Lavalette story, we must find, at any rate, if we accept it implicitly, as told by them, that Inspector Berry was guilty of very gross misconduct in order to shield the constables concerned. One cannot help asking, What was his motive? Why should he incur the obviously great risk of any such action? We say obviously great risk, for a moment's reflection must have shown him that in dealing with Gerothwohl and Lavalette he was not dealing with criminals, or street loafers, or habitual drunkards, and he must have known that the chances were that if their protests were in the slightest degree well founded, even if they were the worse for liquor, they would persist in their accusation, and that more would be heard of the affair. We cannot therefore see any adequate motive for his not doing his duty. There is nothing to show any special friendship on his part for either P.C. Isaacson or P.C. Wallington. He himself had only been in the C Division for two and a half years. He had been seventeen years in the force. He had risen to a very responsible grade in the service, and bore the highest character, enjoying the confidence of his superiors. Surely only some very strong motive of self-interest could tempt such a man in such a position to imperil his career, when the greater part of it was over and he was approaching the period when he would expect to retire on his pension, by intentionally abstaining from doing what was one of the first and most elementary of the duties cast upon him—namely, the instant investigation of any gross breach of discipline on the part of his subordinate officers at the earliest moment. Among constables of the same grade one may imagine that the spirit of comradeship, which is proper enough, nay, necessary within reasonable limits, may induce even honest and generally trustworthy men to shut their eyes to a great many of the mistakes, and sometimes even the downright faults, of their fellow constables; but that as between an inspector and the constables under him, to whom he is not related either by ties of friendship or of blood, that spirit can be so vigorous and active as to induce complicity in wrong-doing leading to almost certain ruin is unlikely in the highest degree.

The more we reflect on the case the more difficult we find it to admit to ourselves that Inspector Berry can have knowingly connived at such misconduct as is attributed to P.C. Isaacson and P.C. Wallington, and if he did not so connive, then it is very difficult to believe that part of Gerothwohl and Lavalette's account which relates to the manner in which they were brought into the charge room. Even if he be regarded as a not wholly trustworthy witness and one unduly partial to the police force and anxious to screen the incriminated constables, it is still improbable that without any adequate motive he would have joined his subordinates in trying to secure the conviction of innocent men at great personal risk. Whatever his real character, the suggestion that he connived at the misconduct if it took place of the two constables seems to us to be one of an improbable character.

Inadequacy of Motive.

Having now considered the probability of the occurrence of several links in the chain of events which together make up the Gerothwohl and Lavalette story, we will proceed to ask ourselves whether the story is probable or improbable as a whole. For that purpose let us again say what that story is in general terms.

Gerothwohl and Lavalette observe a young man brutally treated and arrested by a police-constable. They decide to go to the station to complain to the Inspector. They follow the police-constable and his prisoner, who are joined in Swallow Street by another police-constable. They follow them into Vine Street. Lavalette leans forward to look at the number of the police-constable who had made the arrest. Both Gerothwohl and Lavalette are perfectly sober. Neither Gerothwohl nor Lavalette speaks to any one of the police-constables, and neither interferes with the police-constables in any way. Arriving at the door of the station, both are suddenly assaulted, arrested, and put into the dock with the young man first arrested.

Such, put quite accurately but baldly, is the story. No one, as we have said before, can deny that it is a possible one; and no one will, we think, be inclined to deny that it is a very strange one. Even if one takes a view as hostile to the police, as a reasonable man can, and believes that the majority of the police do not shrink

from abusing their authority, it can hardly be maintained that it is likely that without regard to the risk of discovery and punishment they should wantonly arrest innocent persons without an adequate motive. The complainants in this case quite recognise that, and their suggestion is that their movements attracted the attention of P.C. Isaacson or P.C. Wallington, or both, and that these constables inferred that they were going to give evidence on behalf of the prisoner Timmings, or, at any rate, to complain to the Inspector as to his arrest, and promptly arrested them and put them into the dock on a charge of being drunk and disorderly.

Assuming, for the sake of argument, that things happened much as Gerothwohl and Lavalette say, it does seem quite possible (though not by any means certain) that P.C. Isaacson, who was in advance with Timmings and P.C. Divers, or P.C. Wallington, who was (as is to be implied from the story) following closely, may have suspected the intention of the two unknown gentlemen who were walking up Swallow Street, and that their suspicions were confirmed when Lavalette leant forward to look at P.C. Isaacson's number. Gerothwohl's suggestion is that it was the stooping forward of Lavalette to look at P.C. Isaacson's number that induced suspicion. That may be so, if Lavalette did really lean forward, but we must confess we think this alleged action on his part was a strange one under the circumstances. Why should he want the constable's number when he was following him into the station, had him in sight, and could point him out in the charge-room without difficulty? Even if he did in fact do so, it is difficult to see any sufficient motive for a resort to violence which was attended with danger, and the success of which could not prevent the two unknown gentlemen from ultimately saying what they pleased, both in the charge-room and at the police-court. P.C. Wallington had, so far as we can see, nothing to fear from anything they might say.

Q. 259.
Q. 642., &c.

With regard to P.C. Isaacson the case is somewhat different. He may, on the supposition made, have felt that if the two unknown men did come into the station that they were going to make a damaging statement about him. But what was the worst he had to fear if the two unknown men did come into the charge room? It was he who had taken Timmings into the charge room, placed him in the dock, and charged him with being drunk and disorderly, and so forth. Timmings was not bruised or wounded; he was not groaning; he was walking quietly to the station. What would happen when he was in the dock and just being charged? The two unknown men having arrived at the door P.C. Wellbelove would inquire their business, he would probably show them into the waiting room, and then inform the Inspector that they wished to speak about the arrest. The Inspector would then order them to be brought in, and he would ask them what they had to say. What could they say? P.C. Isaacson could not know exactly, but he knew that their statement could not be very serious; there could be no allegation as to the use of the truncheon or anything of that kind, and P.C. Isaacson knew that after they had had their say he would have the opportunity of denying the charges or of explaining them away, and he would point out that Timmings had not complained before they came in, and he could also ask that P.C. Wallington should be sent for to support him. In the end the worst that could happen would be that the Inspector would report him for using some unnecessary violence, the probability would be that he would not express any opinion but simply take a note of the complaint and of the addresses of Gerothwohl and Lavalette and tell them that they might give evidence at the police court if they wished. Obviously the worst that could then have happened to P.C. Isaacson would be that the case might be dismissed if it should turn out that Timmings was sober, and that he might be cautioned for having used too much force.

If it had been shown that P.C. Isaacson had lost his temper or had been drinking the train of reasoning just suggested would be inapplicable; but as the evidence stands we cannot help feeling that the motive put forward as accounting for the alleged outrage is a very inadequate one. Our doubt upon the point too is increased when we reflect upon the fact that the illegal arrest would not silence their victims but only put them in a somewhat disadvantageous position as defendants.

Taking into account all these considerations, we feel very strongly that the motive alleged for this grave misconduct is inadequate, and affords no satisfactory explanation of the offence alleged to have been committed by these constables.

Conduct of the Defence in the Police Court.

The suggestion was made in the cross-examination of Gerothwohl by Mr. Eldon Bankes that he and Lavalette had at the police court adopted as the line of defence that a bona-fide mistake had been made in the matter by the police, and when Sir Edward Henry was recalled before us and made some comments for our assistance in regard to this matter he gave us the reasons which induced him to think that the police officers had not been guilty of any misconduct. He told us "I discussed Q. 52292. the case with the Home Office, and also with the Assistant Commissioner, and we looked at it from all possible aspects. I first considered whether, assuming good faith on both sides, the contradictory statements of Messrs Gerothwohl and Lavalette on the one side and of the witnesses for the prosecution on the other could by any possibility be reconciled. Defendants' counsel and Dr. Gerothwohl himself before the Magistrate attributed their arrest to a mistake on the part of the police officers, and this admission is dwelt on by the Magistrate in his order discharging the defendants." He then went on to state his reasons for thinking it impossible to accept the version put forward by Gerothwohl and Lavalette, and then he said: "I Q. 52292 may add that as soon as the Magistrate had discharged the case the defendants' attitude at once changed, and Dr. Gerothwohl wrote to the Home Office accusing the police of conspiracy and perjury, and demanding that they should be dismissed and prosecuted. Nothing fresh had transpired, and to me this change of attitude was not comprehensible; but, at any rate, it was quite clear that, as they demanded the criminal prosecution of the constables, I might with propriety, under the instructions given many years ago to the Commissioner by the Secretary of State, and quoted by Mr. Troup in his evidence, have altogether refrained from making any further inquiry in view of the possibility of proceedings in court being taken against the officers. I thought it better, however, to do what was in my power to clear up doubt in this case, and that is why I decided upon inquiry." In fact an inquiry did take place before Assistant Commissioner Wodehouse, and the notes of the evidence taken thereat are printed in the Appendix to the Evidence. It is obvious that if Gerothwohl and Lavalette did really in defending themselves adopt the attitude that there had been a bona-fide mistake on the part of the police, in the sense in which *prima facie* it was used by Sir Edward Henry, such a line of action would be so inconsistent as sensibly to weaken the trustworthiness of the evidence which they have given to us Let us then see how the matter stands.

Gerothwohl was asked the question by Mr. Eldon Bankes whether on the first occasion (that is the 9th April) when he was represented by counsel he had heard his Counsel tell the Magistrate that a bona-fide mistake had been made by the police. Gerothwohl answered "I did, and I was rather sorry for it." He was further asked Q. 431. "Did you also say that to the Magistrate yourself? (A.) No, I did not." Then Q. 436 followed these questions and answers: "(Q.) The statement you have now made to the Commissioners is entirely inconsistent with the police having made a bona-fide Qs. 437–439. mistake, is it not? (A.) I do not judge, but I am afraid it is difficult to reconcile it. (Q.) In spite of that, on the very first occasion your Counsel appeared that was what was said to the Magistrate? (A.) That is what my Counsel said to the Magistrate? (Q.) And you did not contradict it or interfere in any way? (A.) I cannot contradict my Counsel in open court, can I, even if I do not agree with him."

Mr. Denman, before whom the case was tried, gave evidence before us, and confirmed the accuracy of the shorthand note of his judgment. We need quote only a portion of the judgment. After stating that he need not put the defence to the necessity of calling further evidence, and making references to people out bent on amusing themselves, he said: "I have listened very carefully to the evidence given by the two defendants, Dr. Gerothwohl and Mr. Lavalette, and a friend who has been here, who is not likely to mislead me in a matter of this sort. I feel I must accept their statements, and I am glad to do so. They had not had any amount of drink which would cause them to be in a state of intoxication without some more exciting cause than is accounted for. I must remember what the circumstances were on this special night with all these great disorders occurring. They chose that occasion for amusing themselves by perambulating this thickly crowded and noisy neighbourhood on the last night of the week. I think that two educated Englishmen in the same position as themselves would have been specially careful, if

they remembered the particular night it was, to keep out of such rowdy scenes which unfortunately, as they conceded, occurred on that occasion. They themselves have stated there was a great scene of riot, and that the police were under great provocation." "They identified themselves more or less with the person who was being charged. That person had not disputed the fact that he was drunk in any way, nor did he at the time dispute that he was behaving in a drunken and disorderly manner. It was identifying themselves in that manner with him in the scene that was taking place which got them into the trouble in which they are.....They have behaved so handsomely in stating the difficulties under which, in their opinion, the police were placed that I am only too glad to accept their account of the matter so far as it goes. It certainly strikes me as most agreeable that though in difficulties themselves they have paid a tribute really to the behaviour of the police in the matter. It is unfortunate that they should in any way have got mixed up in this matter. I feel bound now to discharge them." Fortunately we have a shorthand note of the proceedings in the police court with the accuracy of which Mr. Denman did not, on the points that were put to him from it, disagree.

Q. 795. A note of the first day says: "Counsel defending said Dr. Gerothwohl and Mr. Lavalette followed to the station when Timmings was arrested to give evidence, and they themselves were then arrested. I have a doctor here who will say that when he examined them they were not drunk. He examined them as soon as they could get to him after they were released I shall call the doctor and the defendants, and after their evidence I shall ask you to believe that there has been a bona-fide mistake on the part of the police, and ask you to discharge the defendants." It appears that the Magistrate then said: "As that is the line the defence takes I shall adjourn the case for the attendance of the Inspector who took the charge and Dr. Mitchell who examined two of the prisoners." On the second day of the hearing (the 11th April) Inspector Berry, P.C. Divers and Dr. Mitchell were called for the prosecution. Mr. Scott only put to Inspector Berry in cross-examination the allegation he had made in his observation to the Magistrate. We extract the exact questions and answers on the points from the shorthand note:—"(Q.) Did they say that they had come to the police station because they thought the third man had been rather roughly handled? (A.) They did not mention the words about the third man, but they said they were coming. The first man said he was coming, and the other said 'Yes, we were.' (Q.) What for? (A.) To speak about the third. They did not mention him by name; it appeared afterwards they did not know him. (Q.) They did at first state that they were voluntarily coming to give evidence about the treatment of the third? (A.) They said they were coming to the station about the third man being arrested. (Q.) Did they say that just as they approached the station they were set upon and brought in under arrest? (A.) They did not say that. (Q.) Did you ask the constable who brought them in whether that was so? (A.) Yes. (Q.) He said it was not so? (A.) He said they were arrested in Piccadilly. It is only a short distance away." It appears also from the shorthand note that after the evidence for the prosecution had

Q. 799. closed, Mr. Scott said: "I do not know, sir, whether you would allow me to state shortly what I propose to prove before calling my witnesses and address your worship afterwards. I propose to call Dr. Gerothwohl, Mr. Lavalette, Mr. Sherrington, a barrister, who saw them shortly before, and I propose to call two doctors"; and the Magistrate then said: "In a case like this I think you had better defer your remarks." Mr. Scott then said: "I shall call substantive evidence." After Mr. Sherrington had given his evidence the Magistrate stopped the case, so that it became unnecessary for Mr. Scott to address the Court. It does not appear from the shorthand note that any question was put either to Gerothwohl or Lavalette by Mr. Scott inviting their opinion whether a mistake had been made by the police, but it is hard to reconcile that with one of the answers given by Mr. Denman to Mr. Eldon Bankes.

Q. 778. The latter asked: "Do you remember whether Dr. Gerothwohl said anything in his evidence about its having been a mistake? (A). Yes, quite well. Counsel put the question to him: 'Do you invite the Magistrate to say there was a mistake?' or words to that effect. I think he showed a little reluctance about adopting that; he hesitated for a minute, as if he did not understand it. Then Mr. Scott put it to him, so that he could not fail to understand it: 'What I wish to put to you is, do you now invite the Magistrate to say that the disorder in the street led to a mistake being made?' and then he said: 'Yes, I do.' The whole defence put forward was to that effect. If it had not been, I think I should have thought that the case perhaps had not been run upon the proper lines. That was the defence put forward, and I considered whether I was justified in discharging them or not. Counsel enlarged very

much upon the very great amount of disorder in the streets owing to its being the night of the University Boat Race." In reply to a question put by Mr. Dickinson Q. 793
to the following effect: "When you stated in the words you have read that they had behaved so handsomely in facing the difficulties in which, in their position, the police were placed, you were referring to the words that their Counsel must have said, and to nothing that they themselves had said." Mr. Denman replied, "Very likely. Of course they were responsible for their Counsel's defence. I am quite clear in my recollection, and in fact I do not think anybody disputes it, that they did both make use of the expression that there was a great crowd and a great disturbance, and that the police were under great provocation from the people, not including themselves. I think they both gave their evidence very fairly and very openly, and I had no reason to doubt that they did not do their best to give an honest account of the matter."

Upon the whole we do not think it is shown that Gerothwohl or Lavalette categorically admitted that they personally urged the Magistrate to adopt the view that there had been a bona-fide mistake on the part of the police owing to the conditions prevailing in Piccadilly. It does seem clear that Mr. Scott did make that suggestion, and that Gerothwohl and Lavalette did not repudiate anything he said. It does not seem to us that any blame whatsoever can be laid upon them for not interrupting their advocate. It is to our minds by no means clear what Mr. Scott meant by the suggestion that a bona-fide mistake on the part of the police had been made, having regard to the fact that he was instructed that Gerothwohl and Lavalette had not been arrested in Piccadilly at all, but somewhere on the way to the station. Taking Gerothwohl and Lavalette's account to be exactly true, it is at first sight not easy to see what the "bona-fide mistake on the part of the police" under which they arrested these gentlemen at Vine Street can have been. The only mistake that occurs to us as one under which P.C. Isaacson and P.C. Wallington might possibly have been labouring when they effected the arrest of these gentlemen at the entrance to the station (if that indeed be the fact) is the honest belief that Gerothwohl and Lavalette were two of the five persons who had been the ringleaders of disorder in Piccadilly a few minutes before. If P.C. Isaacson believed that the two men so closely following Timmings, P.C. Divers and himself were really two of the five he cautioned in Piccadilly, he may have thought himself justified in arresting them at the door of the Station in respect of the disorder in Piccadilly, since their conduct and persistent identification of themselves with Timmings amounted to a continuance of the disorder. We ought not to lose sight of this suggestion as a possible explanation of the conduct of those constables. Here we only mention it as one that may have been present in Mr. Scott's mind when he stated his line of defence to Mr. Denman. It was, of course, his cue not to make an attack on the police if he could show a defence consistent with good faith on the part of all concerned, and make it easy for the Magistrate to acquit his clients without imputing misconduct to the constables; and as we have seen from Mr. Denman's judgment the learned Counsel's tactics were quite sound. It is, however, possible that what Mr. Denman meant to convey was that the arrests really took place in Piccadilly, but that the constables were mistaken in thinking Gerothwohl and Lavalette were arm-in-arm with Timmings and the others.

However this may be, it would not be fair to make Gerothwohl and Lavalette responsible for any act or suggestion of Counsel which they themselves did not clearly and specifically ratify and adopt as part of their evidence when they were in the witness box giving evidence on their own behalf.

Though in his answer quoted above to Mr. Eldon Bankes' question Mr. Denman told us that he remembered well enough that Counsel had invited him (the Magistrate) to say that there was a mistake, and something more to the same effect, and that the whole defence put forward was to that effect, *i.e.*, that the police had made a mistake owing to the disorder, yet in his judgment he does not say specifically that that was the case, and it is very difficult, indeed, to discover what his opinion was as to the issue raised by the conflict disclosed in the evidence given before him as to where the defendants had been arrested. Of course, in one sense, whatever view may be taken of the case, the word "mistake" may be used in so large a sense that even a wrongful arrest outside Vine Street may be called a mistake. It may be that what Mr. Denman really thought, though he does not explicitly say so, was that the place of arrest became irrelevant because he thought that Gerothwohl and Lavalette were sober, and that therefore he could not convict them of being drunk and disorderly.

The general effect left on our minds is that neither the conduct of the matter at the police court by their Counsel nor its treatment by the Magistrate can be used adversely to Gerothwohl and Lavalette.

Conclusion as to the Place of Arrest.

We have now stated and commented on all the portions of the evidence and the arguments suggested by its consideration, which appear to us relevant to the question of the place of arrest. Our conclusion is that Gerothwohl and Lavalette were not assaulted and arrested at or near to the entrance of Vine Street Police Station as alleged, but were arrested on the south side of Piccadilly.

The Police Counter Case.

We have now arrived at conclusions upon the two crucial questions upon which the final solution of the problem presented by the conflicting evidence in this case must depend. The gravamen of the complainants' charges, the accusation which was of obvious public interest and aroused general public attention, was the allegation that three or more constables wrongfully surprised and arrested two innocent and inoffensive persons going to a police-station on lawful business, and that an Inspector and other constables in the charge-room joined in or connived at brow-beating and silencing them in the dock. Our finding that Gerothwohl and Lavalette were arrested in Piccadilly amounts to an acquittal of all the police accused of the outrageous misconduct alleged. But our task is not yet finished. We have still to inquire whether P.C. Isaacson and P.C. Wallington were justified in arresting the complainants in Piccadilly. The issue raised on this point turns on the question whether we ought to accept the two policemen's account of the circumstances of the arrest. The story they told us is of the simplest and most ordinary kind. Hearing a disturbance in Piccadilly they, in the regular discharge of their duty, went into that street, and their attention was at once drawn to the conduct of five men, who were proceeding westward arm-in-arm, all shouting, and who were followed by a disorderly crowd in Piccadilly. P.C. Isaacson cautioned them twice, but they did not desist. P.C. Isaacson thereupon arrested one of the five men, whom we now know to have been Timmings, and he was handed over to P.C. Divers, who arrived upon the scene at that moment. The handing over was made within a foot from the place where the arrest took place. P.C. Isaacson immediately arrested another of the five, who turned out to be Lavalette, and P.C. Wallington arrested Gerothwohl. P.C. Divers took Timmings across the road into Swallow Street, and so on into Vine Street, and the Police Station. P.C. Isaacson followed with his prisoner, and P.C. Wallington came third with his. Both P.C. Isaacson and P.C. Wallington are positive that Gerothwohl and Lavalette were two of the five men who were cautioned, and that they were arm-in-arm at the time when Timmings was arrested. P C. Divers, when the prisoner was handed over to him, went off at once; he took the latter by himself and did not see anything of any other arrest.

Dropping out of consideration for a moment the personalities of the complainants, all that seems likely and reasonable enough. If the evidence is true, it fully explains the origin of the affair, and, in our view, justified the constables in their initial interference and subsequent action, because they had reasonably good ground for believing that persons persistently acting in the way described were drunk and disorderly. It is common knowledge that on such a night as Boat Race Night disorder often takes the form described by the police in this case; men join in ranks of four and five, and sometimes of larger number, and advance with a crowd of persons behind them, forming together an irregular procession which seriously incommodes other persons in the street.

The statements of P.C. Isaacson and P.C. Wallington are emphatically denied by Gerothwohl, Lavalette and Timmings, and the issue must depend on whether we believe the former or the latter on this point.

In answer to the case made by these constables, we have the denial by the complainants and Timmings of the conduct attributed to them. If Gerothwohl and Lavalette had not set up the circumstantial story which we have examined at such length and found to be untrue in all material particulars, we might have found difficulty in coming to a decision as to their complicity in disorder. As the case stands we cannot regard them as trustworthy witnesses, and therefore we cannot accept their testimony on this point. That Timmings was drunk and was guilty of the disorder alleged there can be no reasonable doubt, and though we do not allow his tacit admission at the police court any sensible weight against the complainants, his evidence certainly does not help their case.

We are quite aware that it may be said that the allegation that two men of Gerothwohl and Lavalette's status, attainments, and habits of life could while sober so far forget themselves as to walk arm-in-arm with a drunken groom and two other strangers at the head of a "booing" crowd in a London street is highly improbable. Stated thus it may seem unlikely. But experience shows that the improbability of men's actions cannot be measured by vague generalisations from their social positions or their occupations. Neither good breeding nor mental culture is a guarantee against misbehaviour, as the records of Vine Street Police Station too clearly show. The improbability must be estimated in each case by considering the temperament and character of the men concerned and the particular circumstances of the affair in question.

But however this may be, the argument from improbability has little value as against the positive testimony of two witnesses who had, as is admitted, the opportunity of seeing what was going on, and had no motive for singling out Gerothwohl and Lavalette for arrest unless in fact they were guilty of the disorderly conduct described. Our verdict is therefore against them on this issue also. We desire to add that in our opinion P.C. Isaacson and P.C. Wallington behaved with commendable promptitude in effecting the arrests and with regularity throughout the affair; and that as they had reasonable cause for believing from Gerothwohl's and Lavalette's conduct that they were drunk, no blame should be attached to them for charging them with being drunk and disorderly instead of with disorderly conduct only.

The Charges against Inspector Berry.

We have still to express our opinion as to the conduct of Inspector Berry in dealing with the charges made against these complainants. After what we have said above in the course of our observations on this case, and our findings on the principal questions, it is unnecessary to do more than state briefly our conclusions as to the accusations made against him. He did not impress us as a very satisfactory witness, and did not explain his treatment of the case in the charge-room with the clearness and ability we should have expected from so experienced an officer. We find that he maintained good order in the charge-room and took the charges against Gerothwohl, Lavalette and Timmings with formal regularity. We believe he came honestly to the mistaken conclusion that Gerothwohl and Lavalette were drunk. We think he ought not to be blamed for his error, since these prisoners by their excited behaviour contributed to its being made. But we cannot understand how he came to the conclusion that Gerothwohl and Lavalette were not denying the charge of drunkenness. It is true that while in the dock neither expressly denied being drunk, but the Inspector knew, as appears from his report, that they were protesting that they had been arrested while on the way to the station to speak on behalf of Timmings, and if instead of dismissing their protests as "wild allegations" he had Q. 2403
applied his mind with reasonable care and acuteness to the case he must have inferred that they were by implication denying the charge preferred, which included a charge of drunkenness. His mistake on this point led to his unfortunate omission to offer to send for the Divisional Surgeon in accordance with the usual practice when prisoners deny that they are drunk. We think that if the Inspector had proceeded less hastily he would have discovered that though the prisoners' excitement may possibly to some extent have been due to alcohol, they were not drunk.

It follows from our finding as to the place of arrest, that the charge made against him of aiding and abetting in or conniving at misconduct by other constables is entirely without foundation.

Finally, we desire to add that we have failed to discover any evidence to support the suggestion made by Gerothwohl in his letter to the Secretary of State that there existed a conspiracy among the police against members of the public in general or against him and Lavalette in particular, or to show that affairs at the Vine Street Police Station are not habitually carried on with strict propriety in accordance with the Orders and Regulations.

It only remains to summarise our conclusions, which are as follows :—

(i.) Gerothwohl and Lavalette were not assaulted and arrested at the entrance to Vine Street Police Station as alleged, but were arrested on the south side of Piccadilly.

(ii.) Gerothwohl and Lavalette were not drunk, but were disorderly. They were, therefore, not guilty of the offence of being drunk and disorderly on April 7, 1906. The police were honestly under the impression that they were drunk, and, under the circumstances, cannot be blamed for preferring a charge of "drunk and disorderly" conduct against them.

(iii.) The arrest of Timmings was justified, and his conviction right.

(iv.) P.C. Divers behaved regularly in taking over Timmings from P.C. Isaacson and bringing him to the police station.

With regard to the proceedings in the charge-room :—

(i.) P.C. Isaacson, P.C. Wallington, and P.C. Divers were not guilty of any disorder or misconduct in the charge-room as alleged.

(ii.) Inspector Berry maintained good order in the charge-room, but was wrong in not paying more attention to the protests of Gerothwohl and Lavalette, and should have sent for the Divisional Surgeon in accordance with the usual practice.

II.—THE D'ANGELY CASE.

This case was brought to our notice by the Secretary of State for Home Affairs and not by reason of any complaint made by the persons immediately concerned, namely, René D'Angely and Eva D'Angely, of the action taken by the Police.

The following are the undisputed facts of the case :—

A woman who gave the name of Eva D'Angely was arrested by P.C. Page, 429 C, at the corner of Conduit Street and Regent Street at about 11.30 p.m. on the 24th April, 1906, and taken by him to Great Marlborough Street Police Station, where she was charged by the constable under section 3 of the Vagrancy Act, 1824, as a "common prostitute behaving in a riotous and indecent manner at Regent Street, Parish of St. George's." The charge was accepted by Inspector Cooper, who was the Inspector on duty at the police station at the time the prisoner was brought in namely, 11.35 p.m. The prisoner made no protest as to being arrested, and did not deny the charge specifically. She appeared to be French, and she spoke in Q. 4318
broken English, but the language used by her was sufficient to enable the Inspector to understand what she said, and she understood what he said. She referred to her husband, one D'Angely, a dealer in *bijouterie*, and gave her address, on being asked for it, as 25, Twyford Mansions, Little Marylebone Street, and described herself as "Married French subject." The Inspector, for the purpose of giving her an opportunity to be bailed, telegraphed to the police station of the D Division, that being the division in which the house given as an address is situate. A little before 1.20 in the morning a man who gave his name as D'Angely came to the station, bailed the prisoner out, and signed the Bail Book as René D'Angely, 25, Twyford Mansions, New Cavendish Street. He spoke rapidly to the prisoner in French and appeared to be somewhat upset, and he and the woman left the station as quickly as possible, having made no protest against the arrest.

On the 25th April the case was called on before Mr. Denman at the Marlborough Street Police Court. Evidence was given for the prosecution by P.C. Page, 429 C, P.C. Sims, 440 C, and P.C. Lucas, 136 C. The prisoner addressed some questions by way of cross-examination to the witnesses for the prosecution. When the case for the prosecution ended the defendant made a statement to the effect that she was waiting about for her husband, and that if she nodded to anybody it was only to friends of hers, and she said that she wished to call her husband. She was not sworn, but René D'Angely was called and gave evidence. According to the notes of evidence taken at the Police Court he said, "She is my wife. I appointed to meet my wife at 11.30 p.m., 24th April, Regent Street. Waited for her. Found she was not there. Found her afterwards. Had last seen her before this at 10.30 p.m., when I left home to see a friend off." The defendant then said she wished to call her landlord, and asked that inquiry should be made of him. The Magistrate thereupon remanded the case on nominal bail for a week, directing Sub-Divisional Inspector Mackay to let the landlord know his name had been referred to, and see whether further light could be thrown on the case. *See* Q 4398 and Mr. Denman's letter to the Home Office, see below.

Inspector Mackay thereupon invited René D'Angely and Eva D'Angely to come to the police station, which they willingly did. Inspector Mackay, in the presence of Inspector Cooper, then asked them some questions, and Inspector Cooper took down their answers. The following are the statements :—25th April, 1906. "Statement Q. 4339
of René D'Angely, 25, Twyford Mansions. My name is René D'Angely. I am 26 years of age, and am a dealer in jewellery and antique articles. I am not employed by any person. I usually deal with Foster's, 54, Pall Mall, who sells on commission things that are sent me. I receive the goods at my address. I have no other address. The rooms I occupy are furnished, and were taken by me through an advertisement from Mr. Gaze at 63, Twyford Mansions. I earn about £20 a month, and give nearly all to my wife. My rent is £12 a month. When in Paris I live in a boarding-house." "Statement of Eva D'Angely, of 25, Twyford Mansions, Little Marylebone Street. I am 25 years of age, and was married in Algiers about eighteen months ago. I have

a certificate of marriage in Paris, but do not know the address. I came to England with my husband on the 20th February last. With the exception of three nights we have stayed at the present address since we have been in England. I have never previously been in England. I left home about 10.45 p.m. last night in company of my husband and Mr. Rubens, 17, Porchester Gardens, W. We came along Oxford Street to Regent Circus, where I left my husband and his friend. I then walked down Regent Street to the Café Royal, and came back on the other side to near Verrey's, where I was arrested. I have on several occasions been in Regent Street alone between ten and half-past. I have no lady friends in London. No policeman has ever spoken to me in the street." S.D.I. Mackay thereupon saw the Mr. Gaze referred to, who told him that the D'Angelys had taken the flat from him about the latter part of February, and that the D'Angelys came from Paris, but he did not know much about them.

A day or two afterwards René D'Angely brought to the police station a person whom he introduced as the Mr. Rubens referred to in Eva D'Angely's statement. Inspector Mackay had a conversation with Mr. Rubens, in which the latter said that he had known the D'Angelys for some considerable time abroad as very respectable people, and he knew nothing against them. He said he would come to the police court and tell the magistrate what he knew about them.

The case was called on again on May 1st, and in answer to the Magistrate, Inspector Mackay said that he had made inquiries and that the D'Angelys assured
Q. 4417. him that they had been living at this flat since about the end of February, and that he found that was correct. That Eva D'Angely also assured him that she was married, but she was unable to produce her marriage certificate, told him it was somewhere in Paris, but she did not know where. The Inspector added that Rubens had promised to come to the court and speak to their respectability prior to coming to England, but that, in fact, he had not come. Mr. Gaze did attend the court, but was not called. Mr. Rubens did not appear. The Magistrate, after asking the inspector whether the case could be carried further, dismissed the charge.

The following is the Charge Sheet in reference to this case :—

No. of Charge.	No. on Charge Sheet.	Date and Hour brought to Station.	Age.	Person Charged, Name, Address, and Occupation.	Charge.	Person Charging.	Witnesses.	Taken into Custody by	Property.	At the Station House.		Police Officer Taking Charge.	Magistrate.	Disposal.
										Detd.	Or Hour Admitted to Bail.			
15/92.	48926.	24/4/06. 11.35 p.m.	25.	Eva D Angely, 25, Twyford Mansions, Little Marylebone Street. Married. French subject.	Common prostitute behaving in a riotous and indecent manner at Regent Street, Parish of St. George's.	Horace Page, P.C. 429.		P. C. 429, Page.	Nil.	Detd.	1.20 a.m. 25/4/06.	K. Cooper, Inspector.	G. L. Denman, Esq.	Rem. 1/5. Discharged.

Reports in reference to the case were called for and were made on May 2nd, 1906, by P.C. Page, P.C. Sims, P.C. Lucas, Inspector Cooper and S.D.I. Mackay. These reports are printed in the Appendix to the evidence.

On the 4th May, 1906, René D'Angely came to the Marlborough Street Police Court, saw Inspector Mackay, and said to him, "I am very sorry for causing you so much trouble, but it is no fault of mine that all this trouble should arise. I did not intend to do anything further. A solicitor from Sir George Lewis has been calling on me with Mr. Gerothwohl to ask me to take up the case, but I do not wish, and hope the matter is ended."

Those are the relevant facts as to the police action in reference to the matter, and what we have to consider is whether there was any misconduct on the part of the police in regard to the affair. No accusers of the police appeared alleging any definite act of misconduct of the police, and, therefore, we have to deal with the case in our own way and to determine for ourselves what, if any, acts of misconduct have been committed by the police officers in regard to this matter. The question for us is not whether Mr. Denman was right or wrong in dismissing the case, for the mere fact that a Magistrate dismisses a case of the kind does not necessarily involve any misconduct on the part of the prosecutor or the other members of the Force.

It should be noticed that there was no denial on oath by Eva D'Angely of the specific acts alleged by the constable who arrested her to have been done by her on the 24th April, and the only defence put forward was one which attacked the inference which the constable drew, and which the Magistrate was asked to draw, that she was a common prostitute.

Mr. Denman did not deliver any lengthy statement of his reasons for dismissing the charge at the Police Court, but his view of the case appears in a letter which he wrote to the Secretary of State in compliance with a request from him. In that letter he says: "As it was quite clear that the husband knew of his wife's walking about Regent Street at that time of night I thought that in the absence of any evidence to suggest that he was one of the persons of the character which would be compatible with his consenting to her doing so for immoral purposes, and, of course, being careful not to let any anonymous communication interfere with my dealing with the matter fairly, there was just sufficient doubt both as to her being proved to be the class of person against whom the section of the Act is directed, and as to her conduct having amounted to be 'riotous or indecent' within the meaning of the Act, to make it a case in which I ought not to convict. I think no one will disagree with my view that for a married woman to leave her home at half-past ten at night and to wander unaccompanied backwards and forwards for nearly an hour in Regent Street was, to say the least, conduct which invited reasonable suspicion in the mind of anyone conversant with the neighbourhood and its condition at that time of night. As it was admitted she was waiting about in this way on the night in question, there is no improbability in her having been seen doing the same on previous occasions. It is, I conceive, the duty of a police officer to make a charge on observing such facts as lead him to suppose an offence has been committed, and he must always run the risk of failing to satisfy the Court that it is brought home. There must always be doubtful cases, and I was in this case of opinion that the defendant being a foreigner had, perhaps, not understood the constable when first spoken to, and had possibly from ignorance been led into behaviour which, having regard to the time and place, were very naturally attributed to other motives than merely waiting for her husband, and possibly erroneously so attributed. The same remarks also would apply to previous occasions, even if there was no mistake (which is quite possible) as to identity, for of course there is some similarity in the appearance of the great number of smartly dressed French women nightly in that neighbourhood. I have only to add that in this case there was nothing in the manner or demeanour of the witnesses which led me to form an opinion (as of course must sometimes be the case) that they were wanting in honesty or bona fides. It is, however, the class of case in which I am always especially careful to see that all the elements of the section are satisfactorily proved and brought home to my satisfaction; and where I feel the slightest doubt, or think there is the possibility of appearances having been misleading, to err, if at all, on

the side of caution, and I felt there was, at any rate, this amount of doubt for the reasons I have pointed out."

It may be said that upon that there is really nothing in the case worth inquiring into, especially taking into account the interview of René D'Angely with Inspector Mackay on the 4th of May, when he said he had no desire to take any further step in the matter. As the case, however, attracted a great amount of attention, and the Chief Commissioner of Police had taken great pains to ascertain the true character of Eva D'Angely and all the important circumstances as to her career before she came to London and while residing in this city, we felt we had no other course open to us but to make the fullest inquiry into the matter, though in our judgment there was not even a *prima facie* case of misconduct against the constables who had taken part in the matter. We thought it important to secure, if possible, the attendance of Eva and René D'Angely, and having reason to believe, through statements made to us in answer to inquiries, that they had left London, we requested the Chief Commissioner to discover if possible the address at which a summons could be served on them. The officers of the Criminal Investigation Department, with the assistance of the Paris Police authorities, discovered that the D'Angelys were hen residing at No. 20 Rue Berlin, Paris. Seeing that these two persons were to the best of our information out of the jurisdiction, it seemed better not to send a formal summons issued under the Metropolitan Police Commission Act, 1906, but a letter couched in the form of a request for their attendance before us. Accordingly a letter was prepared, which read as follows:— "31, Great George Street, Westminster, London, 18th July.—Madame, — Q. 3864.
I am directed by the Royal Commission appointed to inquire into certain duties of the Metropolitan Police to inform you that the Royal Commission intend on Monday, the 23rd instant, at 12 o'clock noon, at the Caxton Hall, Westminster, London, S.W., to take evidence in respect to the circumstances under which you were arrested in London in April last, the hearing of the case against you at the police court, and other matters germane thereto. The Commission are, of course, desirous of hearing your evidence and also that of Monsieur D'Angely as regards these matters, and request that you will attend before them accordingly at the time and place above-mentioned, together with any witnesses whom you may wish to call. If you attend, you may, if you desire it, be represented by counsel or solicitor, or both. Lastly, I am to say that if you are not now residing in London, your reasonable expenses of attending before the Commissioners, and also those of any witnesses whom you may call, will be defrayed by His Majesty's Treasury." A French translation of this letter was prepared. A letter couched in precisely similar terms *mutatis mutandis* was prepared for delivery to René D'Angely, and a French version of that letter was also made. The two letters written in English were put in envelopes addressed respectively to Madame D'Angely, 25, Twyford Mansions, and to Monsieur René D'Angely, 25, Twyford Mansions. The two letters written in French were then placed in envelopes and addressed simply to Monsieur and Madame D'Angely by name. The two letters in English were handed to Mr. Booth, Clerk of the Commission, and were taken by him personally on the 18th July to Twyford Mansions, where, on making inquiries of the person in charge, he was told that Monsieur and Madame Q. 3870.
D'Angely had gone. Acting according to instructions Mr. Booth left the two letters there, so that in case Monsieur or Madame D'Angely should inquire for letters they might be forwarded if they had left any direction as to the forwarding of communications addressed to them. On the evening of the same day (18th July) Mr. Booth, accompanied by Inspector Cooper, C Division, who was able to identify the persons said to be residing at No. 20, Rue Berlin, as he had seen both several times, and Detective Inspector Sexton proceeded to Paris, where they arrived on the morning of the 19th. Having explained their errand to the police authorities of Paris, M. Beaube, the senior principal Inspector of the City of Paris Police, courteously placed his services at their disposal and accompanied them to No. 20, Rue Berlin, where they proceeded early in the day. Madame Hardie, the occupier of a flat or apartments at No. 20, Rue Berlin, who was in the habit of sub-letting furnished rooms in her flat, came to the door, and, on being asked, admitted the party, who were permitted to knock at the door and enter the room occupied by M. and Madame Dutiel, under which name the D'Angelys it appeared were then passing. An interview then took place between Mr. Booth and those who accompanied him with the two persons in the room, who were identified by

Inspector Cooper as René and Eva D'Angely. Inspector Sexton, speaking in French, asked the man if he was Monsieur D'Angely. The man replied, "Yes, sir." Mr. Booth handed the letter addressed to M. René D'Angely to the man, who opened it. The other letter was handed by Mr. Booth to the woman, and D.I. Sexton said, "Open it, if you please, Madame." She also opened the letter addressed to her and read it. Monsieur D'Angely said the notice was absolutely
Q. 3920. too short, and that being the 19th he could not attend on Monday, the 23rd.

Mr. Booth then asked when it would be convenient for him to attend, and in answer (Inspector Sexton interpreted the question) Monsieur D'Angely said: "At the end of the month—about the 1st of next month, or by the following Monday." Inspector Sexton then said "You understand what it means," and he said "Yes, I understand all about it." Inspector Sexton then said "It is to try this thing in the regular way," when Monsieur D'Angely replied "I have no reason to hide myself." Inspector Sexton then suggested to him that if he was not financially ready to come he could advance him his fares, or if necessary he could accompany them to London, and he would pay his fares and the whole of the expenses. Monsieur D'Angely replied that he had plenty of money but he would expect it to be refunded after the hearing by the Commission. Inspector Sexton then said to Madame D'Angely in French: "And you, Madame," to which she replied: "I cannot come unless I am accompanied by this gentleman" (pointing to Monsieur D'Angely). Inspector Sexton answered: "Very well, Madame." The interview then terminated.

Being informed of what had taken place at this interview we decided not to commence the hearing of the evidence in the case on the 23rd, and we fixed the case for the 30th July. We then caused letters to be written to M. and Madame D'Angely
Q. 3965. asking them to attend on the 30th July. The letters were entrusted by us to Inspector Cooper for delivery on the 23rd July, and he, accompanied by Sergeant McIntyre, proceeded at once to Paris, and they, with M. Beaube, at 10 a.m. on the 24th July, visited the D'Angelys at No. 20, Rue Berlin once more. Inspector Cooper handed them the letters. D. S. McIntyre said in French "Here is a letter for you, Madame, and here is a letter for you, Monsieur."

The following is Sergeant McIntyre's account of the interview:—"I said, 'I understand you are Madame D'Angely.' She said 'Yes.' I said to the man 'I understand you are Monsieur D'Angely.' He said, 'Yes.' He said to Inspector Cooper 'What, have you come again?' I answered in French, 'Yes,' and told him, 'You had better open the letter. It is an invitation to you to attend the Royal Commission next Monday in London.' Monsieur D'Angely said, 'It is useless to have come a second time as we promised you last week we would attend on Monday.' The French Inspector who had been good enough to accompany Inspector Cooper and D. S. McIntyre interposed and said 'Pardon me, but you did not specify any certain day; you said the end of the month." There was some argument upon the point, Monsieur D'Angely repeating "No, I said Monday." D. S. McIntyre then said, "At any rate, you are invited to attend next Monday." Monsieur D'Angely replied, "Very good, we will be there," and Madame said, "Yes, sir."

There can be no doubt that the persons served with these letters under the circumstances just narrated were René and Eva D'Angely, who had been concerned in the police proceedings above mentioned.

We attach considerable importance to the fact that we brought our intention to inquire into the case to the notice of these persons, and gave them the opportunity of attending before us in order to disprove, if they could, any evidence which might be given on behalf of the Commissioner of Police in justification of the action of the officers concerned.

In accordance with the notice given in the letters served upon René and Eva D'Angely, we commenced hearing the case on the 30th July, and their names were called in the usual manner, but there was no reply. They did not appear before us on that or any subsequent occasion, nor has any communication been received from them by the Commission.

At the hearing the Metropolitan police force were represented by Mr. Eldon

Bankes, K.C., and by Mr. R. D. Muir. We heard the evidence of Mr. Booth, our clerk, D.I. Sexton, Inspector Cooper, D.S. McIntyre, M. Beaube, and Madame Hardie, as to the service of the letters addressed to René and Eva D'Angely and as to the conversation that those two persons had at their place of residence, 20, Rue Berlin, Paris. Madame Hardie also told us facts from which we infer that Eva D'Angely, since she took her room in her flat, carried on the business of a prostitute to the knowledge of René D'Angely. We also took the evidence of P.C. Page, 429 C, P.C. Nelson Sims, 440 C, and P.C. Lucas, 136 C, who spoke to the circumstances of the arrest of Eva D'Angely, and to facts from which it might be inferred that she was a common prostitute, Inspector Cooper, who was in charge of Marlborough Street Police Station on the night of the 24th April, and S.D.I. Mackay, who was in the Police Court during the hearing of the case and conducted the inquiry directed by the magistrate, the nature and result of which have been sufficiently explained above. In addition we also examined Miss Blackburn and Mr. Gaze, who deposed to facts showing the movements of the D'Angelys from about the time they arrived in London in January, 1906, down to the night of the arrest.

The following is a summary of the facts which were relied upon by the prosecution at the Police Court, and which were repeated in greater detail before us :—

On the 24th April, 1906, P.C. Page was on duty on Beat No. 1, Third Section, C Division (that is to say, Regent Street, Conduit Street, and George Street). He had been on duty on that beat for the month of April, and his hours were from 10 p.m. to 6 a.m. Shortly before 11.30 p.m. he saw a woman passing him when he was standing at the corner of Maddox Street and Regent Street—about half way down his beat in Regent Street. The woman walked on about twelve yards and stopped a gentleman. She then walked on again down Regent Street (that is going south), and walked on about fifty yards, crossed to the opposite side (that is to the east side of Regent Street), and then turned and walked back. When she came to Foubert's Place (still on the east side) she stopped another gentleman; she was not then on his beat. She then walked on to Argyll Place and then stopped a third gentleman. She then crossed Regent Street (to the west side) and walked down to where he was standing near Maddox Street. The constable then asked her why she had stopped those gentlemen. She replied, "Me no speak English." He told her to behave herself and not to accost gentlemen. She replied "Oui, oui," smiled, and walked on in Regent Street as far as Conduit Street and there stopped another gentleman. The constable then went up to her and said, "I have already cautioned you and I shall take you into custody for accosting those gentlemen." She answered something in French which the constable could not understand. He then took her to the station in custody. The prisoner walked quietly and talked in French. P.C. Page then took her into the charge room at the Marlborough Street Police Station and charged her as a "common prostitute, behaving in a riotous and indecent manner at Regent Street, Parish of St. George's." Before taking the charge P.C. Page stated to the Inspector the facts we have just detailed. The woman did not appear to be distressed at all by her position. She spoke in broken English sufficiently well for the Inspector to understand what she said, and she understood him sufficiently well. She gave her name as Eva D'Angely, and her address as 25, Twyford Mansions, Little Marylebone Street. She also gave her husband's name. The constable then went back to his beat, a telegraphic message was sent to the division in which Twyford Mansions is situate, addressed to René D'Angely, and he came to the station at 1.20 a.m., and the prisoner was released upon his bail.

Qs. 3969 to 3972.
Qs. 3976 3977.
See Qs. 3982 to 3994.
Qs. 4311 to 4316.
Q. 4322.

So much for the circumstances of the arrest.

As to the question whether Eva D'Angely was a common prostitute we received the following evidence :—

(1.) P.C. Page informed us that he had before the 24th April seen her walking alone accosting gentlemen. She first attracted his attention in February, when he was on the Oxford Circus fixed point (*i.e.*, at the crossing of Regent Street and Oxford Street). He saw her several times during the month of March, during which he had been on the Conduit Street cab rank, which is a beat adjoining that on which he was on duty on the 24th April. He had seen her in Regent Street on several occasions during the month of April before the night of

Q. 4026
Q. 4030.

the arrest. He did not see her accost men on every occasion on which he observed her in the street. On several occasions, however, he saw actual accosting, but until the 24th April he never had an opportunity of getting near her, as, when he got anywhere near or walked towards her, she either got into a cab or an omnibus, or walked in the opposite direction right away from his beat. He had suspected her as being a prostitute as far back as February, but it was only later on that he became sufficiently certain to justify him in giving her a caution.

Q. 4117. Q. 4121. (2.) P.C. Nelson Sims gave evidence that he had known the woman arrested on the 24th April for about three months, though he did not know her name. During the month of March he was on night duty, his beat being the beat of the Second Section, close to the Circus. During the month of April he was on the Regent Circus fixed point. During the month of March he saw her almost nightly, and also during the month of April when he was on late duty he saw her nightly. She was in the habit of accosting gentlemen. He tried several times to caution her, but he never succeeded in getting near enough to do so until the night of the 24th April. About 11 o'clock on that evening he saw her crossing Oxford Street near where he was standing, and then observed her go up and accost a gentleman standing near the Circus and Regent Street. The constable then cautioned her, saying, "Behave yourself in a public thoroughfare, and do not molest gentlemen." She turned round and smiled, and went back down Regent Street in the direction of Piccadilly Circus without making any reply.

Q. 4124. Q. 4127. Q. 4128. Q. 4129.

Q. 4272. (3.) P.C. Frederick Lucas gave evidence to a similar effect. He said that he saw the woman Eva D'Angely on the night of the 24th April when she was at the police station. He recognised her as one whom he had seen before in Regent Street in the second week in April. He had been on duty at the south-east corner of Oxford Street (the fixed point) in that week, and he was on duty from 9 p.m. to 1 a.m. He saw her accost gentlemen, but he could not get close enough to her to caution her.

Q. 4274. Q. 4277. Qs. 4278, 4279.

Though there was absolutely nothing in the demeanour of the constables to raise any doubt in our minds as to their veracity, we thought it right to make inquiries of their superior officers as to their characters, and to call for returns showing the duties of each of the constables during the months of February, March and April, 1906. We find that the three constables, P.C Page, P.C. Nelson Sims and P.C. Lucas are thoroughly trustworthy officers, that their defaulter's sheets are clean, and that the returns show conclusively that these three constables had consistently with the performance of their duties opportunities of observing the woman at the times referred to in their evidence.

Under these circumstances we have no hesitation in finding that Eva D'Angely was a common prostitute within the meaning of Section 3 of the Vagrancy Act, 1824, and of Section 54, Sub-section 11, of the Police Act, 1839.

That opinion is confirmed by information which we have received from certain sworn declarations from the Deputy Mayor of Algiers, from the Deputy Mayor of El-Biar in the Department of Algiers, and from certain other persons residing in Algiers, and in the neighbourhood, as to the career of the persons calling themselves René and Eva D'Angely before they came to London. We do not think it expedient to publish all the details which have been collected by Sergeant McIntyre with the courteous assistance of the authorities in Algiers and elsewhere, because such a course would involve the introduction of names of persons who have not been called before us who might possibly resent, with some reason, the publication of their names. We content ourselves with stating that it is proved to our satisfaction that (1) Eva D'Angely, under the name of Eva Clavell, for some time led an immoral life at Algiers before January, 1906. (2) René D'Angely also resided at Algiers in 1905; his real name is Soubiger, and he is a French subject; he was living in London during part of the years 1903 and 1904. (3) Soubiger and Eva Clavell were living together seemingly as man and wife during part of the year 1905 at El-Biar, near Algiers. (4) In December, 1905, Soubiger was in monetary difficulties, and about the 20th of that month left Algiers. (5) On the 4th January, 1906, Soubiger was convicted, in default of appearance, before a Court of competent jurisdiction at Algiers for carrying arms and sentenced to imprisonment for six days, and six months expulsion from Algiers and fined 16 francs. (6) Search has been duly made and it is found that Eva Clavell and Soubiger were never married in Algiers or in the Commune of El-Biar; nor have they been married in the United Kingdom.

During the latter part of December, 1905, Soubiger and Eva Clavell made their way to London, and on the 1st January, 1906, they went to live at a boarding house, No. 14, Fopstone Road, Earls Court Road. It appears that Soubiger had already in January, 1904, stayed for a month in the same house. On coming again in 1906 he introduced Eva Clavell as his wife and said that they had come from Algiers. They stayed at this boarding-house for four or five weeks, when they removed to No. 12, Providence Terrace, Earls Court Road. About the 3rd or 5th March, 1906, Soubiger applied for a furnished flat, No 25, Twyford Mansions, to Mr. Gaze, who is possessed of the lease. He gave as a reference Mrs. Lyons, of 12, Providence Terrace, Earls Court Road. Mr. Gaze agreed to accept them as tenants for one year at £2 12s. 6d. weekly, payable in advance. On the 12th March the D'Angelys took possession. In the contract Soubiger is described as R. D'Angely. The D'Angely's left the flat early on the morning of the 19th May without giving any notice to their landlord, being then four weeks in arrear with their rent. We have been unable to discover that Soubiger carried on any lawful business during the time he was in London in 1906. Q. 4601, &c.

Our conclusions are :—

(i.) Eva D'Angely was guilty of solicitation for the purpose of prostitution on the 24th April, 1906, and her arrest by P.C. Page was justified.

(ii.) The conduct of P.C. Page and of the other police officers and constables concerned in the matter was discreet and correct.

III.—CLINCH'S CASE.

In this case, James Clinch, who is in the service of the Postmaster-General, in the Letter Section at Mount Pleasant, and resides at 5, Benson Avenue, Upton Park, E., complained that on Monday, October 16th, 1905, at about 12.10 a.m., he was seriously assaulted by P.C. Gibbard, 215 G., in John's Mews, Rosebery Avenue, E.C.

The following are the material facts of the written statement of complaint sent in to us by Clinch:—"I have been 13 years in the service of the Post Office, and am now in the Letter Section at Mount Pleasant, earning 30s. a week. I am a married man. On October 16th, at 12.10 a.m., I was proceeding along Rosebery Avenue to my work at Mount Pleasant. I turned aside into John's Mews for a necessary purpose. As I went towards one of the carts in the mews, and was just stopping at the wheel, when I heard a shuffling of feet in between the carts which were on my left in the mews. I saw P.C. Gibbard turn from a woman—they were about the width of a cart from me, but there was no cart between me and them—and he asked me 'What I wanted here.' I replied 'Only to make water.' As the defendant moved from the woman I noticed her clothing fall, showing that she had had it disarranged in a disrespectful manner. I turned to go away, and he at once struck me on the back of the head a very severe blow. At the same time he walked on my heels, and whilst so doing he asked me 'Had I any property in there.' I replied 'No.' As I left the mews, with him still treading on my heels, he struck me a violent blow on the left side of the face, and with his other hand he prodded me in the back. The witnesses (two Italians) were about six yards from the entrance to the mews. One of them lives within a few doors. I asked these persons if they witnessed the assault upon me. One made a reply in Italian, and with his finger pointed out a sergeant of police crossing the road. I ran after the sergeant and told him what had taken place, and I asked him to come at once to the mews and see the policeman and the woman. The policeman after striking me the second time had returned into the mews. The sergeant said to me, 'Is the constable in the mews now?' I replied, 'Yes, and also the woman.' I asked him to go into the mews and see for himself the constable and the woman in the mews. He replied. 'Keep quiet, because they must come out this way.' So we all watched. In about four minutes the women came out crouching down and evidently trying to escape observation, and when she got out of the mews she turned to the left and ran up Rosebery Avenue. The sergeant called on her to stop twice, while she ran at full speed, and then he attempted to run after her, and when she saw that she came back. Then the constable came out of the mews. The constable did not make any complaint against me, and the sergeant said, 'You must all come to the station,' addressing particularly the constable and the woman."

Q. 4848. Clinch took out a summons returnable at the Clerkenwell Police Court on the 27th October, 1905, against P.C. Gibbard for assault, but, on the application of the defendant's solicitor, the hearing of the summons was adjourned to 7th

Qs. 4854, 4855. November, 1905. Clinch complained that he had no notice of the application to adjourn, and said it was made and complied with without consent on his part.

Q. 4856. Mr. Bros heard the case on the 7th November and dismissed the charge.

The following is a copy of the Notes of Evidence taken at the Police Court.

James Clinch, No. 5, Benson Avenue, Upton Park, E. I am a porter G.P.O. On 16th October, I was in Rosebery Avenue. I got as far as John's Mews, about 18 feet wide. I saw vehicles in John's Mews on left, two or three. I called in for necessary purpose against wheel of cart. I heard shuffling of feet. I saw a P.C. turn round from a woman, as he turned round he struck me on back of the head. I noticed the woman's clothes disarranged and the constable behaving in an improper manner. As I came away from wheel the P.C. struck me on the back of my head; he then walked on my heels. He said, "Have you any property up here?" I said, "No, I was only about to make water." He struck me another blow at the side of my face with left hand, at the same time he probed me in the back with his right arm. I saw three men standing near. I spoke to them. I saw the police sergeant. The defendant went back into the mews where the woman was. I spoke

to the police sergeant, and he came with me and the two witnesses to the entrance of the mews. After about four minutes the woman came out of the mews in a crouching manner. She ran and turned to the left. The police sergeant called after her and commenced to run after her. She then returned. We all went to station. At station was police sergeant, inspector, defendant, and woman here to-day. Police sergeant told inspector, "I charge defendant with assault." Defendant said nothing. I made statement. Inspector read it to defendant, and asked if it was right. He said nothing. The female made a statement that was read to me. P.C. made a statement, and myself and the woman with two Italians left inspector and defendant together. Inspector left office. P.C. turned to me and said, "Look here, old chap, I will lock you up the first time I see you out. You put a bloke away." I said "I don't want any threat from you," and that I would tell the Inspector when he returned. The Inspector came back into the room, I told him what had occurred. Inspector said "Why don't you be quiet Gibbard. It is bad enough." Doctor examined me, I was in pain next day, my jaw pained me; back of my head seemed cold and stunned; blood flowed from the back of my head into my throat. I saw Surgeon of Post Office, he placed me under Rays, I was not on sick list. I had to go home at 5 15 a.m. The defendant is the constable I saw in Court at that time. He was in uniform.

Cross-examined.

A violent assault was committed on me. I did not apply to go sick. I came from Upton Park to Fenchurch Street and walked from there. It would take me five minutes to walk from John's Mews to Mount Pleasant, walking easily. At Post Office we have ample lavatory accommodation. I was pressed at the time and rather than strain myself I went down the mews. I saw no one about before going down the mews. I got about second cart down. No room for two carts to pass. No light in the mews. Archway at entrance. I attempted to relieve myself against the wheel of the cart about ten feet from entrance; I heard a shuffling of feet between the carts. P.C. was the width of the cart from me. He was between the first and second cart. I had reached to where he was. I was going to make water against outer wheel of cart. P.C. was between the first and second carts. I passed P.C. by about a foot. He was at other side of cart. I noticed no lantern. P.C. struck me without saying a word on back of my head. He struck me as I was leaving the cart. I was unbuttoning my trousers. P.C. turned and came face to face, I turned to walk away. P.C. struck me on the back of my head. P.C. made a mumbling noise like "Out of it." I don't remember exactly what he said. He then walked on my heels. I first saw woman when P.C. turned. He folded his overcoat, I never noticed a belt. P.C. asked me if I had any property there. I said "No I only came there to make water." I didn't say "I came there to look round." I had never seen the woman before or about the Post Office. I didn't see the woman go down the mews. I didn't follow the woman there. P.C. did not follow us down there. I did not then turn to walk out again. I didn't meet the P.C. He did not ask me what I was doing down the mews. I didn't say "I came here to make water and to look round." I didn't hesitate. The P.C. thumped me. I didn't walk to end of mews and return. I didn't say "I can play the game of Tommy Atkins." I was a soldier for three years. P.C. went back into the mews. The woman came out head and shoulders bent. She ran away from us. P.S. brought woman back. P.C. came out of mews. P.C. said nothing when I charged him with assault. I didn't make water till I left Police Station, two and a half hours. I pointed out to the surgeon where I had been struck. I told inspector where I had been struck. I didn't show him, inspector simply looked and said "I can see nothing." Divisional surgeon examined me, said he could find no trace. He examined exterior and interior of face. I worked same evening and since. I don't remember making a complaint against a City constable. There may have been reports against me at the Post Office. Other persons suggested a subscription.

Re-examined.

Woman made a statement at station to the effect that "I went up place to make water, and asked the policeman to cover me." The constable and woman were on opposite sides of cart. When constable struck me last time he knocked my cap off and said, "pick up your cap."

Angelo Delicates, 77, Rosebery Avenue, I was standing outside my door, near John's Mews. I saw complainant and defendant. I saw P.C. go to strike Mr. Clinch. His cap fell off. P.C. said, "Pick your hat up and go away." Clinch spoke to me. Police sergeant came up and took my name. I stood at entrance of mews. A woman came out and commenced to run on the footpath. P.S. called on her twice to stop. She wouldn't. P.S. ran after her and brought her back. P.C. came out. Prosecutor said, "I charge this man with assaulting me while I was making water." Mr. Clinch made a statement in writing. Inspector read it out. P.C. said nothing. Inspector said, "Did you strike this man," P.C. said, "No, I pushed him."

Cross-examined.

I went to Police Station. I interpreted my friend's evidence. I live about two doors away. I agreed with what my friend said. My friend said he saw P.C. push prosecutor. He said nothing about P.C. striking prosecutor. I said I didn't see anything; I didn't want to go against the Force.

Re-examined.

Clinch put his hands up to protect his head.

Richard Lawrence Caunter, Divisional Surgeon. At 1.40 a.m., 16th, I examined prosecutor. He said "I have had two violent blows struck me on the jaw." I examined his jaw inside and outside. I couldn't find any trace of any injury. He said he was in great pain. I told him I couldn't see that. I said there might possibly be a mark afterwards.

Cross-examined.

He did not tell me about the back of his head. He said two blows on left jaw. A tooth projected from jaw—jagged. After a blow I should have expected laceration, No severe blow had been struck. I should have expected to find swelling and redness from violent blow on jaw.

DEFENCE.

Walter Gibbard, King's Cross Road Police Station, 215 G. I was on duty on evening in question. My beat covers both sides of Rosebery Avenue, including John's Mews, which it is my duty to inspect John's Mews at right angles, and then turn sharp to the right, parallel to Rosebery Avenue. I was about thirty yards up road, I saw a man and a woman go down the mews. The woman first, and the man followed about ten yards away. I went after them. I met man coming up the mews, I asked what he was doing there, He said "I have come here to make water and have a look round." I asked if he had any property there. He said "No." I said "You had better get home." He went to top of the mews. He came back ten yards. He said "I can play the game of Tommy Atkins." He refused to go out. I pushed the man and his hat fell off. I picked it up and gave it to him, and he walked away. I did not strike him any blows on the head or face. I went back down the mews to examine locks. I saw the woman by the light of my lamp hiding behind one of the vans at the far end of the mews. I spoke to her and she went out. I followed her out and found complainant there with police sergeant. I told P.S. I had pushed the man out of the mews. He told me to come to the station. I was'nt down mews with the woman. I have seen her but not spoken to her. No impropriety between us.

Cross-examined.

I have seen her once or twice a week at night time. I have only seen her one week. Woman was at other end of the yard. I told P.S. and inspector that I had seen man and woman go down the mews. Man said he went there to make water. Woman said, "I went into the corner to make water." Man sparred up to me and said "I can play the game of Tommy Atkins." I was about a minute from time I saw man and woman enter the mews to when I met the man. I did speak about the squaring up and playing game of Tommy Atkins. I didn't make a statement to complainant at station as stated by him. Complainant said to Inspector "He has been saying something to me." I did say to complainant "You ought to be locked up."

Freya Lehmann, 23, Swinton Street, housemaid. I receive money from Germany. I remember being found in mews. I did'nt see P.C. before. It was early Monday morning. I belong to German Club at Hampstead. I walked down Rosebery Avenue to John's Mews. I went down mews to make water. Somebody followed me. I went into a corner. I heard someone talking. I saw a little lamp on stomach of one of the men. I heard one of them say "What are you doing here?" Someone else said "I am having a look round here." I was afraid to go out. P.C. came to me, showed his lamp in my face. He said "What you doing here?" I said "I just went in the corner." He said "You get outside." I went out. I ran. No impropriety between me and P.C.

Cross-examined.

The corner was at the top of the mews away from the street. I have been working in Piccadilly in Montreal Hotel. I was going home to Swinton Street. I had been to the "Angel" with a gentleman. I have spoken to men from Post Office. Never saw P.C. before or spoke to him before. I was between two carts at doorway or archway of the mews. I always go straight home by myself. I know the two Italians now in Court.

Walter Lane, 10 G. I am sergeant on defendant's beat. Complainant made a statement. Woman came out of mews and ran. I stopped her. Then P.C. came out. Accusation of assault made. P.C. said, "It's a lie, sergeant, I haven't assaulted him." I advised all to go to station.

Frederick Gadd, Inspector G. I received statement. P.C. gave explanation then that he has now.

Cross-examined.

I left room, when I returned Clinch said, "I wish P.C. would not speak to me." I said, "Please be quiet." I called that morning at Post Office about 3.30 a.m. I asked Clinch what he proposed to do. I didn't say "It's hard for one public servant to attack another." Clinch said "I don't like doing this." I said, "It is not for me to advise you."

For Prosecution.

Francesco De Angelis, 31, Warner Street. On 16th October I was outside Rosebery Avenue with two or three friends, one Delicates. I could see into John's Mews three or four yards away. Man came towards us and made complaint that P.C. had assaulted him. I saw P.C. give a push to the man. He pushed him close to the shoulders, it was a mere push. I know the difference between a blow and a push. I didn't see Clinch do anything with his hands. I saw police sergeant come up. Complaint was made; we all went to police station. I said there as I say here, I saw P.C. push the man.

Dismissed with £2 2s. 0d. costs.

We enquired into the complaint of Clinch on the 16th, 17th, and 18th October, 1906. Lord Russell appeared for Clinch, and Mr. Eldon Bankes, K.C., and Mr. R. D. Muir, appeared for the police concerned. In support of Clinch's complaint evidence was given by Clinch himself, Mr. R. D. Yelverton, Francesco de Angelis, Angelo Delicates, and Mr. J. S. Sandy. On the police side there were called P.C. Gibbard, Dr. Caunter, Freya Lehmann, Sergeant Lane, Inspector Gadd, and S.D.I. Briggs.

The evidence of the complainant and that of Gibbard is very conflicting, and serious discrepancies are disclosed on several material points between the statements of each of them and that of the other witnesses. The only misconduct on the part of the police which is alleged by Clinch, so far as he himself is personally concerned, is that he was assaulted by P.C. Gibbard, but the acceptance of the truth of the whole of his evidence involves the committing of acts of misconduct on the part of P.C. Gibbard and of Inspector Gadd.

The charges of misconduct may be thus formulated:—

(1) P.C. Gibbard assaulted James Clinch on the morning of October 16th, 1905, and caused him grievous bodily harm.

(2) P.C. Gibbard, while on duty was in a mews running out of Rosebery Avenue with a woman, Freya Lehmann, and was about to have, or was having, connection with her when interrupted by James Clinch.

(3) Inspector Gadd brought improper pressure to bear upon James Clinch in order to induce him not to take proceedings against P.C. Gibbard for the alleged assault.

The Complainant's Case as to Assault.

We will first summarise the evidence given on the side of the complainant, James Clinch, who described himself as residing at 5, Benson Avenue, Upton Park, E., and was in the service of the Post Office in the Letter Section at Mount Pleasant, stated that he was a married man, and that it was part of his duty to go to his work so as to be on duty at twenty minutes past 12 on the morning of the 16th October. As he was passing down Rosebery Avenue at ten minutes past 12 he came to a place called John's Mews, turning out of Rosebery Avenue, and, he went down to the mews for a necessary purpose. It seems well, seeing that his credibility is in question, and that, in addition to the account which he sent in to us which has been set out above, he gave
Q. 4769 to 4778 other accounts of the affair, to set out in his own words part of the evidence that he gave before us. He said, "Just as I pulled up at the second cart in John's Mews I was surprised to hear a shuffling of feet. I at once observed a constable with a female, which surprised me very much; the female's clothing was very much disarranged, and he was acting in an immoral manner." He was at a distance from them of "about the width of a cart, really that is, taking the circumference of the front wheel of one cart and the back wheel of the other cart, and the woodwork between the two carts, it would make about the width of a cart. I noticed the female's clothing fall; I observed the white clothing. It was a great surprise to the policeman I suppose to find me pull up against the wheel of the cart while he was acting in this immoral manner, and
Q. 4778. he pulled his overcoat over him in *that* way. (*Illustrating*). He turned round and
Q. 4780. asked me what did I want there. I said 'Nothing; I simply came here for a necessary purpose,' or 'to make water,' to explain myself more straightforwardly. 'Have you any property here?' I said 'None whatever; I only came for what I have told you.' With that he said, 'Out of it,' and he gave me a severe blow behind my head, at the same time walking on my heels. The first blow on my head which I
Q. 4782. received from him seemed to stun me somewhat. I went out of the mews in a dazed condition, and as I got to the entrance to the mews he also struck me another blow on the left side of the face, at the same time knocking my cap off my head. He at once kicked my cap, and told me to pick up my cap. I really did not know what to do at the time, as I was in rather a fixed position, having to be on duty at twenty minutes past 12, and this was at ten minutes past twelve. I shouted for the police. . . . . I was at
Q. 4784 the entrance of the mews. . . . . I had moved out. Three young men stood next
Q. 4875. door but one from the entrance to the mews. I should say, roughly speaking, it would be about seven or eight yards; they stood at the top of the steps of No. 77, Rosebery Avenue. I drew their attention to the matter, and asked them if they saw the policeman strike me. I found they were not Englishmen, but foreigners. Whilst I was asking them if they saw what had taken place, one of them directed me to a policeman who
Q. 4786 was crossing the road. . . . . They were at the top of their own steps, and whilst I was asking them if they saw what had taken place, one of them pointed out a
Q. 4787. sergeant crossing the road. . . . . I ran off to the sergeant, and told him I had been assaulted and struck twice by a policeman who was in the mews; and I said I wished him to come to the mews and see for himself the woman and the
Q 4788. policeman together. . . . . The policeman was still in the mews with the woman. When he knocked my cap off he returned back to the mews and was still in the
Q. 4789. mews with the woman when I reported the matter to the sergeant . . . . I said, 'Come with me to the mews; there is a constable and a woman in there; he struck me, and I wish to charge him with assault; he struck me on two occasions'. He said, 'Where is the policeman now?' I said, 'The policeman is still in the mews with the woman.' 'With the woman?' he said. 'Yes,' I said, 'Do come in and go up the mews for yourself and see that the policeman and woman are there.' He said, 'Keep quiet, if the policeman and woman are up there they must come out this way, because there is no other way out.' Whilst we were waiting at the entrance to the mews (I, the sergeant, and three witnesses)—we waited, I think, for about four minutes—the sergeant endeavoured to take the names of these witnesses. I said,

'Never mind the names; go in there and see for yourself.' He said, 'You keep quiet, they must come out this way.' After waiting for about four minutes the woman came out in a crouching manner, and she turned to the left of Rosebery Avenue to run towards the Angel. The sergeant called after her to stop, but she took no notice; but when the sergeant (I believe it was Sergeant Lane, No. 18) attempted to run after her, she stopped. As she came back to the sergeant, and just before she got up to the sergeant, out came the policeman. The sergeant told the policeman that I charged him with an assault, and he made no reply. The sergeant told the constable and the woman they would have to go down to the police station, and also the witnesses." The sergeant, P.C. Gibbard, Clinch, the woman, and the Q. 4790.
two witnesses went to the station and were taken into the charge room, and Clinch Q. 4795
charged the constable with the assault. He made the charge verbally to Inspector Gadd, who was in charge of the station. The inspector asked Clinch if he should write it down but he (Clinch) said he preferred to write it down himself, and being given a pen and paper, he wrote down a statement and handed it to the inspector.

The statement was put in, and is in the following terms:—

"I beg to state that whilst walking along Rosebery Avenue, I went up a mews behind a cart to make water. Whilst there I observed the policeman, 215 G., with this woman in the corner against a cart, the woman at the time having her clothes in an improper manner. She at once dropped her clothes, when the said policeman came up to me and struck me a severe blow, at the same time remarked to be off, and if I had any property up there, and he also walked on my heels until I got on the foot-path, when he struck me another severe blow on the left jaw, knocking off my cap. I at once reported the matter to the sergeant who was passing across the road, when he took the case up. I was on my way to the G.P.O., Mount Pleasant, due on duty at 12.20 a.m.—Yours sincerely, JAMES CLINCH."

Written statements were also made by Freya Lehmann and P.C. Gibbard.

Clinch also told us, and there seems no doubt about it, that the inspector read over the various written statements in the presence of the parties who had made them, and Clinch told the inspector that every word of P.C. Gibbard's statement was Q. 4818.
untrue. He heard the woman's statement also read, but when a written statement purporting to be the one written by Freya Lehmann at the police station and read there to Clinch was handed to him before us, he told us that "the statement of the lady during my presence varied very much from what has been read out now." Q. 4807.

The only other portions of the evidence as to what took place in the charge room to which attention need be called now are these: The inspector according to Clinch, went out of the room and left P.C. Gibbard, Freya Lehmann and Clinch together. The constable then said to Clinch, "Look here, old chap, the first time I see you out of Q. 4821.
doors I'll lock you up; you would put a bloke away." Clinch told him he did not want any threats from him or any accusation whatever, and that he would tell the inspector when he came from the next room. When the inspector did come from the next room Clinch told him what P.C. Gibbard had said. The inspector said, "Why don't you be quiet, Gibbard? The case is bad enough." This conversation is denied by P.C. Gibbard. Before leaving the station Clinch asked to see the divisional surgeon, and accordingly the doctor attended and examined Clinch. This was Dr. Q. 4824
Caunter, divisional surgeon of the G Division, whose evidence is very important and is dealt with later on.

Clinch gave his account of his examination by the doctor in the following words. Q. 4825
"I told him where I had been struck, at the back of the head, and on the left side of the jaw. He examined me. He said something to the effect 'You may have been struck but I cannot feel your pain. As far as I am concerned, I do not see a wound or any cut, or anything to indicate that you have been struck.' He said 'I see you have got a jagged tooth.' I said 'Yes.' None the more for that, I told him I felt the blow on my left jaw very much, and my face was a very tender part, and even if there was no wound to be seen, or any blood flowing, if you get a blow with any force whatever there, it will put you in very great pain, which I was suffering from." Clinch then left the police station and went to the Mount Pleasant Post Office.

Qs. 4131 4832. where he went on duty. He felt ill at 4 a.m., and went to the Book Inspector at the office, Mr. Sandy, the proper person to whom to appeal, and asked for leave Q. 4833 to go off duty. He had his handkerchief, which was covered with blood, he to d Q. 4836. us, in his hand at the time. "Whilst I was speaking to him I brought up a clot of blood. He said, 'Oh dear; that's nasty.' I said, 'I feel weak, and I feel I want to go home.' He said, 'You must see to that.'" This statement is confirmed in substance by Mr. Sandy, the book inspector referred to. Clinch went home at 6 a.m. Qs. 4841, 4842, 4843. Later on the same day (at 10 a.m.) Clinch saw Dr. Sinclair, the Post Office doctor, and told him how he had been struck, and how it came about, and he said that whilst he was speaking to the doctor blood came up from his throat, and he produced the same handkerchief to him.

Complainant's Case as against Inspector Gadd.

Evidence was given upon one other matter in Clinch's examination in chief, to Q. 4846. which he seemed to attach considerable importance. He said that the Inspector, Gadd, came to the Mount Pleasant Post Office on the Monday morning. "The inspector," he said, "came and asked the doorkeeper if he might be allowed to see me. I was sent Q. 4847. for, and when I came I saw the inspector in the passage. . . . . He said 'I just thought I would drop in and see you with reference to this case. Of course, it is not for me to persuade you either one way or the other what to do, but do you really intend to charge the constable, and to take it further?' I said, 'Under the circumstances, I feel that I must.' He said, 'Of course, it is rather hard that one servant Q. 4848. should go against another. . . . . I took it that he was a policeman, and that I was a Post Office official. I told him I felt I must under the circumstances. He said, 'You cannot say for certain then?' I said, 'I will not say for certain, but I will think it over.' He said, 'By what time?' I said, 'If I do not really intend to take the matter further I will call down at the police station when I leave off duty and tell you.' After the Inspector had gone I thought the matter over very, very seriously, and I felt that I must take up the charge against him—it did not matter what came or went, or where I got the few shillings from to take out the summons against him."

Clinch did, as stated above, proceed against P.C. Gibbard at the police court for Q. 4853. assault. He told us that he retained counsel (Mr. Yelverton) and that before the Q. 4854. hearing came on the case was adjourned for about eleven days. He said that the adjournment was notified to him in a letter which he received from the solicitors Q. 4856, 4857. for P.C. Gibbard, and he complained that he had no notice of any application to the Court. The case was ultimately heard at Clerkenwell on the 7th November by Mr. Bros and dismissed. In reference to the suggestion that he had known Freya Lehmann before, Clinch told us that he had never seen her in his life, and that there was no truth at all in the suggestion made by P.C. Gibbard that he (Clinch) had accompanied the woman down the mews.

That is, in substance, the evidence which Clinch gave in chief in support of his complaint, and it will be better to postpone any reference to the cross-examination of this witness until we come to discuss the issues of fact and the amount of credence to which he is entitled.

The two persons who, according to Clinch, were standing in Rosebery Avenue, near by, when he came out of the mews, and who went to the police station, were called before us.

Q. 5965. The first one, Francesco de Angelis, an Italian, living at 31, Warner Street, remembered being with Angelo Delicates outside 77, Rosebery Avenue on the night in Q. 5968. question. He saw Clinch, whom he did not however know by name at that time, Q. 5970. going into John's Mews, and the next he saw of him was about a minute or two Q. 5971. afterwards. He saw a constable come out and saw him pushing Mr. Clinch—pushing Q. 5973. a gentleman out of the mews. Clinch started shouting. He came forward twice. Qs. 5974, 5975, 5976, 5977. He asked him to be a witness that he saw the policeman strike him. The sergeant came afterwards out of another street. The sergeant came across the road and asked Mr. Clinch what was the matter. He saw a young lady coming out from the same Q. 5979, 5980, 5981. mews. "She started running on the footpath and the sergeant called upon her to stop, Q. 5982. but she would not stop." He recognised the woman (Freya Lehmann) in court as the Qs. 5983, 5984, 5987. young lady in question. "The sergeant ordered her and the constable to come to the station with him." He also went to give his evidence, and he gave his evidence to the inspector, but it does not appear that it was taken down in writing. In cross-

examination by Mr. Eldon Bankes it was elicited that the witness had been standing talking to Angelo Delicates about ten minutes before Clinch went into the mews. He saw the woman go into the mews about five minutes before Clinch went in. He did not see the policeman go into the mews at all; he saw him go out. Asked by Mr. Eldon Bankes whether in the statement written at the police station he had said, "I saw the policeman push him" (Clinch) "and he said to him 'Pick your hat up,'" he answered "Yes." He repeated that the policeman was only pushing Clinch. Qs. 5990, 5991, 5992, 5993. Q. 5998.

Angelo Delicates, who spoke English reasonably well, and acted as interpreter during the examination of De Angelis, said that he was, in October, 1905, living at 77, Rosebery Avenue, and was talking to the last witness (De Angelis) on the occasion referred to. He was standing just near his door, and was unlocking it during the conversation. He had been talking to De Angelis about ten minutes or a quarter of an hour, or something like that, when his attention was directed to what he saw happen in John's Mews. He saw a constable striking a gentleman, and he heard the constable say, "Pick up your cap and go," and this gentleman (Clinch) went back to the mews again. He did not know his name at the moment. He saw the constable punching him. He was striking him, and the gentleman was holding his hands up, and he illustrated it, but the impression made upon us was that the movement of his arm and the way in which he used his hand did not suggest a clenched fist and a direct use of the arm. It rather suggested a push than a blow. "There was no light in the mews." Clinch came forward at once and asked him and De Angelis if they saw the constable strike him. They answered "Yes." In the meantime he saw a sergeant crossing the road, and he said to Clinch, "Here is a sergeant crossing the road; call him, he will put everything right for you." Clinch did so, and the sergeant came across, and whilst the sergeant was taking the name of De Angelis and Delicates a young lady came out. He heard Clinch say to the sergeant that he had been assaulted by a policeman. The sergeant then started to take their names. Whilst that was taking place the young lady ran out on the footpath, but he did not know her in court as Freya Lehmann. The sergeant ordered her to stop, she still kept running, so the sergeant ran after her and stopped her, and brought her back to the mews. In the meantime the policeman came out of the mews. When the sergeant got to the mews the policeman was coming out. The sergeant said to the policeman, "This gentleman charges you with assault;" and the constable denied it. The sergeant then asked them to go to the station with him, and he (Delicates) went. The Inspector asked him, "Do you know anything about this?" and he said "No," because he thought as a foreigner he ought to mind his own business, and he did not like to be in an affair like that. He was in the charge room when the charge was made, and he saw Clinch and the Inspector in the room. He heard the Inspector say, "Gibbard, keep your place," or something like that. He heard the Inspector read the statement to the policeman. The Inspector said nothing when he read it except the words, "This gentleman is charging you with assaulting him, Gibbard. Is that right?" The policeman did not answer. But in cross-examination on this point the witness admitted that the constable had, in answer to a question by the Inspector, given the answer, "No, I only pushed him." But it is not clear whether that involves any inconsistency in his evidence, since it is quite possible that the constable may have said that to the Inspector, but not in answer to the Inspector's question, "Is that right?" The matter does not appear to be of any importance. He was also cross-examined as to whether he had said at the Police Court that he agreed with what his friend (De Angelis) had said, the suggestion being that De Angelis had simply said at the Police Court that he saw the policeman push Clinch, and if the witness agreed with him that the policeman only gave Clinch a push that would be inconsistent with the evidence which he had then just given before us. But as it then appeared that possibly the witness was not clear as to the distinction between a "pushing" and a "striking," the discrepancy, if discrepancy there be, is not one that seems to us damaging to the credit of the witness. The matter seems to be made fairly clear by a conversation that took place between Mr. Eldon Bankes and the Commissioners. Mr. Bankes said: "There are two quite distinct questions. One is whether the constable pushed the man or whether he struck him. These two men did not agree on that." The Chairman said: "I pointed out that this witness in his dramatic action made such an ambiguous action that as far as I am concerned I should have thought it was a push rather than a blow." Mr. Eldon Bankes then said: "I am obliged to you. Therefore we have got rid of that point. The other point was in his evidence he led you to think that the constable said nothing when he was charged Q. 6005, &c. Q. 6010. Q. 6011. Q. 6012. Q. 6015. Q. 6017. Q. 6019. Q. 6020. Q. 6021. Q. 6022. Q. 6024. Q. 6025. Q. 2026. Q. 2067. Q. 6028. Q. 6031. Q. 6332. Q. 6033. Q. 6034. Q. 6036. Q. 6067, &c. Q. 6121

with striking the man, and therefore in substance he admitted it, whereas when he gave evidence either in chief or in cross-examination, I do not care which, at the Police Court, he said, on the contrary, when the Inspector asked him whether he struck the man, his answer was: 'No, I pushed him.' Those are two quite distinct points." This latter question, however, does not appear to have been cleared up. In further
Q. 6149. cross-examination, it came out that Delicates and his friend were not in the same
Q. 6150. position during the whole ten minutes or so that the conversation lasted. When Clinch went in they were on the footpath, but afterwards Delicates changed his position because he went to unlock his door.

The evidence of these two witnesses strikes us as very important because it is the only independent testimony we have on the principal point in controversy. Both men gave us the impression that they were trying to give their account of what they observed quite fairly and honestly. Nothing seems to be known against their character, and one of them (Delicates) has lived in London since he was eight years old. Although Delicates acted as interpreter he did not seek in any way to colour the evidence of his friend, or to soften down such differences as exist between their statements.

The Interview with Mr. Sandy.

In reference to Clinch's statement as to his condition when he was at the Post
Q. 7056, &c. Office on the 16th October Mr. S. J. Sandy, who was the Inspector on duty there, saw Clinch at 4 a.m. According to his recollection, Clinch told him that he had been assaulted by the police, and he showed him his swollen face, and said he had a cracking of the jaw. "He also said that he had received two or three severe punches on the back of the head." The witness saw that his face was swollen, and he saw blood coming from his mouth and his nose. Clinch complained of feeling in a dazed condition. Thereupon the witness relieved him from duty, and suggested his attending the medical officer.

P.C. Gibbard's Account.

On the question of the assault the medical evidence is naturally very important,
Q. 7329, &c. but before dealing with it we think it better to give P.C. Gibbard's account of the
Q. 7331. matter. He told us that he was a constable attached to the King's Cross Road Police
Q. 7333. Station in October, 1905, and that on the evening in question he was on duty on
Qs. 7334, 7335. his beat. John's Mews was within his beat. He had often had occasion to go down
Q. 7337. that mews before after people and had turned people out. He was in Rosebery
Q. 7338. Avenue about thirty yards from the mews when he first noticed anybody going in
Qs. 7341, 7342. on that evening. He saw a woman going down the mews. About a minute after that
Q. 7363. he saw a man go down the mews. We now quote P.C. Gibbard's own language. "I went into the mews, and I met the man Clinch coming out of the mews about ten yards down. I asked him his business in the mews, and he said 'I have come down to make water and to have a look round.' I asked him if he had any property in the mews, and he said 'No.' Then I said 'You had better get home.' He said 'When I please.' He said 'I can play the game of Tommy Atkins as well as you can,' and
Q. 7364. then I pushed him and his hat came off. He went out at the end of the mews." He went on to say that he pushed him at about five yards from the point at which he had
Q. 7365. first met him. He had then got a little way in the direction of the entrance, and
Q. 7367. he went out of the mews. He only pushed the man once, and that was at a point
Q. 7368. inside the mews. He continued: "I went back down in the mews, and I saw a
Q. 7370. woman about three parts of the way down the mews, hiding behind a van. I asked her what she was doing there. She said, 'I have come in the corner to make water.' I said, 'You had better get out and go home,' and she went. I watched her out of
Q. 7371. the mews, and I went back and examined the padlocks on the doors, and then I went
Q. 7373. out." He had his lantern with him, and he used it when he was in the mews, and
Q. 7374. he discovered the woman by means of it. He could not have seen her without the
Q. 7375. lantern. When he met Clinch he had the lantern, which was then alight, on his belt.
Qs. 7376, 7377, 7378 After examining the padlocks he came out of the mews and saw the woman and
Q. 7380. the sergeant about twenty yards away from the corner. "The sergeant said, 'This
Q. 7381. man has complained of your assaulting him, striking him on the head.' I said, 'It
Q. 7382. is a lie, sergeant; I have not.' The sergeant said, 'He says so, and you will have
Q. 7383. to come to the police station,' and we went there." He denied that when he got to

the station he looked into a room where some constables were waiting. He said that they went straight in to the Inspector's desk. The Inspector was there, and Clinch and he and the woman and the two Italians all went to the front of the Inspector's desk. The sergeant told the Inspector what Clinch had said, and then the Inspector asked for reports. He prepared his report in the charge room; Clinch prepared his statement on the desk in the Inspector's office. He denied that his report was read, but he said he heard what the woman said in hers. Her statement was read out, and on the statement produced by Mr. Eldon Bankes, which had been shown before us to Clinch, being handed to the witness (P.C. Gibbard) the latter said that that was what he heard read out. The witness as to what took place after he had made his report and taken it to the Inspector said that he was left in the room with Clinch and the woman, the Inspector having gone out. He then remarked to Clinch, "You are a beauty, making this false charge against me, and telling a lot of lies." Clinch replied, "I do not want to speak to you, I will speak to the Inspector." According to P.C. Gibbard, that was all that was said. When the Inspector came in again Clinch complained that P.C. Gibbard had been speaking to him. The Inspector then said to him (P.C. Gibbard), "Oh, that is enough," or something like that, "Do not speak to him." He absolutely denied that there was any foundation for the suggestion that he had been behaving improperly with the woman in any part of the mews. That completes what it seems necessary to extract from P.C. Gibbard's evidence. The statement or report he made at the police station reads as follows :—

Q. 7386 to 7393.
Q. 7395.
Q. 7403 to 7407.
Q. 7411.
Q. 7413.
Q. 7414.
Q. 7415.
Q. 7416.

"I beg to report that at 11.50 p.m. inst. I was on duty in Rosebery Avenue when I saw a man and woman go down Johns Mews. I went down to see what they were doing, and saw the man coming up from the mews. I asked him his business and if he had any property down there. He replied 'No.' I then told him to get away home and pushed him out of the mews. I went back and saw a woman and asked her business, she replied, 'I have come down to make water.' I turned her out and then looked round the mews, went out, saw her speaking to P.S. Lane, who stated that a man had complained of being assaulted by P.C., and we accompanied complainant to the station. Walter Gibbard, P C. 215 G. W. Hammond, Supt."

Freya Lehmann's Evidence.

In addition to Clinch and to P.C. Gibbard's evidence as to what took place in and about the mews we received that of the woman Freya Lehmann, who was undoubtedly in the mews on the night in question. She said that she was living at 31, Baker Street, Lloyd Square, and she remembered the evening in question, and going into the mews. She said she went into the mews by herself, and heard some footsteps coming after her. She went to the end of the mews—the furthest part from the street. Passing a number of vans or carts she then heard some talking—gentlemen's voices. She could not hear what was said. She stopped where she was. After that a policeman came up to her and said, "What are you doing here?" She answered, "I went in the corner." She had been in the corner. The policeman said, "Get outside." He had a lamp with him and he turned the light of the lamp on to her before he spoke. She went quickly out of the mews because she thought he would catch her. She then went down the Avenue on the left hand side. She saw somebody standing outside, but did not notice because she was running. She heard somebody call after her, she turned round and looked back, and found it was a sergeant. She went with the sergeant, the policeman, the Italians, and the complainant to the Police Station, and wrote down herself a statement. She wrote only one statement, and she identified the statement handed to her by Mr. Eldon Bankes (the one that had been handed to Clinch) as being in her own handwriting, and the only one she had ever made. She categorically denied that she had ever said that she went into the mews to make water and asked the policeman to stand and cover her. She would not ask a policeman to do that. She denied that she and the policeman were misconducting themselves close to the entrance to the mews. Lord Russell cross-examined the witness with a view to showing that she earned her living by prostitution, and on certain other points connected with her evidence.

Q. 7851, &c.
Q. 7859, &c.

The Evidence of Sergeant Lane and Inspector Gadd.

It seems unnecessary to set out at any length the evidence of Sergeant Walter Lane, because in the main he only speaks to matters as to which there is no dispute.

But is important to observe that though in his first account of what Clinch said when they first met he did not mention that Clinch had referred to the fact that there was
Q. 8097. a woman in the mews, on his attention being called by Mr. Dickinson to his report he admitted that Clinch had after complaining of the assault added that he had seen the policeman at the back of a van with a woman.

The account given by Inspector Gadd of what took place in the charge room substantially confirms what P.C. Gibbard and Sergeant Lane had stated, but he thought that P.C. Gibbard was mistaken in saying that the statements of Clinch, of the woman, and of the Italians were not read over to him before he (P.C. Gibbard) had written his report. The Inspector admitted that he had called upon Clinch at the Post Office, and
Q. 8068. he explained that he did so because he had promised Clinch to do so. His evidence on this point was that before Clinch left, he (the Inspector) had said to him, "I
Q. 8037. should like to know whether you propose to leave this matter to be dealt with by the Commissioner, or whether you propose to apply for a summons." He said "I do not quite know what I shall do. My hours are"—the Inspector thought he said—"from 12.30 to 7.30." The Inspector said, "I should like to know what you intend to do, and I will call upon you." Accordingly, at about half-past three he called at the Inland Section at Mount Pleasant and asked to see Clinch, who came to him. The Inspector asked him whether he had made up his mind, and Clinch replied, "No, I have not." He said something about that it was not nice for one public servant to go against another. The Inspector told us that he replied, "I cannot advise you, but I want to know whether you have made up your mind what you propose to do?" Clinch said, "No, I think not. I will call at the station and let you know." Clinch, however, did not call at the station. As to this interview we need only say that we accept the Inspector's account.

The Medical Evidence.

Q. 7093, &c. It was Dr. Caunter, the divisional surgeon, who first examined Clinch after the alleged assault. He is a doctor of medicine and divisional surgeon of the G Division at the King's Cross Road Station. He was called there in the early morning of the 16th October to examine a man named James Clinch. He got to the station at 1.40 and examined Clinch. Clinch complained of having received two blows on the left side of the face on the lower jaw, and he pointed to the place. The doctor asked if he was injured in any other way, and he said "No." The doctor then examined the place
Q. 7301, &c. he pointed to. The doctor was asked what he found, and he said, "I found nothing whatever. I looked when I examined the inside of the mouth, and on the inside of the mouth opposite the place that he complained of there was a jagged pointed tooth pointing towards the near side of the cheek, and, in my opinion, if there had been any force used to the place he pointed out to me this jagged pointed tooth would have
Q. 7305. cut the inside of the cheek. There was no cut." He observed no blood at all. He made an entry in the Occurrence Book at the time. The entry in the Occurrence Book, which was put in, is as follows: "At 1.40 a.m. I examined James Clinch. This man complains of injury to his left jaw. On examination I cannot find any trace of injury either on the outside of the face or inside the mouth. In my opinion if there had been any severe blow on the spot pointed out to me by this man there would be as a result a cut on the inside of the cheek, as there is a jagged tooth in the upper jaw in this position." Though Clinch said nothing about a blow on the back of his head when first examined by Dr. Caunter, it appears that he did so during the
Q. 7308. magisterial proceedings. It also appears, however, that Dr. Caunter did not examine the back of his neck because when he enquired of Clinch whether there was any other injury he replied, "No." Further examined, the doctor told us that Clinch had mentioned that he had been struck twice by the policeman on the side of the jaw.

Q. 7027, &c. Dr. John Sinclair, one of the official doctors of the Post Office, who is a doctor of medicine, &c., told us that he recollected receiving a visit from Clinch on the morning of the 16th. He also saw Clinch on the following Wednesday, the 18th. The witness told us that the notice to attend had been rather sudden, so he had not had time to make out a full copy of his notes, but a copy of the report which he made for the information of the Postmaster-General on the 20th was read and put in. It was as follows:—"The Controller. Porter Clinch attended this department on Monday, October 16th, and
Q. 7038. gave an account of an assault which he said he had suffered at the hands of a policeman

the night before. Asked to state his injuries in order that the parts might be examined, he complained that he had been hit on the left side of the face, and this comprised the whole of his statement of injury. I examined him. I noticed a slight localised swelling of the skin and subcutaneous tissue over the seat of the articulation of the lower jaw, but was unable to discover anything else. The skin of the face and the inside of the mouth were devoid of any signs indicative of an act of violence having been committed. I did not see any signs of drink. On October 18th he attended again, and said that he was suffering from 'stunned feelings,' and that he was 'bringing up blood,' and added that he had been hit on his head by the policeman, and thought that the policeman must have used his truncheon. I examined his scalp, and was unable to find any signs of the alleged blow. I examined his nose and throat, and was of opinion that the blood which I saw upon his handkerchief came from his nose. As regards his 'stunned feelings,' I told him that these symptoms were appearing too late, that they should have been present on the morning of the 16th immediately after the assault. In both my examinations I did not see any signs of shock or concussion. I did not consider it necessary to recommend any sick leave." Dr. Sinclair told us that he did not see any spitting of blood, and that there was no spitting of blood, but that there was blood on his handkerchief. The doctor examined his throat and nose, and he satisfied himself that the blood came from the nose. The only blood Q. 7041. was at the back of the nose. The only injury that he actually noticed was a little swelling over the lower jaw. There was no sign of abrasion. It might have been a little swelling from toothache. In answer to questions from the Commissioners, Dr. Sinclair would not accept the suggestion that if Clinch had been struck a severe blow on the early morning of the 16th it would have been possible for him to have developed "stunned feelings" on the 18th. He was of opinion that the "stunned feelings" would have followed immediately on receipt of the blow or the injury. On the first occasion Clinch only complained of a blow on the chin, and nothing Q. 7050. about a blow on the head; and Clinch suggested, as appears from his note, that he thought the policeman had hit him with a truncheon. The doctor could find no Q. 7052. evidence of any blow, though he examined the scalp carefully. Q. 7054, 7055.

That is, in substance, the whole of the medical evidence.

The principal questions of fact which we have to determine so far as P.C. Gibbard is concerned are (1) Did he assault Clinch by striking him as alleged by the complainant? and (2) Was he misbehaving himself with Freya Lehmann in the mews as alleged? If the constable did assault Clinch by striking him as alleged, Clinch makes out a case of personal grievance against the constable, and, whether the assault took place or not, if the constable was misbehaving himself as alleged, Clinch, apart from the assault, has no personal grievance against P.C. Gibbard, but his complaint must be treated as one made simply in the public interest.

The Alleged Assault by Striking.

It is clear upon P.C. Gibbard's own statement that he did technically assault and beat Clinch. He admits that when he met, as he says, "Clinch coming out of the mews about ten yards down" after a conversation which Clinch ended by saying, "I can play the game of Tommy Atkins as well as you can," he pushed him, and his hat came off. That was a push amounting to an assault, though one of a comparatively trivial kind. The constable appears to have thought that he was entirely justified in pushing Clinch under the circumstances which he described.

John's Mews is private property, and, if so, Clinch was a trespasser, and so also was the constable, unless he could justify his entry. He says it was part of his duty to go into the mews to see that certain doors at the end were duly locked, and that the premises in general were safe, but we are not sure whether that duty arises from the mere fact that he was the constable on the beat, or from some special instructions given, or request made by the occupier of John's Mews. *Prima facie*, we think the constable was entitled to enter the mews, in order to see that no people were misbehaving or loitering there, and in looking after the safety of the premises. Taking that to be the case, he would have been within his right in turning out any persons who

were not there with the leave of the occupier. According to the conversation with Clinch as detailed by P.C. Gibbard, he proceeded about his business with great propriety, because when Clinch had said that he had gone down to make water and to have a look round (observe the somewhat singular reply as to the "look round"), he asked him whether he had any property in the mews, and, on Clinch replying in the negative, said, "You had better get home." If Clinch had at once gone out of the mews, the constable would not have been justified in pushing him, but if Clinch resisted, or gave the constable reasonable ground for thinking that he was not going to comply with an order which was quite proper under the circumstances P.C. Gibbard would have been justified in compelling him to leave, provided he used no more force than was reasonably necessary under the circumstances. If Clinch did reply that he would only go when he pleased, and that he "could play the game of Tommy Atkins," no one would quarrel with the constable's action in pushing him out of the mews into the street, and the mere fact that his hat fell off would certainly not indicate that any improper degree of violence was used. But whether the P.C. was there in company with the woman, or whether the police-constable's account is true when he says that he had seen Clinch follow the woman in, and then met him coming out, he had no right whatever to strike Clinch on the side of the jaw as alleged.

Let us ask ourselves, then, whether we can believe Clinch as to the character of the assault. His evidence on this point appeared to us to be very unsatisfactory, and, indeed, the impression left upon our minds was that he could not be trusted to give a very clear account of what he observed on any occasion. Mere incapacity to tell a story accurately or to tell it twice in substantially the same language or without omissions or additions does not necessarily show a man to be a dishonest witness; but the evidence of the medical gentleman called is conclusive that, even if he is speaking the truth as to the way in which he got into the mews, and as to finding the constable and the woman there, Clinch is speaking falsely in regard to his treatment by the constable. Seen within a very short time after the occurrence by Dr. Caunter, his condition as described by that gentleman, was absolutely inconsistent with his story of the assault. The diagnosis of Dr. Sinclair, who saw him at 10 o'clock on the same day, about ten hours after the alleged assault, is entirely consistent with the diagnosis of Dr. Caunter, and it is clear that Dr. Sinclair did not believe a word of the story. It is quite possible that Clinch was suffering pain from the jagged tooth of which we heard, and which might have caused the swelling which Dr. Sinclair noticed. Dr. Sinclair evidently thought was that Clinch was malingering, and making a great fuss about injuries alleged to have been received in the affair on Monday morning in order to get leave; but there is nothing in that which diminishes the value of his positive evidence to the effect that he was unable to detect "any sign indicative of an act of violence having been committed"; and Clinch's reference to the use of the truncheon at the second interview on the 20th certainly tends to show to us, who know that in the two statements which he had then made there had been no suggestion of the truncheon having been used, that Dr. Sinclair's suspicions that Clinch was exaggerating, and was not to be believed, were well founded.

Upon the medical evidence alone it would seem that Clinch was lying about the way in which he was turned out of the mews by P.C. Gibbard, and, as it happens, some confirmation of the untrustworthiness of Clinch is afforded by the evidence of the two Italian witnesses. De Angelis at the police court and before us said that he saw the constable "pushing the gentleman." Delicates said before us that he saw the constable strike Clinch, but when he was asked to describe what he saw the policeman doing with his arm, the motion that he went through did not suggest a blow with the fist at all, but rather a push delivered with considerable force. It may, however, be observed that what they say does not absolutely disprove Clinch's story of the assault, because it may be that the constable struck him in the mews as alleged, and that the pushing described took place after the blow.

On the whole, however, the evidence of those two witnesses does support the inference to be drawn from the medical evidence. We have no hesitation in coming to the conclusion that Clinch's story of being struck on the jaw or in any way violently assaulted is without foundation. That being so, the charge of misconduct on that head against P.C. Gibbard falls to the ground.

Alleged Misbehaviour of P.C. Gibbard with Freya Lehmann.

In trying to determine the question whether P.C. Gibbard was misbehaving with Freya Lehmann we have to start with the undoubted fact that there was a time at which the three persons concerned, Clinch, the constable, and the woman, were in the mews together. Next, we ought to observe that the account given by each one of the three as to the manner in which he or she got into the mews is quite possible and by no means unbelievable.

Whether Freya Lehmann is a prostitute or not, it may be that she is speaking the truth when she tells us that she turned into the mews for a necessary purpose. and that she had nothing whatever to do with either Clinch on the one hand or the constable on the other, until the latter discovered her by turning the light of his lamp towards where she was standing. Whether Clinch is lying as to the assault or not, he may be speaking the truth when he says that when he got into the mews in order to make water he did find the constable and the woman there before him, but, even if that be the case, it does not necessarily follow that the constable was misbehaving himself with the woman, or had gone in for any purpose other than the discharge of his duty. Lastly, it is quite possible that the constable's story is true, and that having seen both going into the mews, he followed to see what they were doing and found both there.

There are three distinct accounts of how these persons came to be together in the mews, and it seems right to ask oneself which, apart from any evidence of a disinterested character, ought *prima facie* to be believed. In answering that question let us clear the ground by observing that if Freya Lehmann's account is true, that of Clinch must be false, but the constable's may be true; and if P.C. Gibbard's story is true that of Clinch must be false, and that of Freya Lehmann may be true. It follows, therefore, that the acceptance of either Freya Lehmann's story or of P.C. Gibbard's story involves the complete rejection of Clinch's story as to their misbehaviour, and, treating the credibility of the three witnesses as being absolutely equal, the weight of the testimony is against Clinch. But it would be obviously unfair to treat the evidence of these three persons as being equally trustworthy.

Take Freya Lehmann, and assume, as it is not unfair to assume from what we heard in the case, that she is a prostitute or at any rate a woman of easy virtue, her evidence in this particular case becomes of very little value, not simply because of her character, but because her being so makes it not improbable that she was there for the purpose of having connection with either one of these two men, and if the man she was with was indeed P.C. Gibbard, though nothing very dreadful could happen to her from discovery, still it would be natural to think that her relations with a constable were such as to give her some motive for shielding him from blame and at the same time, herself from shame. Having seen the young woman, we came to the conclusion that if, being out of a place, and in straitened circumstances, she was or had been a prostitute, she is one of those who are the victims of circumstances rather than one brought up in such surroundings from her childhood that she has become thoroughly vicious and depraved. That being so, we should certainly not reject her evidence as a matter of course. We were very favourably impressed with her demeanour in the witness-box. However, she herself by her action in going into the mews became mixed up in the transaction, and we cannot regard her evidence as so free from the suspicion of interested motive as to give it much weight, if it stood alone.

The second witness, Clinch, is an ex-soldier and a servant of the Postmaster-General. He belongs, therefore, to a very respectable and usually honest body of public servants, and one would naturally be ready to give him credit for giving his evidence sincerely. But we have found that in regard to the assault he was lying. and therefore he is a discredited witness; but at the same time it does not necessarily follow that we must reject his evidence as to what he observed in the mews. If there are any circumstances which afford corroboration of what he said, or if the explanation given by the police-constable should be deemed unsatisfactory, it would be a very crude method of proceeding to dismiss a witness's whole evidence simply because he is shown to have lied on one point; at any rate that is so in an inquiry like ours, where we are not concerned in securing redress for the complainant, but in trying to find out, in the public interest, the whole truth.

The third witness concerned came before us as a constable who had had a little over nine years' experience in his work when this affair occurred. He, a man of 21 when he joined, was therefore a little over 30 years old in October, 1905. *Prima facie*, and so far as anything that appears in connection with this case, he is entitled to credit, and upon the principle that a person employed in the public service, being constantly under the supervision of superior officers, ought to be presumed to have done his duty properly, unless the contrary is shown, he would be entitled to complete acquittal, if the matter stood simply upon the testimony of Clinch alone. But, unfortunately for him, his defaulter's sheet is not clean, though notwithstanding the entries his pay was advanced regularly down to the 25th June 1904. His defaulter's sheet is quite clean down to the 4th March, 1903, but on that date, and on the 8th December, 1903, there are entries against him. The offences disclosed are not in themselves serious, and, so far as the question of the assault is concerned, absolutely immaterial, as they do not relate to misconduct of a violent character, or anything of the kind, but to offences which have some bearing upon the probability of his having been guilty of misconduct with F. Lehmann in this case. They are as follows:—"4th March, 1903—Inattention to duty by idling and gossiping with two females at 8 p.m., and again at 8.45 3rd instant at Charterhouse Street while on fixed point duty. Fine 1s. 6d., reprimanded and cautioned. W. Hammond, Superintendent. 8th December, 1903—Inattention to duty, and fined 2s. 6d., and in idle conversation with a female in the doorway of the Victoria P.H., York Road at 4.40 p.m. 7th instant. Fined 2s. 6d., strictly cautioned and to forfeit one hour of leave. W. Hammond, Superintendent." Such entries are of course not conclusive about his character, but one cannot help feeling that there is a good deal of significance for us about them. Both are offences involving undue familiarity between the constable and women, and taking into account the repetition of the offence, and the probability that he may have been guilty of similar offences on occasions when he was not observed by his superior officers, it does look as though this constable was rather too much addicted to female society. It must be remembered that mere brief conversations with members of the opposite sex would not make him obnoxious to censure, and that the conversations referred to must have been of such duration and were carried on in such a way as to have involved neglect of duty. It does not of course follow because he indulged in such conversations when on duty that he positively misbehaved himself on the night in question, but still these entries afford some indication of his character and habits.

We have, however, some testimony from the two Italians which may be fairly described as independent, and which throws some light upon the order in which these three persons went into the mews, but before calling attention to it let us see clearly what the conflicting accounts of Clinch and the constable say upon the matter. If Clinch's story is true, the police-constable and the woman were in the mews when he went in. If the constable's story is true, Clinch and the woman were there before he went in. Each of these two men alleges that the woman was there before he went in. The question is, did Clinch go into the mews after the policeman, or the policeman after Clinch? If the question is to be answered simply by reference to whether one believes Clinch as against the constable, we should on the whole feel constrained to say we believe the constable. But both De Angelis and Delicates assist us on the point. The former, as will be seen by reference to the summary of his evidence given above, tells us that he saw both the woman and Clinch go in. They did not, according to him, go in together. The woman went in first, and about five minutes elapsed before Clinch went in. The witness at the time was in conversation with Angelo Delicates, and possibly a third Italian, who has not been called before us, and we know that the whole conversation lasted from ten to fifteen minutes. We also know that the witnesses did not remain during the whole of the conversation in the same place, and that at the time when Clinch came out, and was being pushed by the constable, Delicates had been in the act of unlocking his door. The Italians were engaged in conversation during which they very likely to some extent changed their position more than once, but it is likely that they were more or less looking each other in the face, since, as a rule, people do not converse with faces averted the one from the other for any length of time; and, if so, it cannot be supposed that they were keeping anything like a deliberate watch upon the mews, and it is quite possible that either might see one person enter, and not see another. Of course the five minutes spoken to were given simply as an estimate by the witness, and, when pressed by Mr.

Qs. 5990 to 5993.

Eldon Bankes, he assented to the suggestion that he did not pay any particular attention to the time at the moment; and also to the suggestion that the woman went into the mews "shortly" before Clinch went in. Still, the effect of this evidence goes to show that there was such an appreciable interval of time between the going in of the woman and the going in of Clinch as to negative the suggestion that they were going in one after the other in accordance with arrangement or preconceived plan. The evidence certainly tells against the suggestion made by the constable that Clinch was going after the woman, or that he followed very closely after her. De Angelis does not speak as to the time that elapsed between his seeing Clinch going in and his seeing him coming out, but, about ten minutes seem to have elapsed since the conversation had begun when Clinch went in. The longest duration of the whole conversation up to the time that Clinch came running out of the mews is put at a quarter of an hour, and Delicates told us very positively that between the time when Clinch went in and went out only two or three minutes had elapsed. The matter comes therefore to this :—De Angelis saw the woman go in; five minutes, or shortly afterwards, he saw Clinch go in; and then, when the conversation is about to end, Clinch is seen coming back from the mews, and the interval between his going in and his coming out was almost certainly shorter than the interval between the woman's going in and Clinch's going in.

Q. 5991. Q. 6109. *See also* Qs. 6153, 6154, 6155

Delicates' evidence is also important upon this point. It quite agrees with that of De Angelis as to where they were standing, as to the duration of the conversation, and so forth. Delicates, like De Angelis, saw Clinch go in and saw him come out, being pushed or, as he said, being "struck" by the constable. He was asked categorically whether he noticed the woman go into the mews, and he said no; and, though he was a good deal pressed upon the point, he adhered to that answer. He was equally certain that he did not see the police-constable go in. He was asked by Mr. Eldon Bankes whether he had changed his position after Clinch went in, and he answered "Yes, because I went up to open my door." Then Mr. Eldon Bankes put this question: "The constable says he went into the mews after Clinch." The witness said: "No, I only saw Clinch go in." Being pressed, he answered, "No, no one went in after him." In answer to a question from the chairman he said: "No, I did not see the constable go in." And in reply to a question by Mr. Dickinson whether he was able to say that between the time when Clinch went in and the time when he came out no policeman did go in, he said, "Yes, no one went in then. It is not very far. It is only about 10 yards." He also said there was no one in the street but themselves. The effect of Delicates' evidence is that he saw Clinch go in and come out. He did not see, though he was in a position to do so if he had been watching, either the woman or the police-constable go in at all. Both these witnesses appeared to be respectable men, they were absolutely unacquainted with Clinch, there was nothing at all to show that any improper inducement had been offered to them to give evidence in his favour, and, so far as they can be deemed to be interested at all, one would think they would be inclined, if possible, to give evidence on the police side rather than on the other side. Their evidence seems to tell in favour of Clinch's allegation that the constable was already in the mews when he (Clinch) entered. Of course that, again, is by no means conclusive as to the alleged misconduct. It is still quite possible, consistently with the fact of the constable being there before Clinch, that he, knowing that she was there, went in simply for the purpose of turning her out, or seeing what she was about, but it contradicts the police-constable's version of the affair in a very important particular. If it be true that he was in there before Clinch, and that when he met Clinch he knew the woman was there, as he says, and he (the constable) was not there for the purpose of having connection with her, but was simply there for the purpose of turning her out, one does not see why he should not frankly have said so in answering Clinch's charge of assault at the station or at the police court, or, for the matter of that, before us. In any case, as he knew that Clinch had got out of the mews before him, he must have known that he was in a compromising situation, and he might have thought that if Clinch was a malicious and lying person he might trump up a charge of misbehaviour on his (the constable's) part with the woman in the mews. Therefore in stating what is a false account—if our inference is right—and inventing the suggestion that he had gone into the mews because he thought Clinch had gone after the woman, he would be fabricating a story which would be entirely unnecessary for his defence against the charge of assault in order to misrepresent the actual

Q. 6057. Qs. 6164, 6165. Q. 6168. Q. 6162. Q. 6163. Q. 6164. Q. 6165. Q. 6168. Q. 6110. Q. 6166.

circumstances which brought him into the mews. Why, it may be asked, should he do anything of the kind if, in fact, he had not gone into the mews either by arrangement with the woman or else for the purpose of taking advantage of his finding her in the mews and inducing her to have connection with him?

On the whole, the evidence of the Italian witnesses, when taken in conjunction with the other circumstances, tells rather heavily against P.C. Gibbard.

There is one other circumstance, as to which the conflict of evidence is not very great, which to some extent supports Clinch's allegation against the constable, and that is Clinch's behaviour when he got out. He saw three young men standing next door but one from the entrance to the mews. "I drew their attention to the matter and asked them if they saw the policeman strike me. I found they were not Englishmen but foreigners. Whilst I was asking if they saw what had taken place, one of them directed me to a policeman who was crossing the road . . . . . I ran off to the sergeant and told him I had been assaulted and struck twice by a policeman who was in the mews; and I said I wished him to come to the mews and see for himself the woman and the policeman together."

Q. 4785.

Q. 4787 & 4789.

Sergeant Lane admitted that Clinch did refer to the policeman. The fact that Clinch is shown by independent and trustworthy evidence to have at once, as part of his complaint, and before the woman came out, alleged that the policeman was with a woman, tells, in our opinion, heavily against the constable's version of the affair.

Q 8097. And see his report.

Of course we know nothing about Clinch's character except what we have gathered from seeing him in the witness-box in this case; and, as we have said, he did not make a favourable impression upon us. It may possibly be that he is a man quite likely if he met a young woman like Freya Lehmann to take her into the mews as suggested by the constable, but one must remember that Clinch was undoubtedly due at his Post Office at twenty minutes past twelve, and that when passing Rosebery Avenue it was at least ten minutes past twelve, and he had a considerable distance—fully five minutes' walk—to traverse in order to reach the office. It is unlikely that under such circumstances he should have gone into the mews to have connection with a woman even if it were shown he had been talking to her just before or that he was previously acquainted with her.

It appears probable that before Freya Lehmann went into the mews she and the constable were walking in the same direction. Having regard to the situation of the post office to which Clinch was going it is reasonable to suppose that he was walking in the other direction, and if so, he must have passed the Italians pretty closely, unless he crossed the road and made for the mews in a diagonal direction.

Having considered the evidence in all its bearings on the question whether P.C. Gibbard was misbehaving himself with Freya Lehmann, we find the following relevant facts to be proved:—

Qs 5969 & 6059. Q. 5991

(1) Clinch went in alone into the mews.

(2) Freya Lehmann had gone in about five minutes before Clinch entered.

Qs. 8022 & 5972.

(3) Clinch came out of the mews in a state of excitement and shouted out for the police.

Qs. 8097; 8100; 7608 to 7643.

(4) Clinch at once told the Italians and Sergeant Lane that a policeman and a woman were in the mews together.

(5) Clinch and Freya Lehmann before entering the mews were walking in opposite directions.

(6) When he entered the mews Clinch did not know Freya Lehmann was there.

(7) Clinch came out of the mews almost immediately.

(8) P.C. Gibbard did not enter the mews after Clinch did so.

The result of our Inquiry therefore is that :—

(i.) We accept the account given by Clinch as substantially true, except as to his description of the violent character of the assault made by P.C. Gibbard, and we do not believe the story told by the latter.

(ii.) We think Inspector Gadd did not bring any improper pressure to bear on Clinch in order to induce him not to take proceedings against P.C. Gibbard, but with regard to the interview at the Post Office, seeing that a charge had been made against the constable before him as Station Officer, it was improper on his part to seek and have that interview with Clinch.

IV.—ALTFULDISCH'S CASE

AND

MAURER'S CASE.

Q. 4889, &c Ferdinand Altfuldisch, a German subject, who described himself as a journeyman tailor, residing at 17, Great Marlborough Street, W., complained that he had been wrongfully arrested about midnight on Saturday, the 16th December, 1905, by Sub-Divisional Inspector Mackay, and assaulted and badly treated by him on the way to Marlborough Street Police Station, and in a dark room at the station.

William Maurer, who described himself as a gardener, working for Mr. Clark, of Priory Lane, Putney, complained that at about the same time and at the same place he was wrongfully arrested and taken to Marlborough Street Police Station.

As both complaints arise out of the events which occurred on the same evening in Greek Street, Soho, at almost the same time, we think it expedient to deal with the two complaints together.

The case of Altfuldisch was first heard by us, and it appears that it was in consequence of Altfuldisch having made his complaint, and having been heard by us, that Maurer subsequently came forward to make a charge of misconduct on the part of the police against himself.

Both Altfuldisch and Maurer caused written statements to be sent in to the Secretary of the Commission, but as they assumed the form of proofs of the evidence which they proposed to give before us, it is not necessary to set them out here, since the allegations they contained appear from the summary of their evidence respectively which we give in discussing the cases.

The following is a copy of the Charge Sheet in each case :—

Charges taken at Great Marlborough Street Police Station, on the 17th day of December, 1905.

No. of Charge.	Date and hour brought to Station.	Persons charged.			Charge.	Persons charging. Name, Address and Occupation.	Witnesses. Name and Address.	Taken into Custody by.	Property found on Person or elsewhere.	At the Station House.		Signature of Police Officer taking the Charge.	Magistrate before whom the Charge is brought.	Charge, how disposed of by Magistrate, and what offence proved.	Remarks by Magistrate.
		Age.	Name, Address and Occupation.	Administrative County in which charged.						Detained.	Or hour admitted to Bail.				
1	17/12/05. 12.15 a.m.	40	Ferdinand Altfuldisch, 17, Great Marlborough Street, Soho, Tailor, German subject.	London.	Disorderly conduct and using obscene language at Greek Street, Parish of St. Anne's.	Francis Mackay, S.D. Insp.		F. Mackay, S.D. Insp., C. Division.	Nil.	Detained.	5.20 a.m. 17/12/05.	J. Remfry, Insp.	G. L. Denman, Esq.	Rem. 26th, 1 Su. £10. 20/-, 14 days. Pol. Act.	

Note.—State below whether the prisoner was taken into custody (*a*) without warrant; (*b*) on warrant in first instance; (*c*) on warrant after failure to appear to summons.

Charge No. 1.—Without warrant.

J. M., SUPERINTENDENT.

C. 4813i. METROPOLITAN POLICE. 'C." OR ST. JAMES DIVISION.

Charges taken at Gt. Marlborough Street Police Station between the 16th day of December and the 17th day of December, 1905

Number of Charge.	Date and hour brought to Station.	Persons charged.			Charge.	Persons charging. Name, Address and Occupation.	Witnesses, Name and Address.	Taken into Custody by.	Property found on Person or elsewhere.	At the Station House.		Signature of Police Officer taking the charge.	Magistrate before whom the charge is brought.	Charge, how disposed of by Magistrate and what offence proved.	Remarks by Magistrate.
		Age.	Name, Address and Occupation.	Administrative County in which charged.						Detained	Or hour admitted to Bail.				
3.	17/12/05. 12.15 a.m.	46	Wilhelm Maurder, 31, Thorn Street, Barnes. Gardener. German subject.	London.	Behaving in a disorderly manner and using obscene language at Greek Street, Parish of St. Anne's.	Francis Mackay, S.D. Inspector.		S.D. Inspector Mackay, C. Division.	Nil.	Detained	1.20 p.m. 17/12/05.	J. Remfry, Inspector.	G. L. Denman, Esq.	10/- or 7 days.	

Note.—State below whether the prisoner was taken into custody (*a*) without warrant; (*b*) on warrant in first instance; (*c*) on warrant after failure to appear to summons.

Charge No. 1. Without warrant.

J. M., SUPERINTENDENT.

It will be noticed that Maurer's name is misspelt.

The following is a copy of the Notes of Evidence taken at the Police Court in Altfuldisch's case.

18th Dec. *S.D. Inspector Mackay.*—12.30 a.m., 17th. Greek Street in crowd of forty foreigners fighting, tried to disperse crowd, Defendant shouted, "We shan't go away for the f—— English police." I told him to go away. He said, "No, I shan't; don't think you've got a ponce to deal with." I took him. He called on his friends to assist him and struggled. On way to station he behaved like a wild beast.

Inspector Wm. Manning.—Was with last witness, saw Defendant in crowd. Requested him myself to go away, he refused. He was very violent and called on the crowd to assist him, in consequence of which I had to arrest another man.

26th Dec. *Cross-examined. Inspector Mackay.*—Someone had been previously arrested. There was a crowd when prisoner was arrested, and still disorder. Prisoner was in the crowd. I spoke to him there. I arrested him on pavement near door of restaurant. He was not waiting quietly. There were a number who claimed to be his friends. I knew prisoner. I used no nasty name to him. I did not say, "We want you, you bloody ponce." I know him well. I don't think he is a ponce and did not then. On way to station he struggled and tried to trip me, and called to crowd to release him. I don't know how he received injuries. I should not be surprised if he was injured. I used force, it was necessary. I did not ask him what he was doing for a living now. His cap fell off several times. I didn't put him into cell. I brought him into waiting room. There were several others there. He lives at 17, Great Marlborough Street. He has not been charged before. I was astonished at his behaviour. I think he is a hard-working man. I was not alone in the room with him. I did not assault him.

Ferdinand Altfuldisch, 17, Great Marlborough Street, German subject, tailor. —Been in England sixteen years. I employ four to six hands. I have never had any trouble of any sort. Lived at No. 17 six years. On 16th I went with Ruppert to a florists' meeting at Wede's Hotel. We left at 12 o'clock. I only had half a glass of lager beer. I came out with Mr. Reuscher. We stayed talking outside a few minutes, perhaps three or four. There were a lot of people in the street. I had nothing to do with any of them. I knew none of them. Reuscher went across to his shop, leaving me alone. I was then on pavement in front of door. There was disturbance higher up and lower down, but no one near me. I was pushed from behind half across the pavement and heard a voice, "What are you doing here, clear off." I said, "I am waiting for a friend in this house." It was Inspector Mackay. Then he hustled me about and said, "I know you very well, clear off you b—— ponce." I was indignant and said I would make him prove it. He did not address me by name. I made no remarks about the English police. What he says I said is not true. I said nothing of the sort. I saw Ruppert coming out and I told him to go and tell my wife. Inspector said, "Who is Ruppert? What do you want him for?" I said, "He is the man I was waiting for outside." In Soho Square he said, "I'll teach you b—— foreigners to walk about with big walking sticks." Ruppert followed. In Dean Street Inspector said to Ruppert, "What do you want?" He said, "I want nothing, I am going home." Inspector said, "Well, you go away." Ruppert said, "I am going my way." Then Inspector turned to Inspector Manning and said, "You had better bring him along too." Inspector Manning brought Ruppert. Inspector Mackay said, "What are you doing for a living now?" I refused to tell him. He shook me violently and my cap fell off; that was the first time my cap fell off. Then Inspector said, "I will shake your very entrails out, you thin gutted herring." At that time Ruppert passed me. At station I saw Ruppert left in a room. I was taken straight along and put into a nearly dark room. Inspector followed; we were alone in the room. There was a pair of steps there. The door was shut by Inspector Mackay. He then assaulted me.

Cross-examined by Mackay.—You first asked me to go away. You didn't give me time to go away. No other Inspector spoke to me. I did not fall against railings. I did not try to trip you.

Theodore Ruppert, Florist, 23, Blandford Street.—On 16th our Society had a "real evening" at Wede's Hotel. Prisoner came as my guest. He has been a friend of mine for one and a half years. I never heard him use foul language. At 12 the meeting broke up. Prisoner left me to settle the bill. Prisoner left with other friends. I asked him to wait outside for me. When I left I saw prisoner in the hands of two Inspectors about twenty yards from house. Prisoner called out, "Tell my wife." There was no crowd, no people about, no disturbance. The street was very quiet. I found some friends about 100 yards down street. Then I followed up prisoner and caught him up in Soho-square. I walked behind, prisoner did not behave like a wild beast but quietly. I saw the Inspector take him by neck and push him forward. I don't know why he did it. I was in Dean Street. Later on I saw Inspector push him again, at that time passed by him. I could see no reason why force was used. I was afterwards arrested by other Inspector. I was taken quietly. I was not roughly treated. He was going quietly like me.

Herman Reuscher, 50, Munster-square, Hairdresser.—I have known prisoner a year. A most peaceful man I ever saw. I don't believe he ever used bad language. I was at the florists' meeting. I came out with prisoner. We waited outside for Ruppert some minutes. Then I left him alone to fetch my bag. There was then no disturbance or fight while I was there.

Frederick Burton, 11, Bouverie street, W., Florist.—I was at the meeting. I know the prisoner. He is a very quiet man, never uses bad language. When I came out I saw prisoner. There were three parties in the streets of about thirty in all. I saw Ruppert come up and ask me why prisoner was taken. It was all quiet, there was no noise at all.

Henry Peckover, Tailor.—I know prisoner. He has worked eight years for me. I have never heard him use bad language. I was surprised at the charge. 20s. or 14 days.

Altfuldisch's case was heard at the Marlborough Street Police Court on the 18th and 26th December, 1905, by Mr. Denman, the magistrate, who convicted Altfuldisch and fined him 20s. or 14 days.

Maurer's case was also heard at the Marlborough Street Police Court, on Monday, the 18th December, 1905, by Mr. Denman, the magistrate, who convicted Maurer and fined him 10s. or seven days.

We heard the complaint of Altfuldisch on the 16th and 17th October, and the complaint of Maurer on the 20th November, 1906. The complainants were represented by Lord Russell, and the police concerned by Mr. Eldon Bankes, K.C., and Mr. R. D. Muir.

The charges made by Altfuldisch against the police may be thus formulated :—

(1) Inspector Mackay wrongly arrested him in Greek Street.

(2) The same Inspector assaulted and treated him improperly and roughly on the way to the police station.

(3) The same Inspector assaulted and beat him in a room at the police station.

(4) A policeman in plain clothes (not identified) assaulted and beat him in the same room.

The charges made by Maurer may be thus formulated :—

(1) Inspector Mackay wrongly arrested him in Greek Street.

(2) The same Inspector searched him with unnecessary violence and threw some of his papers and cigars into the fire.

Ruppert complained only of being wrongly arrested.

These two cases are of considerable importance not only because of the serious character of the allegations made by Altfuldisch against Inspector Mackay and other members of the force, but because they afford us a good illustration of the conditions under which the police have to discharge their duty.

Shortly put, the arrest of Altfuldisch, Maurer, and of one Ruppert, who gave evidence but made no independent complaint before us, came about thus: There was a meeting of a Society called the Florists' Society, which has its headquarters at Wede's Hotel, Greek Street, Soho, on the evening of the 16th December, which was a Saturday, at that place. The Society appears to have been founded as far back as 1877, and is of an entirely legal and quite respectable character. Its principal object appears to be to afford a meeting place for German gardeners carrying on their work in and about London. The rules were put in, and there is nothing in them to indicate that the Society is other than a perfectly *bonâ fide* Union or Club. The practice of the Society appears to have been to hold meetings at stated intervals. The members had the privilege of introducing friends to the meetings of the club, which, after the business of the evening was transacted, developed into a social and convivial gathering. The Society is in the habit of holding these meetings at Wede's Hotel in Greek Street.

On the 16th December, 1905, such a meeting had taken place, and Altfuldisch and also Reuscher, one of the witnesses before us, attended the meeting of the Society on that evening as the guests of Ruppert. Altfuldisch arrived about 10 p.m. and remained there with Ruppert and other members of the club until closing time, when, on a reminder from the landlord of the hotel, the meeting broke up, and those who had remained until closing time went out into the street. Shortly afterwards Altfuldisch, Ruppert and Maurer were all three arrested, and taken to Marlborough Street Police Station; and it is as to what took place immediately after the meeting broke up, and these persons went into the street, that we have to inquire.

It seems essential to bear in mind in considering the very conflicting evidence which was given before us the character of the locality and the condition of Greek Street and the thoroughfares surrounding it at midnight on the Saturday. The part of the C Division in which Greek Street is situate has characteristics very different from those of the other parts of the West End, and is the scene of frequent disorder.

Inspector Mackay told us that his sub-division comprised the district from High Street, Bloomsbury, to Park Lane, along Park Lane to Mount Street, and from Mount Street through Regent Street, Compton Street, and the Seven Dials to High Street, Bloomsbury, again. With the western portion (that is the portion west of Regent Street) he has, as a rule, no trouble at all, but in the eastern portion there is continually trouble and need for the exercise of the utmost vigilance; and, according to his estimate, about 95 per cent. of the population of that part of the sub-division are foreigners.

The general characteristics of this area are too well known to make it necessary for us to give any details. There are within it a very large number of places of business and workshops of various kinds carried on by persons of the highest respectability, and in the animadversions made before us by Inspector Mackay and others there was no aspersion cast upon the character of the persons concerned in those businesses or residing in the locality for the purposes of their work. It was to the character of the street, looked at from the standpoint of those responsible for the maintenance of order, that the observations and criticisms made before us were directed. It must be remembered that the district is a very central one, and the great majority of the individuals living there are foreigners of all nationalities, and in many respects it may be termed a foreign quarter. Owing to these two circumstances, the hotels, restaurants, and public-houses of the district, and even the streets, attract foreigners of all kinds, including political refugees, criminals of all descriptions, and prostitutes, as well as a number of aliens permanently or temporarily residing in the Metropolis. Almost every evening, especially when the places of amusement are about to close, the streets are thronged with crowds of persons, the majority of whom are foreigners. Inspector Mackay described Greek Street (meaning by that the street as a public highway, and without reference to the character of the people carrying on business in the street) as "the worst street in the West End of London without exception. There is a crowd of people that gather there nightly, and they are

nothing more or less than pests, and I go further than that, and I say this—there are some of the vilest reptiles in London living there and frequenting there." In considering the question how the police came to arrest these three men it is only fair to bear in mind these facts. Saturday night appears to be rather worse than others in these respects. Inspector Mackay being on patrol duty at midnight, in due course came into Greek Street with Inspector Manning between midnight and 12.30 a.m. on this Saturday night, and it was in consequence of what he saw and what he did that Altfuldisch and the others were arrested, and taken to Great Marlborough Street Police Station.

We propose first to summarise the evidence of Altfuldisch, Maurer, and Ruppert, and then to give the police account of the circumstances of the arrest.

Complainants' Case.

Ferdinand Altfuldisch said that he was a German subject who had lived in England for sixteen years, and that during that time he had carried on business as a journeyman tailor, working for firms whose names he gave, and which are no doubt of a high-class character. He has lived in several houses in Soho, and for six years he had occupied the upper part of No. 17, Great Marlborough Street, which is three doors from the police station. He does not seem to have been in any police trouble before, and he seemed a sober and very decent man. He had been acquainted with Ruppert, a florist, also a German, for about two years, and he was invited by him to come to a meeting of the Florists' Society at Wede's Hotel, Greek Street, on the 16th December, 1905.
Q. 4889, &c He went there about 10 o'clock, and he stopped till just before closing time at 12 o'clock. He did not have much to drink, not above half a glass of lager beer. He came out with a man called Reuscher and waited outside for Ruppert, who had to stop behind to settle the account of the people at the meeting and pay the bill. Ruppert had asked him to wait outside, and he did so just on the pavement three or four yards away from the door (*i.e.*, of Wede's Hotel). When he came out he noticed that the street was very noisy and very full of people, and that the police were engaged in moving the crowd about. After a little while the crowd was cleared away, and there
Q. 4915. was no one around him within ten or fifteen yards. Reuscher then said to him, "While you wait for Ruppert here, I will go and get my bag," which it appeared he had left in Wardour Street. At that time there was no person near him within ten
Q. 4920. or fifteen yards, and while he was standing there alone he was "suddenly attacked from behind and pushed across the pavement. I looked round and saw a policeman behind me." He did not know then who he was, but he afterwards knew him as an
Q. 4922. Inspector. The Inspector said, "Clear off here; what are you standing about here
Q. 4924. for?" and Altfultdisch replied that he was waiting for a friend of his who was inside. The Inspector said, "Come off; what are you standing there for? We know you; you are very well known to us," and then used very insulting words to him. We now
Q. 4925. give the witnesses' own words. The witness said, "Excuse me, but he called me a 'b——— ponce.' Of course I was very much annoyed at that, because it was insulting to me, and I said to him, how dare he call me such a name? and I told him he would have to prove it to me; and he said, 'I know you very well, and I will prove it. You are very well known to us; you are
Q 4926. just the very man we want.' He never let go of me, and I could not get
Q. 4927. away at all. . . . . He never let go of me . . . . He arrested me, and took me away, and at the same moment Mr. Ruppert came out from the
Q. 4928. place. . . . . When I turned round I saw another policeman, who I now know as an Inspector, come along, but he never touched me or spoke to me." The witness called out to Ruppert in German to tell his (witness's) wife what had
Q. 4933. happened to him. The Inspector then asked him what he wanted from Ruppert. The words he said to Ruppert were, "I told him to go home and tell my wife what had happened, and that I was locked up." Then the Inspector said to him, "Who is Ruppert, and what do you want from him?" and the witness told him, "He is the man I told you I was waiting for." The witness then proceeded with the Inspector to the station, but before getting there the Inspector turned round to Ruppert, who was following him, and asked him what he wanted. The witness heard Ruppert say he
Q. 4937. was going to tell his (witness's) wife what had happened. The Inspector said, "Well then, go your way," and Ruppert replied, "I am going my way." The Inspector

then turned round to the other Inspector and told him quietly, "You had better take him too," and then Ruppert, who was standing perfectly still, was taken into custody by the other Inspector without any provocation. The Inspector who had witness then took hold of the collar of his coat and pushed him along violently. We now give his own words: "He pushed me to and fro until we got to Great Marlborough Street, just outside the De Dion Bouton Motor Garage, and asked me quietly, 'What are you doing for a living now?' I told him I was not going to answer him; there was a proper place and time for that. I was too disgusted with the treatment I had received and with everything altogether, so I was not going to answer him. Then he said, 'Won't you answer me?' and he said, 'I will teach you then,' and he pushed me down and shook me violently till my cap fell off. He asked me to pick the cap up, and I did not do that at once, so he pushed me right down on the pavement to pick the cap up. . . . . He said, 'I will shake your very entrails out, you thin-gutted herring.' And at that time my friend Mr. Ruppert was marched past by the other Inspector." He said that the Inspector in whose custody he was, "pushed him down violently" to pick up his cap, and that he had hold of him by the neck. On arrival at the station Altfultdisch was, according to his evidence, taken into a dark room in the back and not into the charge room. There he said that Inspector Mackay *(i.e.,* the Inspector who had arrested him) shut the door and then began to strike him both on the head, and the shoulders, and all over his body. He said that he struck him with his fist, saying at the same time, "I will teach you dirty ponce not to answer me," and that he struck him so long that he shouted "Murder" and "Help" till he slid down on a seat quite exhausted. He described the striking as very violent. The Inspector then went outside, and a few moments afterwards a plain clothes man came in, and he began hitting witness in the same way. He knocked him about with his fist. The witness was then taken to the charge room and charged with disorderly conduct. Asked by Lord Russell whether he made any complaint to the Inspector, he answered: "No, not at all, I was too frightened to say anything, because I did not know what would have happened to me if I had complained. I was too frightened. I was determined to state my case, at any rate to the magistrate, and I thought I would get satisfaction there." After being charged he was taken to the cells. He said he asked if he could have bail, and the constable who took him to the cell said that he would see about that later on. Altfuldisch looked at his watch, and it was about 12.45 p.m. Altfuldisch said he was very ill in the cell, and did not know what to do with himself. When he sat down he thought he was going to die; he had to lie down and when he lay down he had to get up again, and he rang the bell dozens of times but no one answered it. Later on he heard a noise outside in the gangway, and he knocked, and a little hole in the centre of the door opened, and a constable asked him what he wanted. He said, "What about my bail? and I should like to have a doctor because I feel ill. I have been ill-treated down there in the station." The constable said, "Oh!" The witness said that he complained to the constable that he had been ill-treated and knocked about in the station, and that he should like to have his doctor. The constable then said, "You had better give me your bail and I will see about it." Altfuldisch was bailed out at 5.20 in the morning.

Q. 4938. Q. 4939. Q. 4940. Q. 4941. Q. 4942. Q. 4943. Q. 4944. Q. 4948. Q. 4949. Q. 4950. Q. 4951. Q. 4952. Q. 4956. Q. 4957. Q. 4958. Q. 4950. Q. 4960. Q. 4961. Q. 4965.

In cross-examination by Mr. Eldon Bankes, Altfuldisch admitted that on the 18th December, at the Police Court, he did not make any complaint to the Magistrate of ill-treatment by the police, but explained the omission by saying that he wanted more witnesses, and asked for a remand, that the case was remanded till the 26th December, when he was represented by Counsel and Solicitor, and that he then told his story to the Magistrate as he had done before us. He admitted to Mr. Eldon Bankes that when he got out of Wede's Hotel "there was a rare lot of noise and a rare lot of people about the road." Then he was asked, "Were those people fighting and quarrelling amongst themselves?" and he replied, "I did not take particular notice of that, because it had nothing to do with me." He afterwards denied that he saw any fighting whatever going on, nor did he see any arrests whatever made, though he saw the police moving people on. He repeated that he stood on the edge of the pavement waiting for his friends, and that he was attacked from behind from the roadside. He saw the Inspector, whom he afterwards knew as Inspector Manning, on that night after he was arrested, and he saw him at the station. Inspector Manning did not say a word to him before he was arrested. He did not tell him to move on. He denied using the words, "We

Qs. 4991–5001. Q. 5016. Q. 5017. Q. 5025. Q. 5028 Q. 5029 Qs. 5031 5032.

Q. 5034. shan't; why should we move on for the —— English police?" He positively denied that he struggled or resisted at all, or that Inspector Mackay fell down while he had witness in charge. He said he did not catch hold of the railings in Soho Square, nor did he call his friend Ruppert to assist him.

Qs. 5056, 5047, 5050.

Q. 5130, &c. Theodore Ruppert, who described himself as a florist in the employ of Messrs. Anthos & Co., of 72, Baker Street, and residing at 23, Blandford Street, Baker Street, said he had known Altfuldisch for about two years. He (Ruppert) was a member of the Florists' Society, and Altfuldisch and Reuscher accepted his invitation and came to the meeting which was held on the 16th December, 1905. When closing time came, and the meeting broke up, Altfuldisch and Reuscher went, and he said to them, "Just wait outside for me," because he had to settle the bill with the restaurant keeper. That took not quite ten minutes, and when he had finished the business, and got outside, the first thing he saw was Altfuldisch arrested, standing between two Inspectors about fifteen or twenty yards off. Altfuldisch called to him twice, and asked him, "Will you go home to my wife, and tell my wife what is the matter with me." The witness then said, "I said I would send some other friends who had been at the same meeting, and I turned down the street to find some of his friends; I found some about ten yards or further down the street, and I asked them, 'Do you know why Mr. Altfuldisch is taken by the police?' No one could tell me." The witness then, being unable to find out why he had been arrested, returned, and went behind the Inspectors on the way to the station, as Altfuldisch lives three doors from the station. The witness said he was about five yards behind at first, when suddenly one of the Inspectors (Inspector Mackay) told him to "Move along," and at the same time said to the other Inspector, "You had better take him (meaning witness) as well," and then he was taken. Being asked "Did you understand then that you were arrested?" he replied, "Certainly not. I had never been arrested in England. I thought I must go to the station and explain to the police what I knew." He said that he did not struggle at all, and went quite quietly. He said that he was behind Inspector Mackay and Altfuldisch, and he saw the Inspector push Altfuldisch along a few times, and push him very hard. He had him by the neck, and he pushed him like this (*illustrating in the witness box*). Altfuldisch did not struggle or cry out. The Inspector who took him had hold of his arm. When he got to the station he was placed in the charge room, and the Inspector (Manning) came in, pushed him in a chair, and said, "Sit down" (the witness told us that he stood up again), but the Inspector told him, "Sit down." He (Ruppert) made no complaint of his treatment. He was charged, so he told us, "with standing in a crowd of foreigners, fighting and using bad language, and with interfering with the police," but the formal charge, as appears from the charge sheet, was simply for "obstructing the police in the execution of their duty." In further examination by Lord Russell, he said he could not remember what they said the charge against him was at the police station. He admitted he did not take much notice, and alleged that he did not know he was arrested. A policeman took him to the cell. He saw nothing of Altfuldisch while he was at the station, but he said that when he (Ruppert) got to the cell he heard three or four times loud screams, and he knew Altfuldisch's voice. He heard Altfuldisch crying "Help," and said it was very near to his cell, but he could not say how far.

Q. 5139, &c.
Q. 5147.
Q. 5149.
Qs. 5152–5153.
Q. 5156.
Q. 5159.
Q. 5160.
Q. 5162–5163.
Q. 5168.
Q. 5169.
Qs. 5170–5171.
Q. 5176.
Q. 5181.
Q. 5184.
Q. 5190.
Q. 5192.
Q. 5228–5230.
Q. 5235.

Ruppert was cross-examined as to what took place before the Magistrate on the Monday, and he admitted in substance that he heard Inspector Manning say that he had attempted to rescue his friend, Altfuldisch, from the custody of Inspector Mackay, and, being asked as to what he told the Magistrate, he said he explained to the Magistrate everything "the same as what I have said to-day." He was fined 20s. and costs. He explained to us that beyond what he told the Magistrate he had made no complaint, and that he would not take the case further because he thought he had better lose the 20s., and he did not wish to lose his time. His statements as to what took place when his case was tried were by no means clear, but, in the end, he told the Chairman that he was very busy in his shop and could not stop any longer (*i.e.*, at the Court), and that he did not make any explanation about his case. That is probably correct, as no notes of evidence appear to have been taken by the Clerk at the Police Court.

Qs. 5328–5329.
Q. 5327.

Q. 13740, &c. William Maurer said that he was a gardener in the employ of Mr. Clark of Priory Lane, Putney, and had been so for sixteen months (*i.e.*, when examined

before us). He is a member of the Florists' Society, and he was present at the meeting at Wede's Hotel on the 16th December, 1905. He did not then know Altfuldisch. At midnight he and others went out and were waiting until some other friends came out. He could not say exactly how many were with him, but he should guess about ten or twelve were standing outside, and he was talking to two others. He said that there was no noise and no disturbance at all in the street. After wishing the two friends with whom he was talking good night he turned round and followed the President and several members of the Club. There were five or six of them; he could not tell exactly, because there were several more coming out of the hotel. It was after that he was arrested. He described the arrest in these words: "The first I knew was that I felt a push. I did not see any policeman before. I felt a push on my back, and I turned round and said, 'We are not obliged to run.' There was Ruppert and another gentleman in there—I do not know who was with Ruppert, but he was paying the bill of the Club, that is all I said, 'I am not obliged to run,' and I felt a push towards another police constable, and the Inspector said, 'Take this man.'" The Inspector was, as witness has since ascertained, Inspector Mackay. The other constable took him to the police station where he was taken before the Inspector. He (witness) did not say anything but stood there (in the charge room). The Inspector asked him to sit down, and he said, "Thank you." He thought he was coming out again. He thought that he would give his evidence there, and that then he could go out. Inspector Mackay came to the station afterwards and pushed him down on to the bench. So far as witness could recollect, Inspector Mackay told the Inspector in the charge room that they were fighting and using bad language, and were disorderly. He did not say anything to the Inspector about the charge then, but after the Inspector came upstairs and asked, the witness told him he did not know what he was arrested for, and thereupon he told him exactly what had happened, and he said that he complained of ill-treatment by Inspector Mackay in the charge room. We had better give his exact words. "I have to say something more about that. Then I was searched in the pockets, and Inspector Mackay behaved to me like a dog. He searched my pockets, and I thought he was going to pull my overcoat from me. I had several papers in my overcoat, but I do not recollect what they were—letter and postcards, and a couple of cigars. They went in the fire. I did not get them back. . . . I had several letters and postcards in my overcoat pocket, and I believe there was a programme of that evening there, and a few cigars I had in my pocket. He threw them in the fire in front of me." Asked whether, when he was bailed out, he did not get those back, he said, "No; my knife and pencil case and things like that I got back, but not the other things." He informed us that he was detained at the station for about thirteen hours, and was only bailed out at 1.20 on Sunday afternoon. He said that he thought that they sent for bail to Barnes, and, as far as he knew, the policeman was in Barnes early in the morning about 9 o'clock. He went to the Police Court on the Monday morning, and he heard the charge made against him. He said that he told the Magistrate the case as it was, and that what Inspector Mackay said was false. He did not think he was sworn, and he believed he made his statement in the dock. The Magistrate fined him 10s. or seven days, and he paid the fine.

Q. 13755, &c. Q. 13760 Q. 13762. Qs. 13764–13765 Q. 13783 Qs. 13785–13786. Q. 13791. Qs. 13792–13793. Q. 13796. Q. 13797. Q. 13798. Q. 13802. Q. 13799. Q. 13804. Qs. 13810–13811. Qs. 13819–13820.

In cross-examination by Mr. Eldon Bankes it came out that there were from twenty-five to thirty persons present at the meeting of the Florists' Society on the night in question, but he thought there were not so many as twenty there when closing time came, because most of them had to go away to catch the last train. . . . . He denied that any members of the Florists' Society were singing, or that there was any quarrelling in the street, and said that he did not hear the police telling the people to move on. Cross-examined as to whether there was any fighting going on close to him the witness said he did not see, and he denied that he himself fell to the ground. Asked whether Inspector Mackay caught hold of him he said, "Yes, with both hands under the arms from the back;" but only for a moment while pushing him to a constable. Asked whether he could identify P.C. 134 C, who stood forward, the witness failed to do so. He said that he spoke to the constable who took him to the station, and that he asked the constable what he was arrested for, and that the constable said, "I cannot help it, I have got to take you to the station." The witness did not see Altfuldisch at all at the station, but Ruppert was brought into the same charge room as he was. He also said that when the charge was read over to him he told the Inspector that he was not disorderly, that he was talking to his friends, and so forth. Upon Inspector Remfry standing forward the

Q. 13842. Q. 13866, &c. Q. 13876. Q. 13879. Q. 13880. Q. 13882. Qs. 13888–13889. Q. 13895. Q. 13907

witness believed that he was the Inspector who took the charge; and subsequently he identified Inspector Mackay as the man who charged him.

Q. 13910.
Q. 13912.

We have now given in substance the allegation of each one of the three men who were thus arrested about the same time after coming out from this meeting of the Florists' Society. It is to be noticed that the complaints are not that the police in the course of actually quelling a disturbance or dispersing a crowd arrested the complainants wrongfully, because they themselves were not concerned in what was taking place, or that the police constables took them by mistake for the real disturbers of the police, nor is there any connection alleged between the arrest of Maurer and the arrest of Altfuldisch. Ruppert's arrest is indeed represented as having occurred on the way to the station when he was following his friend, and, therefore, as being to some extent connected with the apprehension of that prisoner; but the arrest of Altfuldisch and the arrest of Maurer are two quite independent transactions, and each of them is, if we are to believe the statements made, entirely without justification by reason of any misconduct on the part of the men arrested.

The Police Case.

The police answer to the case amounts to an entirely different story, and, as will be seen, the arrest of Maurer was first of all effected because he was actually engaged in fighting with another man, and on his being handed over to another constable (P.C. Fleet, 134 C) Inspector Mackay arrested Altfuldisch in the middle of a crowd that had gathered round Maurer, because the Inspector was trying to disperse the crowd which was becoming very hostile, and Altfuldisch in particular refused to go away and used abusive language towards the police.

Q. 5473.

Five members of the Force gave evidence before us in the course of the hearing, namely, S.D.I. Mackay, Inspector Manning, Sergeant Crayfourd, P.C. Miles, and Inspector Remfry, and besides the first two of these, P.C. Fleet was also called during the inquiry into Maurer's case.

We think it better to give Inspector Mackay's account of the arrest in his own words, especially as he was the first officer who actively took steps when the condition of things in Greek Street was observed. Inspector Mackay is the S.D. Inspector attached to the Marlborough Street Police Station. He was on duty with Inspector Manning patrolling his sub-division at midnight on the 16th December, and he told us that in the course of his duty he passed through Old Compton Street and then came to Greek Street. He then told us in his own words that this is what occurred: "When we were at the junction of Greek Street and Old Compton Street we saw a crowd in Greek Street; we hurried up there, and on arriving there we found two men rolling on the ground; they were fighting, and they were making use of obscene language to each other. We got them up and they started to renew the fight. I took one into custody. I then called a constable who was coming down the street, and handed this man over to him" (that was Maurer, who was accidentally called Mander during a portion of the inquiry before us), "and he took that man away to the station. We remained behind, trying to disperse the crowd, which became very hostile. It appeared to be some squabble between two gangs that had met there. One party had come out of Wede's Hotel or Restaurant, and the other out of the Café Turc. Both places are close together. I knew a large number of those who were present, including Mr. Altfuldisch. . . . . I knew what his occupation was, and where he lived. I first came in contact with him whilst attending those meetings at Wede's Hotel. It was a place that was under my observation for some time, and I visited it for that purpose." Going on from that point and continuing the story the Inspector said, "We were trying to get them away. I told them to go away myself several times, and Inspector Manning did likewise. They moved slightly down towards the Café Turc, where the crowd increased. Mr. Altfuldisch turned round and said, 'No, we shall not go away. Why should we care for the f——English police? You are not dealing with ponces.' Things began to become serious, and I took him into custody. He screamed and shouted to the crowd to assist him. I told Inspector Manning to keep the crowd back and I would manage him. We struggled along till we got to Soho Square, right opposite the hospital. He was

Q. 5469, &c.
Q. 5472.
Q. 5473.
Q. 5475.
Q. 5476.
Q. 5477.
Q. 5479.

shouting all the time to his friends, and said, 'I will show you what I will do with your bulldog English policeman,' and at that moment he threw his legs around me. We struggled and fell. He seized hold of the railings of Soho Square and had to be forcibly dragged away. . . . . Inspector Manning assisted me. We then went along to Carlisle Street, when Ruppert came in front. He was shouting and saying, 'You shall not take him,' and he got in front of Altfuldisch and myself. We could not get rid of him. Inspector Manning took him in custody, and we decided to send for more assistance. . . . We went on until we came to Portland Street—that is a few yards further, about twenty yards further. Mr. Manning passed me there and went on ahead with Ruppert. . . . When I got into Portland Street, at the junction of Marlborough Street, Sergeant Crayfourd and P.C. Miles came running to my assistance. Altfuldisch struggled all the way, and he threw his legs out to one side first and then to the other. He was taken to the police station." Sergeant Crayfourd helped the Inspector after he joined him and the prisoner. Inspector Mackay told us that when they got to the station Altfuldisch was put into the waiting room because the charge room was full of people and there were charges being taken. "It was utterly impossible for the officer to get on with his work with the disturbance Altfuldisch was making. . . . . I put him on the seat in the waiting room," and as soon as he (the Inspector) turned his back "he rushed after me. I pushed him back on the seat again and he struggled and screamed." The prisoner then sat down for a few moments, and Sergeant Crayfourd and P.C. Miles stood in the doorway, and Inspector Mackay stood by the prisoner till some of the charges were disposed of. The prisoner was screaming "About 'you b—— policemen,' and all sorts of things." The Inspector denied that there was any truth in the suggestion that the prisoner was ill-treated in the waiting room, though there certainly was a struggle there caused by his own conduct. In due course Altfuldisch was placed in the dock and the charge was repeated to him in front of the Inspector who took the charge. The charge was taken down in writing and put on the charge sheet. After it was put on the charge sheet it was read over to him. He was asked for his name and address in the usual way and his age. The prisoner was taken out of the dock and having been searched was taken down to the cells. The Inspector only stayed for a short time in the station after that. He said he did notice some ponces (*i.e.*, bullies) among the people, but he said that he did not call Altfuldisch by that name. The Inspector attended the Police Court on the Monday morning when Maurer's case was taken first, and he did not contest the charge and was fined 10s. Ruppert's case was then taken, and Inspector Manning gave evidence before him, and Inspector Mackay corroborated his statement. Ruppert did not contest the charge, and he was fined 20s. Altfuldisch's case was then commenced and Inspector Mackay and his comrade Inspector Manning gave evidence and the case was remanded to the 26th. In the result Altfuldisch was convicted and fined 20s. or fourteen days.

Q. 5480. Q. 5481. Q. 5482 Q. 5484. Qs. 5487–5488. Q. 5491. Q. 5492. Qs. 5502–5503. Q. 5505. Q. 5506. Q. 5510. Qs. 5513–5518. Qs. 5523–5531. Q. 5532.

In the course of cross-examination by Lord Russell, the Inspector said that he had nothing whatever to say against Altfuldisch's general character, and that he was of good behaviour as a rule, but that he kept company on occasions with undesirable persons. He said there were ponces among those who came out of Wede's Hotel, but the Inspector could not tell whether there were any at the Florists' Society, and that the last man he had had to deal with (*i.e.*, before the date at which he was giving evidence before us) had a card of the Society upon him. Altfuldisch was excited when the Inspector first saw him. The man was not drunk but he had had quite sufficient. He was talking to someone in German, and was about ten yards from the hotel when the Inspector saw him. They were not themselves quarrelling, but they were certainly on the borders of it. He also said at the Police Court that on the way to the station Altfuldisch behaved like a wild beast. Lord Russell asked him what was the cause of his changing suddenly into behaving like a wild beast from the inoffensive behaviour that was described before, and the witness replied, "He was not behaving quietly when I saw him, because when I saw him first he was labouring under a very strong excitement over some matter, and that excitement only increased until it became what was nothing more than outrageous." Further examined on the point, the witness being asked: "Anyhow, you tell us to-day when you first saw Altfuldisch he was doing nothing that made it necessary to arrest him," answered, "If he had gone away." Then he added, "I saw he was not taking any notice of what I told him to do, and he was surrounded by a number of persons who were looking

Qs. 5567–5573. Q. 5557, &c. Q. 5591. Q. 5622. Q. 5625. Q. 5631. Q. 5651. Q. 5652. Q. 5670. Q. 5671

to him as their leader. The mob that he was surrounded by, as I have said before, was a very undesirable mob, and with a man like him acting in the way he did I could only see one ending to it. He was defying me to clear these people out of this street, and they were looking to him for their leadership, as it were. Q. 5673. They were following his advice." Then the Inspector told us that Greek Street was one of the very worst streets he had to deal with as mentioned above. The Inspector categorically denied that he addressed Altfuldisch by an offensive name. Qs. 5674–5675. He said, "I used no language of that kind. It was continually referred to, as I said yesterday, and the word was frequently used amongst the crowd. 'Why do not you clear away these dirty ponces?' some people were shouting from the windows in the street." In answer to a question from the Commissioners a further explanation was given by Inspector Mackay as to the origin of the affair, and from his answers it appears that what first attracted his attention on this evening was a fight going on between the man Maurer, who was arrested, and somebody else. He Q. 5790. did not see the fight commence; he saw them on the ground. They got up and he and the police tried to get them away, but they would not go and they Q. 5791. started again, so Maurer was taken into custody. The Inspector said: "There are two different gangs, undoubtedly, that meet at this very spot, because one Q. 5792. gang that goes there frequents a place called the Café Turc, which is a very low class place, and the second gang frequents the Wede's Hotel." Then we said, "Both houses are in the same category," and the Inspector replied, "Yes; Italians and Q. 5794. Frenchmen frequent one place, and Germans the other." The Inspector could give no suggestion as to what the quarrel was about, but there was considerable excitement on the part of the men who were around the people fighting. They were conversing Q. 5796. in foreign languages, and as they always do they were throwing their arms about and shouting wildly. He suggested that "undesirables" went to the Florists' Q. 5798 Society meetings in order to try to make themselves appear respectable by mixing with respectable men. Some of them were, undoubtedly, of the character Q. 5799. known as "ponces," and the Inspector said he knew them very well, because he had found cards of respectable societies on them when he had searched them, and Q. 5800. that they keep those cards on them in order to give them an air of respectability. The Inspector told us that they always keep as many men around that neighbourhood (*i.e.*, Greek Street) as they possibly can, but as charges arise the constables have to go away, and for that reason every Saturday night he made it a standing rule to patrol that part of the district. We ought to mention here that it appeared that the Magistrate had declined to receive evidence of the alleged assault on Altfuldisch Q. 5816. at the police station as being irrelevant to the charge then being tried, so neither Sergeant Crayfourd nor P.C. Miles gave evidence in Altfuldisch's case at the Police Court, and no summons for assault had ever been taken out against Inspector Mackay. The Inspector told us that he had said to the solicitor for the defence Q. 5837. at the time that although he was a police officer he was entitled to a little fair play, and that he could not see why he (the solicitor for the defence) was adopting the back-door policy he did. If he had wanted to make out that these outrageous things had occurred why had he not applied for a summons? Speaking further Qs. 5841–5844. with regard to the difficulties under which the police labour in that part of the division he said the fact that these people gathered in a crowd talking in a foreign language, and behaving impetuously made it necessary for the police to act swiftly. He described the foreigners as "impetuous," and said they often stabbed each other or shot one another, and that several cases of that kind had occurred. They were undoubtedly dangerous persons, and especially when a prisoner is being taken to the station there is always a danger of someone coming behind and stabbing the constable, or something of that sort. During his time he had known of several cases of shooting and stabbing.

Inspector William Manning, C Division, who was stationed at Great Marl- Q. 5852. borough Street Police Station, said he was patrolling in Old Compton Street on the early morning of the 17th December, 1905, and when he got to the junction of Old Compton Street and Greek Street he met S.D.I. Mackay. He noticed a crowd some hundred yards up the street in the centre of the road, nearly opposite the Café Turc. He and the Inspector hurried up the street in the centre of the roadway. Inspector Manning then (we use his own words) said: "I saw two men on the ground, and I Q. 5860. saw the Inspector go to them. They got up. I was in the crowd trying to disperse it, and saying, 'Pass along.' I saw Altfuldisch there. He was not on the pavement then; he was in the crowd. He was excited. I spoke to him, and said, 'Pass along,'

in the ordinary course of business. He did move, because I passed him. I should think he stepped back two or three yards. I went round and saw Inspector Mackay afterwards with this man in custody. . . . . I followed him some six or eight Q. 5861.
yards, and I saw a constable come from the top of Greek Street from Soho Square down into Greek Street, hurrying towards us. I let Inspector Mackay go on then, and went back and helped to keep this crowd from pressing forward. Inspector Mackay came back, and I suppose he had handed the prisoner over to the constable who came up, and he and I afterwards passed one another in this crowd, and I was calling out, 'Pass along' until I saw him arrest Altfuldisch. . . . . I heard him make use of the expression 'f———-g police.' . . . . I heard that word repeated in the Q. 5862.
crowd. They were very excited, all of them—foreigners. . . . . They were all Q. 5863.
around us. . . . . It would not be true to say that he was standing alone. . . . . Q. 5864
He would be there in the crowd exciting them. I heard him say, 'Do not go away,' Q. 5865.
and I recognised him as the man I had spoken to before." The witness further said Q. 5866.
that he and Inspector Mackay were saying, "Pass along, get away out of it," in the usual way with an excited crowd, while Altfuldisch was saying, "Do not get away," as he (witness) thought, to his friends in the crowd. When Altfuldisch was arrested the crowd surged behind. He (witness) caught hold of him on one side, the right Q. 5870.
side, and they (*i.e.*, Inspector Mackay, Altfuldisch and witness) went into the square when he (witness) let go. Altfuldisch was very violent. They crossed the square Q. 5971.
to the enclosure side, and he caught hold of the railings there. He (Inspector Manning) released his hands from the railings. He was still excited and violent. Q. 5872.
They passed through into Carlisle Street, and there was a temporary halt where Carlisle Street crosses over Dean Street. At that time, he (Inspector Manning) was keeping the crowd back, and he saw a man who was in front of Inspector Mackay and the prisoner, almost between them; and he (Inspector Manning) got six or eight yards up to them again, and he (the man) got behind them, and caught hold of Inspector Mackay's arm, pulling him. He (Inspector Manning) then arrested the man. He gave the name of Ruppert. He took Ruppert Q. 5873.
into Chapel Street, and crossed Wardour Street into Portland Street, and there passed Inspector Mackay and his prisoner. Ruppert treated the matter with great levity and hurried along, and he (Inspector Manning) had quite a Q. 5874.
job to keep up with him. They turned into Great Marlborough Street and into the station. When he (Inspector Manning) got to the door he saw two plain clothes officers and told them to hurry down to Inspector Mackay's assistance. At the door were Sergeant Crayfourd and P.C. Miles. He took his prisoner into the Q. 5875.
waiting room where there were two charges waiting then to be taken, and afterwards saw Inspector Mackay and two other officers enter the station with Altfuldisch. Q. 5876.
Altfuldisch when he entered the station was very violent, struggling, and shouting, and very excited. He (Inspector Manning) saw Inspector Mackay take him Q. 5879.
through the passage into the waiting room. Subsequently witness heard him Q. 5780.
charged, and he (Altfuldisch) made no complaint at all of his treatment.

In cross-examination by Lord Russell the witness said that at the time of Ruppert's arrest a crowd of twenty or thirty people were following; they kept behind, but witness would not say it was not a dangerous crowd. He arrived at the station five or eight minutes before Inspector Mackay and Altfuldisch. Witness also told us he said to Ruppert when arresting him, "I shall take you to the station." Q. 5939.
Ruppert said, "What for?" The Inspector answered, "You have obstructed that officer" (*i.e.*, Inspector Mackay), "and I shall arrest you."

That is the substance of the evidence which was given by Inspector Manning before us in Altfuldisch's case. He was also called in the course of our inquiry in Maurer's case, and, to some extent, his evidence of course covered the same ground. It is worth while noticing, however, that according to his recollection, when he Q. 15004.
first saw Maurer on the ground two men were on the ground; and he also gave us the additional information that Inspector Mackay entered the crowd prior to him Q. 15005.
"some eight or nine paces." Inspector Mackay immediately went to the two men who were down. He (witness) was then outside the crowd and attempting to make his way in when he saw Inspector Mackay with a prisoner whom he had got up. By the time he (witness) got to the centre of the crowd he had turned round, and witness saw another man by his left arm, and he got him away. He went away hurriedly through the crowd, and he took it that it was the second man that was on the ground. He saw Inspector Mackay raise Maurer from the ground. Q. 15006.

In cross-examination it was pointed out to him that there was no suggestion in his evidence in Altfuldisch's case that he tried to get the two men. The witness, however, insisted that he tried to keep with Inspector Mackay, but could not, owing to the crowd. When witness got to the centre of the crowd and said Q. 15032, &c. 'Pass along," the man (that is to say, the second man) hurriedly put his head down and went away; otherwise, he would have arrested him. Witness did not hear what passed between Inspector Mackay and Maurer, and did not hear Q. 15050. Maurer say, "We are not bound to run." He did not hear obscene language from Maurer in particular, but he heard a lot of it in the crowd. In answer to the Chairman he said that when he came to within a few yards of the edge of the crowd, Q. 15065. he could see they were all looking down, and there was a movement as if persons Q. 15067. were on the ground. Inspector Mackay got into the crowd first; he had to force Q. 15068. his way. He also saw Inspector Mackay go down and come up again.

P.C. George Fleet, 134 C, was not called in Altfuldisch's case, but gave evidence during our inquiry into Maurer's complaint, and told us what he saw of the affair. He was on beat duty round Greek Street and Soho Square and Charing Cross Road. Q. 15109, &c. As he came round Soho Square towards Greek Street he saw the crowd and Inspector Mackay there. He rushed up to the crowd, and Inspector Mackay gave him a man (Maurer), and said, "Take this man to the station and wait till I come." He did so. On the way Maurer said nothing to him about having been improperly arrested, though he muttered something in a foreign language. He was taken into the charge room where he sat down. The witness stayed there, however, until Inspector Q. 15117. Mackay came in, when he (witness) said, "Your charge," and walked out. In Q. 15177, &c examination by Mr. Dickinson, P.C. Fleet said he could not say whether the prisoner had any dirt on him, or what was the condition of his hat. He noticed nothing amiss with him. He had been in Greek Street before that night about an hour Q. 15141. previously, and he had seen nothing unusual.

Besides these members of the Force, we examined Sergeant Crayfourd and P.C. Miles, 79 C, to whose evidence, in our opinion, considerable importance ought to be attached, though it only bears upon a part of the events that occurred.

Sergeant Crayfourd and P.C. Miles were in plain clothes and standing outside the station when Inspector Manning came up with Ruppert, who, as we know, was the first of the three prisoners to arrive at the station. Sergeant Crayfourd was just Q. 6173, &c. going off duty, when Inspector Manning arrived with his prisoner, and told him something to the effect that Inspector Mackay had a violent prisoner, and asked him to go to his assistance. He, together with P.C. Miles, ran along to the end of Marlborough Street where they met Inspector Mackay with a man whom they afterwards learned to be Altfuldisch. They were struggling and appeared to have come to a standstill. The Sergeant took hold of Altfuldisch's arm and assisted him to the station. On the way to the station the prisoner behaved violently, kicking, Q 6185, struggling, and shouting all the way. When they arrived at the station they took him to the charge room door, and, from there, straight through to the waiting room. Prisoner continued his violence for about three minutes, and the Sergeant assisted Inspector Mackay to restrain him. After that he got somewhat quieter and sat down by himself. A bright incandescent gaslight was burning in the waiting room, and Inspector Mackay was at no time in the room with the man alone. No violence Q. 6190. was used towards him, although restraint was put upon him. Being asked to describe what sort of restraint was put upon him, the Sergeant replied, "After we Q. 6190. took him into the charge room he was asked to sit down. He sat down at first, and then he jumped up and rushed towards the door as if he was going out of the Police Station. He was then restrained by Inspector Mackay and myself, and he sat down Q. 6193, &c again." He told us it was false that the Inspector had struck him continuously whilst in the room, and the door was not shut at all. He (the Sergeant) and P.C. Miles were there the whole time. The Sergeant also denied that either he or P.C. Miles assaulted the prisoner.

Sergeant Crayfourd's evidence was confirmed by P.C. Miles.

Character of the Case.

It is not denied by the complainants that when they with ten or eleven others left Wede's Hotel, Greek Street was noisy and crowded. A large number of persons

were also leaving other restaurants or places of entertainment at the same time; and whether Maurer was concerned in it or not, there can be no doubt some disturbance did suddenly commence a few minutes after the Wede's Hotel party broke up, and some members of the party, including the complainants, were then in the street. The story of each complainant is the same up to the point at which they all three got into Greek Street, but from that point the story in each case is different. Altfuldisch did not see Maurer arrested, nor did Maurer see what happened to Altfuldisch. Both, however, were arrested quite near Wede's Hotel, from which they had come out almost at the same moment. As to Ruppert, it is common ground that he was arrested after Altfuldisch, and while following him to the station. Altfuldisch's story is that he was wantonly arrested while quietly walking alone at a place where the street was quite clear, and there was no person near him, within ten or fifteen yards. Maurer, according to his account, after leaving Wede's Hotel, talked for a moment to two friends, and then wished them good night, and then, after turning round and following the president and several members of the club, felt a push on his back, and was thereupon arrested without any provocation on his part. Ruppert, finding Altfuldisch was arrested, followed with a view of going to Altfuldisch's house to tell his wife in order that he might be bailed out, and he says that he was arrested after a conversation with Inspector Mackay, who had Altfuldisch in custody, in which he told the Inspector that he must go the same way to see the prisoner's wife.

Each one of these separate arrests is, if we are to believe these gentlemen, entirely unwarranted by anything that anyone of them said or did. That would, of course, under any circumstances, be *primâ facie* a very strange thing, whoever the constables concerned might have been, but it is still stranger when one takes into account the fact that two of the three constables actually concerned in the arrests were officers of such long experience and tried capacity and integrity as Inspector Mackay and Inspector Manning; and if there were any reason to believe that the men, who undoubtedly came from a kind of convivial entertainment, were drunk, or were to any considerable extent under the influence of liquor, one would be inclined to dismiss the case at once. But these three men were sober. It ought to be noticed that these two Inspectors did not allege that any one of these three men was drunk, though the former thought that Altfuldisch, whom he knew as a respectable journeyman tailor, had had quite as much as was good for him on this occasion.

The case that the complainants make against Inspector Mackay and Inspector Manning is of a very serious character, amounting to a wholly improper and arbitrary exercise of the powers vested in them.

Corroborative Evidence.

We know that at the time when the meeting of the Florists' Society came to an end a good many of those who had been present earlier in the evening (seemingly about twenty five) had gone to catch their trains, and so forth, and it appears from a statement made by one of the witnesses called in Altfuldisch's case that there were fourteen or fifteen men left at the end when the landlord told them they must leave, and that all except Ruppert then left. If so, then about fourteen members and guests at the meeting went out into Greek Street at midnight or a minute or two before. Of these three were subsequently arrested. Of the other ten or eleven left, who, as it is certain they were in Greek Street when the arrests were made, may have seen something of the affair, four were called before us—Henry Reuscher, Gabriel Schumann, Frederick Burton and Alfred Brant. Q. 5432, &c.

It seems unnecessary to go over their evidence in detail.

When the evidence of these persons is compared with that on the other side, it seems to us to be clear that the arrests were not effected until about ten minutes past 12; and one cannot help asking the question, why should they have waited in the street? Altfuldisch's explanation is that he was waiting for Ruppert, and that seems a good one enough. The accounts of Schumann, Burton, and Maurer, suggest no explanation at all except what *primâ facie* was a quite adequate one that they were conversing together; but when we take into account the fact that Altfuldisch himself admitted that the street

was very noisy and very full of people, and that Reuscher, who, as we know, can only have been there a few minutes before he went off for his bag, and was therefore talking of the condition of things when they first came out, also said that some of their own party were "a bit jolly," and showed it by "speaking and larking together," that one of them was singing and only left off when the Inspector told him to, and that there was also loud speaking by others, it is perfectly clear that there was between midnight and ten minutes past 12 ample opportunity for conversation to develope into quarrelling, and for quarrelling to develope into fighting. So that when we closely look at the evidence of these witnesses in the light of what we know about Greek Street, and the sort of scene that takes place there when it is crowded just after the public-houses are closed, there is nothing very improbable in the fact that parties of men of different nationalities hanging about and talking after various convivial meetings should come to loggerheads. One is, of course, reluctant to come to the conclusion that these witnesses came before us with a deliberate intention of misleading us, and, so far as Reuscher and Brant are concerned, we see nothing in their evidence which may not be true quite consistently with the substance of the case made by the police. With regard to Schumann, that is not the case, because, as he alleges that he was standing quite near to Maurer when he was arrested, it hardly seems possible that he would not have observed that he was on the ground, as alleged by Inspector Mackay, if indeed that was the case. The question whether Ruppert is speaking falsely or not depends very much upon the question whether Altfuldisch was going to the station quietly. Ruppert saw nothing of the arrest, as we know, and he made anxious inquiries as to what had taken place when he saw Altfuldisch in custody; and it is common ground that something was said either at once or on the way to the station about Ruppert going to see Altfuldisch's wife with a view to getting him bailed out. If we are to believe Ruppert, he was quietly following, although his friend was being pushed along roughly by the constable. His evidence as to the way in which Altfuldisch was going to the station is in direct conflict with that of the Inspectors, and the question whether he is right upon that point may be taken as a touchstone of his his veracity. Of four witnesses called to corroborate the complainants, not one except Schumann alleges that he saw the actual arrest of Maurer or Aldfuldisch. Schumann's evidence amounts to a denial of the Inspector's statement that he found Maurer fighting and lifted him from the ground.

Looking therefore at the matter upon the whole, the direct conflict of evidence is between Altfuldisch, Maurer, Schumann, and Ruppert on the one side, and Inspector Mackay and Inspector Manning on the other. Here, as in several of the other cases, we have men who may be described as of good character telling us a story which is directly at variance with the evidence given by police officers equally entitled to credit; and here, therefore, as in other cases, we can only solve the problems raised by reference to the probabilities of the case and by inferences from facts either proved or admitted.

Time and General Circumstances of the Arrest.

Let us now see what are the chief relevant facts as to which there is no doubt. An entertainment of a perfectly harmless kind had taken place on the night in question at Wede's Hotel. The party broke up at closing time, when the advent of midnight was signified to them by the landlord of the hotel. Some fourteen or fifteen members of the party still remained, and all of those, with the exception of Ruppert, who remained to pay the bill, went out at a minute or two before midnight. Altfuldisch and Reuscher went out together, and were a little apart from any other members of the party who remained behind. Reuscher two or three minutes afterwards left Altfuldisch standing at a short distance from the hotel entrance to go to Wardour Street to fetch his bag. Three other members of the party (Pingel, Schumann and Burton), waited somewhere near the entrance in conversation and were joined some time afterwards by Maurer. As to these facts there seems to be no doubt, and they are not in the least inconsistent with what was told us by the police witnesses. Shortly afterwards (we shall call attention to the time in a moment) two members of the party (Altfuldisch and Maurer) are in the custody of the police. Maurer is taken to the Police Station by P.C. Fleet and Inspector Mackay, accompanied by Inspector Manning, is taking Altfuldisch to the same Police Station. He

is followed, after an interval, by Ruppert, and on the way to the station Ruppert himself is arrested by Inspector Manning and himself taken to the station, proceeding with such alacrity that they arrived there before Inspector Mackay and Altfuldisch. On arrival at the station Inspector Manning gave instructions to Sergeant Crayfourd and P.C. Miles to go to the assistance of Inspector Mackay, because he had a violent prisoner in custody. Those facts also seem to be beyond dispute.

There is no indication in the evidence of any one of these witnesses that they were surprised that the police were intervening and ordering people to move along, although, of course, there is the suggestion from one or two of them that there was no necessity for interfering with themselves, and the whole case rests upon the allegation that the police action, so far as Maurer and Altfuldisch in particular were concerned, was entirely unjustifiable. There is nothing in their evidence, or in that of Altfuldisch and Maurer themselves, when it comes to be examined, which shows that Inspector Mackay and Inspector Manning were in the least degree exceeding their duty in ordering persons loitering and talking in Greek Street, and *a fortiori* persons noisily talking or quarrelling to move along with a view to keeping order; and even if it were shown that Maurer had not fallen, and was not fighting, we should have no hesitation in coming to the conclusion that if he and Altfuldisch did not move on but persisted in remaining under the prevailing conditions, their behaviour would have been so disorderly as to have justified their arrest by the Inspector. But it is clear that the case against these prisoners was much stronger than that, if the Inspectors are right. Not only was Maurer fighting, but after he had been arrested, and the Inspector and the crowd moved down towards the Café Turc, Altfuldisch, in response to further commands to move along, turned round and said, "No, we shall not,' and cried out, "Why should we care for the f—— English police; you are not dealing with ponces," and when he was arrested he screamed and shouted to the crowd to assist him. If the allegations of the police are true there can be no doubt whatever that both arrests were thoroughly justifiable, and indeed, necessary, in the interest of order. If the matter stood there, we should conclude as a result of our observation of the witnesses and our considerations of the circumstances that we must accept the police account.

There are also two incidents clearly proved which confirm Inspector Mackay's evidence. First, according to Maurer's first account of his arrest it came about in this way. He felt a push on his back; he then turned round and said, "We are not obliged to run," then he felt a push towards another police constable, and the Inspector said, "Take this man," and P.C. Fleet did then take him to the Police Station. One gathers from that that he was standing face to face with Inspector Mackay when Inspector Mackay pushed him to the constable, and, if so, the actual apprehension took place by Inspector Mackay taking him by the arm and pushing him towards P.C. Fleet, who also took him by the arm in the usual way; at any rate it would appear that the arrest was made when Maurer was looking at the Inspector, and saying, "I am not obliged to run," or something of that kind. But when he was cross-examined, after denying that he had fallen on the ground, he gave two answers which we may quote in full. "(Q.) Did Inspector Mackay catch hold of you at all? (A.) Yes. (Q.) Did he hold you? (A.) Yes, with both hands under the arms from the back. (Q.) How long did he hold you? (A.) Only for a moment while pushing me to a constable." Q. 13878 Q. 13879. Q. 13880 Now that is exactly the way in which Inspector Mackay would be compelled to effect the arrest if in fact Maurer was on the ground as alleged. Inspector Manning saw Inspector Mackay bend down and rise up again, and that action was, he would have us believe, the action which the latter made in arresting Maurer who was then down; and, in fact, if Maurer was down, the proper and the ordinary way of effecting the arrest would be to bend down and catch hold of him with both the hands under the arms from the back exactly as Maurer said, and then, having got him upon his legs, to push him towards the constable who would then continue the arrest by taking hold of the prisoner's arms.

Secondly, there is the incident that took place when Inspector Manning arrived at the station with Ruppert and met Sergeant Crayfourd and P.C. Miles in plain clothes on the steps of the station. Now, that is not one which can have been fabricated for the purposes of the complaint before us. It is something that took place when neither

Inspector Manning nor his comrades could have been certain that there would be any dispute at all about the propriety of the arrests. Inspector Manning arriving quite quickly with Ruppert, seeing the Sergeant and others in plain clothes, shouted out in passing into the station an order to them to go to Inspector Mackay because he had got a violent prisoner. If Altfuldisch was not violent, there was absolutely no reason for his asking or ordering these men to go to the Inspector's assistance, and one cannot help asking, why he should have done anything of the sort, if in fact the Inspector did not need help? We have there something actually done which is only capable of reasonable explanation upon the supposition that Altfuldisch was violent. Now we attach very great importance to this, because the question whether Altfuldisch was or was not resisting, whether he did or did not take hold of the railings, whether or not he had been screaming and shouting either continuously or at intervals, are all matters which are at issue between Altfuldisch and Inspector Mackay; and if the former is speaking untruly upon that point, it is obviously quite possible that he may be speaking falsely, or, at any rate, inaccurately in regard both to the earlier circumstances of his arrest and as to his treatment when he arrived in the waiting room at Marlborough Street Police Station. Quite apart from the actual corroboration afforded by the evidence of Sergeant Crayfourd and P. C. Miles, who promptly ran as directed to the assistance of the Inspector, the fact that Inspector Manning asked those officers to run off is one that seems to us to make it as nearly certain as anything can well be that Altfuldisch was behaving just as the Inspector informed us. The first of these points touches Maurer's and the second Altfuldisch's credibility. Both seem to us to damage their evidence very greatly.

We have come to the conclusion that both Altfuldisch and Maurer spoke falsely as to the circumstances of their arrest. We accept the evidence of Inspector Mackay and Inspector Manning as in substance true. That being so, it follows that they were, under the circumstances, justified in arresting Altfuldisch, Maurer, and Ruppert.

Alleged Ill treatment of Altfuldisch at the Police Station.

Altfuldisch complained not only that he had been wrongfully arrested but that he had been treated with unnecessary violence on the way to the station, and also assaulted and beaten without provocation after his arrival at the station. As to his alleged treatment on the way to the station nothing need be added to what we have said above. We are convinced that Altfuldisch resisted after he had been taken into custody, and accept in substance Inspector Mackay's and Inspector Manning's accounts of his conduct. That being so, we are all of opinion that Inspector Mackay did not use more force than was reasonably necessary under the circumstances to get so refractory a prisoner to the station.

Altfuldisch further, however, complains that upon arrival at the police station he was taken into a dark room at the back; that Inspector Mackay shut the door and then began to strike him both on the head and the shoulders, and all over his body; that he struck him with his fist, saying at the same time "I will teach you dirty ponce not to answer me"; and that he struck him so long that he shouted "Murder" and "Help" until he slid down on a seat quite exhausted. He also complained that afterwards, when the Inspector had gone outside, a plain clothes man came into the room and began hitting him in the same way, and knocked him about with his fist. It is common ground that the prisoner Altfuldisch was not taken straight into the charge room, partly because it is alleged that the room was already unusually full, and partly because Altfuldisch's behaviour was so noisy that his being brought into the charge room would hamper the proper conduct of the proceedings. It does not appear to us that in taking his prisoner into the waiting room Inspector Mackay was guilty of any breach of the regulations, and one can hardly say that under the circumstances it was imprudent on the Inspector's part. He told us that the door was not shut, and that Sergeant Crayfourd and P.C. Miles in plain clothes were standing where they could see all that went on in the room. The Inspector admitted that he used force, but says that he did so in consequence of Altfuldisch continuing his disorderly behaviour. If we were persuaded that Altfuldisch had come to the station quietly, we should hardly feel ourselves satisfied with the account that the Inspector gave of his treatment of the prisoner in this waiting room. The

Inspector said that he put him on the seat in the waiting room, that as soon as he (the Inspector) turned his back he (Altfuldisch) rushed after him, and that he (the Inspector) then pushed him (Altfuldisch) back on the seat again, and that he struggled and screamed. Putting aside the question of the "rush," we think it would be quite unnecessary for the Inspector to compel the prisoner to sit on the seat. We make this observation, because in several cases into which we have inquired we have observed that complaints have been made by prisoners that they were forcibly made to sit down. We see no reason why compulsion should be used in regard to the matter at all, or why, if a prisoner is perfectly quiet, he should not be allowed to stand if he prefers doing so to sitting on a not very comfortable bench. Here, however, the point is merely of secondary importance, since we cannot believe Altfuldisch's account of what took place in the waiting room. We have seen that he behaved in a most improper and excited way when brought to the station, and we think it extremely likely that his excitement continued or was renewed from time to time when he was in the waiting room. We cannot forget that the Inspector knew Altfuldisch personally before the night in question, and however angry he may have felt with him he would be disposed to be, as he says he was, quite considerate towards him notwithstanding his unmanly and silly conduct. We have upon the point the evidence of Sergeant Crayfourd and P.C. Miles, who were looking on, which confirms in substance what the Inspector told us about this part of the case. We therefore reject Altfuldisch's evidence upon this point, and find that Inspector Mackay was not guilty of the misconduct alleged, and that the allegation that a plain clothes man "struck the prisoner" is quite devoid of foundation.

Maurer's Complaint as to Loss of Cigars.

There is only one other matter in this case on which it is necessary to express an opinion. Maurer complained of the manner in which he was searched in the charge room. Maurer said: "Then I was searched in the pockets, and Inspector Mackay behaved to me like a dog. He searched my pockets, and I thought he was going to pull my overcoat from me. I had several papers in my overcoat, but I do not recollect what they were—letters and postcards and a couple of cigars. They went in the fire. I did not get them back. . . . I had several letters and postcards in my overcoat pocket and I believe there was a programme of that evening there, and a few cigars I had in my pocket. He threw them in the fire in front of me." He said he did not get these back when he was bailed out, but that his knife, pencil case, and things like that, he did get back. There is clearly gross exaggeration here. That Inspector Mackay may have searched him in a summary and not particularly gentle manner may perhaps be the case but we do not say it is so. Inspector Mackay's temper had been very seriously tried, if our views about what had taken place are correct, but that he treated Maurer as he would have treated a dog is a highly coloured metaphorical description of his action which we feel certain is not applicable to the true manner in which the search was really made. The question whether the cigars and papers were thrown into the fire is not corroborated by anyone, and rests, therefore, simply and solely upon Maurer's own statement. Seeing that he was at the mercy of the police and not in a position, therefore, to bring forward any direct corroboration, we should not dismiss an allegation of the kind without very careful examination if Maurer's credibility on other points in the case had been established to our satisfaction. That is clearly not the case here, and as between Maurer, who gave a totally inaccurate account of the circumstances of the arrest, and an Inspector, who seems to us to have discharged very difficult duties with great promptitude and accuracy, we cannot believe that the latter was guilty of a wholly unnecessary destruction of a prisoner's property. We reject Maurer's statement on this head.

Qs. 13796–13797.

Q. 13798.

Our conclusions are:—

(i.) Altfuldisch, Maurer, and Ruppert were lawfully arrested by Inspector Mackay.

(ii.) Neither Inspector Mackay nor any of the officers or constables concerned in these cases was guilty of any misconduct whatsoever, but on the contrary behaved with commendable promptitude and discretion under difficult circumstances.

V.—DUBERY'S CASE.

The facts in regard to this complaint are not in dispute, and the only importance which attaches to the case, which arises out of the misconduct of P.C. Murray, 216 E., in December, 1902, is the fact that it is the only one of all those that we have inquired into in which an allegation of drunkenness is made against a constable.

Albert Joseph Dubery, in December, 1902, was living at 50, Albion Street, King's Cross, and was then employed at Mr. Line's private cab-yard in Sandwich Street, of which he had charge. On the 5th of December, 1902, at about 11.45 p.m., he saw a Constable come to the gate where he was standing, and the Constable asked
Q. 8135–8140 him to have a drink out of a bottle. Dubery replied that he did not want anything. The Constable said "Very well," and walked away. Presently, Albert Jones, the last man out, drove up with his cab and horse, and Dubery went to assist him with his horse. As Dubery passed a hansom cab which had been placed in the gateway, he
Q. 8149, &c. looked towards the window and saw the Constable who had spoken to him with a woman inside. Dubery said "You had better get out of this." The Constable made no answer, and Dubery went to the cab that had just come in and got the horse out.
Q. 8151 He went to the stable, about 25 yards away from the hansom cab, and then the constable and the woman got out; the woman made off, but the Police Constable came down to the stable door. Dubery's account of what took place is as follows:—"I said, 'Old man, you had better not come down here—your Sergeant might see you.' He said, 'B—— my Sergeant and you too.' I said 'You cannot b—— me,' and he said, 'I will show you something—how they kill men in South Africa.' With that he made fight after me, and I ran up the side of the horse away from him. The Constable put up
Q. 8152. his hands to fight me, and I went away from him and and went up to the side of one of the horses. He followed me." This was inside the stable. The Constable then
Q. 8153, &c assaulted Dubery, striking him on the face with his fist, and then on the arm with his
Q. 8519, &c. truncheon. First Jones and then Mr. Line came to his assistance. Finally two other
Q. 8168, &c. policemen came up and the Constable appears to have charged Dubery and Jones with assaulting him, and they were taken to Hunter Street Police Station by these
Q. 8176. two policemen, and by the first Constable too. Mr. Line went with them. Dubery told us that when they got to the station 'the Constable could not give proper satisfaction to the Inspector, and the Inspector ordered him downstairs, and another Constable took him downstairs.' It seems, however, that Dubery and Jones had been
Q. 8182, &c. placed in the dock and charged by P.C. 216 E with assaulting him before the Inspector saw that he was drunk and refused the charge. The Inspector then took down all the particulars of what they had to say, and came back with them to the yard after-
Q. 8194. wards and saw the scene of the assault. Dubery found that his arm was very bad; he had to go to the Royal Free Hospital to have it dressed, and he was unable
Q. 8203. to work for a time. Dubery wrote a letter, as he thought, to the Commissioner of Police asking for a little compensation for his loss of time, and Dubery afterwards consulted a solicitor, Mr. Nicholson, who went into the case with them, but subsequently they informed him that "they did not wish to proceed on account as he (Mr. Nicholson) understood of a cab proprietor being concerned in it."

Q. 8130. Mr. Edward Henry Line was called before us and confirmed the account which Dubery had given. It appeared that Jones (the man referred to in Dubery's evidence) was dead.

The constable implicated (216 E) was a man named John Murray, who had only been at that time about seven weeks in the Force.

Reports were called for by the Chief Commissioner, and were duly made by
Q. 8265. Inspector Austin, Police Sergeant Seymour, P.C. McKay, P.C. Johnston, P.C. Miller and P.C. Murray, the Constable whose conduct was in question. These Reports were sent by the Superintendent of the E Division, with his observations to the Chief Commissioner; and on the 8th December an inquiry into the matter was held before Assistant Commissioner Major Wodehouse, and P. C. Murray was duly heard. Being asked whether he had anything to say in his defence, he replied: "Nothing, only

that I am very sorry. I had not been drunk until this thing happened." The Assistant-Commissioner, Major Wodehouse, thereupon delivered judgment to the following effect: "I have read the Reports in the case, and it appears to me to be perfectly clear that you took this woman into the yard, and the employees there objected to it. You assaulted them and drew your truncheon. Then you wanted to charge them. Worse conduct than that a police officer can hardly be guilty of. You had every consideration shown you. You were accepted as a special case, and this is the return you make for it. You are quite useless for the police, but in consequence of your being a very young man I will permit you to resign." It appears that the practice is to avoid, if possible, actually dismissing a man, and rather to permit him to resign, because dismissal practically prevents him from getting employment elsewhere.

We agree with the decision of Assistant Commissioner Wodehouse.

VI.—MRS. BRAHAM'S CASE.

In this case Mrs. Louise Braham, wife of Philip Braham, a clerk residing at No. 7, Culverden Road, Balham, complained that she had been wrongfully arrested on the evening of the 6th June, 1903, in South Lambeth Road. She also complained of the manner in which she was arrested and taken to the station, as well as of the conduct of the proceedings in the charge room. Philip Braham had complained to the Home Office and to the Chief Commissioner, and we found that an inquiry into the matter had in fact taken place, as a result of which both the station officer and the arresting constable were punished by being strictly cautioned. That being so, and the Magistrate having dismissed the case, it is not necessary for us to go minutely into the facts.

The Complainant's Case.

Mrs. Braham told us that she had been out on a visit to some friends in South Lambeth Road on the evening of the 6th June, 1903, and had left them about
Q. 9021– 12 o'clock midnight, and that she was walking along by the side of the tramline in tending to catch a car at Stockwell in order to get home, when a police constable (P.C. Atkinson, 800 W.) came out of a gateway and took hold of her in a most offensive manner. She asked him how he dare do that, and the police constable said, "I will show you what I dare do." The police constable took her into custody and up some back streets, and before getting to the station called another constable (P.C. Allen, 749 W.) from the other side of the road. The constable held her arm in an indecent manner; the other constable also took hold of her arm, but she made no complaint of him. She asked the first police constable to let go her arm, but that was all she said while proceeding from the place of arrest to the station. On arriving in the charge room, P.C. Atkinson called the inspector out to go into another room, and she having been placed in the dock, which she described as a cage, the inspector (Billson) went and remained out some minutes. When they came back she asked them to communicate with her husband. She did not hear any charge read over to her and was not asked to give any explanation. She told the inspector that she had been to see friends and was hurrying to catch her car, which would take her to
Q. 9041– Balham Station, where her husband was waiting for her. She did not see the
9064. inspector take any note of it. She asked to see a doctor, but no doctor was sent for. She was allowed to sit in a chair in the charge room and then was taken into another room and placed in the care of a woman (obviously the matron). She was fully two hours waiting for her husband, and when he arrived about three o'clock she was allowed to go with him on bail. She attended the Westminster Police Court with her husband on the following day and told the Magistrate (Mr. Shiel) exactly what had happened. The case was adjourned until the afternoon for the attendance of the inspector, who was not present because it appeared that he had gone away for his
Q. 9091. holiday. When the case was called on again at 3 p.m. on the same day, the Magistrate immediately said, "The case is dismissed. There is nothing against you."

Philip Braham said that he knew where his wife had gone to on the night of the
Q. 9229– 6th June, and he was awaiting her arrival at Balham Station in a tramcar, that when
9233. the last car had come he went to Cavendish Road police station to get telegraphic inquiries made, and that this application was refused, but that just as he was leaving, a message came, and the inspector in charge of that station said, "Your wife is detained at Larkhall Lane police station for disorderly conduct." He said he then
Q. 9237. went there and bailed her out. He attended with his wife at the Police Court, and after the Magistrate had dismissed the case he asked for a summons against P.C. Atkinson for perjury and assault. He was told to complain to the Chief
9247. Commissioner. He wrote to the Home Office and to the Chief Commissioner, and a correspondence took place. He attended the inquiry ordered by the Chief Commissioner at Brixton station, and himself gave evidence.

The Police Case.

In answer to the complaint P.C. Atkinson, P.C. Allen and Inspector Billson were called and examined before us. P.C. Atkinson's evidence was to the following effect: He was on duty in the South Lambeth Road about a quarter past twelve on the morning of the 7th June, 1903. He saw a lady coming along on the opposite side of the road. When within forty yards of where he was standing he noticed her stop in front of a man. The man passed along. He (the constable) crossed the road opposite the Presbyterian church. When he got to the kerb the lady came up to him and stopped in front of him saying, "What are you interfering with me for?" Q 9297.
I said, "I have not interfered with you. You had better get along home." I walked to the church gate, and she said, "How dare you assault me?" At the same time a man whom he did not know came up to them. He (the constable) said, "Have you seen me interfere or assault this lady in any manner?" The man said, "No." The lady then appealed to the man herself and he gave her the same answer. The lady then became very excited and started shouting, "and said she would take my number and go to the station to report me." He told her "to get along home and keep herself quiet, otherwise he should take her to the station." She still Q. 9298.
persisted in shouting, was greatly excited, and smelt strongly of drink. "I took her into custody, she was struggling all the way, and whilst going down Lansdowne Road she asked me to let her go, as she was sorry. I said, 'I cannot do that.' When in Larkhall Lane we met P.C. 749 (Allen) and she appealed to him to let her go, and struggled to get away from me. I called him to my assistance. With his assistance we got her to the station." He then preferred a charge of drunk and disorderly against her to Inspector Billson, who was the officer in charge of the station. "The inspector went to the dock rail, had a look at the lady, and walked Q. 9301.
back into the office, and called me into the office. . . . He said to me, 'The lady is Q. 9303.
not drunk, but she has been drinking, and I will put her on for disorderly conduct alone!'" They then went back to the charge room and the inspector entered the charge on the charge sheet. The lady asked to see a doctor. The inspector said, Q. 9307.
"There is no occasion to see a doctor, as you are not charged with drunkenness." He then read the charge to the prisoner and she said nothing. The constable then went back on duty, leaving his prisoner at the station.

P.C. Allen informed us that he was on duty in Larkhall Lane, and he saw P.C. Atkinson and a female prisoner coming towards the station. At that time he was standing on the footway close by them. The woman spoke first and asked Q. 9749.
him to let her go. He said, "I cannot let you go, madam; you are in custody. You must go to the station." She stopped and tried to get away. He (P.C. Allen) then just took hold of her arm and they walked to the station quietly. He heard P.C. Atkinson charge her at the station before Inspector Billson, and he said she made no reply. When P.C. Atkinson and the inspector went into the office she said, "I have been to see some sick people in South Lambeth, and was late in leaving there." He heard prisoner ask Inspector Billson for a doctor and believed she was satisfied with his answer. He left the station as soon as she was taken out of the dock, and up to then she did not make any complaint against P.C. Atkinson himself.

Inspector Billson stated that he was in charge of the station at Clapham when Mrs. Braham was brought in by two constables. P.C. Atkinson preferred the charge of being drunk and behaving in a disorderly manner. The inspector asked what was the disorder. P.C. Atkinson said that he had seen her stop a man or men in the Q. 9974.
South Lambeth Road, that he crossed the road to speak to her or caution her, but as apparently she was a respectable woman he did not speak, but stood on one side to allow her to pass. It seems better to give the inspector's exact words: "Atkinson said that he had seen her stop a man or men in the South Lambeth Road, that he crossed the road to speak to her or caution her, but as she was apparently a respectable woman he did not speak, but allowed her to pass, and stood on one side to allow her to pass. I forget the exact words, but I believe at that time she said something about 'Why' or 'What are you interfering with me for?'—some such words. The lady at that time said to him, 'Why are you interfering with me?'" P.C. Atkinson Q. 9975.
had replied that he was not interfering with her, and "requested her to go home quietly; that she had then raised her voice and commenced shouting, and at that time

a gentleman was passing and the lady at that time accused him of assaulting her. The police constable again requested her to proceed home quietly, but she continued shouting about taking his number and about being interfered with by him, and by her shouting, as she was disturbing the public, the police constable took her into custody. At the station I considered the woman was not drunk, and told the police constable
Q. 9976. so." . . . . "I went into the office to fetch the charge sheet I had in the office, and called Atkinson to me. I said, 'I consider the lady or woman is not drunk, and I shall not take the drunkenness, but I shall simply charge her with being disorderly.' Nothing was said. When the charge was read over to Mrs. Braham, she said, 'I want to see a doctor.' I said 'Do you complain of illness?' She said, 'No; I am not ill or drunk.' I said, 'You are not charged with being drunk, so I consider a doctor is unnecessary,' and no doctor was fetched. The police constable at that time said, before he had met the second witness, P.C. Allen, she had asked him to let her go, saying she was sorry, and also she repeated that when they met P.C. Allen. I asked P.C. Allen if that was so, whether he witnessed any disorderly behaviour, and he said, 'No,' but it was so that she had said that at the time. A document was then sent to the husband residing at Balham, and she was then fetched out between one and two."

The following is a copy of the charge :—

W Division. Clapham Station.

6TH JUNE, 1903.

Date and hour brought to Station.	Persons Charged.			Charge.	Persons charging, Name, Address and Occupation.	Witnesses Name and Address.	Taken into Custody by	Property found on person or elsewhere.	At the Station House.		Signature of Police Officer taking the charge.	Magistrate before whom the charge is brought.	Charge—how disposed of by Magistrate and what offence proved.	Remarks by Magistrate.
	Age.	Name, Address and Occupation.	Administrative County in which charged.						Detained.	Or hour admitted to bail.				
12.25 a.m. 6/6/03.	36	Louise Braham, 7, Culverden Road, Balham. Married.	London.	Behaving in disorderly manner in South Lambeth Road, Parish of Lambeth.	Walter Atkinson, P.C. 800 W.	Albert, Allen, P.C. 749 W.	P.C. 800 W. Walter Atkinson.	Nil.	Detained.	1.50 a.m. 6/6/03.	W. Billsen, Inspr.	J. Shiel, Esq.	Discharged.	

(Sd.) R. HAMILTON, S.D. Inspr.
(Sd.) J. TAYLOR, Acting Supt.

The charge was called on at the Police Court in the morning, and the following is a copy of the notes of evidence :—"Walter Atkinson, P.C. 800 W, on oath saith as follows :—At 12.15 p.m., at South Lambeth Road, prisoner stopped opposite me. I moved off one side. She said, 'Why do you interfere with me?' I said, 'You'd better go along.' She said I'd assaulted her, became excited, shouted, and refused to go. I took her. On the way she said she was very sorry, and asked me to let her go.

"Albert Allen, 749 W, on oath saith :—At 12 15 p.m. saw P.C. 800 W. bringing prisoner along Larkhall Lane. When she saw me she stopped and asked if I would let her go. I said she was in custody."

The case was adjourned until 3 p.m., for the attendance of Inspector Billson, and it being called on again at that hour and the inspector not being in attendance the Magistrate dismissed the case.

Acts of Misconduct Alleged against the Police.

In this, as in most of the cases that we have examined, the charges against the police as far as we are concerned are not formulated with any precision, and we have to consider by examining the statement of the complainant what are the exact breaches of duty alleged to have been committed by the police officers.

Here we think the lady stated as follows :—

1. As to the arrest and its circumstances.
   (a). That P.C. Atkinson came out of a gateway and assaulted the complainant by taking hold of her arm in a most offensive manner.
   (b). That P.C. Atkinson then arrested her without justification.
2. As to the method of conducting the prisoner to the station.
   (a). P.C. Atkinson held the complainant in an indecent manner.
3. As to the proceedings in the charge room.
   (a). P.C. Atkinson falsely preferred a charge of being drunk and disorderly against the complainant.
   (b). Upon that charge being refused he falsely preferred a charge of disorderly conduct against the complainant.
   (c). Inspector Billson wrongfully conferred with P.C. Atkinson in private.
   (d). Inspector Billson wrongfully accepted the charge of behaving in a disorderly manner at South Lambeth Road.

With regard to the treatment of this case by the Chief Commissioner we make some remarks below.

The Arrest and its Circumstances.

There is a conflict of evidence between Mrs. Braham and P.C. Atkinson as to the circumstances under which the arrest came to be made, and it is only as to these that there is, as far as the facts are concerned, any serious dispute. Mrs. Braham says that she was walking hurriedly to catch a tramcar at Stockwell on the right hand side of the tramline, but whether on the pavement or not she does not say. While she was walking a policeman came out of a large gateway and took hold of her. She asked him how he dared do that, and he said, "I will show you what I dare do." She also added that he took hold of her arm in a very offensive manner. As we understood her she meant to suggest that the constable assaulted her indecently, and, at any rate, she asserts that he took hold of her before any conversation had taken place between them.

Q. 9023–9025.

In the letter written by Philip Braham to the Chief Commissioner on the 9th June, the allegation he makes on behalf of his wife is substantially the same, though there are slight variations. He says, "A constable suddenly stepped in front of her and Q. 9224. placed his arm on her neck in a most offensive manner. She was naturally indignant and demanded his number. He replied that she had evidently been drinking and he should lock her up, to which my wife replied, 'You dare not!' 'Oh, daren't I', said the constable, and he took her by the arm and into the road to the Larkhall Road Station at Clapham, calling the assistance of another constable on the way, although my wife accompanied him quietly." According to this view of what took place, P.C. Atkinson did assault the complainant without any cause whatsoever.

P.C. Atkinson's version of the matter contradicts this account. His story is that he "saw the lady coming along in the opposite direction to me on the opposite side Q. 9297. of the road. When within about forty yards I noticed her stop in front of a man. The man passed along. I crossed the road opposite the Presbyterian Church. When I got to the kerb the lady came up to me and stopped in front of me, saying: 'What are you interfering with me for?' and so on. If this account be true, not only did the affair not commence with an assault but the constable had done nothing to justify the remark of the lady, "What are you interfering with me for?"

We do not believe that P.C. Atkinson assaulted the complainant as she alleges, though we think that she honestly imagines that her statement is true. On the other hand, we think that P.C. Atkinson gave us a false account of the way in which he came to arrest Mrs. Braham. It came out incidentally that at that time (the summer of 1903) "the road was infested with prostitutes" (to use Q. 9336. P.C. Atkinson's own words), and the constable admitted that he thought that Mrs. Braham was one. On his own showing the constable's opinion was one which he arrived at without any justification whatever. He says he saw the lady "stop in front of a man," but that "the man passed along." P.C. Atkinson does not pretend that he Q. 9297. had ever seen Mrs. Braham before. That being so, even if she did stop in front of a man, such an action afforded no substantial ground for suspicion as to her character, for such an action might be due to nervousness on the part of an unprotected lady at that hour of the night, or to some other innocent cause. But however unjustifiable P.C. Atkinson's suspicion may have been, we think that he did entertain a suspicion, and the whole of what took place according to his own account confirms that view. It is the kind of conversation that might take place if a constable crossed the road just after a prostitute had been accosting a man. P.C. Atkinson admits he crossed the road, and his purpose clearly was either to get a good look at the woman or perhaps to caution her. We do not believe that Mrs. Braham commenced the conversation without some cause, and though we cannot accept literally her statement that the constable at once took hold of her, still it is perfectly clear that he did or said something which startled the complainant, gave rise to conversation and caused her to become very excited, and, it may be, to talk very loudly. Our view is that the lady became thoroughly frightened and lost her self control, and she probably talked and behaved in a much more excited way than she imagined. We also think it is very likely that she struggled a good deal to get rid of the constable's grip after he had arrested her and was taking her to the station. Mrs. Braham herself described the manner of his holding her as being "indecent," in the sense that it somehow suggested to her that the constable was behaving suggestively and improperly to her. That being so, one can readily imagine that without any intention to evade going to the station she may have tried to get away from a man who was offending her senses of modesty and dignity in that way; and of course the very fact that P.C. Allen thought it a case for giving his assistance tends to confirm this impression. The conclusion that we have come to is that P.C. Atkinson's account is not true. He formed an entirely wrong judgment as to the character of Mrs. Braham. Even if he had been right and she had been a woman of the class suggested, the constable was entirely wrong in interfering in any way by speech or by following her. He had never seen her before, he had seen nothing that amounted to unequivocal accosting, and he was not warranted in giving her any caution whatsoever. By his action he undoubtedly frightened Mrs. Braham, and finding that he had been entirely mistaken as to her position in life, he took advantage of her naturally indignant behaviour to take her into custody on the charge of being drunk and disorderly.

Proceedings in the Charge Room.

There is little or no dispute on any material point as to what took place in the charge room. For the reasons just given we think the arrest of Mrs. Braham was unlawful, and that in preferring the charge before the inspector of being drunk and disorderly, P.C. Atkinson was knowingly guilty of misconduct. Taking his own account, the evidence of drunkenness was of the flimsiest kind. There was not the slightest suggestion that before he had approached her she had exhibited any indication of drunkenness. That her breath smelt of drink may be true, but that of itself was unimportant, and the constable knew that the excitement of the prisoner had been provoked by his own conduct, and that he had made a mistake in interfering with the lady at all. Not daring to make a charge of solicitation to save himself he preferred a charge of drunk and disorderly conduct; and when the inspector properly refused to take that charge, he persevered in the wrongful charge of behaving in a disorderly manner.

Inspector Billson's account of what took place in the charge room is not seriously challenged on any part, and we accept his version.

We have considered the proceedings in the light of the reports, the correspondence with the Chief Commissioner, and the proceedings at the Inquiry, and we have come to the conclusion (1) Inspector Billson was right in refusing the charge of being "drunk and disorderly," and (2) We think he was indiscreet in holding a private conversation in his office while the prisoner was in the dock. We have explained above our views as to the duty of the inspector, and as to the manner in which the proceedings in regard to the acceptance or refusal of the charge ought to be conducted. We are not prepared to say that under no circumstances may private colloquy take place between an inspector and a constable or other persons preferring a charge against a prisoner, but having regard to the regulations made in the White Book, we think that in reference to this class of case, unless there are some very exceptional circumstances making another course expedient, the inspector ought to listen to the constable making the charge, to the witnesses, if any, desirous of speaking either in support of or against the charge, and to the prisoner in the charge room itself.

(3) We think Inspector Billson was guilty of an error of judgment in accepting the charge in its amended form.

Q. 9974. According to the inspector, P.C. Atkinson said "that he had seen her stop a man or men in the South Lambeth Road, that he crossed the road to speak to her or caution her, but as she was apparently a respectable woman he did not speak but allowed her to pass and stood on one side to allow her to pass," and so on. "That
Q. 9975 she had then raised her voice and commenced shouting, and at that time a gentleman was passing, and the lady at that time accused him of assaulting her. The police constable again requested her to proceed home quietly, but she continued shouting about taking his number and being interfered with by him, and by her shouting, as she was disturbing the public, the police constable took her into custody." We think that an experienced inspector ought to have inferred from that that the police constable had made a mistake, and that the conduct of the prisoner was quite consistent with her having been frightened; and even taking as true the constable's statement that she was shouting and accused him of assaulting her, the disorder was not of such a character as to come within any of the sections which justify apprehension by a constable. The charge as entered in the charge sheet was "Behaving in a disorderly manner at South Lambeth Road, Parish of Lambeth," and as we construe them these words constituted a charge under the Police Act, 1839, s. 54, s.s. 13.

The inspector does not suggest that he thought Mrs. Braham was "a loose, idle and disorderly person" within the meaning of section 64 of the Police Act, 1839, or "an idle and disorderly person" within the meaning of the Vagrancy Act, 1824. We are doubtful whether there is any evidence at all even if the account which P.C. Atkinson gave to the inspector, and upon which the inspector acted be literally accurate, that any offence under the sub-section just referred to had been committed. However, even if there be some slight evidence, Inspector Billson ought in the exercise of his discretion to have refused the charge.

Our Conclusions.

Our conclusions are therefore these :—

1. As to P.C. Atkinson.
   (a) We find he was guilty of misconduct in arresting Mrs. Louise Braham.
   (b) We find that he did not assault her offensively as she asserted.
   (c) We think that he, under a mistaken impression as to her character, unnecessarily approached her, and by speech or conduct so frightened her as to make her lose her self control.
   (d) Having arrested her he wrongly charged her with being "drunk and disorderly," and when that charge was refused by the inspector he wrongly charged her with disorderly conduct, knowing that if she had been guilty of any disorder, such disorder was due to his own provocation.
   (e) At the police court, where he appeared and gave evidence as prosecutor even if he did not make any positive false statement, still he did not give the Magistrate a full and complete disclosure of all the relevant facts.
2. We have no comment to make upon the conduct of P.C. Allen, whose behaviour was correct throughout.
3. As to Inspector Billson.
   (a) We think he was guilty of an error of judgment in having a private conversation with P.C. Atkinson.
   (b) We think he was guilty of an error of judgment in accepting the charge of "behaving in a disorderly manner."

We have only to add that in this case an Inquiry was held, and Assistant-Commissioner Wodehouse found as to P.C. Atkinson—"The police-constable may in the first instance have been guilty of an error of judgment only, but his subsequent action in preferring a charge of drunkenness against a sober person looks as though he sought to make the case stronger. He will also be strictly cautioned." The Chief Commissioner approved of this punishment, but in our opinion the action of P.C. Atkinson was of a more reprehensible kind than it appeared to the Chief Commissioner. Even upon the facts as found by Major Wodehouse, mere "caution" was an inadequate punishment. But we think it right to say that the Chief Commissioner, on the grounds he stated to us, arrived at a conclusion as to the gravity of the constable's conduct somewhat different from ours and from that embodied in Major Wodehouse's Report. Q. 52170.

VII.—ANDREWS' CASE.

The complaint of William Henry Andrews, who described himself as a French polisher, residing at 37, Granville Buildings, Luke Street, Finsbury, is one of a group of three complaints arising out of proceedings in the Finsbury district, in which officers and constables of the G Division are alleged to have been guilty of misconduct chiefly in using unnecessary violence in dealing with prisoners or persons with whom they came in contact in the execution of their duty.

Andrews in the statement which was laid before us on his behalf alleged (1) That he had been wrongfully arrested and falsely charged with being drunk and disorderly in Luke Street late on the night of the 29th July, 1906; and (2) That after being taken to the charge room at the Old Street Police Station he was removed in custody to the basement of the police station and there brutally assaulted and wounded by divers constables.

Q. 10750. Andrews' story as told before us was as follows :—"On the night of the 29th of July, 1906, I was having a drink in the 'Antelope,' at Phipp Street, Finsbury. I came
Q. 10752. out of there and was proceeding up Luke Street towards home. That would be about five minutes past 12—it was on a Saturday night, and the public houses closed at 12 o'clock—and I got part of the way up Luke Street, and I passed some people who were a bit noisy. I think they had had a little drop to drink, and one of them made an offensive remark to me. I walked on and took no notice, and then one of them came forward and attempted to strike me. I baulked the blow and struck at him, but he neither struck me nor did I strike him. Then his missus, who was with him, came forward and threw the contents of the can they were taking some beer home in for supper, and threw the beer in my face, but she never lost hold of the can, and the
Q. 10754. can never left her hand. . . . One constable came up first, and then another constable came up. The first constable who came on the scene, there is no doubt, would not have arrested me at all if the second one had not come up, but the second one happened to have a bit of a grudge against me, and he arrested me. There was no
Q. 10757. necessity to arrest me whatever, because I had done nothing wrong . . . . My hat was knocked off, and I asked them to pick my hat up off the ground, and then I would go to the station, and I also asked them what they had arrested me for, and why they should wish to charge me. My hat was not found, so they took me to the station, and on the way to the station they twisted my arms up my back very much as high as they could get them, and caused me a great deal of pain, and eventually
Q. 10758. they got me to the station. . . . They took me in the station, and when I was taken into the charge room there were two young fellows standing in the dock being
Q. 10761. charged. . . . The sergeant in charge of the station, as soon as I was taken into the charge room, said 'Downstairs with him.' There were several constables in the station at the time; twelve to fourteen constables were in the charge room at the time, on account of the charges being taken before me, and I should think quite a dozen closed around me, and I was taken through a door down a flight of steps into a basement. All the way down the steps the two constables who had taken me in charge were holding my arms behind me, and the other constables who were following behind me downstairs were kicking and punching me from behind, and as soon as I reached the bottom of the stairs the constables holding my arms let me go, and as soon as they did the constable on the right hand side of me, who was holding my right arm, struck me with his right fist, and caught me on the jaw, and he kicked me. I should think there were five or six who were left below with me in this base-
Q. 10774. ment and they all set about me and knocked me about something shocking . . . After about a quarter of an hour or twenty minutes the sergeant who had ordered it called out 'Bring him up.' He had finished the charge he was taking when they took me in and the young men had been taken to the cells, and he called out, 'Bring him
Q. 10776. up,' and they then caught hold of me and brought me upstairs into the charge room.
Q. 10777. . . . I was placed in the dock and charged with disorderly conduct and using
Q. 10778. obscene language. . . . I was charged with assaulting the police. . . . The
Q. 10779. charge was booked, and I was then taken to the cells. . . . I did not make any
Q. 10780. complaint at that time because I was almost unconscious. I was very much confused.
Q. 10782. . . . I was in the cells three and a half hours. . . . I complained when I was
Q. 10784.

bailed out. . . . I said to the sergeant who ordered it, 'You coward, what did you tell them to do this for?' (*referring to the bruise on the forehead*). He said, 'Nonsense; you had that when you came in.' . . . I had no marks whatever on me when I went into the station. . . . I left the station with the people who came and bailed me out. . . . They accompanied me to St. Bartholomew's Hospital. . . . I had a cut over the eye that they had done to me down in the basement, and the doctor sewed that wound up . . . . I have a scar still." Q. 10785. Q. 10786. Q. 10787. Q. 10788 Q. 10789. Q. 10790.

The Proceedings.

The formal facts and proceedings are as follows:—P.C. Frank Dawson, 371 G, arrested the complainant in Luke Street about 12.15 a.m. on the 30th July, 1906, and with the assistance first of P.C. Stevenson. 337 G, and afterwards of P.C. Peck, 245 G, took him in custody to the station and there charged him before Station Sergeant William Hollands, who was in charge of the station when the complainant was brought in, with "Disorderly conduct by fighting and using obscene language at Luke Street" and "Further with assaulting P.C. 371 G Dawson by striking him in the mouth with his fist whilst in the execution of his duty at Luke Street, Parish of Shoreditch." The Station Sergeant accepted the charge, and the prisoner was detained in the cells until 2.30 a.m., when he was bailed out (Sergeant William Roberts being then in charge), and allowed to depart.

The two charges were heard together on Monday, the 30th July, at the Old Street Police Court, by Mr. Cluer, who bound the defendant over to keep the peace in his own recognisances under the Statute of Edward III.

It does not appear that at the trial before Mr. Cluer Andrews gave evidence on his own behalf, but he made a statement to the Magistrate in which he gave his version of what had taken place in the street at the time of the arrest, and also stated what had taken place at the police station. Andrews asked Mr. Cluer what steps he should take about his treatment at the station, and the Magistrate replied, "If you take out a summons at the proper time I shall be only too pleased to hear it. Q. 10802. I have heard of similar things occurring at this station before." The Magistrate also appears to have said that the assault alleged to have been committed by Andrews was a very trifling one.

The following is a copy of the charge sheet:—

Metropolitan Police. "G" Finsbury Division.

CHARGES taken at Old Street Police Station on the 29th day of July and the day of July 1906.

No. of Charge	Date and Hour brought to Station.	Persons charged.			Charge.	Persons charging. Name, Address, and Occupation.	Witnesses' Name and Address.	Taken into Custody by	Property found on Person or elsewhere.	At the Station House.		Signature of Police Officer taking the Charge.	Magistrate before whom the Charge is brought.	Charge—how disposed of by Magistrate, and what offence proved.	Remarks by Magistrate.
		Age.	Name, Address, and Occupation.	Administrative County in which charged.						Detained.	Or hour admitted to Bail.				
2	29/7/06. 12.35 a.m.	38	William Andrews, 37, Granville Buildings, Luke Street, Finsbury. French Polisher.	London.	Disorderly conduct by fighting and using obscene language at Luke Street. Further with assulting P.C. 371 G. Dawson by striking him in the mouth with his fist whilst in the execution of his duty at Luke Street, Parish of Shoreditch.	Frank Dawson, P.C. 371 G.	W. Peck, P.C. 245 G.	F. Dawson, P.C. 371 G.	Nothing.	Detained.	2.30 a.m. 29/7/06.	W. Hollands, Staff Sergeant.	A. R. Cluer, Esq.	B.o. (Ed. III).	

Without warrant.

R. F.

H. B, Superintendent.

272

The complainant afterwards took out a summons for assault against P.C. Manning, 226 G., returnable at the Old Street Police Court, and subsequently he took out a summons for assault against P.C. Dawson, 371 G., and P.C. Peck, 245 G., returnable at the same Court. The case against Manning was heard by Mr. H. C. Biron on the 13th and 28th August, and the 12th September 1906, and after a lengthy hearing the charge was dismissed. The case against P.C. Dawson and P.C. Peck was heard on the 29th September and the 6th October 1906, before the same Magistrate, and in the end that charge also was dismissed.

As it is clear that Mr. Cluer thought that there was *prima facie* ground for thinking that there had been misconduct on the part of some constable or constables, and that the wound which he observed when Andrews was before him was caused by that misconduct, we have thought it right to investigate the matter for ourselves, and we heard the case on the 24th and 25th days of October, 1906. Mr. Schultess Young appeared as counsel for Andrews, and the police were represented by Mr. Eldon Bankes, K.C., and Mr. R. D. Muir.

Acts of Misconduct Alleged.

The charges of misconduct in this case may be thus formulated :—

1. That P.C. Dawson wrongfully arrested Andrews at Luke Street at the time and under the circumstances mentioned above in the account given by the complainant.

2. That P.C. Dawson, P.C. Stevenson and P.C. Peck were guilty of using unnecessary violence towards and causing unnecessary pain to the prisoner while taking him from the place of arrest to the police station.

3. That P.C. Dawson wrongfully preferred a charge of disorderly conduct by fighting and using obscene language in Luke Street; and further with assaulting P.C. Dawson by striking him on the mouth with his fist in the execution of his duty at Old Street.

4. That P.C. Manning, P.C. Dawson, P.C. Peck, and other constables not identified, assaulted and wounded him at the police station in the basement.

5. That Station Sergeant Hollands wrongfully accepted the charge made by P.C. Dawson.

6. That Station Sergeant Hollands behaved improperly or negligently in directing P.C. Dawson and P.C. Peck, who had him in charge, to take him to a part of the station which was not under the immediate control either of himself or the gaoler in attendance.

The Charge of Wrongful Arrest by P.C. Dawson.

Neither this charge nor the second one is of an important character. We have considered the whole of the evidence bearing upon these charges, and have come to the conclusion that we cannot believe in every detail the evidence of the complainant. We agree with the Magistrate that Andrews did assault P.C. Dawson, but that the assault was of a trifling nature. The arrest by P.C. Dawson was justifiable, and P.C. Stevenson acted quite regularly in assisting in taking the prisoner to the station until relieved by P.C. Peck.

The Charge of Unnecessary Violence on the way to the Station.

We have considered the evidence bearing upon this point, and have come to the conclusion that no unnecessary violence was used by either of the constables concerned. Andrews statement is that the constables twisted his arms up his back as high as they could get them, and thereby caused him a great deal of pain. There is no confirmation by any of the numerous witnesses, called before us for the purpose of proving that the prisoner was unwounded while on his way to the station, of the alleged twisting of the prisoner's arms. We are of opinion that what the constables said is in substance true, and that Andrews did occasionally Q. 10757. Qs. 12034-12035. Q. 12336.

Q.12402. resist in various ways while on his way to the station. That being so the constables were quite justified in keeping a very tight grip on the prisoner's arms, though, of course, it was their duty to avoid the giving of any unnecessary pain.

We think that whatever may have taken place at the station there is no ground for thinking that any unnecessary violence was used on the way to the station by any one of the three constables.

The Complaint of Misconduct at the Police Station.

Andrews complained, of course, that the charge upon which he was arrested was unfounded, and therefore one that ought not to have been made by P.C. Dawson, or accepted by Station Sergeant Hollands. In substance this charge has been got rid of by our finding that the arrest was justified, but some comment ought to be made on the wording of the first charge as it appears in the charge sheet. There the offence alleged is described as "Disorderly conduct by fighting and using obscene language at Luke Street." According to the story as told by P.C. Dawson both at the Police Court and before us, not a word was said as to the use by the prisoner while he was fighting, before his arrest or afterwards, of any obscene language. The point is of little importance in this case, but the total absence of any evidence of the use of obscene language at the police station suggests that there was looseness in preferring the charge. All that P.C. Dawson told us about the
Q. 12037. charge was "He" (the prisoner) "was placed in the dock and the charge preferred against him. In answer to the charge he said, 'I am sorry,' and asked if he could have bail." Station Sergeant Hollands said that P.C. Dawson told him (the Sergeant) the circumstances of the arrest, and that he then entered the charge in the ordinary way. It does not seem likely that the sergeant of his own motion entered the words "obscene language" in the charge sheet, and therefore one may infer that P.C. Dawson made statements in the charge room as to the language used by the prisoner which he did not repeat in the police court or before us. We think it right to call pointed attention to this mistake, because although, as far as this particular case is concerned, the mistake is trivial, still in our judgment it is of the utmost importance that constables preferring a charge against a prisoner whom they have brought in should be scrupulously accurate in describing the circumstances of the arrest, and in alleging the offence which justifies the apprehension.

The principal charge of misconduct by the police at the station is that Station Sergeant Hollands ordered the constables Dawson and Peck to take their prisoner downstairs, that he was taken to the basement, and there assaulted violently and in such a way as to cause him grievous bodily harm, namely a cut of a serious kind upon the forehead, as well as bruises, and so forth on other parts of the body. The allegation made by Andrews is that the Station Sergeant intentionally gave the order that he should be taken downstairs, well knowing that the consequence would be that the two constables in whose custody he was, and probably other constables, would take the opportunity of giving him a thrashing; and the motive suggested for the order and his ill-treatment was the desire to punish him for having made certain reports adverse to divers police constables belonging to the G Division, as well as the fact that Andrews belonged to a class of young men who come into frequent contact with the police.

Andrews, according to his own admission, worked only occasionally at his trade, and had an extremely bad record. When he was quite young, on December 24th, 1891, he had been sent for two years to an industrial school for larceny. There were several previous convictions against him, including one as a result of which he had been sentenced to penal servitude for five years. After serving that sentence there were other convictions for various offences, and as late as May 8th, 1906, he had been fined for an act of indecency with a female in the street. The convictions were under various names, and it is perfectly clear that he is a young man who may be properly described as an habitual criminal. That does not, in our opinion, justify the slightest irregularity in his treatment by the police, nor does it necessarily deprive his evidence of all claim to credibility, but it makes it impossible for us to accept his testimony on any point upon which he is contradicted by witnesses of good character, unless there is strong corroboration of his statements.

That Andrews when he came before Mr. Cluer on July 30th had sustained a wound or cut on the forehead, and that his face was swollen in a manner to suggest that he had had what one of the witnesses called "a good knocking about," is an undoubted fact; and the problem which we have to solve is whether his injuries were sustained at the station under the circumstances he alleged. According to Andrews the cut and other injuries were caused by the constables during the time that he was detained as he alleged in the basement at the station. The answer made by the police is that the wound on the forehead had been received before he was arrested. Q. 11993. Qs. 12070 to 12083.

Character of the Wound.

Apart from Andrews' own description, the only evidence as to the extent and character of the wound we have is that of Mr. Roland Dobson, a dresser, who was on duty in the place of the house surgeon at St. Bartholomew's Hospital on the morning of July 30th. This gentleman attended to Andrews in the early morning somewhere about 3 a.m. He remembered Andrews, and he told us that he had observed a wound on the forehead an inch and a half long and about one-eighth of an inch deep. He put a few stitches in the wound, and the ordinary bandage proper in such a case. It was a wound that would leave a scar, and he had observed, on the morning when he gave evidence before us, the scar left by this wound on Andrews' forehead. He remembered no other injuries to him, and adhered to a statement that he had made at the Police Court, that he should have noticed if Andrews had a swollen or put out jaw—he had not a black eye—not a bad one any way. So far as he could recollect the only complaint made by Andrews was with reference to the cut over the eye. Qs. 11133 to 11135. Qs. 11125 to 11167. Qs. 11163 to 11165. Qs. 11128 to 11129. Q. 11151.

The Complainant's Case as to Wound.

If the cut was received at the station it must have been either when Andrews was on the steps of the station on his way in or during the time that he was outside the charge room waiting until the Station Sergeant was disengaged, and could attend to his case, a period, as we know, of from eight to ten minutes. Andrews' account of what took place has already been stated *ante*, p. 270. It should be noticed that he makes no allegation whatever that any instrument or weapon of a kind likely to cause a cut was used, and the only blow specifically mentioned with the fist was one that took effect not on the forehead but on the jaw. Andrews, however, said later that one of the constables (P.C. Manning), wore a ring, and that the ring may have produced the cut. This suggestion had been made before at the Police Court in the proceedings against P.C. Manning. Andrews, after the proceedings in his own case was over, had an interview with Inspector Allison at which he asked that there might be an inspection of the men in plain clothes, as he said he could identify the man whom he knew as "Charley Wood," who had struck him in the face and, having a ring on his finger, had cut his eye. At the parade of a large number of constables —some eighty or ninety in private clothes were assembled—Andrews identified "Charley Wood" as being P.C. Manning; and in cross-examination before us he said that when he got to the bottom of the stairs he received the injury to his face—in the eye—though he did not specifically state that it was P.C. Manning who gave the blow which produced the cut. Still that is what we gather he intended to say. The only other constables concerned in the alleged assault in the basement who were identified by Andrews were P.C. Dawson and P.C. Peck who had brought him to the station. Q. 10761. Qs. 10926, 10927.

It is clear that Andrews quite recognised the difficulty in which he was placed by having to ask us to believe that the cut was inflicted by a blow from a fist alone, and the statement which he made at the Police Court and before us shows that he was not in a position to explain the cut except upon the hypothesis that one of the constables who struck him had a ring on his finger. We agree that it is practically impossible that such a cut as was described here could have been caused simply by a blow from a man's naked fist; and we see the difficulty of proving that any one of the constables had a ring on. Even if that were the fact, the case is, as to this part of it, one of a class upon which we have already made some observations in our

discussion of another complaint. Once we accept Andrews' story that he was taken down to the basement to a place at a considerable distance from the charge room and surrounded by constables intent upon giving him punishment for his real or supposed wrongs against members of the division, we must treat him as a person completely at the mercy of the police, intentionally placed by them in a situation in which it was absolutely impossible for him to obtain any direct evidence of an independent character as to what took place. He says in effect: "There I was absolutely overpowered by numbers. They did what they liked with me. When I was taken down I was unwounded, when I came back to the charge room I had a cut upon my forehead. I cannot give a better account of what took place than what I have told you. There is the fact, and it is for the police, if they can, to show that I did not receive the cut while I was in their hands. I suggest it was done by a ring. There is nothing to prevent a constable wearing such an ornament. I suggest that the cut was caused by a ring, and, from its very nature, it is a thing that after the mischief was done might easily be removed and concealed." That is not at all an unreasonable way of putting his case. It seems right for us to treat it as sufficient to make a *prima facie* case against the constables whom Andrews identified. Of course, if the fact that he was taken out of the charge room before the charge was taken against him were in dispute we should probably look at the case differently, but it is admitted that he was taken outside the charge room by the Station Sergeant's order, and so an opportunity was afforded for his being taken to the basement, and he was certainly at the mercy of constables not under the immediate eye of any superior officer.

Testimony of Witnesses who Observed Andrews on the way to the Station.

The first allegation which is advanced in support of Andrews' story is that on the way to the station his face bore no sign of a wound, and the allegation is supported by a very considerable body of evidence. The wound was clearly one of such a character that a person possessed of fairly good eyesight looking closely at Andrews after it had been received could have hardly failed to notice it if there was a reasonably good opportunity of seeing his face in sufficient light. The value of the statement made even by an honest witness that he did not notice any mark of a wound on the face largely depends on whether his attention had been called to the fact that it was alleged that such a mark existed. No one suggests that Andrews' face was covered with blood when taken into custody, or that the wound was one which at that time, before such blood as flowed had coagulated and the symptoms of swelling and bruising had developed, was of such a gaping kind as to command attention; and on the other hand there is no doubt that the contents of the beer-can had been thrown over him. It must, therefore, be remembered that an honest witness looking at him quite near might not notice the sign of a wound though in fact he had been wounded in the affray from which he emerged a prisoner. Bearing these considerations in mind let us see what the witnesses called upon this point have to say.

Qs. 11011 to 11394, and Q. 11603, &c.

In support of the complaint we took the evidence of the following witnesses who may be described as disinterested, namely, Mrs. Chapman, Mrs. Lowis, Mrs. Gibbs, C. Sparkes, Mrs. Withy, F. J. Lang and Reuben Hughes. All these witnesses stated that they observed no wound or cut on Andrews' face when he was being taken to the station.

Q. 11740, &c., Q. 11475. Q. 11227, Q. 11367.

Evidence was given also by several others to which, for various reasons, the same weight cannot be attached; by Offord and Bletcher, who stated Andrews was not wounded when on the way to the station, and Obeney and Bassett, who said there was no cut on his forehead when he arrived in the charge-room.

Q. 12034. Q. 12286. &c. Q. 12396, &c. Q. 12494. Q. 12497. Q. 12449

On the other side we have the evidence of P.C. Dawson, who arrested Andrews; P.C. Stevenson, who accompanied P.C. Dawson and his prisoner part of the way to the station; P.C. Peck, who relieved and took the place of P.C. Stevenson; and P.C. Alfred Payne, who was on the landing at the top of the station steps when Andrews was brought up by P.C. Dawson and P.C. Peck, all of whom positively affirm they noticed that Andrews had a cut over his eye.

Sergeant Hollands was then in charge of the station, and when Andrews was brought in was actually engaged in taking a charge against Obeney and Bassett. He told us that he saw Andrews when he first came in with a constable struggling, and he had a cut over the right eye, and that he asked P.C. Dawson how the prisoner came by that, and P.C. Dawson told him. In cross-examination the sergeant said that when he came to the station he noticed the cut on the prisoner's forehead bleeding slightly. His face was slightly swollen where the cut was, otherwise it was all right. He described where the cut was, and, according to his description, the cut was on the right side above the eye. He also said that he saw it again when Andrews was in the dock. He wiped his eye then, and it was not bleeding then. There was dry blood slightly round the edges. That was the only mark the sergeant noticed on his face, and he did not think fit to call for a doctor. Qs. 12561, 12562, 12563. Q. 12614 Q. 12620. Q. 12625 to 12627.

That is, in substance, all the police evidence as to the existence of a cut before Andrews was taken out of the charge room by direction of the sergeant.

Having considered this evidence, we think that those of the witnesses who are described above as quite disinterested were honestly representing what they believed to have been the case, but that they were mistaken in thinking that Andrews' face was free from marks; and, of course, the fact that he had an undoubted scar on one side of the forehead, of which they saw nothing, shows that their observation was not so close as they believed. We regret to have to say that we do not believe that the other witnesses (Obeney, Bassett, Bletcher and Offord) are to be trusted. We thought that the demeanour of the constables was entirely satisfactory. It is not, therefore, proved to our satisfaction that Andrews was unwounded when he was brought into the charge-room.

The Affray.

Let us now consider the evidence as to the original affray, with the view of determining whether the wound may have been then inflicted.

The account of Andrews as to what passed before P.C. Dawson came and took him into custody is given *ante*, p. 270. With that we may compare the account given by the woman referred to. The man was not called before us, but his wife, Mrs. Webster, who seems to be the person Andrews had in mind, told us: "Me and my husband were coming from market. I had a market bag in *this* hand, and a can in *this* hand. When I got to the lamp-post, which is about a quarter of the length of the street, and I live nearly at the bottom of the street, there were a few people in the road. It appears that two old men were having a few words. My husband was really singing, or saying something, and as we crossed like to go across the road, there was a policeman standing, on duty like, at the corner, only a few yards from this lamp-post. As I crossed the road with my husband Andrews was standing by the lamp-post talking to these two old gentlemen. Me and my husband crossed the road, and my husband seemed like a few steps behind me. I turned round to see where he was, and as I did I saw Andrews strike my husband a blow." He did not actually hit him. "He went to make a blow at him. I had the can in *this* hand, and the bag in *this* hand, and I put the can up like *that* (*illustrating*) as Andrews made the blow, and he upset all my beer." The witness was quite sure that the man did not hit Andrews. In cross-examination it came out that Webster, the husband, was in liquor, and that is probably the reason why he was not called. Mrs. Webster would not admit that Andrews ran against the can or even touched it. She admitted that the beer or part of the beer was spilt, but she was not able to give any clear account of how this happened. She took her husband home at once, and she saw nothing more of Andrews. It will be noticed that there is a plain contradiction between her account and that of Andrews. According to him, she threw the contents of the can in his face. This she in effect contradicts. Q. 10752. Q. 11066. Q. 11067.

The witnesses, Mrs. Chapman and Sparkes, gave us accounts of the fracas, or rather of such incidents as they observed, which materially differ from those of the complainant and Mrs. Webster. It is sufficient to say as to them that neither of them was able to present to us a clear picture of the scene which occurred. Q. 11010, &c. Q. 11385, &c.

We have no complete account of the origin of the disturbance in which the Websters and Andrews found themselves the central figures, and which resulted in P.C. Dawson taking Andrews. None of the police witnesses affect to be able to say how the thing began, and when P.C. Dawson's attention was first called to the matter a large crowd had already collected, and the first thing that he saw when he
Q. 12034. went up was Andrews "fighting with a man and a woman." It is impossible for us to determine how the quarrel, whatever it was about, really commenced. It is an ascertained fact that a fight or scrimmage in which blows were exchanged did in fact commence and was proceeding when the constable intervened. The best and clearest testimony as to what actually took place when the fight had commenced is that given by Sparkes, and his account, though he himself thinks that the can did not hit Andrews, is entirely consistent with the fact that when Mrs. Webster raised the can in the air and tried to hit Andrews she did in fact succeed, and caused the wound on his forehead.

It does not seem to us that the evidence we have as to the commencement of the affray and as to its incidents affords any real corroboration of the main complaint of Andrews as to his ill-treatment in the basement. The object with which the witnesses who observed any part of the disturbance before the arrest were called was to show that it was not possible that the cut could have been inflicted during the fight. The construction of that evidence most favourable to Andrews only comes to this, that a certain number of observers at a time when the disturbance was going on honestly believed that the can did not touch Andrews' forehead.

Alleged Groans and Cries heard in the Charge Room.

It was suggested that corroboration of Andrews' story as to his ill-treatment in the basement is to be found in the fact that the sounds of moaning and groaning, or cries of a man in pain, were heard in the charge room during the eight or ten minutes that it is admitted Andrews was out of the room in charge of P.C. Dawson and P.C. Peck.

It is common ground that before the charge against him was taken Andrews and the two constables in whose custody he was were ordered out of the charge room by Station Sergeant Hollands. It is not disputed that thereupon he was made to leave the room by a door on the left hand side of the desk situate nearly in the middle of the room at which the Station Officer takes the charges. This door opens on to a landing. From this landing a flight of stone steps leads on the left to an enclosed place in the basement from which the Section House, which is part of the main station building, is entered. On the right similar steps descend to a short passage in the basement from which the parade room is reached. According to Andrews he was forced by P.C. Dawson and P.C. Peck down the latter steps to the basement and it was there he was assaulted and wounded. According to the constables he and they remained on the landing just outside the door until they were all three recalled into the charge room. We have had the advantage of viewing the premises, and are able to consider the likelihood of Andrews' story with full knowledge of the place in which its principal incidents are said to have occurred. The accounts given by Andrews before Mr. Biron and before us differ in some respects. Before us he said the concerted assault during which he was wounded took place in the basement. Before that magistrate he said he received the wound while sitting on a "wooden seat—I think it was—in the basement," and he described the place as "about 50 yards long." The passage to the parade room is only a few feet long and we saw no wooden seat there. The parade room itself though large is nothing like so long as 50 yards, but there is a wooden seat against the wall in which the door by which one enters from the passage to which the steps just mentioned lead is placed. Andrews' statement at the Police Court seems to mean that the final ill-treatment during which he was wounded took place in the parade room. The door between the charge room and the landing was (it seems agreed) closed while Andrews was out. Having regard to the distance and the other circumstances, if the assault took place in the parade room, we doubt whether his cries could have been heard in the charge room when people were talking there. If the assault took place in the basement we think such cries (if any) might have reached the charge room sufficiently clearly to attract attention. Both Obeney and Bassett speak to hearing exclamations and sounds from outside.

According to the former Andrews was "groaning like a dog being knocked about"; the latter said he heard him "hollowing and shouting like a man being knocked about," saying "Oh," and words like that. Sergeant Hollands did hear noise from outside. It was noise from "the shuffling of feet and Oh! oh! and that kind of thing," but denied hearing any groans. He thought the constables were simply restraining the prisoner and trying to keep him quiet and added "some of them (*i.e.*, prisoners) are not quite like nightingales." These pieces of evidence make it certain that Andrews was not taken further than the basement at the foot of the stairs and probable that he was kept, as the constable says, on the landing. The allegation that the groans and so forth heard in the charge room, proceeding from outside after Andrews had left it, rests simply on the statements of Obeney and Bassett whom, as we have stated above, cannot be looked on as reliable witnesses, and is in our opinion not sustained by the evidence. It should be observed that though we cannot accept their description of the sounds they heard as accurate, yet as Sergeant Hollands agrees that some sounds could be heard, their evidence, for what it may be worth, tends to discredit Andrews' statements as to the place where his alleged ill-treatment occurred.

Q. 11869–11871.
Q. 12609–12611.

Alleged Complaint of Andrews at the time of being Bailed Out.

Another circumstance, which, if true, would tend to corroborate Andrews' account of being assaulted when outside the charge room is the fact that he complained to the sergeant who bailed him out that he had been assaulted in the basement. Andrews says that when he was brought from the cells to be bailed out and taken into the charge room again, he said to the sergeant who ordered him to be taken outside (Station Sergeant Hollands), "You coward, what did you tell them to do *this* for?" (pointing to the cut upon his forehead), and that the sergeant replied, "Nonsense, you had that when you came in." Two of the witnesses called to support Andrews, Miss Mary Barrett and Mrs. Bassett, give evidence which, to some extent, differs from Andrews' statement on this point. Miss Barrett accompanied Mrs. Bassett to the station in the early morning for the purpose of bailing out Francis Bassett, and they told us that they saw Andrews in the charge room after he had been brought from the cells, and that they overheard a conversation there and saw Andrews as he left the station after his release. Miss Barrett said: "I saw Andrews, who I did not know, brought along" (seemingly from the cells). "I noticed he had a cut over his eye and also a bloodstained handkerchief which he held up to me and he said 'This is what they do in here.' He said that to me. That is what he said to me as I was standing at the charge room door. He held up the handkerchief like *this* (*describing*), and said, 'This is how they serve you in here.' Then I saw him show it to a sergeant, and the sergeant said 'Do not blame me for it. I was not here when you were charged.'" She did not give the name of the sergeant. "He said to Andrews 'I know nothing of it; I was not here when you were charged.'" Later she added: "The sergeant was in charge of the station, and I heard him say to Andrews 'I know nothing about it,' and another sergeant came out and said to Andrews 'You had that before you came here from those who you were fighting with outside.' I took no notice at all; I never spoke at all. It did not concern me at all."

Q. 10785.
Qs. 11945, 11946, 11947.
Q. 11950.
Q. 11952.
Q. 11958.

Mrs. Bassett also told us that she saw Andrews in the charge room, and that she heard him complain to a sergeant, and he said, "You brute, you had this done to me." Being asked, "What did the sergeant say?" she replied, "He came out of the room, and one sergeant said, 'No, I don't know anything about it,' and another sergeant came out and said, 'No, you had that before you came here.'" "He had a swollen face." She did not notice his forehead. She said, "My sister called my attention to it, and she said 'That man has had a good knocking about.'" She said, "There were two sergeants in there. It was 3 o'clock."

Q. 11970.
Q. 11971.
Q. 11972.
Q. 11973.
Q. 11979.

If this evidence were true it would tell in Andrews' favour, but we are of opinion that it is false. That Andrews had a conversation with Sergeant Roberts is the case, for he was the Station Officer who took bail for his release, but it is proved to our satisfaction that Sergeant Hollands was not then present. The books and documents at the station confirm the statement made by Sergeant Hollands and Sergeant Roberts that the former was in due course relieved by the latter at 2 a.m., and there is no reason to doubt that he, as he told us, left the station a

few minutes after 2 a.m. Both Mrs. Bassett and Miss Barrett state positively that it was at 3 a.m., or quite 3 a.m., when they arrived at the station, and it was (as appears from the charge sheets) at 3 a.m. that Obeney and Bassett were released—*i.e.*, half-an-hour after Andrews had been bailed out. We regret to have to conclude that the story told by these two witnesses of their having heard a conversation between Andrews and the Sergeant in charge is untrue. Mrs. Bassett is the mother of the prisoner Bassett and Miss Barrett is her sister. Obeney and Bassett were obviously hostile to the police, and it looks to us as if they had conspired with Andrews to induce these two women to come and corroborate Andrews as to this conversation in order to strengthen the case against the incriminated constables. We have no hesitation in dismissing the alleged conversation between Andrews and Sergeant Hollands as a mere invention, and accept Sergeant Roberts' version of the short conversation with Andrews which took place when the latter was bailed out.

Allegation that Station Sergeant Hollands Intentionally Placed Andrews at the Mercy of the Police.

It is common ground between the parties that upon the prisoners being brought into the charge room Sergeant Hollands gave an order which resulted in Andrews being taken outside the charge room and being absent therefrom for a period of eight or ten minutes. There is an acute conflict of evidence as to the exact words used by the sergeant in ordering the two constables to take Andrews out of the charge room; and according to the allegations to be inferred from the evidence before us given by him and his witnesses, Sergeant Hollands did not order him out of the room because he was violent and noisy, but with the deliberate intention of giving the constables, who had a grudge against Andrews, the opportunity of assaulting and beating him. Sergeant Hollands and the police witnesses contradict in every material particular the statements of Andrews and of his witnesses. The motive suggested by Andrews for his ill-treatment all along, and for the ill-will of the constables in this division against him, is that he had on several occasions made reports at the station complaining against constables. The only evidence that any such reports were ever made is that given by Andrews himself, and assuming that he had made complaints about some of the constables in the division that does not seem to afford any reason for hostility against him on the part of the Station Sergeant or other superior officer.

Q. 11209 *et seq.* Qs. 11869.

Obeney and Bassett confirmed Andrews' statement that the Sergeant said "Downstairs with him," or "take him below," and added that they heard a constable say "I am not answerable" or words to that effect. It is not necessary to examine the evidence on this point in detail, having regard to what we have said above as to these witnesses. We do not believe their statements as to the Sergeant's words, and we have no doubt that the alleged utterance by a constable of the very meaning words "I am not answerable" is deliberately invented to give a greater plausibility to the suggestion that the Sergeant ordered Andrews downstairs to give the police an opportunity of revenge, though the constable's reproachful remark does not appear to be quite consistent with the alleged animus of the police against the complainant. The invention of this incident, like that of the conversation which Mrs. Bassett and Miss Barrett say they overheard, affords strong indication that in this case there was a conspiracy to give false evidence against the police. However this may be, we are satisfied that there is no truth at all in the allegation that Sergeant Hollands improperly ordered Andrews to be taken outside in order that the constables might punish him.

The result of our consideration of the evidence up to this point is that there is no satisfactory corroboration of Andrews' story of his being assaulted in the basement. Before coming to the substantive answer of the police, we ought to say that reflection upon that story in the light of what we have ascertained by analysis and learnt by a visit to the police station, convinces us that it is one of a very improbable kind. If the case set up had been that P.C. Dawson and P.C. Peck had pushed him down the steps to the basement and given him a thrashing, assuming adequate motive, one could not assert that the occurrence was absolutely unlikely. But that is not the kind of affair which Andrews describes. He would have us believe that there were

twelve or fourteen constables in the charge-room, that on the sergeant's ordering him to be taken "downstairs" several constables closed round him, that he was taken Q 10761 outside, and pushed downstairs, not only by P.C. Dawson and P.C. Peck, but by other constables who had followed him out of the charge room, and that when he got to the basement they were joined by at least one other constable (*i.e.* P.C. Manning or "Charlie Wood"), and so forth. None of the constables in the charge room could have left it to go on the landing without being noticed by Sergeant Hollands. Such an affair as is described could in fact, hardly have taken place without the Sergeant's acquiescence and connivance. The number of constables in the charge room was, almost certainly, not so high as twelve or fourteen. The section house had been closed as usual at midnight. The parade room was deserted and shut for the night. There was no time or opportunity for the bringing together of a number of constables for the purpose of thrashing their common enemy. These and other things strike us as showing that Andrews' story is extremely improbable, and one therefore, which even if he had been of a man of good character we could not accept without strong corroboration.

The Police Case.

It is unnecessary to set out in detail the evidence given by the police officers and constables who were called upon to answer Andrew's complaint. It is sufficient to say that every allegation made by Andrews which amounted to a charge of misconduct is positively denied. The witnesses were cross-examined by Mr. Schultess Young as to all points, and as to all the phases of the affair which seemed important, or tended to discredit either the statements or the action of the constables, by the Commissioners themselves. It did not appear to us that their testimony was shaken. The evidence for the police did not, however, rest simply upon a flat contradiction of Andrews' allegations. Evidence was given to us to prove (1) that the complaint which Andrews made (after the police case had been tried at the Police Court and he had made his complaint before Mr. Cluer) to Inspector Allison was that the assault which inflicted the cut on his forehead took place on the steps of the station; and (2) that P.C. Manning, who was the constable identified by Andrews as the one who hit him on the forehead and caused the wound, was in the section house at the time when the alleged assault took place.

Andrews' Statement to Inspector Allison.

As to the first of these points Inspector Allison gave evidence as to an interview he had with Andrews on Tuesday, the 31st July. The purpose with which he came was to get information which might enable him to identify the constable whom he knew as "Charley Wood." The inspector's account of the interview was as Q. 13193. follows: "Andrews came into the station, standing in the waiting room just outside the door. I called him into the office. I said, 'What do you want, Andrews?' He said, 'I want the name of the man who was in plain clothes, standing on the station steps when I was brought in.' I asked him if he knew him. He said 'No, but I know him by the name of Charley Wood.' I said 'We have not got a man by that name in the station.' He said, 'That is the man that was standing on the station steps when I was brought in. They struck me in the face. He had a ring on his finger, and he cut my eye. He hit me at the back of the neck, and that led up to the disturbance in the charge room.' The inspector further said that Andrews represented that he had been struck 'At the station steps.' "I asked him what steps Q. 13194. he meant. I said 'Do you mean those steps out there?' I pointed through the little window from the inspector's office looking down on to the steps. He said 'Yes, those steps out there.' At that time he did not say anything about the assault or Q. 13195 any other constable." The inspector asked him if he could identify the man who had assaulted him and he said 'Yes.' The inspector then told him he could have a parade of the men in plain clothes if he wished it. Andrews said he would like it, and then added, 'I should not know the others that struck me, as there were twelve or fourteen of them.' An arrangement was then come to for a meeting at the station, and in due course a parade of the men who were off duty in plain clothes was held on the Saturday night following. While that arrangement was being come to, the inspector asked Andrews whether he knew the man by any other name than

Charley Wood. Andrews replied, "I think he is on Tabernacle Square point." The inspector told him that that was not the name of the man on Tabernacle Square point. It may be said here it is agreed that at this parade Andrews did pick out as Charley Wood, P.C. Manning.

Q. 10937, &c. Mr. Eldon Bankes in his cross-examination of Andrews called his attention to the interview which he had had with Inspector Allison, and Andrews directly contradicted the Inspector's accounnt of what was said as to the place of assault. Having regard to the fact that Inspector Allison is an officer of long experience and of very high character, and that Andrews is a man with a thoroughly bad record, we cannot help accepting the inspector's version of the conversation. He made a report on the very same day, in which he wrote : "William Andrews, of 37, Granville Buildings, Luke Street, came to this station and stated that while being brought into the station in custody on the 29th instant and when on the station steps he was assaulted by a constable in plain clothes, who struck him on the face with his fist and kicked him on the leg. He said he did not know the P.C.'s name and number, but he knew him as Charlie Wood, and that he was wearing a ring at the time, which caused the injury to his eye and led up to the disturbance in the charge room. He further stated he would not know the other constables who assaulted him, as there were quite twelve or fourteen of them, and would take no action as regards them, but he would apply for a summons against the constable who was in plain clothes and struck him on the station steps." It seems difficult to believe that the inspector could possibly, even if he were, as we gather is suggested, acting in collusion with all the other officers and constables at Old Street Police Station to defeat any proceedings that Andrews might take, have invented this particular story. Assuming that he had the newspaper reports of the case, or had heard from others what Andrews had been saying about an assault in the basement, and that he was unscrupulous enough to be willing to fabricate evidence, that might tell against Andrews, it does not seem likely that it would have occurred to him to put the words "The man was standing on the station steps when I was brought in" into Andrews' mouth.

Still the matter is certainly puzzling, because one cannot help asking what on earth was the object of Andrews' making such an important variation in the story which only the day before he had told the Magistrate with such circumstance and impressiveness. Of course, there is no absolute inconsistency between his having seen a man (Charley Wood) on the station steps and afterwards seeing him in the basement. Seeing Charley Wood on the station steps might be a circumstance which could be pressed into his favour as supporting his precise account of the assault in the basement ; it brought on the scene a constable with whom Andrews had already been in collision ; but it seems impossible to explain away his statement that "he hit me at the back of the neck and that led up to the disturbance in the charge room" without the complainant being committed to the allegation that there was an assault on the steps of the station as well as in the basement. It may be urged in Andrews' favour that when the words which he is alleged to have used to the inspector are looked at altogether they are somewhat confused and not inconsistent with the suggestion that there were two assaults, and that the story which Andrews meant to give was that he saw Charley Wood on the station steps, and that while he was going in there, he (Charley Wood) hit him at the back of the neck, and that that led up to the disturbance in the charge room, and that the words which he used, "They struck me in the face ; he had a ring on his finger, and he cut my eye," referred to what took place in the basement Still, there is the fact, that he did not, as we believe, say one single word to Inspector Allison which led that officer to believe that the assault of which he was really complaining took place anywhere except upon the steps leading into the station. We think that the conversation tells heavily against the complainant, and it shows that he was not very sure as to what precise accusation he would ultimately make, upon oath, against the police constables, and that he was not at all particular in the use of language even on occasions which he knew were important.

Alibi Set Up by P.C. Manning.

The case for Andrews so far as it affected P.C. Manning as given before us was that the constable whom the complainant knew under the name of "Charley Wood" was one of the constables in addition to P.C. Dawson and P.C. Peck who were in

the basement, and that he had picked out this man among others who were paraded at his request as being the one who had struck him on the forehead while in the basement, and who wore a ring. It appears that this constable was called "Charley Wood" as a nickname because he had a habit of referring to his truncheon at every opportunity he had, and that he had been known on two or three occasions to pull it out, telling people that if they did not clear out they would get some of "Charley Wood." So far as his presence in the basement is concerned there is, of course, no corroborative evidence that P.C. Manning was concerned in that matter at all, but evidence was called before us for the purpose of showing that he had been seen standing in plain clothes on the steps of the station when Andrews was taken in.

The witness A. Offord told us that he saw Andrews brought to the station, and that he saw there the constable known as "Charley Wood" standing on the steps. Qs. 11699 to 11702.

George Reynolds also said that he knew P.C. Manning, and that P.C. Manning knew him, and that on the evening when Andrews was being taken into the Police Station he saw P.C. Manning standing on the steps. Being pressed on that point he said that he was "almost sure that it was him" and "I think it was him," but that he was not prepared to say positively that he was the man. Qs. 11821 to 11828.

That is all the evidence as to P.C. Manning being on the steps.

Now it is certain that Andrews was brought into the charge room at 12.35 a.m., and if the evidence which has been given is true, P.C. Manning was then dressed and was about the station at from, say, 12.30 to 12.45.

P.C. Manning himself was called before us, and not only denied being concerned in any assault upon the complainant, but stated that he went to bed about five minutes before midnight in the section house. Of course if that evidence is true it absolutely disposes of the allegation that he assaulted Andrews on the station steps or in the basement. According to his recollection he had gone off duty at 9 p.m. and went out for a walk, and when he came back he went into the section house through a side gate in Old Street apart from the Police Station—a private gate. He came in about half-past-eleven and went to the station mess, had a drink there, and after a short time went up to bed. P.C. Percival and P.C. Lane went upstairs with him at the same time. He went into the brushing room (a room used for brushing uniforms and boots) changed his boots and then went straight to bed. The constables sleep in cubicles. P.C. 340 G occupied the cubicle on one side of him and P.C. Lynch, 91 G, occupied that on the other side of him. P.C. Lane was in the station mess when P.C. Manning was there on that evening. P.C. Lane accompanied him to the brushing room and they went up to the dormitory together, P.C. Lane turned into the lavatory while P.C. Manning went into the dormitory, and P.C. Lane afterwards passed his cubicle to get to his own. P.C. Manning called out to him as he passed, "Don't forget to call me in the morning ; I am on leave and I want to go out early." He never left the dormitory till he got up the next day, later than he intended. He also added that he had never worn a ring in his life. Qs. 12944 to 12946. Qs. 12946 to 12970. Q. 12982.

In order to prove this alibi, Sergeant Robinson was called and deposed that he called the roll at the section house at midnight on the Saturday in question in the dormitory where the men slept. He said that he reached Manning's name about 12.10, and, on refreshing his memory by the roll, he found that Manning was in his bed. He said that there was no communication directly from the section house into the station, the entrance being in Old Street fifty feet from the entrance to the station, but that there was a back door by which a man might enter the station if he came down from the dormitory.

P.C. Fraser remembered being in the brushing room at the same time as P.C. Manning that night, and saw him go upstairs.

P.C. Lane confirmed what P.C. Manning had told us and saw that he was undressing when he passed to get to his own cubicle.

P.C. Percival, who had been out with P.C. Manning, said that he saw P.C. Manning go upstairs with P.C. Lane, and that he himself went to bed about midnight and did not see Manning again that night.

P.C. Lynch said that he went to bed about ten minutes past twelve, his bunk being the next one to P.C. Manning, and he remembered P.C. Manning saying, " Put the light out, marquis " ; " marquis " was the witness's nickname.

It is obvious that if these witnesses speak truly the alibi is clearly proved, and we see no reason whatever to doubt the fact.

The result of our inquiry is that it is proved to our satisfaction that Andrews was not wounded by any constable at Old Street Station, and that we believe the cut on his forehead was sustained by him in the course of the affray which led to his arrest.

Our findings are :—

(i.) P.C. Dawson was justified in arresting Andrews.

(ii.) Neither he nor P.C. Stevenson was guilty of ill-treating Andrews on the way to the station.

(iii.) P.C. Dawson rightly preferred the charge against Andrews.

(iv.) Neither P.C. Manning, P.C. Dawson, P.C. Peck, nor any other constable was guilty of assaulting and wounding Andrews at the police station as alleged.

(v.) Sergeant Hollands rightly accepted the charge against Andrews.

VIII.—WILSON'S CASE.

George Wilson, who described himself as a labourer residing at 271, Kensal Road, Westbourne Park, complained that he had been grievously assaulted by P.C. Worsley, 300 of the X Division, on the 3rd August, 1904, near the "Jack of Newbury" public-house in the Kensal Road, and that he was also at the same time and place wrongfully arrested and charged with attempting to rescue one Frederick Mallows, then in lawful custody, and further with violently resisting his own lawful apprehension.

Wilson's complaint sufficiently appears in the evidence that he gave before us, which is in substance as follows :—

George Wilson stated that between 4 and 5 o'clock on the afternoon of the 3rd August, 1904, he had been in the "Jack of Newbury" public-house, and on leaving he saw two constables having a few words with two other men, one of whom (Mallows) he knew. He walked over to Mallows and told him "to hold up, as I did not want to see him get into any trouble." The constable then left Mallows alone and came for him (complainant). The police-constable was P.C. Worsley. He knocked him (complainant) about on the arm that he was protecting his head with as well as he could, but he went down after he received one blow on the head. He heard afterwards that he had several blows on the head. He became unconscious, and while on the ground the constable beat him about. He (complainant) was arrested, and taken to the Harrow Road Police Station, and there charged with attempting to rescue Mallows, and also with violently resisting the police. He was detained, but was bailed out the same evening, and found it necessary to go to St. Mary's Hospital. He and Mallows (who was charged with being drunk and disorderly and with assaulting P.C. Worsley) appeared before the Magistrate at the Marylebone Street Police Court on the following day, when the charge against him (complainant) was dismissed. Q. 15193, &c. Q. 15200. Q. 15201. Q. 15204.

The following is a copy of the Charge Sheet in the cases of Frederick R. Mallows and George Wilson :—

X. 39107. METROPOLITAN POLICE. X or KILBURN DIVISION.

CHARGES taken at Harrow Road Police Station on the 3rd day of August and the day of 1904.

No. of Charge.	Date and hour brought to station.	Persons Charged. Age.	Name, Address, and Occupation.	Administrative county in which charged.	Charge.	Persons charging. Name, Address, and occupation.	Witnesses name and address.	Taken into custody by.	Property found on person and elsewhere.	At the Station House. Detained.	Or hour admitted to bail.	Signature of police officer taking the charge.	Magistrate before whom the charge is brought.	Charge: how disposed of by Magistrate and what offence proved.	Remarks by Magistrate.
1	4.45 p.m. 3/8/04	32	Frederick R. Mallows, 29, Treverton Street, North Kensington. Stoker.	London	Drunk and disorderly at Kensal Road, Parish of Paddington. Further charged with assaulting P.C. 300 X Worsley by striking him in the face with his fist whilst in the execution of his duty at the same time and place.	Iven Worsley, P.C. 300 X.	Alfred Waylett, P.C. 104 X.	Iven Worsley, P.C. 300 X.	Nothing.	Detd.	10 p.m. 3/8/04	H. Dellow, Sergeant.	A. Chichele Plowden, Esq.	40/- or 1 month. (Dk. and dis).	
2	4.45 p.m. 3/8/04	42	George Wilson, 271, Kensal Road, North Kensington. Labourer.	London.	Attempting to rescue Frederick R. Mallows from the lawful custody of P.C. 300 X Worsley at Kensal Road, Parish of Paddington. Further with violently resisting his lawful apprehension whilst on way to Harrow Road Police Station. Drunk when charged.	Iven Worsley, P.C. 300 X.	Alfred Waylett, P.C. 104 X.	Iven Worsley, P.C. 300 X.	Nothing.	Detd.	10 p.m. 3/8/04	H. Dellow, Sergeant.	A. Chichele Plowden, Esq.	Discharged, S.J. Act.	

NOTE.—State below whether the prisoner was taken into custody (*a*) without warrant; (*b*) on warrant in first instance; (*c*) on warrant after failure to appear to summons.
Charge No. 1, without warrant.
Charge No. 2, without warrant.

JNO. EVANS,
Acting Superintendent.

We heard the complaint on the 21st November and the 4th December, 1906. The complainant was represented by Mr. Schultess Young, and the police were represented by Mr. Eldon Bankes, K.C., and Mr. R. D. Muir.

On the complainant's side we heard his evidence, and, in addition, the evidence of Emily Hicks, Charles Harry Capp, Charles Hopkins and James Cooper, and on the police side, that of Detective Sergeant William Burrell.

The importance of this case lies in the fact that P.C. Worsley undoubtedly used his truncheon on this occasion in a very violent manner and that very serious injury, though fortunately of a temporary character, was done to the complainant.

It appeared in the course of the complainant's examination that he had brought an action in the Marylebone County Court against P.C. Worsley for assault, and that the action was tried on the 9th December, 1904, before his Honour Judge Stonor without a jury. The learned Judge reserved his decision, and subsequently gave judgment for the complainant, and awarded him £20 damages. Having regard to that judgment, the learned counsel for the police said they did not propose to call P.C. Worsley, and they left it to the Commission to determine whether it was necessary to take his evidence. The judgment of the learned Judge was put in and read. The witnesses called before us on behalf of the complainant were all of them persons who had given evidence at the County Court, and they appeared to us to be giving honest evidence, though there are considerable discrepancies in the various versions of the affair. It undoubtedly is the fact that the constable did use his truncheon with very considerable violence, and that he did so not only in the course of a struggle which took place after Wilson came up and interfered, but also after he was lying on the ground. We do not think it necessary to summarise the evidence. We have read the very careful judgment of the learned Judge, and not only think that he arrived at a right conclusion, but that the findings of fact upon which that conclusion was based are entirely sound. We cannot do better than set forth his judgment as in effect our own Report :—

"In this case the plaintiff, a labourer, sues the defendant, a police constable, for £25 as damages in respect of what had better be considered as two separate assaults, both which the plaintiff alleges were wholly unprovoked and unjustifiable, and in any case were excessive, cruel, and even dangerous to life. The counsel for the defendant, Mr. Rose Innes, informed the court that the action was defended by the Police Commissioners, and that they awaited the result of the trial before taking action in the matter, and it clearly demands more particular attention on my part and also a fuller statement of the grounds of my decision than the ordinary actions of assault which at times come before this Court. The parties are agreed that the first of the alleged assaults was, in fact, committed by the defendant by his striking the plaintiff on the arm and on the head with his truncheon, and knocking him down on the ground, but the defendant alleges that this assault was provoked and justified by very threatening language and violence used by the plaintiff and others in concert with him and by an assault by the plaintiff in making a running kick at the defendant and injuring his leg. With regard to the second assault, the plaintiff alleges that whilst he was down on the ground and helpless the defendant further inflicted on him several violent blows, which the defendant wholly denies. The parties agree that the plaintiff was rendered unconscious for about half-an-hour, whilst another police constable named Waylett, who was in charge of another man in custody, went with him to the station, some 500 or 600 yards away, and returned with an ambulance. The first question to be decided in this case is therefore whether the assault by the defendant on the plaintiff which is admitted, was provoked and justified by the plaintiff's conduct as contended by the defendant, and, if so, whether it was excessive ? And the second question is whether the subsequent further alleged assault on the plaintiff whilst he was on the ground was committed by the defendant. At the trial the plaintiff deposed that on the 3rd August last year, he was outside a public house called the "Jack of Newbury" in the Kensal Road, and saw the defendant with the other police constable named Waylett taking into custody a man named Mallows, who was struggling on the ground, and that he walked up to them and said to Mallows, "Hold up, Mallows," meaning by that "Go quietly," and that the defendant thereupon left Mallows and came to him and hit him with his truncheon, knocking him down ; that the defendant afterwards hit him as he lay

on the ground several times with his truncheon, and that the next thing he remembered was being helped to the police station, where his wounds were attended to, and he was liberated on bail, and went to St. Mary's Hospital, and that the next day he appeared at the Marylebone Street Police Court and was discharged. The plaintiff positively denied using any threatening, violent, or improper language, or saying anything except "Hold up, Mallows," meaning "Go quietly"; that he never made a running kick at the defendant or otherwise assaulted him. Mrs. Emily Schull, a laundress living in Kensal Road, corroborated the plaintiff's evidence as to both assaults. She deposed that she saw the defendant strike the plaintiff with his truncheon on the arm and on the head, knocking him down, and afterwards struck him three or four times when he was on the ground, and that she halloed and he stopped, or she thinks he would have killed him. She first saw the defendant strike him from her window on the first floor; there was no crowd then, but afterwards she went out and expostulated with the defendant, and there was a crowd of thirty or forty people then; the crowd was not very angry, and there was no interference with the police. Emily Hicks, a young girl, niece of the last witness, corroborated her evidence as to both assaults. Charles Hopkins, a bootmaker in Kensal Road, also corroborated the evidence as to the second assault; when the plaintiff was on the ground, he added that he suggested to the defendant that the plaintiff should have some water, and the defendant said "Let his pals get it for him"; and then a touching incident occurred, a woman came out of the crowd and gave her apron to the police constable to staunch the blood which was flowing from his head, and when the plaintiff was taken to the station the apron was round his head. Charles William Capp, a labourer, also corroborated the evidence of the foregoing witnesses as to the second assault. He deposed that he saw the police constable pushing the plaintiff, who fell down, and belabouring him with his truncheon as he lay on the ground. He said there was no crowd to speak of, but that the women were screaming out of the windows. The witness went on to the station, and when he came back he found the constable shuddering with cold or fear, as if he were afraid he had killed the plaintiff, a circumstance which was confirmed in part by George Bond, a police constable, a witness subsequently called on behalf of the defendant. James Cooper, a greengrocer, living at 252, Kensal Road, about forty or fifty yards from the "Jack of Newbury," deposed that he saw the plaintiff fall on the ground, but did not know whether he slipped or was knocked down; and that he saw the policeman kneel over him and deliver him three distinct blows when he was on the ground, and that the crowd appeared afterwards whilst the plaintiff was on the ground. Dr. Arthur Bradley (who had been called immediately after the opening) deposed that he attended the plaintiff at the hospital, and that he had a cut and bruising on the left arm and sprains at the elbow, and at the back of his head he had a scalp wound about 1½ inches in length, and there was a great deal of bleeding. The plaintiff was treated at the hospital for three months. The defendant's case was as follows:—The defendant, who was first examined, gave his evidence in a somewhat confused and excited manner, and he appeared to me to be of a nervous and excitable temperament. I had considerable difficulty in following his evidence, and I do not think he had a clear recollection of the matter. He deposed that on the day in question he was called to the "Jack of Newbury," which was in a very rough neighbourhood, and found about half a dozen men there, outside, drunk and violent, and using bad language. He took one of them, a man named Mallows, into custody, and whilst struggling with him the plaintiff came up and rushed at him with a running kick, shouting, "Let's —— well out him," then another constable, P.C. Waylett, came up and took Mallows, and the defendant went to take the plaintiff, who was very violent. There were about a dozen persons then present, and his comrades rushed, and struck, and kicked at the defendant, who pulled out his truncheon, but avoided hitting the plaintiff once or twice, and then the plaintiff rushed at the defendant, and the defendant struck the plaintiff on the arm, and he rushed at him again, and the defendant struck him on the head, and the plaintiff fell on the ground. Police Constable Waylett was present at the time. The crowd was very hostile. The plaintiff was drunk, but not helpless. Waylett took Mallows off to the station, and the defendant remained with the plaintiff until they brought the ambulance. The defendant did not show his leg at the station or at the Police Court. Mr. Plowden said "it was not wanted." He said that the plaintiff had been severely punished, and he discharged him. He did not say that the defendant ought not to have used his truncheon. The defendant did not whistle, because it was not necessary. Mr. Oakway (a witness subsequently

called) came up, and the roughs thought he was an officer in plain clothes, and went off. There was no woman there, and no woman spoke to him. The defendant was on point duty near the "Jack of Newbury." The defendant had been in the Police Force five years. Alfred Waylett, a police constable, corroborated the defendant's evidence in some particulars, but not in others. He deposed that he was on duty in Kensal Road, and saw the defendant struggling with Mallows, and went to his assistance, and as the defendant and the witness were about to start with Mallows, the plaintiff rushed across and made a running kick at the defendant, saying "Let's ——— well out him"; upon which the defendant released his hold on Mallows in custody. There were about a dozen persons present. The witness came back to take the plaintiff, and found the plaintiff on the ground. The crowd was very angry, and they shouted, "Out with the police," but they confined themselves to shouting. The witness did not blow his whistle, as he did not think there was danger. He had all his work with Mallows and did not see the defendant strike the plaintiff. John Oakway, who described himself as an insurance agent, was the next witness called on behalf of the defendant. He deposed that on the afternoon in question he was walking along Kensal Road, and saw five or six people outside the "Jack of Newbury." He saw the defendant use his truncheon on the plaintiff, who made a running kick at him. The constable used the truncheon on the plaintiff's head; there were forty or fifty people there; when the kick was made he went to the constable's assistance; the witness did not give evidence at the police court; he had volunteered his evidence when he met the defendant three weeks afterwards. The witness saw the truncheon used twice. It was after the man was on the ground. He did not see anything to justify the constable using it then. George Bond, police constable, who was acting as sergeant at the station, deposed that in consequence of what Waylett said to him when he brought Mallows to the station he hastened to the "Jack of Newbury." There was a large crowd there shouting "Let's out him"; that means, "Let us kill him." The plaintiff was on the ground; the defendant said he had been kicked, and showed witness a mark on the leg of his trousers. There were fifty or one hundred in the crowd when he came up. The defendant was there alone, trembling like a leaf. Henry Dellow, a police sergeant, deposed that he was present at the police court. The Magistrate said that Wilson had been severely punished, and that punishment had been equivalent to any he would have given him. The Magistrate also commented upon the use of the truncheon, but did not say the constable ought not to have used it. If the witness's man was on the ground, and he was confronted by a threatening crowd, he should certainly blow his whistle. William Burrell, a police detective sergeant, produced seven convictions between the years 1882 and 1898 against the plaintiff for drunkenness and assaults, and one being for an assault on the police. I have now gone through the material evidence in this painful case as I thought necessary and have considered it with the greatest care, and I have come to the following conclusions as to the two questions which it is necessary to decide. First, as to that which I have regarded and referred to throughout as the first alleged assault against the defendant in striking him on the arm and head. I find that there was in all probability provocation by word and deed on the part of the plaintiff and others which occasioned and so far justified the defendant in using his truncheon in his defence. The evidence of the plaintiff himself, that he had recently been in altercation with the defendant and threatened by him with the use of the truncheon, furnishes a reason for such an act on his part, and the strong personal animosity to the defendant which he evidently has and showed at the trial, and the presence of other men idling and drinking during Bank Holiday week, provided sympathisers and allies in a conflict with the police which I believe the plaintiff threatened and engaged. I do not believe, however, that he inflicted any serious personal injury on the defendant. If that had been the case, the defendant would, in all human probability, not only have shown his leg at the police station or the police court, and indeed would have been temporarily lamed, and I therefore find that the first assault was to some extent justifiable, but at the same time I find that it was excessive in the infliction of a blow on the plaintiff's head. The evidence of Mrs. Schull and her niece (in which both gave their evidence very creditably) militates no doubt against the conclusion to which I have come as to the plaintiff having been violent in word and action, but very probably after the sight of the assault they have no very clear recollection of the circumstances which preceded it, and which they may not have seen or given attention to. With regard to the second question in this case, viz.,

whether the subsequent assault was committed by the defendant on the plaintiff in beating him whilst he was on the ground, I find that it was so committed without any justification, which has been clearly proved by the plaintiff and his witnesses, and even by one of the defendant's own witnesses, and has been contradicted only by the defendant's wholly unsupported evidence. On that point I find for the plaintiff with £20 damages. Costs on B scale."

We had not before us the particulars of the plaintiff's claim which showed presumably the separate acts which together constituted the wrong in respect of which the plaintiff sued. The learned Judge commenced his judgment by dividing the blows given by the defendant into two separate assaults by reference to the time at which the blows were delivered. The succession of blows given before Wilson fell to the ground constitute the first assault, and the series given afterwards constitute the second assault. With regard to the first, the learned Judge finds that "there was in all probability provocation by word and deed on the part of the plaintiff and others which occasioned and so far justified the defendant in using his truncheon in his defence"; and he therefore finds that the first assault was to some extent justifiable, but at the same time that "it was excessive in the infliction of" the blows "on the plaintiff's head." With regard to the second assault (*i.e.*, the blows given with the truncheon after Wilson had fallen to the ground), the learned Judge found that that was "committed without any justification," and, as we understand the concluding sentence of the judgment, it was for the second and entirely unjustified assault that the damages were awarded. The effect is that, as to the first assault, the learned Judge came to the conclusion that it was justified, but that more force was used by the constable than was necessary to defend himself, and that, as to the second assault, it was violent and unjustifiable.

We feel, under these circumstances, no doubt that Wilson's complaint against P.C. Worsley was well founded, and that also was the view of the police authorities, because an inquiry was held in the case, and, as a result, P.C. Worsley was punished. The judgment of the Assistant Commissioner, dated the 30th January, 1906, after the
Q. 15401. inquiry was as follows: "I have sent for you to convey the decision of the Secretary of State in your case, and to deal with you myself. I think I need not go into the case at all. Of the decision of the County Court Judge you are quite well aware, and, in accordance with this decision, damages were given against you to the extent of £20 and costs. The case was laid before the Secretary of State inasmuch as there were extenuating circumstances, and we have now got his decision, which is 'That he cannot sanction the whole payment of the damages and costs out of the Police Fund,' but he leaves it to the Commissioner for the officer to pay a portion of it. I want you to understand quite clearly what the Commissioner's opinion is in this case. It is that you were justified in using your truncheon when attacked; that you were not to blame for having struck this man on the head; and, so far, there is nothing against you; but, after having partially disabled this man, you were not justified in continuing to strike him, as has been proved to the satisfaction of the Court you did; consequently, you were guilty of unnecessarily using your truncheon. For that offence you are now severely reprimanded and cautioned, and you will pay £5 towards the damages and costs. That £5 will be recovered from you by instalments, such as the Superintendent thinks you can pay weekly. I think you have been treated exceptionally leniently from one point of view, inasmuch as the Secretary of State might have held that you should have paid the whole of the damages. I hope you will be exceedingly careful how far you make use of your truncheon on any future occasion."

It will be noticed that in this judgment the Assistant Commissioner expressly states that the Constable was not to blame for having struck Wilson on the head. That view is not in agreement with the learned judge's findings if the words mean that the blow on the head was absolutely necessary.

It is, however, very difficult to determine exactly what took place, and what were the opinions of the learned Judge about the details of the first assault; but the defendant P.C. Worsley and all his witnesses spoke to Wilson rushing at the constable and giving him a running kick. If the learned Judge had adopted the evidence of the defendant and his witnesses in its entirety he would probably have found that the truncheon could not under the circumstances have been used promptly and effectively without hitting Wilson on the head.

Sir Edward Henry was good enough to give us his view of the matter. He said: "This constable" (Worsley) "was on duty in Kensal Town, and he found a great deal of disorder outside a public-house. He tried to get the disorderly persons to move away, but they would not move away, and he arrested a man named Mallows for being drunk. When he arrested Mallows another man called out 'Let's out him,' and he took a running kick at the constable. The constable blew his whistle, and another constable came up, and he handed Mallows over to this man's custody. Then the aggressor—Wilson, I think his name was—came at him again with a running kick, intending to kick him, and the constable drew his truncheon and hit him on the head." Q. 52120.

The Chief Commissioner is obviously taking his facts from the reports and statements as well as from the learned County Court Judge's judgment, because one of the witnesses for the defendant said that the constable did not blow his whistle, and neither he nor P.C. Waylett, who came to P.C. Worsley's assistance, alleged that he did that. But for our present purpose it may be assumed that the facts were exactly as put by Sir Edward Henry. He continued as follows: "Upon that a civil suit was instituted against Worsley, and the County Court Judge held that there was provocation by deed and by word, justifying him in using his truncheon; but he held that he was not justified in hitting the man on the head. From that opinion I venture to dissent; and I think, if you put yourself in the position of a constable against whom a drunken and disorderly man is coming with intent to injure you, the probability is you would hit him on the head. In fact, you would find great difficulty in hitting him anywhere else, because you cannot flourish your truncheon in this way—(*illustrating*)—because you would hit somebody else in a hostile crowd. The constable has to bring his truncheon down in a lateral direction, in which a portion of the man is exposed; and you must either hit him on the shoulder or on the head, and I think no one can blame a constable if he hits a man on the head. I go further than that, having regard to my knowledge of the grave injuries that are caused to constables. There is a case I am now dealing with where a young constable was kicked by a savage like that quite a year ago. This young constable got over it, married, and now he has developed epileptic seizures, which are the first symptoms, I understand, of general paralysis, resulting from the grievous injuries done to him." Being specifically asked whether he thought it was a case in which the constable could not, under the circumstances, avoid hitting the man on the head if he used the truncheon at all, he answered "Yes, I say more than that. If it merely struck him on the shoulder he might not have stopped the onslaught. He was bound to stop that man getting home. I think these words" (referring to the White Book) "are a sort of protection to the police authority, who give very humane directions to the men, but they are not reasonable in view of the difficulties of the constable. The words should be that he is not to use more violence with his truncheon than the emergency requires." Q. 52123. He admitted that this was a case in which Worsley had not acted in strict accordance with that instruction; but he said, "I do not see how he could hit him on the leg. He would have to stoop down to hit a man on the leg. How could you hit a man on the leg when he is charging you? It is not possible." Q. 52124.

Sir Edward Henry also read to us a letter which he had written in regard to this matter to the Secretary of State, in which the following passage occurred: "The judge finds that there was provocation by word and deed on the part of the plaintiff which justified the constable in using his truncheon, though not justifying his striking the plaintiff on the head. The wound on the head constitutes by far the most serious injury inflicted, and it was the extent of the injury which influenced the court in assessing damages. Experience has shown that however good the intention of the constables, and however explicit the instructions under which they act in the excitement of a contest, it is not possible for a man wielding a truncheon to deliver his blows exactly where he intends. If the use of the truncheon was justifiable, as it obviously was, it is not, in my view, reasonable to hold that the constable was necessarily to blame because the plaintiff was struck by him on the head. The description of what occurred of the plaintiff attempting to deliver a running kick sufficiently indicates that a blow not intended for the head might have fallen upon it. In using the truncheon while Wilson was on the ground the constable was clearly in the wrong. In estimating his culpability the circumstances of the case must not be lost sight of. Outside the public house is a very rough neighbourhood; drunken men were quarrelling, and using obscene language. The constable, who might have purposely omitted to take action, deemed it his duty, though single-handed, to intervene, and not being able to disperse these men, he arrested one Mallows, who struggled and struck him twice in the face without, as far as is known, any retaliatory Q. 52133.

action by the constable. It was then, as another constable came up, the plaintiff, after calling on the bystanders to 'out' the constable, tried to hack him over with a running kick. Had his performance been equal to his intention P.C. Worsley might have been seriously injured. He is said to be a highly nervous strung man, and as Wilson's character is well known, he having been convicted some seven times for drunkenness, assaults on police, etc., the constable may reasonably enough have considered that he was in danger, and he accordingly drew his truncheon and used it, and, as it appears, used it too much." Further in the same letter the Commissioner said: "When an officer is held culpable of such misuse of his powers he is severely dealt with departmentally. The comparatively few instances in which the courts comment adversely on constables' conduct in this exercise is a proof that the disciplinary control exercised is sufficient. Giving all the evidence consideration, the conclusions I arrive at are that the constable was justified in using his truncheon when attacked, that he should not, under the circumstances of the case, be necessarily held culpable because he struck Wilson a blow on the head, and that he was not justified in striking Wilson while on the ground." Assuming the facts to be as put by the Chief Commissioner, we see no reason for differing from his conclusion in this case.

We agree with Sir Edward Henry that, when the use of the truncheon becomes justifiable, it cannot be reasonably held that the constable is *necessarily* to be blamed for striking a man on the head. The White Book lays down the rule that the constable is "to take care to avoid striking anyone on the head;" but that does not mean that if the constable cannot, under the circumstances of any particular case, defend himself effectively without striking his assailant on the head he is to be censured for so doing.

White Book, p. 257.

As we construe the learned judge's observations he does not say anything inconsistent with the proposition advanced by Sir Edward Henry. He simply finds that, though there were circumstances that justified the use of the truncheon, the constable used excessive force in that he inflicted a blow on the Plaintiff's head; he evidently did not accept the Defendant's evidence in its entirety; but as he awarded no damages for the first blow on the head, delivered in the heat of combat, the learned judge clearly showed that no substantial blame could, in his opinion, be cast upon him in respect of the excess of force then used.

The complainant in this case complained that the County Court Judge had been misled by false evidence as to the previous convictions. A list purporting to be a list of previous convictions against George Wilson in this case was handed in to us, and Detective Sergeant Burrell, who was called as a witness in the County Court to prove the convictions, was also examined before us. The total number of convictions extending over more than twenty years was twelve. Wilson complained that some of the convictions as read at the County Court stated that he had been imprisoned, and, as we understand it, he was seeking to draw a distinction between a conviction resulting in a fine and a conviction resulting in imprisonment; but when asked by Mr. Eldon Bankes how many times he had been fined, he answered, "I might say a dozen"; and in the list of convictions which was handed in to us, we do find ten convictions all resulting in fines, and that in two other cases the charge was dismissed. So far as we can see, no complaint can be made against the user of this list of previous convictions at the County Court for the purpose of the defence in a civil action, and we do not find that there was any misconduct on the part of Detective-Sergeant Burrell.

Q. 15247

Our conclusions are:—

(i.) P.C. Worsley was justified in using the truncheon to defend himself from an assault by George Wilson; and though it was not proved to the satisfaction of the learned judge that the blow on the head was necessary, yet under the circumstances the difficulty of avoiding excess of force was so great that the constable ought not to be censured for such excess.

(ii.) P.C. Worsley was guilty of serious misconduct in striking G. Wilson while he was on the ground for which he has been adequately punished.

IX.—EDWARD WELLS' CASE.

Edward Wells, who described himself as a ladies' and gentlemen's outfitter, residing at 55, Ambler Road, Finsbury Park, made a complaint against the police in reference to an incident that occurred on the 13th October, 1906, at Kelvin Road, Highbury Barn.

Edward Wells first wrote to the Secretary, and, at a subsequent interview, a statement was taken down which was in substance in accordance with the evidence which he gave before us.

The complaint was heard before us on the 22nd and 28th November and on December 14th, 1906. Wells appeared in person, and Mr. Eldon Bankes, K.C., and Mr. R. D. Muir represented the police concerned. We examined Wells and several witnesses who were called to support him as well as P.C. Dunham 166 N, Sergeant Hawes 58 N, and S.D.I. Smith.

The nature of the complaint can be best understood by extracting the relevant portions of his evidence in chief.

Wells told us that at about three o'clock in the afternoon on the 13th October, 1906, he was talking to a 'bus driver at the corner of Kelvin Road, where the omnibuses stop. We asked him to tell us in his own way what took place, and he said: "I had been at Highbury Barn for about two and a half hours previous to my arrest. I was talking to this coachman about business, and he promised to see me on the Tuesday. I asked him not to disappoint me on the Tuesday, as it would cause me to break other appointments with other men. While I was telling him not to disappoint me, a constable came up and caught me by the collar and cuff and told me to go away. . . . . He put one hand on my shoulder and the other on my sleeve and hustled me about, and told me to go away. I looked round at him with surprise, and asked him why he was handling me in that manner, knowing I had not convicted myself in any way, when he told me I had been there quite long enough. 'Will you go away?' I said, 'I cannot go away while you have hold of me like this.' 'Come on,' he says, 'down you go to the station, then.' I asked him continually going down what his charge was. I said, 'You cannot charge me with being intoxicated; you cannot charge me with swearing; I have caused no obstruction; I simply did my business there just the same as I have done it for years.' I said, 'What is your charge?' He said, 'I did not say I was going to charge you with being drunk or swearing.' I said, 'Tell me to satisfy me.'" He said, further, "He had his hand on my collar and sleeve, which I objected to, and I asked him if he would allow me to walk by the side of him. He said, 'No, I shall still keep hold of you,' which he did. Then when we got to the station, to my surprise he charged me with disorderly conduct and using obscene language . . . . I went into the police-station and I was put behind the iron bar, and I was asked my name and address, which I gave, and I said, 'I feel rather anxious to know what this man is charging me with, and what he is doing this for,' and the sergeant said, 'You will hear all in good time.' He was behind a partition with a small window. He was on one side, and I was behind the iron bar, and the constable stood in front of him from the window . . . . I did not hear what he was saying previous to the charge being read out to me." He suggested that the police constable whispered it first to the sergeant. He then continued: "I had to ask him to speak up, as I could not hear what he was saying. The sergeant said, 'You say he was using bad language. What was it?' 'Well,' he said, 'he was swearing.' The sergeant said, 'Tell me what it was; you are no priest. Was he f—— and b——g?' and the constable said, 'Yes.' The charge-sheet was then written out, and he was about to sign it when I stopped him and said, 'Constable, can you conscientiously sign that charge-sheet?' He made no reply, but signed it." Wells further explained that he was then put into "a dirty, dreary, ill-smelling cell." He said, "When I got used to the light I looked round for the cause of the smell. Then I found at the end of a bench or wooden seat an open water closet pan half full

Q. 15415.
Q. 15418.
Q. 15419
Q. 15243.
Q. 15425.
Q. 15426.
Q. 15428
Q. 15436

of refuse. I looked for some means of sluicing it out, but could not find any. I found a button in the cell, which I pressed, and a man came and opened the little
Q. 15433. wicket gate, and asked me what was the matter, and I told him. I said, 'Come and look at this; it is not the sort of place to put a respectable man in'. . . . . It was a wooden bench just high enough to sit on, and at the end of it was this w.c. pan. Then he sluiced it by some means outside. He shut the wicket door, and I asked him what steps they were taking to get me out of it, and I was told that as soon as it was necessary they would let me go. I was there, I suppose, an hour and a half, when I was called out, and it appears a gentleman came down to bail me out at about half-past three, when he was told they could not let me go till a quarter-past four. So I was detained three-quarters of an hour after an application had been made to bail me out." It appears that the witness Carter was the person who bailed Wells out. That is the substance of Wells' complaint.

On Monday, the 15th October, the case was heard at the North London Police Court before Mr. Fordham, the Magistrate, who, having heard the evidence of P.C. Dunham, Ralph Hill and Henry Carter, dismissed the case.

The following is a copy of the Charge-sheet.

METROPOLITAN POLICE. "N" OR ISLINGTON DIVISION.

N, 37382.

Charges taken at Islington Police Station between the 12th day of October and the 16th day of October, 1906.

No. of Charge.	Date and hour brought to Station.	Persons charged.			Charge.	Persons charging, Name, Address and Occupation.	Witnesses, Name and Address.	Taken into Custody by.	Property found on person or elsewhere.	At the Station House.		Signature of Police Officer taking the charge.	Magistrate before whom the charge is brought.	Charge—how disposed of by Magistrate and what offence proved.	Remarks by Magistrate
		Age.	Name, Address and Occupation.	Administrative County in which charged.						Detained	Or hour admitted to bail.				
2.	3.20 p.m. 13/10/06.	46	Edward Wells, 55, Ambler Road, Finsbury Park. Outfitter.	London.	Disorderly conduct and making use of obscene language at Kelvin Road, Parish of Islington.	Thomas Dunham, P.C. 166 N.		Thomas Dunham, P.C. 166 N.		Detained	4.21 p m 13/10/06	R. Hawes, P. S.	E. Snow Fordham, Esq	Discharged (on evidence.)	

Charge No. 2 without Warrant.

N. C. R. Superintendent.

The following is a copy of the Notes of Evidence taken at the Police Court:—

Thomas Dunham, P.C. 166 N., on oath saith :—On Saturday afternoon at 3, in Kelvin Road, the Defendant was using bad language and quarrelling with a 'bus driver. I asked him to go. He used abusive language, and stood in front of the horses' heads and would not go away.

Cross-examined.

You didn't ask me if I could conscientiously sign the Charge Sheet. You said at the Station :—"Now I come to think of it, it was the 'bus driver who used the bad language." He was f——g and b——g, so did the 'bus driver. I didn't charge him. I think he may be summoned.

Defence.

Ra'ph Hill, Driver, 18856, on oath saith :—On Saturday afternoon I and prisoner had a little conversation together. He talked to me on the 'bus. Prisoner used no bad language, nor did I. The police constable told him to go, and gave him no chance and took him. Prisoner collects debts for us. I was not quarrelling with him.

Henry Carter, on oath saith :—I am a coachman. I heard these two speaking to each other. I saw police constable take prisoner. I asked why, and went and bailed him out. I heard no vulgar language at all. They were talking loud about business. The 'bus was not impeded by the talking.

Discharged on Evidence.

The charges of misconduct in this case may be thus formulated :—

(1) That P.C. Dunham wrongfully arrested Edward Wells on the 13th October, 1906.

(2) That Station Sergeant Hawes improperly prompted the constable as to the charge that he ought to make against Wells.

(3) That Station Sergeant Hawes did not exercise due and reasonable care in seeing that the cells were clean and fit for the reception of prisoners.

(4) That Wells was unnecessarily detained for three-quarters of an hour after Carter had arrived to bail him out.

The principal question in this case is whether P.C. Dunham was justified in arresting Edward Wells as mentioned above. The charge he preferred at the police-station was that Wells had been guilty of disorderly conduct in making use of obscene language at Kelvin Road. Of course, if that charge is made out the constable was justified in the course he took. The question for our determination is whether in fact Wells did behave in a disorderly manner, and did make use of obscene language.

Let us see then what P.C. Dunham's account is. He said he was on point duty on the 13th October, 1906, and about 3 p.m. he heard Wells quarrelling with a
Q. 17136, &c. 'busman. He was halloaing and shouting and using the most filthy language to this 'busman in the urinal. He (the constable) was standing on the corner against Highbury Barn "on the first point about twenty yards from the urinal." When
Q. 17154. Wells and the 'busman came out the former was "using the most filthy language, and called him a f——g twister, and said he (Hill) did not mean to pay him." The constable spoke to the 'bus driver first, and told him he had better get on his 'bus, and he also spoke to Wells, telling him to leave off using such language and go away, and that he ought to know better coming and quarrelling with a 'busman during his employment, having been a licensed man himself at one time. Wells then said, "I am not f——g well going for you ; I am not drunk ; I am on the road." The 'busman got on his seat, and Wells placed himself in front of the horses' heads
Q. 17157. with the intention, as he (the constable) thought, of preventing the horses going on.

He asked Wells to go away several times, and he kept saying, "I am not drunk; I am not going for you." The constable then told him that if he did not go away he should take him away. He said, "I am not going away; I am not drunk." The constable thereupon, as he refused to go away after being asked several times to do so, caught hold of his arm and told him he should take him away. He shouted to the driver, "I shall see you again." The constable took him to Upper Street Police Station and charged him before Sergeant Hawes with disorderly conduct and using obscene language. The prisoner said, "I am not drunk, and now I come to think it over, it was not me who used the language. It was the other man." The charge having been taken, P.C. Dunham returned to his duty. That seems to be the principal part of P.C. Dunham's evidence. Q. 17158, &c. Q. 17161. Q. 17168, &c.

Most of the circumstances attending the altercation or conversation between Wells and the 'busman and the arrest by P.C. Dunham form common ground between the parties. Wells was formerly a licensed 'bus driver himself, but for some years he has carried on the business of an outfitter, and a very large part of it is due to his acquaintance with 'bus drivers and men employed in connection with the driving of omnibuses. It seems that he has been in the habit of frequenting this corner near Highbury Barn, where a great many omnibuses stop, for the purpose of obtaining orders from the employees of the various companies for clothes, and it appears also that he is in the habit of delivering them upon credit upon the terms that the price with which he debits his customer shall be paid by instalments of settled amount on certain arranged days. Hill, with whom Wells on this occasion was having what both described as a "conversation," and P.C. Dunham a "quarrel," is one of his customers, and, as we gather, on the 13th October, he owed a balance in respect of things he had bought from Wells, and had made default in payment of an instalment of the debt that had fallen due on Friday, the 12th. The conversation was about the instalment, and the result was that Hill promised to pay on the following Tuesday. The conversation began by Wells following the driver, who, after he drove up, got off his box and went into the urinal. Both men came out of the urinal together still talking, and Hill mounted to his seat in order to drive on. Wells continued to talk to him, and it seems clear that he was doing so in a loud voice, a thing that was explained by him and others as being made necessary by the noise caused by a motor-'bus just about to start. It is not quite clear where Wells was standing while he was talking to, or shouting out at, Hill after he had taken his seat. It seems certain that he was in the roadway, but he himself denies that he was standing in such a position as to lead anyone to think that he was blocking the way for the starting of Hill's 'bus. The impression left upon our minds by listening to the witnesses in this case is that the conversation was carried on throughout pretty loudly by both men, and that very likely Wells was, like a good many creditors, rather importunate in insisting that Hill should pay the instalment and eager to get him to fix a time and place for payment. Both Wells and Hill denied that there was any quarrel, and the sort of idea that they both conveyed to us was that Hill, having only a moment or two to get off his box and relieve himself in the urinal, was proceeding quite hurriedly, and that the whole conversation was carried on in a hasty and abrupt kind of way, Hill rather trying to pass the matter off, and Wells trying to pin him down to a time and place. However, so far all is plain sailing enough. That P.C. Dunham came up when Hill was on the box and Wells still talking before the omnibus moved away is not disputed, and Hill told us that he was very much surprised when the constable came up and put his hand on his (Wells') shoulder and caught him by the collar and cuff. It is, however, undoubted that the constable did come up, and for that there must have been some cause. It is clear to us that the conversation must have been carried on in an unusually loud manner, and that Wells must have been behaving unusually or the attention of the constable would not have been attracted. But the real question for us is not whether P.C. Dunham was wrong in coming up to satisfy himself as to what was going on, but whether what he saw and heard justified him in arresting Wells. Q. 15621 to 15626. Q. 15631. See Q. 15601.

If the matter stood simply upon the evidence of Wells and Hill upon the one hand and P.C. Dunham on the other, it is quite clear that it would be unsafe to accept the account of the conversation and behaviour given by the two former as against a constable of good character who had no personal object in intervening, or in taking Wells into custody, and who would hardly use his power of arrest unless Wells, when the constable called his attention to his misbehaviour and civilly

requested him to be quiet and go away, had refused to do so. However, that is not the case, because there is a considerable body of testimony which goes to show that P.C. Dunham is not at all accurate in his description of Wells' behaviour and language. Besides Hill, to whom we have already referred, and to whose evidence perhaps it would not be right to attach much importance, since he, in a sense, was a partner in such disorder as there was, we have the evidence of five witnesses who seem to be very quiet, decent, trustworthy men, who had no real personal interest in the matter, and who appeared to be honestly endeavouring to tell us what they saw of the matter.

Q. 15514, &c. Henry Carter, a coachman, who was acquainted with Wells, first went into the urinal and saw Wells and Hill there talking business, and they went out leaving him inside. When he got out he heard them "still talking, and then saw the police constable put his hand on Wells' shoulder and take him." Carter said to the constable, "What's up," and the latter replied, "Oh, don't you have so much to say, otherwise I shall take you." He said, "Oh, will you." Carter then added to Wells, "Never mind, I will soon go and fetch my receipt and fetch you out," by which he meant he would go to his house to fetch his receipt for rates in order to show the Q. 15516. officer in the charge-room that he was a householder. Asked where they were, he Q. 15520. somewhat amplified his preceding answers and said, "They were in the urinal, and then they walked out into the street, and kept on talking as they went out. They were speaking loud, and when I got outside the 'busman was on his box, and Mr. Wells was speaking to him on the side of the omnibus, and I saw the policeman put his hand on Mr. Wells' shoulder." The 'bus was then standing there. In answer Q. 15543. to Mr. Dickinson, the witness said that "Wells was demanding his money from the driver. The driver owed him some money, and he was talking to him, and they were both talking in rather an excitable state—loud." He further described the Q. 15544. conversation as a kind of altercation "between their two selves." He positively denied that Wells made any movement towards the horse. He was only "talking to the driver and looking up at him when I saw him."

Q. 25217 &c. William Hume, who described himself as puller-up to the London General Omnibus Company outside Highbury Barn Tavern, said that he had been there for nearly four years, and he seems to have been acquainted with Wells before the Q. 25224. incident into which we are now inquiring. He told us: "I saw Wells having a few words with Driver Hill; it was concerning money matters, I believe, and when he got out in the middle of the road, Mr. Hill certainly got a little bit excited, but no more than a great many more people do. Driver Hill said something to him that I could not catch, and Mr. Wells said to him, 'Oh, wont I? Then I'll see about that on Tuesday.' Thereupon the constable came and caught hold of his coat collar and arrested him." The witness said that he had heard no bad language used on this occasion. This witness did not see Wells and the driver going into or coming out Qs. 25257, 25258. of the urinal; and when his attention was attracted by the conversation Hill was on the box and Wells was in the middle of the road. Wells did not get in front of the Q. 25261. horses, he stood by their side, and he made no movement as if to prevent the horses going on. In cross-examination the witness, though he denied that there was any Q. 25320. f——g and b——g on this occasion, admitted that "There is a certain amount of swearing going on amongst them"—('busmen)—"you know," and he also admitted Q. 25329. that Wells shouted to the driver of the 'bus, "You don't mean to pay me," or words to that effect, which he had not mentioned before.

Q. 25334, &c. Harry Preston, a ticket inspector in the service of the London General Omnibus Company, said that he was on duty at Highbury Barn at the time of Wells' arrest. He said he had known Wells for many years. He said that he did not notice Wells Q. 25405. and Hill coming together from the urinal, but only just before the arrest after Hill Q. 25409. had got on to his box. Wells was in conversation with the driver, talking a bit loud. Q. 25406. He said that was a common thing for a 'busman, and that he often got called over the coals at home for speaking loud. He was much surprised when the constable took Wells, and so were other people standing there, "they all could not make head or Q. 25453. tail of it." He did not hear the constable speak to Wells before he arrested him, but, Q. 25451. in answer to another question, he gave an answer not quite consistent, because on Q. 25478. being asked, "How long was the constable talking to Wells before he actually took Q. 25479. him," he said, "Not two minutes; that is where the surprise came in; it seemed like two minutes."

The evidence of John Miller, who was occupied in watering motor-'buses for the Road Car Company outside Highbury Barn on the 12th October, and who remembered seeing Wells arrested, does not seem to carry the matter any further, as he did not actually see Wells talking to the 'busman; but he told us that the car he was watering then never stopped working during the time it was on the rank; and, if that be so, there appears to be some ground for the suggestion that Wells and Hill were bound to converse loudly. Q. 25165. Q. 25174 &c.

Charles Matley, a timekeeper employed by the Road Car Company, was also called, and remembered the affair. He heard some loud shouting in the urinal and saw the police constable take Wells away, but he said little about it. He said, however, what is not without some importance, that he had known Wells for many years, and had never known him to use a bad word. Q. 25369.

That is what is to be gathered from the witnesses, who may be regarded as coming to confirm Wells' affair of the matter. It will be noticed that two of the witnesses, at any rate, are persons in the same employment as Hill, the 'bus driver, and as it happens (whether by a mere coincidence or not we cannot say) two witnesses, Young and Dawson, were connected with the motor-'bus of which mention has been made.

Thomas William Young said that he was in charge of a motor-'bus at 3 p.m. on the day in question on the front rank at Kelvin Road outside the Highbury Barn public-house. He went into the urinal, and as he went in he heard Wells shouting at another man in there (Hill). He said, "You f——g, b——g twister, you don't mean to pay me," and used other obscene words. When he came out of the urinal, Hill was getting on to his 'bus as though he were getting out of Wells' way. Wells walked just in front of the horses and shouted, "If you don't b——g well pay me before next Tuesday you will see what I will do." The witness described his motor as being stationary and the engines not working. He said P.C. Dunham came round in front of the motor and said to Wells, "You had better clear out of this; it is not a fit place to come and quarrel with the man, and you had better go away." Wells said, "I shan't go away for you. What have I done to go away for? I have not caused any breach of the peace." The policeman said, "Go away," and Wells said, "I shall not." The policeman said, "If you wont"—and then he put his hand on his collar and took him down the road. Q. 16447, &c. Q. 16460. Q. 16465.

It is not necessary to go very much at length into this witness's evidence, because if we accept it as true there seems no reason why we should accept one part of it and reject another part of it, and, if true, it affords very complete confirmation, in substance, of the constable's version of the affair, but it seems difficult to accept Young as an honest witness. Upon being examined at considerable length by us he said he thought the constable was perfectly in his right, but when he did so he was unaware of the fact that we had in our minds a letter to Wells undoubtedly written by him in which he said, "Sorry to say I cannot get the day off; I must study my living. I would come if I could get the time off, as I witnessed your arrest from start to finish, which I considered unwarranted." We feel in face of that letter, quite apart from the fact that the witness's manner was wholly unsatisfactory in the witness-box, that we cannot accept his evidence as that of an honest observer.

George Edward Dawson, who was the conductor of the motor-'bus of which Young was the driver, was standing outside the Highbury Barn public-house on this occasion. His attention was first struck by a loud voice in the urinal. He heard the words, "You b——g tyke, you f——g well don't mean to pay me." He saw Wells and Hill come out of the urinal. Wells was swearing and shouting at the top of his voice all the while. When he came out Hill got on to his box because his time was up to go away, and his 'bus pulled out from behind witness's, and Wells followed round and kept shouting to him all the while. When the 'bus came to the corner the police constable came up and said, "We cannot have anything of that here; get away out of it." Wells said he would not. He said, "I am not drunk." The police constable told him two or three times to get away out of it. Wells said, "No, I will not"; and the police constable caught hold of him by the shoulder and Q. 16859. Q. 16872 &c.

led him away. Here again, though there is considerable discrepancy between Dawson's evidence and the evidence of P.C. Dunham, his account, if true in substance, affords corroboration of the constable's evidence, which we should find it very difficult indeed to disregard. There is no document, as in the case of Young's evidence, by which one can check his evidence, and it is not easy to fix upon any of his statements as obviously improbable or untrue. It appears that he came to give evidence in consequence of being asked by a police constable to go to the police-station. He went there and had an interview with Inspector Smith, to whom he made a statement. Inspector Smith appears also to have taken a statement from the witness Young, and we see absolutely no reason for supposing that the Inspector did not take their evidence down with complete fairness, and no inference adverse to these two witnesses ought to be made from the simple fact that they had been in communication with the police; but still it is for us to judge whether they were honestly telling us nothing but the truth, and, forming the best judgment we can, we think that Dawson, like Young, was exaggerating and embellishing his tale with the view of misleading us in favour of P.C. Dunham.

The really crucial difference between the two versions of the affair is whether such words as "f——g" and "b——g" were used by Wells. As to the degree of loudness with which the conversation was carried on, either in the urinal or when the driver had got on top of the 'bus, it is impossible to arrive at any certain result. So, again, as to whether the conversation was of so friendly a character as Hill wished us to believe when he came before us to give evidence, or whether it was of a somewhat angry character, is a matter that we cannot possibly decide. But the question whether Wells did interlard his conversation with offensive words of the description suggested is one as to which there is a clearcut issue. No one can suppose for a moment that 'bus drivers never use expressions of the kind. We should think it very likely that they are rough and not particular about their expressions, but still that may be so without its being at all probable that they would so far forget themselves as to do so when speaking loudly in a public street. Wells appeared to be a man of good character, and he seemed to us, from the way he talked, to speak better and more correctly than one would have expected, even making allowance for the fact that it was his cue to make a good impression upon the members of the Commission. It should be observed that the mere dropping in the course of a conversation of some improper word is hardly in itself using "indecent or obscene language to the annoyance of the inhabitants or passengers," and even if Wells here did use one of these vulgar and improper words, that alone would not justify the intervention of the constable, who is not placed on his point or his patrol for the purpose of regulating the conversation of other people, but for the purpose of keeping the peace, and it is only when the use of indecent language, coupled with other circumstances, constitutes a nuisance to passers-by, or to persons standing near, that a constable is justified in treating it as an offence.

Upon the whole, the circumstances here seem to amount to no more than this: Wells and Hill engaged in very loud conversation when they met in the urinal; they came out still talking loudly and, it may be, heatedly, and they continued the conversation after the driver had got on his box. Wells was talking so loudly that it may fairly be called shouting, and it may be that in the hurry of the moment some improper expression may have slipped from him, but he was not threatening or abusing Hill, and, whatever may have been suggested by tone and gesture, there was no real quarrel between the two men. That being so, it appears to us that P.C. Dunham was over-zealous in interfering. Wells immediately imagined that he was supposed to be drunk, and protested his sobriety, not recognising the fact that the constable might be right in telling him to be quiet and to go away instead of standing shouting in the street, and, coming to the conclusion that it was alleged that he was drunk, Wells, instead of behaving prudently, refused to accept and to act upon the constable's warning. Thereupon P.C. Dunham, in his turn not behaving very prudently, and perhaps losing his temper, arrested Wells for being disorderly and using obscene language to the evident astonishment of men who had seen and heard Wells talking on the corner to 'busmen dozens of times before. When he got to the station he had of course to prefer a charge, and to support that charge he had to make allegations of sufficient gravity to justify the Station Sergeant in taking it. If Wells is right upon the point, as to which we are very doubtful, it was only after private colloquy with the Station Sergeant that P.C. Dunham hit upon a

satisfactory form of words. Anyhow, the charge was taken, and P.C. Dunham was committed to a formal prosecution at the Police Court.

The explanation of this case is much the same as that which in our opinion is the true one in regard to the arrest of James Baker, and that is over-zealous and unnecessary intervention on the part of the constable, resentment on the part of the person spoken to, an altercation between him and the constable, and in the result the preferring of an inaccurate and unfounded charge. We have therefore come to the conclusion that in this case we must find that the arrest of Wells was not justified.

Complaint as to Private Colloquy between Sergeant Hawes and Wells.

Wells, as we have seen, complained that something in the nature of a private colloquy went on between the Station Sergeant and P.C. Dunham in the charge-room, and suggested that the sergeant prompted him as to the kind of words that he ought to employ in making a charge of disorderly conduct by using obscene language.

It would, we think, be wrong on the part of an inspector to prompt the officer making a charge as to the best form of language in which to make it, if the prompting were of such a character as to amount to instructions, or suggesting to, the officer as to what evidence he was to give in support of the charge. Here we do not think, when the evidence of Sergeant Hawes, as to the interview, is looked at, that there is any ground for thinking there was any impropriety of the kind alleged.

Sergeant Hawes said that he was in his office at the time that Wells was brought into the station, and he came to the window, which apparently is in the partition between the inspector's office and the charge-room. The constable, speaking through the window, said that he had a charge there of disorderly conduct, making use of obscene language. The sergeant then, to use his own language, took the charge under the following circumstances: "I went into the charge-room. I said, 'What did you see him do?' He said, 'I saw him having a heated conversation with a 'bus driver at Highbury Barn, Kelvin Road.' I said, 'Yes.' He said, 'Making use of filthy language.' I said, 'What did you hear him say?' He said, 'I heard him call the driver a f——g twister.' He lowered his voice when he said the word 'f——g.' I said, 'Speak up, so that the prisoner can hear.' He said, 'I cautioned him two or three times to go away, but he refused, and then I took him into custody.' Then Wells said, 'I am not drunk; I am not f——g well going for you.' He said, 'The driver went on,' and he took him into custody. I accepted the charge. I read the charge over to him. The prisoner replied, 'I am not drunk.' Now I come to think of it, it was the 'bus driver made use of bad language. He was searched and placed in a cell."

Wells' suspicions were probably aroused by the lowering of P.C. Dunham's voice, and it is likely, though there is no doubt that the sergeant is giving a substantially accurate version of what took place, that from where Wells was standing it may have appeared that there was a short private conversation between the constable and the sergeant, and it may be that more talk took place between the sergeant and P.C. Dunham before the latter was told to speak up than the former remembers.

The case as detailed, according to the sergeant's recollection, by the constable certainly seems a somewhat weak one, but we are not prepared to say, as the constable did describe the conversation as "heated," and did suggest that the defendant had publicly made use twice of the word "f——g," and refused to go away when cautioned, that the sergeant was wrong in taking it. It seems to us, however, that Wells is mistaken in thinking that there was any impropriety whatsoever in the conduct of the sergeant.

As to the Cell.

Wells complained that the cell in which he was placed was dirty. He said, "I found at the end of the bench or wooden seat an open w.c. pan half full." Sergeant Hawes, being asked who was responsible for the state of the cell, told us that the custom was to flush the w.c. "every time a man goes down there," and that "if a Q. 17489

man was liberated on bail the flush would be pulled before anybody went into the cell." The cell he described as clean enough, though he would not say anything
Q. 17491. about its being "dreary." He said that he himself had, when he went on duty at 2 o'clock that day, gone over the cell.

The negligence complained of by Wells does not appear to be of a very serious character. If Sergeant Hawes in his inspection at 2 o'clock omitted to see that the w.c. was flushed then, or if some other prisoner had been in and the gaoler omitted to flush the w.c. after that prisoner went, we do not think that there is any good ground for complaint. So far as we can see, Wells' statement that he had to ring the bell, and that the w.c. was flushed while he was there, is not contradicted; but he admits that upon his ringing the bell the matter was put right. The omission to flush the w.c. before he went in seems to have been an accident which might happen even in a very well managed and superintended police-station; and we do not feel called upon to take any formal notice of the matter.

Alleged Negligence as to Bailing.

Wells complained that he had been kept at the station longer than was necessary.
Q. 17420. Sergeant Hawes tells us that before Wells was taken to the cell he said to him, "I shall let you out as soon as possible; I shall verify your address and let you out on your own bail." Carter, however, in the meantime came in and said to him, "My friend has been locked up. Can I be bail for him?" The sergeant said, "Yes. Are you a householder?" He said, "Yes." The sergeant said, "Have you anything to prove to me that you are a householder?" He said, "No, but I can soon slip up home and fetch my rent-book or receipts." Thereupon, the sergeant having asked how long it would take, and Carter having replied about half an hour, he (Carter) went off.

Wells is clearly wrong in saying that he was at the station for an hour and a half, since it is clear that he was brought into the station at 3.20 and was bailed out at 4.21. It is true that Carter was there pretty promptly after him—very likely half-past three, as he says. Wells appears to have thought that he ought to have been bailed out the moment Carter came; but the conversation with Sergeant Hawes,
Q. 15538. with the substance of which Carter agrees, shows why he went away, and Carter himself says that he did not come back till 4.15, so that from the time Carter came back to the time Wells was let out only five or six minutes elapsed. The complaint on this head wholly fails.

The result is we find:—

(1) That P.C. Dunham was not justified in arresting Wells; that P.C. Dunham wrongfully preferred a charge of disorderly conduct and making use of obscene language at Kelvin Road against Wells; and that P.C. Dunham at the police-court gave evidence which tended to exaggerate the case against defendant in such a way that the Magistrate might have been misled.

(2) That Sergeant Hawes was not guilty of any improper conduct in the charge-room.

(3) That Sergeant Hawes did exercise due and reasonable care in seeing that the cells were clean and fit for the reception of prisoners.

(4) That Wells was not detained unnecessarily at the police-station.

X.—MULLINS' CASE.

The complainant in this case described himself as a porter at Covent Garden, residing at 35, Johanna Street, Oakley Street, Lambeth, and alleged that he was the victim of an unjustifiable assault committed by a police constable in Oakley Street, followed by his arrest by the same constable without lawful cause, and a further assault by the same constable at Kennington Road Police Station. He also complained that unnecessary violence was used in taking him to the police-station. Qs. 15673-15674.

Mullins' Story.

Mullins' story as told before us was as follows:—He was a married man with a wife and five children; he had been for several years with the same employers, and he produced a certificate from them which confirmed his statement and gave him an entirely satisfactory character. Q. 15677. Q. 15679. Q. 15680.

On Sunday, the 9th September, 1906, he was going home with his ten-year-old daughter, and passed a constable whom he thought he knew speaking to two marine store dealers whom he knew. Mullins touched the constable's shoulder and said, "What! At the ear-hole again," as a joke. It turned out that the constable was not an acquaintance of Mullins, and he turned round and punched him in the ribs saying, "I will give you ear-hole." His child started crying and he took her home (100 yards); he took her to the top of the street and sent her indoors and went back to the constable. The constable was then by himself. He asked for his number. The constable said, "I will give you number," and caught him by the collar and took him to Kennington Road Station; he caught Mullins by the ear and kept prodding him with his knee and shaking him till he got him to the station. At the station "I sat down on a form, and there were two other policemen in the room at the time. One went through one door—as the dock might be *here*, there is the door on the right. He went through that door with some papers in his hand. The other one went into the Inspector's room. There was only me and the policeman in charge of me in the room by ourselves. He walked up to me and hit me in the mouth and slit all my lip. . . . . Whatever business these other policemen were doing one went through one door and one went through the other door, and when he (the arresting constable) saw there was no one there he walked up to me and hit me and burst all my lip." He was charged about five minutes afterwards and nothing further happened in the interval. He thought the constable said to the Inspector, when the constable charged him, that he was in Oakley Street creating a disturbance and was drunk. The constable also said something about obscene language. Mullins asked the Inspector to take him to the cells himself. He showed the Inspector his handkerchief that was smothered with blood. He told him while in the dock before the charge was taken, "I had no cut mouth when I came to the station, and now he has punched me in the mouth for nothing at all." After he was taken to the cell he asked the Inspector to send for a doctor. He also asked for his own doctor (Dr. Read), but only the divisional surgeon came. He saw Mullins' mouth all swollen, and Mullins told him how he got it. Mullins stated that he had had a glass of cider at ten minutes to 11 at one house and one twopennyworth of Irish whisky after that at another house where he had come out of when he saw the constable. He had only lemonade or ginger beer during the previous three or four hours. After half an hour or an hour or an hour and a half a friend came and bailed him out. Next morning he saw the constable in the corridor at the Police Court. The constable said, "You do not want to say this and say that. It is all right; it is a very lenient magistrate, Mr. Rose, and it will only be a matter of a fine." He told the constable to mind his own business. Q. 15681. Q. 15683, &c. Q. 15687-15688. Q. 15691. Q. 15695. Q. 15696, &c. Q. 15703, &c. Q. 15706. Q. 15709. Q. 15712. Q. 15714. Q. 15715. Q. 15226. Q. 15734. Q. 15736. Q. 15738. Q. 15739. Q. 15740. Qs. 15742-15743. Qs. 15746-15747. Qs. 15750-15756. Qs. 15763-15764.

The Proceedings.

The formal facts and proceedings are as follows:—P.C. Morgan, 383 L, arrested the complainant in Oakley Street, about 11.15 p.m. on Sunday the 9th September, 1906, and took him in custody to Kennington Road Police Station, and there charged him before Inspector Wheeler, who was in charge of the station when the complainant was brought in, with being drunk and disorderly, and using obscene language in

Oakley Street. The Inspector accepted the charge, and the prisoner was detained in the cells until 12.55 a.m., when he was bailed out and allowed to depart. He had been some time previously examined by Dr. Henry, the Divisional Surgeon, who was telephoned for by the Inspector, when Mullins alleged that he was not drunk, and asked to see a doctor. The result of the examination was recorded in the Occurrence Book as follows :—"At 12 a.m. attended and examined George Mullins, who denied being drunk. He had evidently been drinking, but was not drunk at the time I examined him." This entry was signed by Dr. Henry.

The case was heard on Monday, the 10th September, at the Tower Bridge Police Court by Mr. Rose. It appears that the charge prosecuted at the Police Court differed from the charge taken at the station.

The following is a copy of the Charge-sheet :-

L, 49665.

METROPOLITAN POLICE. "L" OR LAMBETH DIVISION.

Charges taken at Kennington Road Police Station between the 8th day of September and the 11th day of September, 1906.

No. of Charge.	Date and hour brought to Station.	Persons charged.			Charge.	Persons charging—Name, Address and Occupation.	Witnesses—Name and Address.	Taken into Custody by	Property found on person or elsewhere.	At the Station House.		Signature of Police Officer taking the charge.	Magistrate before whom the charge is brought.	Charge—how disposed of by Magistrate and what offence proved.	Remarks by Magistrate.
		Age.	Name, Address and Occupation.	Administrative County in which charged.						Detained	Or hour admitted to bail.				
2.	9/9/06. 11.30 p.m.	34	George Mullins, 35, Johanna Street, Lambeth. Market Porter.	London.	Drunk, disorderly, and making use of obscene language at Oakley Street, Parish of Lambeth.	John Morgan, P.C. 383 L.	—	John Morgan, P.C. 383 L.	—	Detained	12.55 a.m. 10/9/06.	T. Wheeler, Inspr.	J. Rose, Esq.	Discharged (not proven.)	

Charge No. 2 without Warrant.

H. N. Superintendent.

Q. 17820. Qs. 18965 18970. The charge against Mullins tried by the Magistrate was for that he was found unlawfully drunk in Oakley Street, and while so drunk was guilty of riotous and disorderly behaviour. The charge of using obscene language was apparently dropped, and the last-mentioned charge substituted at the Police Court for the original charge.

Q. 15749. Besides the evidence of the prosecuting constable and Mullins, the Magistrate heard the evidence of Inspector Wheeler and two other constables as to the alleged assault at the station, and in the result discharged the prisoner. It is clear that the Magistrate was impressed by Mullins' story. The constable admitted that he made Q. 18674 this observation—"He makes a very serious allegation against you, and his story is rather circumstantial as to what took place in the street," though he denied the Qs. 15797, 18170. allegation that the Magistrate said, "I do not believe your story, and the prisoner will be discharged."

The following is a copy of the Notes of Evidence taken by the Clerk of the Court:—

The examination of George Morgan, Thomas Wheeler, Charles Hunt, Alfred Saunders and George Mullins, taken on oath this 10th day of September, in the year of our Lord 1906, at the Tower Bridge Police Court, in the County of London, and within the Metropolitan Police District, before John Rose, Esq., one of the Magistrates of the Police Courts of the Metropolis, sitting at the Police Court aforesaid, in the presence and hearing of George Mullins, who is charged this day before me for that he was found unlawfully drunk in Oakley Street, and whilst so drunk was guilty of riotous and disorderly behaviour. *George Morgan* (sworn), P.C. 383 L Division. At 11.30 p.m. yesterday I saw the prisoner in Oakley Street, drunk and quarrelling, surrounded by a crowd. I sent him away, but he came back and refused to go away, and used obscene language. A doctor saw him at 12 o'clock, and said he was not drunk.

Thomas Wheeler (sworn), Inspector, L Division. At 11.30 p.m. last night the prisoner was charged. He was very excited, and accused the P.C. of striking him in his mouth. His lip was swollen. He admitted the charge. He was drunk. Later he asked to see a doctor, as he said he was not drunk. The doctor certified him not drunk then.

Charles Hunt (sworn), P.C., 58 L Division. The prisoner was drunk and excited when he was brought into the station. I saw no violence used. I was busy writing. There was a little blood on his face. I took him to the cell.

Alfred Saunders (sworn), P.C., 412 L Division. The prisoner was very excited. I did not see the P.C. use any violence towards him. He refused to give me his name.

Cross-examined.

It was necessary for the P.C. to hold him on the seat.

(Prisoner) *George Mullins* (sworn.) I am a Covent Garden gangsman. At 11 p.m. last night I had a glass of cider in the Duke of Sussex public-house. A girl of 11 was with me. I came out and saw P.C. speaking to two men. I tapped him on the shoulder, saying, "At his ear-hole again" (meaning a man being bribed). He walked over to me and hit me in the ribs. The girl cried. I handed her over to her mother and went back to the P.C. and asked him for his number. Another man with him said to him, "Go on, give him one." He caught me by the back of the neck and nearly strangled me. Against the paper shop he hit me again in the back, and he kept poking me with his knee. In the police-station I sat down. He stood over me and said, "You——. I know who you are, you are one of those bleeders," and he hit me in the mouth, and then a second time. My mouth bled. I held out my hands and said, "I don't see why you want to hit me." The doctor examined me for a quarter of an hour.

The above depositions of George Morgan, Thomas Wheeler, Charles Hunt, Alfred Saunders and George Mullins (prisoner) were taken and sworn before John Rose,

Esq., one of the Magistrates of the Police Courts of the Metropolis at the Police Court aforesaid on the day and year first above-mentioned.

The charges of misconduct in this case may be thus formulated:

(1) That P.C. Morgan assaulted Mullins when Mullins went up to him and made a jocular remark to him in Oakley Street. Q. 15696. Q. 15785

(2) That P.C. Morgan wrongfully arrested Mullins in Oakley Street at the time and under the circumstances mentioned above in the account given by the complainant. Q. 15703, &c. Qs. 15791–15593.

(3) That P.C. Morgan was guilty of using unnecessary violence towards and causing unnecessary pain to the prisoner while taking him from the place of arrest to the police-station. Q. 15706. Q. 15707.

(4) That P.C. Morgan assaulted Mullins at the station in the charge-room as mentioned above in the account given by the complainant. Qs. 15709–15912, 17532, &c.

(5) That P.C. Morgan wrongfully preferred a charge of being drunk and disorderly and using obscene language. Q. 15724.

(6) That Inspector Wheeler was guilty of an error of judgment in accepting the charge of drunkenness.

It may be noted that the complaint of misconduct was confined to P.C. Morgan. In the complainant's own words, "When I made the complaint to the Inspector I got more than justice from the Inspector." In fact, the matter at which the complainant seemed chiefly if not solely aggrieved was the assault in the charge-room. Moreover, he expressed him self satisfied with the way in which the case was tried. "I got the greatest justice at the Court." Q. 17516 Compare Q. 15761. Q. 15801. Q. 15845. Q. 15784.

Proceedings before the Commission.

We heard the complaint preferred by Mullins on the 22nd and 29th November and the 3rd December, 1906. Earl Russell appeared as Counsel for Mullins, and the Police were represented by Mr. Eldon Bankes, K.C., and Mr. R. D. Muir.

Mullins told his story as stated above, and his little girl Katie Mullins and Mrs. Mullins were also called as witnesses on his behalf.

On the police side the first and principal witness was, of course, P.C. Morgan, 383 L. Besides the constable we examined Inspector Wheeler, who took the charge, and P.C. Hunt and P.C. Saunders, who gave us information as to what took place in the charge room. Dr. Henry, the Divisional Surgeon, who was called in to examine Mullins at his request, also gave evidence. Inspector Spencer told us the result of inquiries which he had made after the dismissal of the charge against Mullins by the Magistrate, and how he came to take statements from George Sims and his uncle, Frederick Sims. The learned Counsel for the police very fairly called the two Sims, though their evidence so far as it goes confirms Mullins' story. The only portion of the police evidence which it appears to us to be expedient to summarise here is that of P.C. Morgan. It will suffice to refer to the other portions of the evidence on the police side when discussing the issues raised in the case.

P.C. Morgan gave us an account of the way in which it became his duty, as he thought, to arrest the complainant, which is almost entirely at variance with the latter's story. He said that he was on duty on the 9th September in Oakley Street, which runs between Waterloo Road and the Westminster Bridge Road, when at about 11.15 p.m. his attention was called to Mullins with several others having "a heated altercation" which led to blows. A good deal may turn upon the origin of the disturbance or affair, and therefore it is best to give the constable's account in his own words. Asked to tell us what he first noticed, he replied: "At ten past 11 on the evening of the 9th September last I was on duty in Oakley Street when I saw Mullins Q. 17605, &c.

with several others having a heated altercation which led to blows, Mullins taking part. I went to disperse the crowd, and requested them all to go away. They all went away with the exception of Mullins. I again advised him to go away, and he did so. Five minutes later he returned, running up the road with his hat off, several persons following behind shouting out, 'Where is he?' I again went to him and asked him what was the matter. He said, 'What has it got to do with you?' I told him to go away home. He said he would f——g well go when he liked, 'You and twenty other policemen would not take me.' I arrested him. He became violent at first for a few yards, and then went quiet. I got him to the station." He said that from his behaviour he thought that he was drunk. When he got his prisoner to the station he set him down on the form in the charge room where at that moment there were present two reserve police constables. Then, in his own words, "The Inspector arrived a minute after I took the charge in. The man (Mullins) accused me of assaulting him by striking him in the mouth. The Inspector asked me if that was right, and I told him it was a falsehood. He asked me then what the charge was. I told him it was drunk and disorderly and making use of obscene language in Oakley Street. He asked me what he was doing. I told him he was fighting with another man and using obscene language. I told him to go away, and he said he would f——g well go when he liked. The charge was taken. When read over to him he said, 'I admit all that, but,' he said, 'this man struck me in the mouth in this room,' which I denied. He was put back in the cell, and I went back on my beat." The only other point of importance elicited in examination in chief is that P.C. Morgan remembered a man named Cameron, whom he knew by sight, who, when he had got his prisoner in custody, asked him (the constable) if he wanted any help. P.C. Morgan replied, "I think I can manage," and Cameron walked down as far as Westminster Bridge Road with him, when he left.

Q. 17615, &c.

Qs. 17629, 17630

The Questions in Dispute.

So far as Mullins himself is concerned, his chief grievance is that P.C. Morgan struck him with his fist in the face in the charge room, and thereby cut his lip. He came before us with very great reluctance because of the publicity which it entailed, especially as his name had appeared prominently in some newspapers as an alleged recipient of money which had been distributed in the neighbourhood of Covent Garden by some eccentric person. We rather gathered that if it had not been for the alleged assault Mullins would not have thought the arrest and the consequent proceedings worth making a fuss about, because they had not affected his good relations with his employers, and because his occupation as an outdoor porter brought him a good deal into contact with constables, and he desired to keep on friendly terms with members of the Force. But though the question of the alleged assault in the charge room is the most important issue for us, as it seemed the only one of consequence to Mullins, it becomes necessary for us to consider the case in all its bearings upon the conduct of the police officers concerned.

The principal questions of fact are:—

(1.) Was Mullins drunk at 11.15 p.m. or so on the Sunday evening in question?

(2.) Was he disorderly at or just before the time of arrest?

(3.) Did P.C. Morgan strike Mullins on the face in the charge room, or, if not there, before they got to the station?

Here, as in other cases which we have investigated, the protagonists in the conflict of evidence are the complainant and the constable on his beat. The answers that we give to the question put mainly depend upon whether we believe Mullins on the one hand or P.C. Morgan on the other. The stories cannot be reconciled, and as the acceptance of either story does not land us in any great improbabilities, the result of the inquiry must largely depend upon the respective credibility of the complainant and the constable.

Mullins may certainly be described as a man of good character. He and his wife

had been living in the same street for some years, and he appears to be a sober and industrious person. He is clearly not, judging from his appearance, a man who has been or is addicted to excessive drinking. There is nothing to show that he is a man of quarrelsome temper, though he did appear to be, as one might expect from his occupation, a somewhat rough and hardy man, not very particular about the niceties of language, well able to take care of himself in a scrimmage, and not likely to be over-sensitive about a little rough usage. There was about his way of talking a kind of bluff, manly straightforwardness that impressed us personally very favourably. His whole manner during the proceedings struck us as that of an honest man.

P.C. Morgan, too, had been in the Force for some nine years, has borne a good character, and has received the usual regular increases of pay which follow upon good and efficient discharge of duty. On this night he was upon his beat as usual. Mullins was a complete stranger to him, and, apart from an incident which took place, if Mullins' story be true, when he came up to P.C. Morgan on his beat, there is no suggestion that the constable had any spite or feeling of any kind against him, or that anything had occurred to ruffle his temper. He may fairly claim that so far as character is concerned his word ought to be treated as being quite as good as Mullins'. But while we are willing to give him the full benefit suggested by these considerations, we regret to say that we came to the conclusion from his manner in the witness box that his testimony is not to be relied upon. His manner was by no means satisfactory. He told us, indeed, his own story in chief well enough, but when in the course of his further examination certain points, which we need not pause to mention here, were put to him, he was on more than one occasion reduced to an embarrassed silence. That was the case, for instance, in regard to a rather remarkable omission before the Magistrate. It appears from the Notes of Evidence that he simply told Mr. Rose "At 11.30 p.m. yesterday I saw the prisoner in Oakley Street drunk and quarrelling, surrounded by a crowd," without mentioning one word about any fighting or blows. Seeing that the only suggestion that he made to us as to the origin of Mullins' cut lip was the fighting, and that Mullins when giving evidence in his own behalf told the Magistrate that he had been hit in the charge room, it strikes us as curious. He had told Inspector Wheeler that the prisoner was fighting in Oakley Street. In itself the mere fact that he did not use the same form of words before the Magistrate as he employed in making the charge at the station does not tell against him, in our opinion, though the omission is one of a serious fact, aggravating the disorder alleged against the defendant. What struck us was the way in which the witness completely broke down in giving any explanation of the omission. That circumstance points to a want of certainty on the part of the witness as to what had taken place, and a fear lest any explanation that he might suggest might compromise him. Apart from his failure to account for one or two such discrepancies, there were indications in his manner that somehow suggested to our minds that he was not genuinely repeating what he remembered of the scene in which he had been an actor, but that he was repeating and endeavouring to adhere to an account of the way in which Mullins came to be arrested which would justify him, and afford at the same time a plausible answer to the counter charge of assault. However, it is fortunate for us that the evidence of other witnesses makes us largely independent of considerations resting simply upon a nice discrimination of the comparative trustworthiness of these two witnesses founded on appearance and demeanour in the witness box, though we should certainly prefer Mullins' account to that of P.C. Morgan if we had been dependent simply upon their testimony.

Q. 18754
Q. 18762

Condition of Mullins.

In our judgment there is no doubt that Mullins was quite sober when arrested, not only because Dr. Henry, the Divisional Surgeon, found on examining him about 20 minutes after the charge against him was taken that he was not drunk, and gave it as his opinion that it was unlikely that he could have been violently drunk at 11, and still less likely that he could have been in that condition at 11.15: but because we believe the account Mullins gave of the way in which he had spent the day and the evening and the amount of drink he had taken during that time. He told us that after going with his daughter to High Mass he went home and had dinner with his family. Afterwards, about 4 o'clock in the afternoon, he and his daughter Katie started for an excursion to Greenwich, where they stayed in the Park a long time, and then came back by

Qs. 18689–18691.
Qs. 18710, 18710*
Qs. 18270–18332.

Q. 15750. boat, arriving home about 10 or a little later. Mullins told us that during the six weeks previously he had been taking nothing else but cider, and that during the day when he could not get cider he took only lemonade. On getting back, and having finished tea, he went out a little before 11 o'clock, and went to the public-house at the corner of his turning, *i.e.*, at the corner of Johanna Street and Oakley Street, where he took a glass of cider. Then, to use his own words, he said "to the chap who used to work there, 'I fancy two-pennyworth of Irish; I have had nothing for some weeks,' and went to another house, where I had come out of when I saw P.C. Morgan, and I had one two-pennyworth of Irish. I had a job to get it, because I was the last one that left the premises after having this two-pennyworth of Irish—in fact, I was the last one served with that two-pennyworth of Irish." It appears that when he went out the second time, late though it was, his daughter Katie again accompanied him.

We thought it expedient to summon Katie Mullins before us, and, we having requested Mullins to send for her, she came with her mother, and was examined almost immediately after she arrived, so that there had been no opportunity for coaching her as to the story she was to tell in the witness-box. She proved to be a bright, Qs. 18324–18385. intelligent little girl, who gave her answers quickly, without hesitation, and without any kind of confusion after the novelty of being questioned in public had passed off. Her story confirmed that of her father in every material respect. It was the first time she had been taken out by him in this way, and the events of the afternoon had impressed themselves on her mind. Her narrative was evidently a true one, and is quite inconsistent with Mullins having been drunk at the time he came across P.C. Morgan.

Qs. 18515 & 18661 Mrs. Katherine Mullins (Mullins' wife) was positive that he was quite sober. Her evidence, however, is principally of importance upon the question of what took place when Mullins went out and came across the policeman the second time, a matter with which we deal later on.

The police evidence as to the drunkenness of the prisoner in this case, and especially that of Inspector Wheeler is very unsatisfactory; for not only did the Inspector, P.C. Hunt and P.C. Saunders form a wholly incorrect opinion on Mullins' condition in the charge-room, but in face of the doctor's opinion, which was not questioned by the Inspector at the time his entry was made in the Occurrence Book, the Inspector and the two constables told the Magistrate the next day that Mullins was drunk, and before us positively adhered to their statements, though it is only fair to add that the Inspector also said in the Police Court that the Doctor had certified that he was not drunk then—*i.e.*, when the doctor examined the prisoner. It is, however, in our judgment very unlikely that if Mullins was not drunk when the doctor saw him at midnight he could have been drunk in any fair and reasonable acceptation of the term at 11.30. It is true that the form of the doctor's entry suggests that though Mullins was not drunk when the Doctor saw him he may have been recently drunk, but that does not under the circumstances in our opinion afford any justification for the inaccurate allegation that the prisoner was drunk when the charge was taken; and as the doctor's examination before us proves, the entry was not intended to bear that meaning though it was in fact misleading.

Let us see what the Inspector's own account of his way of dealing with the case is. He was described by Mullins as "a perfect gentleman," and we who saw him in the witness box are not inclined for a moment to quarrel with that description. We are quite satisfied that so far as the actual procedure in regard to taking the charge against Mullins is concerned, as to his treatment of Mullins' complaint that he had been assaulted actually in the station, and as to his treatment of Mullins throughout the affair, the Inspector behaved not only with perfect adherence to the rules laid down, but in a genial and considerate way. That, however, does not prove that he did his duty with that thoroughness and acuteness which may be reasonably expected from a man in his responsible position. He told us that he Qs. 18329, 18330 noticed the prisoner being brought in, and had a good view of him from the doorway. He asked P.C. Morgan what the charge was, and then, to give his own words, he Q. 18762 said: "He told me he was drunk; he found him fighting in Oakley Street and making use of obscene language. He had requested him to go away, which he did for a short time, but returned and commenced to fight, and he took him into custody." Q. 18763 Thereupon the prisoner said, "He has struck me in the mouth since I have been in

this room." The Inspector found on the lower lip a slight abrasion inside, not bleeding, and a little swollen on the outside. He then asked P.C. Morgan whether it was true that he had assaulted the prisoner as he alleged, and the constable said "No." The Inspector next asked P.C. Hunt and P.C. Saunders if they had seen the alleged assault take place, and they both answered "No." He then took the charge. The Inspector Q. 18777
told us that on being charged Mullins said, "I will admit all that, but this man has struck me in the mouth inside this room." This, we gather, was said on the formal reading of the charge after the name, and so forth, had been taken down Qs. 18775, 18776,
on the charge-sheet. Mullins did not at that time deny being drunk, but he did so after being placed in the cells; and immediately after the door had been closed upon Qs. 18778, 18779, 18780, 18781, 18782
him asked, "Can I be allowed to see a doctor? I do not think I am drunk," and the Inspector replied, "Yes, the Divisional Surgeon will see you." Thereupon the Divisional Surgeon was sent for at once, and he arrived in about a quarter of an hour.

It will be observed that up to this point the Inspector does not say that before taking the charge he had made any observation whatever of Mullins with a view to seeing whether in fact there was any ground for saying that he was drunk. Taking his own account literally he took the charge as one of drunkenness and disorderly conduct upon, first, the charge of the constable and, secondly, the words, "I will admit all that," &c., which he understood Mullins to make use of; but when he came to be further examined upon the point it came out that he had formed the opinion that Mullins was drunk as a result of his own observation. In cross-examination by Lord Qs. 18911 to 18914
Russell, the Inspector was asked, "Was Mullins, in your opinion, drunk when you saw him?" and he replied "Yes, when I saw him he was." Being asked "How did he show it," he replied, "He smelt very strongly of drink, and he was very unsteady on his feet, which, to my mind, indicated that he was drunk. Those were the only indications." Lord Russell then put to him a question of a more far-reaching character than the Inspector seems to have thought. The learned counsel asked: "And the fact that Q. 18915
Morgan told you he had been drunk and fighting—I suppose that influenced your mind to some extent," and the witness replied "No. I have to be governed by the facts as they are placed before me when the person is brought to the station, irrespective of what Morgan or any other officer has to say." Lord Russell pursued the Q. 18916
matter with the question: "If a man had been held rather tightly by the back of the neck or marched rather uncomfortably to the police station, he might be a little unsteady on his feet when he got there, might he not?" and the Inspector replied, "Not necessarily so." On being pressed further by the question, "You do not think that would upset him at all?" he said "No." What we gather from the Inspector's Q. 18916*
replies is that, in his view, it was his duty to come to a conclusion upon the question of the sobriety or drunkenness of the prisoner without allowing himself to be influenced by the character of the charge or by the statement of the constable, and we think that in holding that view he is right; but, if that be the case, we are afraid that he did not follow what he himself admitted to be the proper course. In the answer which followed that in which he defined his duty he seems to think it quite right to eliminate from the consideration of the question of drunkenness a fact which, from the standpoint of an ordinary layman having to form a conclusion, would be very material indeed. He himself had told us just a moment before he gave these answers that the fact that Mullins was very unsteady on his legs was one of the indications of drink. Take it so, still the possibility that the prisoner's unsteadiness might be due to violence on the part of the constable ought to have occurred, though in fact it did not, to his mind. To that possibility the Inspector, upon his own showing, either paid little or no adequate attention. That he then honestly believed, as he says, that Mullins Q. 19007
was drunk we are not doubting, but what we are questioning is whether, having regard to the fact that the Inspector quite rightly laid down the rule that it was for him to form an independent judgment as to the condition of the prisoner, he did in this case properly apply his mind to the question of drunkenness. The moment Mullins asked that the Divisional Surgeon should be sent for, his request was complied with, and probably if the Inspector, instead of jumping to the conclusion upon data which appear to be and which, as the medical evidence shows, were insufficient, that Mullins was drunk, had permitted himself to think a little more, and to ask Mullins categorically whether he denied the drunkenness, it is certain that Mullins would have said, "Certainly I do," and the Divisional Surgeon might have been sent for at once before the charge was finally taken. In making these Q. 19019
criticisms we are taking the facts to be as stated by the Inspector himself, but it should not be forgotten that Mullins had asked that his own doctor (Dr. Read)

should be sent for. Of course it must be said in favour of Inspector Wheeler that he is under the impression that Mullins did not deny the drunkenness, and
Q. 17547 used some words to the effect, "I will admit all that," &c., though the latter denied that he said anything of the kind. Of course if a prisoner who does appear excited and upset, does use words admitting that he has been drinking too much, it would be asking too much that an Inspector should make a very careful inspection of the appearance of the man charged, but, on the other hand, great care should be taken, even when words of admission are used, to find out whether it is the whole charge, or only part of the charge, or one element in the charge, which the prisoner admits. Though we do not think the Inspector acted in bad faith, we cannot help coming to the conclusion that he accepted this charge of drunkenness with undue haste and without adequate consideration of the particular circumstances of the case.

The evidence of the two constables on the question of drunkenness is rather more emphatic than that of the Inspector, and affords an illustration of the danger of coming to a conclusion hastily, and by reference to what may be called general maxims in such a matter.

P.C. Hunt told us that the prisoner was drunk when P.C. Morgan brought him
Q. 19189, &c. in. Asked how he showed it, he answered, "He appeared to be excited and had all the appearance of a man intoxicated." He was unsteady on his feet. He did not observe any thickness of speech. He was not shouting. He did not notice that he was violent. It appeared that he did not have a good look at the prisoner when he came in, but how he came to the conclusion that he had "All the appearance of a man intoxicated" is not made clear. At any rate, upon that P.C. Hunt had come to the conclusion that the prisoner was drunk, but when he was asked when he made up his mind that he was drunk, and he had apparently caught the drift of the cross-examining Counsel's question, he told us that he could not say that he had made up his mind that he was drunk before the Inspector came in to take the charge. Upon
Q. 19205, &c. being asked as to how the prisoner showed excitement, he said, "He would not be quiet, for one thing, while the charge was being taken; he kept moving about, though he did not try to get away." All this made it perfectly plain to P.C. Hunt's mind that Mullins was drunk. Every man is entitled to form his opinion, but all we can say is that if that is the way in which apparently quite efficient and intelligent constables come to a conclusion upon a matter of that kind, the sooner it is brought home to them that human nature is so constituted that a sudden arrest, and being brought into a charge-room and faced by an Inspector, is in most cases calculated to try the nerves, and that under such circumstances many men may show a good deal of excitement, move about a good deal, and be very restless, without being in the slightest degree under the influence of liquor, the better will the interests of justice be served. We emphasise this point here, because there is no doubt whatever, as is shown by the medical evidence, that Mullins was not in the least drunk in any ordinary and fair sense of the term, and that P.C. Hunt was entirely mistaken in the conclusion to which he came. The case affords, therefore, a good illustration of the danger of coming to a conclusion as to the physical condition of a person by reference to rules which may be sound enough in the generality of cases, but which are not rules which ought to be extended to a particular case without an intelligent application of the mind to its special circumstances. Similar observations may be made about the evidence of P.C. Saunders, who came to the same conclusion, and who thought that the prisoner was very excited, but who, when asked more particularly as to the signs by which he came to the conclusion that the prisoner was drunk, said that besides the smelling of the breath, and unsteadiness on his legs, Mullins' eyes had "the appearance of a man who had been drinking,"

The medical evidence in this case establishes the sobriety of Mullins on this occasion beyond doubt, and affords a useful commentary upon the police evidence that we have just been considering. That being the case, it is well to give the medical evidence on the question of drunkenness with a little detail, especially as it seems necessary to make some criticism upon the form of the doctor's entry in the Occurrence Book.

Dr. George Nicol Henry is Divisional Surgeon for the district of the Kennington
Qs. 18684, 18685 Road police station, and, as we know, he was called up a little before midnight on the 10th September. Mullins, as we know from the charge sheet, was brought to the

station at 11.30 p.m., and the charge was almost but not quite immediately taken, as the inspector was out of the room for a period which was at least one minute, and, according to Mullins, about five minutes. The doctor was sent for immediately after Mullins was put in the cell, and he came in about a quarter of an hour after being sent for, so that we have only a short interval of time (at most twenty minutes) from the time when Inspector Wheeler and the constable had been looking at Mullins and coming to the conclusion that he was drunk and the examination by Dr. Henry. The doctor examined Mullins, and having done so recorded the result in the Occurrence Book. The entry is as follows :—" At 12 a.m. attended and examined George Mullins who denied being drunk. He had evidently been drinking but was not drunk at the time I examined him." Lord Russell in cross-examination referring to this entry said : " It is a regular phrase ; when a man is not drunk if he smells of drink at all you say he has been drinking, do you not ? " and then the doctor gave an answer which struck us as being very strange indeed having regard to the terms which he had thought fit to use in stating the result of his examination in the book. " I do," said he, " under certain circumstances. In this case I made the entry in the book that he had been drinking, because his breath smelt very strongly of very stale drinking. He had been drinking, I should say, for some time, not quite immediately before. But I say the man was quite sober when I examined him." In the course of his examination before us he told us further that from Mullins' conversation he judged that he had not been drinking excessively on the Sunday and that he must have been sober at 11 p.m.

Qs. 18689, 18690, 18691.

Q. 18697.

This evidence is of great consequence in this case not only because it disposes of the allegation that Mullins was drunk but because it discloses a complete contradiction between the police evidence as to Mullins' condition and the expert testimony of the Divisional Surgeon. Here we have an experienced Inspector and two seemingly capable and honest constables all telling us positively that they came to the conclusion that Mullins was drunk at twenty minutes to 12, and we have the Divisional Surgeon coming and saying that not only was Mullins quite sober but that he was giving a rational account, even as to time and place, of the incidents of the day, and conversing sensibly just twenty minutes after, making it practically impossible that he was drunk at the time alleged by the police.

Q. 18713.

We must pause for a moment to call attention to the form of Dr. Henry's entry in the Occurrence Book. He was examined minutely as to the meaning of the words "he had evidently been drinking," and also as to the purpose for which they were introduced. They seem unnecessary unless they were intended to mean that Mullins had been recently drinking to excess, but such a meaning the doctor expressly disclaimed. We feel bound to say his explanation was not wholly satisfactory and consistent. It seems to us that a Magistrate trying this case, and reading this certificate would come to the conclusion that the doctor meant by the entry that the man was sober at the time he examined him, but that he had been recently drinking to excess, and that he was very probably under the influence of liquor at the time when he was arrested. In other words, that it was a certificate telling rather in favour of the prosecutor's allegation that the disorder was due to the man being under the influence of liquor. We do not suggest that Dr. Henry lent himself intentionally to any attempt to mislead, but we do think that in this case he made the entry without adequately reflecting upon its possible consequences on the mind of the Magistrate.

The Commencement of the Affair.

We must now refer to the evidence bearing on what took place before and at the time of arrest near the " Duke of Sussex " public-house. All the witnesses upon this point are practically agreed as to where the arrest, and the circumstances immediately preceding it, took place. Mullins on the one side, and P.C. Morgan on the other, are agreed that they came across each other twice a little after 11 o'clock in Oakley Street, and that it was during the second meeting that Mullins was arrested.

Mullins' account is given above, and it will be remembered that after he had had tea, and when it was close upon 11 o'clock, he and his daughter went out. He

went to a beer-house, where he took some cider, part of which his daughter drank, and he then went to the "Duke of Sussex" public-house. It was close upon 11 o'clock, and, according to the little girl, he was the very last to leave the public-house just before it was closed. He then walked towards home and saw a constable with his back to him (Mullins) talking to two marine store dealers ; he then touched the constable on the shoulder, thinking that he knew him, and said, "What at the ear-hole again." He explained this action and remark by saying that it was simply a matter of a "lark" between him and a policeman whom he knew. He fully admits that he was wrong in touching the constable, who was P.C. Morgan, and whom he did not know, and in making the remark. The constable turned round and punched him in the ribs, and the little girl started crying. The policeman said, "I will give you ear-hole." Mullins then took the little girl home.

P.C. Morgan's account is, in effect, a complete contradiction, and the story which he told us as to what took place when he first came across Mullins was that he saw Mullins with several others having a "heated altercation" which led to blows, Mullins taking part, that he went to disperse the crowd and requested them to go away, that they all went away with the exception of Mullins, that he again advised him to go away, and that he did so.

Now there is a clear cut issue as to which either Mullins or the constable must be telling a falsehood. Fortunately, we have not to decide the matter by reference to their evidence alone, for there is, as to what occurred when they first met, some independent testimony. Mullins' evidence was corroborated on this point by Katie Mullins, and the only discrepancy between her account and her father's account was that, according to her recollection, the constable struck her father not in the ribs but in the eye. That, of course, is a somewhat serious variation ; but still, it is not one that deprives the little girl's evidence of all value, because it appeared to us that she was mixing up her recollection of the appearance of her father's face when he came back from the station with his appearance when he took her home after being at the "Duke of Sussex" public-house. Still, for the present purpose, Katie Mullins' evidence may be treated as that of one so interested as not to be taken as sufficient if it had stood alone. The marine store dealers, to whom Mullins referred, were called before us, as appears above. They were named George and Frederick Sims respectively. The former gave his evidence not perhaps very willingly, but still fairly enough, and in a way that suggested to us that he was honestly stating what his recollection was, and as he had given to Ispector Spencer much the same account as that which he gave to us we see no reason whatever for distrusting him. He told us that he and his uncle had been in the "Duke of Sussex" public-house a few minutes before it closed, and they were both standing outside when they saw P.C. Morgan standing there. They said "Good evening" to him, but the witness could not be sure as to what he answered. Mullins then came back from the "Duke of Sussex" and tapped the constable on the shoulder. The constable had got his back to him. He heard Mullins say "At the ear-hole again" or something of that sort. According to George Sims the constable took no notice of him, and he (George Sims) then said "Good night" and walked away. Mullins went one way and he went the other, but before going away he exchanged greetings with Mullins. He saw no blow struck. He went to the top of the street (the Waterloo Road end) and could not say whether the constable heard what Mullins said or not. He did not notice the constable turn round, and no blow was struck while he was there.

Qs. 19780 to 19784

Qs. 19789, &c.

The evidence of Frederick Sims, who in his examination-in-chief said that he confirmed what his nephew said, is unfortunately not of much value, because owing to the fact, perhaps, that he was called late in the day he had taken the opportunity of refreshing himself somewhat too freely, and was hardly in a fit condition to give evidence before us. This is not so important as it would have been, because he had made a written statement to Inspector Spencer, which was practically identical with that of George Sims.

What is significant and important in this evidence is that both these independent witnesses recollect that Mullins came up to the constable, tapped him on the shoulder, and used the phrase "At the ear-hole again." P.C. Morgan positively contradicts the statement that Mullins came up to him in the manner alleged, or used the phrase, and he thus contradicts not only Mullins but the two Sims's as well.

If he is wrong as to that, as we believe he is, then he is wrong as to what took place when he first came across Mullins—a most important point in considering the probabilities of a case like the one with which we are now dealing. We have come to the conclusion that Mullins' statement, to some extent confirmed by his daughter, and also very strongly confirmed by these two independent witnesses, must be accepted, and that P.C. Morgan's account must be rejected as false.

Taking that to be the case, and accepting as substantially true Mullins' account of the beginning of this affair, let us see how the matter stands. There is no reason for refusing to believe the account that Mullins gave. He took his daughter home, he was very angry, he was for a minute or two, or it may be a little longer, in the house when he decided to go out again in order to take the number of the constable. It would have been a good deal wiser on his part if, seeing that he himself had been guilty of a great mistake in tapping the constable on his shoulder, and making a remark which, though it might be one received as simply the revival of some old joke between his friends and himself, was obviously offensive when addressed to an unknown person, he had let things rest and gone to bed. However that may be, there is not the slightest reason for thinking that he went back with any other intention than that of getting the constable's number. There is a good deal of conflict of evidence as to what took place upon his re-arrival in Oakley Street.

P.C. Morgan's story is that "Five minutes later" (*i.e.*, after Mullins had taken his advice and gone away) "he returned running up the road with his hat off, several persons following behind, shouting out 'Where is he'? I again went to him and asked him what was the matter. He said 'What has it got to do with you?'" and so forth, and that then he arrested him. Now seeing that we do not believe P.C. Morgan as to the origin of the disturbance, we see no ground whatever for trusting him as to what subsequently took place, unless his evidence is in some way confirmed. One cannot help in reading his account noticing that he puts into Mullins' mouth the words "Where is he?" and he does not give any explanation as to who the "he" was, and in cross-examination he said he had no idea at all as to whom he wanted. We cannot help thinking that the ascription of that question to Mullins suggests that P.C. Morgan had lurking in the recesses of his memory that Mullins did in fact want somebody, and if he had examined those recesses a little more carefully he would have remembered circumstances that would have led him to think that Mullins was after him himself. As often happens when a lying story is invented, something is inserted in it which has a flavour reminiscent of what actually took place, and that, in our opinion, is the case here. Mullins' account is that he went back to the constable and found him and looked for and asked for his number, and that we believe to be what really took place. Q. 17610 Q. 17914 Q. 15703

Mrs. Mullins, who, though interested, was in our opinion a trustworthy witness, told us that when her husband and Katie came back the second time she sent Katie to bed, and that Mullins told her he had been insulted by a constable and he wanted his number. She said that he went out dressed as he had been dressed before that day, and that he was wearing a hard hat as usual on Sundays instead of a cap as on week days, and she went with him, and when they got near Sims' shop she saw a constable. Q. 18521

Her husband said to the constable, "I want your number." A gentleman in the company of the constable said "Go on, give him one," and with that the constable struck him and arrested him, and took him right along Oakley Street. "I followed behind." She heard the constable say, "I will give you number. I will show you whether you will have any number or not." She also said that though it was an unusual thing there was hardly anybody in Oakley Street, only a few neighbours in the street where she lived, and they were rather surprised to see Mr. Mullins being arrested. She positively denied that her husband used any bad language. Mrs. Mullins described her husband as being "vexed to think that such a liberty was taken with him uncalled for," obviously referring to the blow which he had received when he tendered his explanation or apology for having mistaken P.C. Morgan for his own friend. Qs. 18530, 18531 Q. 18539 Q. 18553

If this evidence is true, it quite disposes of the picture drawn by P.C. Morgan

of Mullins running up the road with his hat off pursued by several persons. It seems to us clearly proved, though of course there may be inaccuracy in some details, that the account which Mullins and his wife give of the circumstances immediately attendant upon the arrest is substantially true, and it follows from that that at the time Mullins was being taken to the station he had not been struck in the face, and had no abrasion on his lip. It is alleged by the constable that he (Mullins) fell down at least once on the way in consequence of his violence, but that would hardly account for the appearance of his face when he was in the dock and the charge was being taken.

The result of this examination of the evidence is that we ought to accept Mullins' story up to the time at which he was placed in the dock in the charge room.

The Alleged Assault in the Charge Room.

The result of the preceding consideration of the evidence has led to the conclusion that Mullins' story as to the circumstances of the arrest is substantially true, and *prima facie* he is entitled to credit as against P.C. Morgan, whose evidence we have concluded is untrustworthy. That Mullins received a blow in the face, which cut his lip more or less, is an ascertained fact, and he tells us that the injury was caused by a blow given to him by P.C. Morgan in the charge
Q 15709 room. He said he "sat down on a form and there were two other policemen in the room at the time." That appears to be the case. "One went through one door and the other one went into the inspector's room," so that, "there was only me and the policeman in charge of me in the room by ourselves. He walked up to me and hit me in the mouth and slit all my lip." Now, of course, if it be true that there was a moment in the charge room when Mullins and the constable who had brought him were together in the room, one would, under all the circumstances, come to the conclusion that Mullins ought to be believed in regard to this matter, as we have believed him in regard to others, especially as it is admitted by all who came in contact with him in the charge room, that the very moment the Inspector came in he complained of being hit by the constable, that is to say, that at the very earliest moment when he could make the allegation he made it. It should also be noticed that there was no apparent reason for his making any charge of the kind against his captor. He had, it is true, according to his description, been brought to the station somewhat roughly, and he had been insulted, though not hurt, by a blow or blows from the constable before he was arrested. That, however, though it might have accounted for exaggeration of what had taken place in Oakley Street, and of the violence which the policeman had used in coming to the station, is not the kind of thing which would induce, in our opinion, a man of Mullins' class to invent a false charge of that kind against another man. Especially is that the case since it is perfectly clear it was what took place in the charge room, and not what had taken place outside, that aroused Mullins' indignation. We think that the cowardly injustice of which he felt himself the victim, so filled his mind when he was in the dock that he did not trouble to deny the charge of drunkenness, and used words which led Inspector Wheeler to believe that he was admitting disorder in the street.

In considering what took place in the charge room we may do so in the light of what we have already found to be true as to the earlier phases of the matter. It began, as we know, by the tapping on the shoulder and the use of an offensive expression by Mullins under the mistake that the constable was one of his friends. P.C. Morgan lost his temper and struck Mullins when he ought to have contented himself with his obviously reasonable explanation. Mullins in his turn angry, instead of going to bed, unwisely went out again to get the number of the constable with whom he had come into collision, and the constable, not perhaps wholly without reason, resented the demand of Mullins, and the manner in which he made it; and the subsequent proceedings on the part of P.C. Morgan we believe to be explained largely by the fact that he allowed his temper to get the upper hand, and that he took advantage of his position as constable to strike Mullins for what he deemed his persistent impertinence. It seems to us that what took place in the charge room is explicable in the same way.

Those are the observations that occur to us upon the case as it stands upon the evidence of Mullins and P.C. Morgan, who, of course, denied that any such assault as alleged was committed in the charge room. But the statement of Mullins that there was a time when they were alone in the room is challenged. P.C. Hunt and P.C. Saunders were undoubtedly in the room when Mullins was charged in the dock ; but supposing that Mullins is mistaken in saying that P.C. Hunt and P.C. Saunders left or were not in the room after he had been brought in, and before the Inspector took the charge, it does not follow that P.C. Morgan, especially if our view that he was still in a passion is correct, should not have given Mullins a blow as alleged, though these two other constables were in the room.

Let us see how the evidence stands as to the persons in the charge room during the critical time. Inspector Wheeler was at the time Mullins was brought in "sitting at the desk in the inspector's office," from which he could see about half of the charge room—quite enough of the room to see them come in. He went into the charge room about a minute afterwards. When he got into the charge room there were four men in the room, P.C. Hunt, P.C. Saunders, P.C. Morgan, and the prisoner. It was immediately after the constable had said Mullins was drunk, and so forth, that the prisoner said, "He has struck me in the mouth since I have been in this room." Qs. 18756, &c. Q. 18761 Q. 18763

P.C. Hunt said that he was standing alongside the desk when Mullins was brought in by P.C. Morgan, and he assured us that he did not leave the room at all until the Inspector came in, which was just a moment, and he denied that P.C. Morgan struck Mullins in the charge room. In cross-examination he said he was standing at the desk and writing on it ; he could not remember exactly at which side of the desk, but he was positive that he had not left the room for an instant before the inspector came in. It was suggested that he had a book in his hand, and he admitted that might have been so, because he believed that he was writing in the telegraph book. He thought he was entering a telegram just sent in the telegraph book when Mullins was brought in : the book would show the messages sent and the times of despatch ; but the witness was not quite sure he did not go to the telephone after Mullins came in, but he did so before that. It ought to be mentioned here that the telegraph book was produced and it was proved that between 11.10 p.m. and 11.35 p.m. there was no call to the telephone, and no telegram or telephone message was sent out. Q. 19119 Q. 19123 Q. 19125 Qs. 19151, &c. Q. 19166 Qs. 19152, 19153 Qs. 19311, &c. Qs. 19406 to 19427

P.C. Saunders' evidence confirms that of P.C. Hunt. He said he was on duty in the charge room when Mullins was brought in and saw Inspector Wheeler come into the room, and that he had not left the room in the meantime. He denied that P.C. Morgan struck Mullins. He said he was doing nothing in particular at the moment. He stood between the desk and the dock, and was quite close to P.C. Morgan and the prisoner all the time. Q. 19433

Now, it cannot be denied that that evidence is very strong. We have three witnesses—Inspector Wheeler and the two constables—all saying what seems to be entirely reasonable, namely, that upon the prisoner coming in Inspector Wheeler came out in about a minute to take the charge. That is exactly what he should have done, and one does not see why it should be supposed that any longer interval of time should have taken place between the prisoner being brought in and being placed in the dock and being charged than the time which the Inspector states. It is of course possible that even in so short a time as that P.C. Hunt and P.C. Saunders may have gone out and come back again and forgotten all about it, but even then, as we understand the plan that was put in, it would have been quite possible for Inspector Wheeler from where he was sitting in the inspector's room to see the prisoner sitting on the form. One is naturally very reluctant to believe that the feeling of comradeship which ought to exist between members of the force can be carried so far as to induce seemingly capable constables like P.C. Hunt and P.C. Saunders not only to pass over such misconduct as is involved by the striking of a helpless prisoner in the charge room but also to give false evidence in order to shield the offender. It does not, however, seem to us that we are driven here to come to the conclusion, if we believe Mullins was struck in the charge room, that these two constables are intentionally speaking falsely, nor, on the other hand, is one forced to come to the conclusion that Mullins is intentionally trying to mislead us when he tells us that first one and then the other of these two constables went out of the room.

Though nothing is said in the notes about the matter, it must be remembered that P.C. Morgan, who, as we think, was in a temper, and Mullins, who was more or less in a temper, or at any rate excited, too, made a good deal of noise in entering the charge room, and arrived with a considerable amount of bustle, and not like two visitors quietly entering a room. Mrs. Mullins described to us the way in which her husband was taken to the station. He and the constable were going pretty fast, and we think it extremely likely that both came bursting into the charge room in a rapid and noisy fashion, and that the blow was struck on the spur of the moment. However that may be, we cannot help feeling that Mullins' immediate complaint that he had been struck in the charge room must have been founded upon fact.

Conclusions.

That practically disposes of the case. We seem to be in a position to reconstitute in a general way what actually did take place between Mullins and P.C. Morgan on this Sunday evening. Mullins being sober went up and tapped a constable whom he did not in fact know on the shoulder and said jocularly, "At the ear-hole again?" (an offensive expression meaning that he was waiting to be bribed). The constable, who at the moment was talking to two marine store dealers in a small way of business, took offence, and the moment the men he had been talking to left, he turned round and gave Mullins a blow, probably on the side, notwithstanding that Mullins apologised and explained his mistake. Mullins being with his little girl went home, and then instead of behaving prudently allowed in his turn anger to get the better of discretion, and feeling himself insulted, went out to get the number of the constable. The constable, under the circumstances perhaps not unnaturally resented it, and he too lost his temper and did what, if he had reflected a little, he would have abstained from doing. He arrested Mullins somewhat roughly —seized him by the collar and took him off to the station—and, as we believe, he was under the influence of a good deal of temper during all this time; and when he got to the charge room and put his prisoner to sit down, he gave him a final blow as a vent to his angry feelings. We are not in this kind of case able to get with certainty at the truth about every action and about every incident or phase of the affair. In this, as in many of the other cases, all sorts of side issues were raised in the controversy before us when we were taking evidence, and though one would like if one could to come to a conclusion as to every issue in dispute yet that seems really impossible. The most that any tribunal can do is to get at the leading facts in the case and find out who on the whole is in the right and who on the whole is in the wrong. In our opinion the general account which we have just given is the true representation of what happened in Oakley Street and at the station on this night; and we are now in a position to see to what extent there was misconduct on the part of all or any of the constables concerned.

As to P.C. Morgan he seems to have been in the wrong throughout. His first wrong step was to some extent excusable in view of Mullins' indiscretion, but there was no extenuation whatever for his subsequent misconduct.

Inspector Wheeler formed a wrong judgment as to the condition of Mullins, and hardly acted up to his own definition of the duty of an inspector taking a charge, but in coming to the conclusion that Mullins was drunk he acted quite honestly, and his conduct was in form courteous and correct. Inspector Wheeler was, we think, quite right in taking the charge of disorderly conduct and making use of obscene language, but not in accepting the charge of drunkenness.

Our conclusions in this case therefore may be thus summed up:—

(1.) P.C. Morgan owing to provocation innocently given by Mullins lost his temper and assaulted him.

(2.) Upon Mullins coming back to P.C. Morgan in Oakley Street and asking for his number the latter wrongfully arrested the former and took him to the police station.

(3.) In making the arrest and taking the prisoner to the station, P.C. Morgan used more force than was necessary.

(4.) P.C. Morgan wrongfully assaulted Mullins in the charge room at the police station by striking him a blow in the face causing him slight injury.

(5.) P.C. Morgan gave false evidence in support of the charge at the Police Court.

(6.) Inspector Wheeler was guilty of an error of judgment in accepting the charge of drunkenness.

XI.—BAKER'S CASE.

In this case, James Baker, ironmonger's assistant, residing at 53, Dartmoor Street, Notting Hill Gate, complained that while he was walking with a friend on Sunday evening, the 30th September, 1906, he was stopped by P.C. Pittuck, 312 F, asked for his name and address, which he refused, adding that he would give it to the proper official at the police station, and was then wrongfully arrested by the constable and wrongfully charged with being drunk and disorderly. He also complained that he asked to see a private medical man, and named one, but that owing to the negligence of the police his doctor did not attend.

The complaint was heard before us on the 22nd November and the 4th December, 1906. Lord Russell appeared for Baker, and the police were represented by Mr. Eldon Bankes, K.C., and Mr. R. D. Muir.

The case was tried before Mr. Garrett at the West London Police Court on Monday, the 1st October, 1906, when P.C. Pittuck appeared and gave evidence as prosecutor, and Baker was represented by a solicitor. The charge was dismissed by the Magistrate, who said there was not sufficient evidence to show that Baker was drunk and disorderly.

The following is a copy of the charge sheet:—

F. 14647.

METROPOLITAN POLICE FOR PADDINGTON DIVISION.

CHARGES taken at Notting Hill Police Station on the 30th day of September, and the day of , 1906.

No. of Charge.	Date and Hour brought to Station.	Persons Charged.			Charge.	Persons charging, Name, Address, and Occupation.	Witness, Name and Address.	Taken into Custody by	Property found on person or elsewhere.	At the Station House.		Signature of Police Officer taking the charge.	Magistrate before whom the charge is brought.	Charge—how disposed of by Magistrate and what offence proved.	Remarks by Magistrate.
		Age.	Name, Address, and Occupation.	Administrative County in which charged.						Detained.	Or hour admitted to bail.				
3	30/9/06, 11.30 p.m.	34	James Baker, 53, Dartmoor St., Notting Hill Gate. Ironmonger's Assistant.	London	Drunk and disorderly at Kensington Place, Parish of Kensington.	William Pittuck, P.C. 312 F.		W. Pittuck, P.C. 312 F.		Detd.	1.20 a.m. 1/10/06.	A. Mason, Inspr.	E. W. Garrett, Esq.	Dis. on Evid.	

NOTE.—State below whether the prisoner was taken into custody (*a*) Without warrant, (*b*) On warrant in first instance, (*c*) On warrant after failure to appear to summons.

CHARGE No. 3—WITHOUT WARRANT.

The following is a copy of the Notes of Evidence taken at the West London Police Court:—

And the deponent William Pittuck on oath saith as follow:—

Police Constable 312 F. About 11.15 p.m. on 30th September I was on duty in Kensington Place. Defendant was drunk and urinating in the road. There were females about. I told him he ought to know better, and he began to shout and made a great disturbance, and I arrested him.

Cross-examined.

Defendant had a friend with him. I asked him for his name and address, and he refused to give it—if he had there would have been no occasion to arrest him. I took no notice of the friend. I said defendant was drunk.

And the deponent Police Constable Hillier 139 F on oath saith as follows:—

About 12.30 a.m. on 1st October I was at the Station, and defendant wanted to see a private doctor. I went to one who was out and to Mr. Bagram who refused to come and said defendant would have to see the Divisional Surgeon.

Cross-examined.

I said to Mr. Bagram there was a man Baker at the station charged with drunkenness who wanted to see him. I told the doctor we could not be responsible for the fees.

DEFENCE.

And the deponent James Baker on oath saith as follows:—

53, Dartmoor Street, Kensington, Ironmonger's assistant. About 10 p.m. on 30th September I went out for a walk and met a man named Porter and went to the "Windsor Castle" public house. I had two drops of unsweetened gin and Porter had ginger beer. This was the first intoxicating drink I had had that day. I came out and met two friends and spoke to them, and then went with Porter down Kensington Place. I made water against the wall—Porter was by me. I lighted my pipe and the police constable came up and said he wanted my name and address. I said, "What for?" He said, "Never mind what for." I said "I refuse to give it." He said, "Then you'll have to come with me." I said I would and give it at the station, and we walked there. There was not one word said of being drunk. I denied it and refused to have a doctor when at the station. When put in the cell I asked for a doctor. I never shouted or behaved in a disorderly manner in the street. Dr. Bagram knows me very well. The Divisional Surgeon saw me. I was perfectly sober.

And the deponent Samuel Porter on oath saith as follows:—

19, Milson Road, Kensington. I am a teetotaller. I met defendant last night. He was sober, and we went in the "Windsor Castle" public house. I had ginger beer and he had gin. We talked together and came out. Defendant saw two friends and spoke to them and we went on. At Kensington Place defendant made water by the side of the dead wall. The police constable came up and asked for his name and address. Defendant refused, and the P.C. said if he did not he would take him further down. He took defendant to the station, and I followed. Defendant was perfectly sober and made no disturbance. I never heard any suggestion he was drunk.

Dismissed.

The charges of misconduct to be inferred from the evidence given by and on behalf of Baker may be thus stated:—

1. P.C. Pittuck was guilty of an error of judgment or undue zeal in demanding Baker's name and address.
2. P.C. Pittuck wrongfully arrested him on a charge of being drunk and disorderly.

3. P.C. Pittuck falsely preferred a charge of being drunk and disorderly against Baker.

4. Inspector Mason committed an error of judgment in accepting the charge preferred.

5. Inspector Mason did not exercise reasonable care in summoning the doctors mentioned, whose names and addresses were given by Baker.

6. Inspector Mason improperly insisted upon Baker being examined by Dr. Jackson, the Divisional Surgeon, in order that a certificate favourable to the police action might be obtained.

7. P.C. Pittuck did not make a full and complete disclosure of all the relevant facts to the magistrate at the police court.

There is a considerable conflict of evidence in this as in nearly all the cases which we have investigated, though on the whole the issues of fact are not so numerous or complicated as in most of them, and the difficulty of the case lies rather in the judgment one ought to form of the treatment of the matter by the police than in the discovery of the facts themselves.

The Case for Baker.

Shortly stated Baker's story is that at about 10 p.m. on Sunday, the 29th September, 1906, he went out for a walk down High Street, Notting Hill, and turned off by the Campden Hill Road almost into High Street, Kensington. At the top of Holland Park Avenue he met a friend, named Samuel Porter. They turned into a public-house called the "Windsor Castle," at the top of Campden Hill, where Porter had some non-alcoholic drink, and Baker took "twopennyworth of gin," which, according to him was the first intoxicating drink he had had that day. He and Porter, on leaving the "Windsor Castle," met two friends just outside the public-house, and they stopped for a talk at about 11.15. Baker and Porter then turned into Kensington Place, and after proceeding a few yards Baker stopped to make water against the wall, and, having finished, he just moved away, filled his pipe, and was lighting it, when a constable came straight across the road towards him and asked for his (Baker's) name and address. Baker refused to give that information, and on the constable saying he would have to go to the station he acquiesced. He denied shouting out the words "My name and address—my name and address." He said he never spoke any louder than he was then speaking (*i.e.*, in the box); no people collected; and there was not a soul about when the conversation was taking place. When we put some questions to him he told us that he thought Porter was lighting his pipe at the same time. He said that the constable "made straight across the road," Q. 16155 and that he knew a good many constables round there by sight, and he thought it was perhaps someone who knew him. The fact of the crossing the road did not excite his attention as being anything unusual. The constable, to use Baker's own words, "Put Q. 16158. his hand on my shoulder, and said, 'Your name and address, old cock.'" Baker saw Q. 16160 that he did not know him, and said, "What for?" when the constable said "Never mind what for." He admitted that he thought then that it might have been because he had been making water there, and added, "I did not think I had done anything Q. 16162. that he should want my name and address for late at night like that, and no one about, and against a dead wall." Further, he said that he would rather have given Q. 16173. his name and address at the station, and that he told him that. He preferred to walk by the side of the constable to the station and give his name and address there than to give it right off because he told us, "I thought I could state the case to the Inspector. If he took my name and address I do not know what rigmarole he might make up and take to the station. He might say I had had my trousers down, or Q. 16174. something of that kind. You never know what they might say." When he went to the station with the constable he thought the constable was going to mention the fact that he had been making water against the wall and "that he was going to take me in to the Inspector to give my name and address." The constable did not say a Q. 16178. word about drunkenness, and he had no idea that he was going to be charged with Qs. 16179, being drunk. Porter, a milkman, described by Baker as "country lad," was called 16180 before us and corroborated the account which Baker gave as to their movements up Q. 16188. to the time of the constable coming up, and as to what happened then. In his opinion Q. 16276. Baker was quite sober. He went with Baker to the police station and then to Baker's Qs. 16282 to 16286.

home to tell his wife of the arrest. Porter, we think, lived up to his character of "a country lad" in the witness box, but he gave his evidence extremely well, and we see no reason to doubt that he was endeavouring to give us a true account of what took place.

The main facts are not in dispute, but as the constable sought before us to give a very different colour to them by introducing various details as to the conduct of Baker, it is worth noticing how the matter looked to a third party. The impression left upon our minds is that Porter's evidence affords very strong corroboration of Baker's account of what passed. Baker admits that he was taken into custody by the constable but denies that he knew that he was being taken on a charge of being drunk and disorderly, and P.C. Pittuck admits he did not tell the prisoner what the charge was. Porter did not understand that his friend was actually arrested. There is nothing at all in the evidence to show that before Baker was in the charge room he ever imagined that he was about to be charged with being drunk and disorderly.

The only other witness called on Baker's side was Mr. John Walton, the landlord of the house in which Baker resides. He told us that Baker lived in apartments in his house, and that he knew him quite well, and that on the night in question he received a message asking him to go to the police station to bail out Baker. He went, and he got to the station about a quarter to 12. He had to wait some time while they were seeing about a doctor coming. It was five or six minutes before he saw Baker at the station. Baker came into the room (the charge room) with the Inspector. The witness did not notice that Baker was excited but he seemed annoyed at being locked up. "He told me he should like to see his own doctor." He told Baker "he had better come away and not have an altercation with the Inspector, because the constable had already given in the charge," but would not admit that he tried to persuade him to do so. He went outside again and waited for over half an hour, and ultimately Baker came out.

Q. 20588.
Q. 20603.
Q. 20607.
Q. 20608.
Q. 20609.
Q. 20612.

The Police Case.

In answer to the complaint four witnesses were examined before us, namely, P.C. William Pittuck, 312 F, P.C. Hillier, 139 F, P. C. Price, 148 F, and Inspector Mason, who was in charge of the station on that evening when Baker was brought in.

P.C. Pittuck told us he was on duty on the night of Sunday the 30th September, in Campden Hill Road. He first saw Baker just after 11 o'clock turning out of the Windsor Castle. He (the constable) was then standing on the corner of Peel Street in Campden Hill Road. Baker walked along Campden Hill Road towards Kensington Place, turned the corner, went up to the wall and "started to urinate opposite the lamp-post." He had followed Baker a few yards behind "in the ordinary way on his beat," and the place at which he made water was just opposite the lamp-post, where people could see him quite easily. There were two women and two men standing under the lamp-post and three or four passing by the top of the road. He walked across the road and told him he ought to know better as there were people about, and he said, "What harm am I doing?" The constable replied: "Give me your name and address; I shall report you for a summons under the London County Council's bye-law"—referring to the bye-law as to indecency, which we have set out above. He said, "I will give you my name and address; what do you want it for?" He continued to shout "I will give you my name and address; what do you want it for?" He shouted, and people stopped to see what was the matter. The constable then arrested him and took him to the police station, and charged him before Inspector Mason with being drunk and disorderly. It does not seem necessary to go over all the details of his cross-examination by Lord Russell, but it should be mentioned that during its course he for the first time said that Baker was staggering after he came out of the Windsor Castle. This was a somewhat surprising allegation, seeing that though he had told us in his examination-in-chief he had seen Baker come out of the public-house he said nothing about his staggering, but only that he followed him in the ordinary course of his patrol, and it looks very much like a mere after-thought in the witness box. It is true that he said he mentioned the staggering to Inspector Mason, but the latter first categorically denied that he had done so and then said he did not remember his doing so.

See above p. 32.

Q. 20408, &c.

We find further from consideration of P.C. Pittuck's evidence that :—

(1) He admitted Baker was walking quietly, though he alleged he was staggering all over the place. Q. 20176-7

(2) His intention when he went up to Baker was to summon him for committing a nuisance. Q. 20242.

(3) He refused to admit that he arrested Baker for not giving his name and address, but said he did so because he was "shouting."

(4) He said he did not think of arresting him for being drunk till he began "shouting." Q. 20366.

(5) He did not when he arrested Baker tell him he was going to charge him with being drunk and disorderly. Q. 20372.

The effect left on our minds by this evidence is that nothing occurred before he observed Baker making water against the wall which suggested that he ought in any way to interfere with him. He did not even follow him with the intention of observing him in particular, but only in the ordinary discharge of his duty in patrolling the beat. Even when he noticed that Baker had "urinated" (to use his own word), he had not the slightest intention of arresting him. His intention was to ask for his name and address with a view to a summons under the London County Council's bye-laws. We see no reason to doubt that if Baker had given his name and address the constable would not have interfered with him further. We will not at this moment discuss the question whether he acted with discretion in asking Baker for his name and address under all the circumstances, but, assuming that he was right in doing so, the question whether he was justified in effecting the arrest must depend upon the view we take as to whether there was such disorder, and whether Baker was in such a condition as to afford some ground for a charge of being drunk and disorderly. The only evidence on the police side before us as to the way in which Baker behaved during the conversation is that of the constable himself, and his evidence when examined really amounts only to the allegation that Baker was talking in such a loud tone of voice as to attract the attention of passers by.

Proceedings in the Charge Room.

With regard to the proceedings in the charge room, we think they were conducted regularly in point of form.

Inspector Mason, of course, could give us no direct assistance in settling such conflict of evidence as exists between the complainant and the constable as to the alleged disorderly conduct, but his evidence is of importance so far as the question whether Baker was drunk or not is concerned, and as to the circumstances connected with the examination of the complainant by the Divisional Surgeon. The Inspector had not quite finished with the preceding charge when Baker was brought in by P.C. Pittuck. The constable charged Baker with being drunk and disorderly in Kensington Place, and after conversation with him and the prisoner the Inspector came to the conclusion that the latter was drunk, and that there was sufficient evidence of disorderly conduct to take a charge under the Licensing Act 1872, s. 12. As to the drunkenness, he formed his opinion partly from what the constable said, and partly from personal observation of the speech, manner, and appearance of Baker, who, however, denied being drunk. According to the Inspector, he added : "I do not want to see any doctor." Baker denied having used these words, and we think the Inspector's recollection was faulty on the point. The use of such an expression is inconsistent with the proved attitude of Baker throughout the affair. Q. 20632, &c.

We have considered the evidence of the Inspector, and think he accepted the charge of drunkenness without applying his mind to the charge with a reasonable degree of acuteness, and too hastily formed the opinion that Baker was drunk. He did not attach sufficient importance to what the prisoner said as to the circumstances. That we may not be thought to be doing injustice to the Inspector let us call attention to the fact that Baker asked him, "Are you going to take a charge like that?" and his answer was, "The constable charges you with being drunk and Q. 15945.

Q. 15946. Q. 15947. Q. 20859. Q. 29860. disorderly." Baker then said, "He brought me here with the intention of my giving my name and address." The Inspector said again, "Well, he charges you with being drunk and disorderly." The Chairman asked the Inspector, "Did it not occur to you that perhaps Baker might be resenting, and justly resenting, being asked his name and address," and he said "No, it did not occur to me." He maintained that the constable had quite a right to ask the prisoner under the circumstances his name and address, but the Inspector must have become alive to the fact, if he had applied his mind to the case that the shouting which constituted in his opinion the disorder may have been caused, not because the man was drunk, but because the constable had, in his opinion, wrongly and offensively, asked for his name and address. Though it is clear that it is no part of an Inspector's duty to try a case, still he ought not to content himself with a simple parrot-like recitation by the police-constable of a form of words which constitute an offence. He ought to make some inquiry into the circumstances which gave rise to the intervention of the police, and he ought to satisfy himself that there was really disorder likely to cause appreciable annoyance to third parties. That is especially the case when the alleged disorder is also mixed up with the charge of drunkenness. The Inspector ought not to allow himself to be drawn into a vicious circle of arguing that the man was drunk because he was disorderly, and disorderly because he was drunk. We think that if the Inspector had been more upon his guard, and had taken more pains to get to the bottom of the case, he would not have come to so positive an opinion as to the condition of the prisoner. The physical symptoms of staggering or of not being quite steady on his legs, and of thickness of speech, are by no means so conclusive as the Inspector seems to think. It seems difficult to believe that the Inspector can be speaking falsely upon the matter, but we entirely distrust his inferences in regard to this particular case. We saw Baker, and we noticed that he is not a particularly strong and healthy man, and we think that when he got into the charge room, impressed, as he was, with the notion that he was only taken there to give his name and address, and not in the least suspecting he was going to be charged with drunkenness, he was greatly surprised, and probably showed signs of agitation when he realised that he was placed in a serious and disagreeable position. Of course we know a good deal about the case that the Inspector in the charge room at that time did not know, and it is only fair, in considering the Inspector's inferences from Baker's conduct, to take note of that fact. That Baker was taken by surprise at being put into the cell is perfectly clear, but this seems to have had no effect whatever upon the Inspector's mind, nor did it occur to him that Baker's undoubtedly strong desire to have his own doctor was a point distinctly in the prisoner's favour. Here we may say that as to the Inspector's statement that he asked the prisoner before he was put into the cell at all, "Would you like to see a doctor?" and that Baker replied, "I am not drunk; I do not want to see any doctor," we are entirely sceptical as to the accuracy of his recollection. We are willing to believe that when he made the statement he honestly thought that he was right, but nothing of the kind is admitted by Baker, whose conduct throughout is entirely inconsistent with any such repudiation. On the other hand the insistence of Baker upon his own doctor and the suspicion which he entertained of the Divisional Surgeon are very noticeable features in the case.

Qs. 20637, 20638.

Neither of the doctors sent for by Baker came to the station, but the divisional-surgeon, Dr. Jackson, who had been summoned by the Inspector, arrived at about a quarter to one. In consequence of illness he did not appear before us, but there is little controversy as to what passed between him and Baker. The facts as stated by the Inspector himself are these. Baker did not approve or disapprove of being examined when he found himself face to face with Dr. Jackson. He undoubtedly wrote his name upon a piece of paper which has not been preserved; and the Inspector does not say, nor has Dr. Jackson been called to say, that the writing was the writing of a drunken man. All that Dr. Jackson did was to feel his pulse and, as the Inspector thinks, look at his tongue. That is all the Inspector tells us about the examination, and the result of such examination was that Dr. Jackson thought fit to write in the Occurrence Book the words "Recovering from drink." According to the Inspector's own showing the doctor did not put Baker through the usual examination made by Divisional Surgeons, but contented himself with such a perfunctory inspection that though we assume from his position he is a man of capacity and experience in his profession, his opinion that Baker was "recovering from drink" has no value for our purpose.

Q. 20,670, &c.

So much on the question of drunkenness. It remains to consider whether there was evidence which justified the Inspector in thinking that Baker had been guilty of disorderly conduct. Inspector Mason must have known from P.C. Pittuck's statement that the occasion of his intervention was the fact that he saw a man making water against the wall, and that he crossed the road not with the intention of taking him into custody because he was drunk and disorderly but in the execution of what he deemed to be his duty in carrying out the County Council legislation. That ought to have put him upon inquiry as to all the facts. It never seems to have occurred to him that Baker might justly resent any police action on the ground that he had not committed an offence against the bye-law when properly construed and properly applied, and that P.C. Pittuck might have been over zealous. He looked at Baker, satisfied himself by hasty inspection that he was drunk, and then asked what was the disorder, and the only disorder mentioned by the constable was, "He commenced shouting 'My name and address? Oh yes, I will give you my name and address. What do you want it for?' This he repeated several times." The Inspector accepted that as sufficient *prima facie* evidence of disorder. No one can have known better than the Inspector that this word "shouting" is of highly ambiguous import when coming out of the mouth of a constable. Inspectors should clearly be on their guard against the use of general expressions on the part of constables, and where a word like "shouting" is used they should endeavour before accepting a charge to ascertain whether the so-called shouting was simply the somewhat loud angry retort of a man who thought that he was being unjustly treated as opposed to the riotous cries of real disturbers of the peace. Nor, having regard to the circumstances of P.C. Pittuck's intervention in the matter, did the Inspector give adequate weight to the concluding words of the constable's statement—"As he would not be quiet and give me his name and address I took him into custody." To those words the Inspector appears to have attached no significance. They are important, because they give the constable's real reason in his own words before taking the man into custody, and his refusal to give his name and address was obviously no justification at all for apprehension. If these considerations had been present to the Inspector's mind, as they ought to have been, and if he had reflected more than he did, we think he might have come to the conclusion that there was no such disorder as justified putting Baker on his trial. When we suggested to him that the case was rather a weak one, as far as the disorder was concerned, he replied, "I do not think there was any weakness in it; I was satisfied of the disorder. Shouting out and waking up people at night was sufficient disorder." Q. 20954 But when the Inspector gave us that answer he must have forgotten that he did not ask the constable whether the shouting was so loud that people in houses adjoining Kensington Place were likely to be aroused by what was going on, and he had no right at all to assume that the shouting was so loud as his reply indicated. Making every allowance for the fact that it is not the business of an Inspector to try a case, we think that Inspector Mason here acted somewhat hastily, and that he would have exercised his discretion more wisely if he had examined into the circumstances a little more closely.

Conclusion.

Looking at all the evidence together we have come to the conclusion that the story told by Baker and by Porter is substantially true, and where there is a conflict between them and P.C. Pittuck we accept their version in opposition to his. Our general view of the case is this: Baker was sober. He is a respectable ironmonger's assistant, and he is obviously a man not addicted to drink. His friend Porter, who was with him, is a total abstainer. There is not a tittle of evidence that Baker had been drinking unduly on this Sunday. He was sober when he went out for an evening walk, and when he went into the Windsor Castle public-house. When he and Porter had finished their drinks he met two friends outside, had a talk with them, walked down Campden Hill Road till he came to Kensington Place, and then turned down that turning which was the nearest way to his home. It was close on 11 o'clock at night. It was not alleged that there was any crowd of people close by, and we do not believe P.C. Pittuck when he says that there were four people (two men and two women) standing under the lamp-post. Baker made water against a dead wall. There is no suggestion of any exposure of the person. P.C. Pittuck, who was acquainted with the new bye-law of the London County Council, went up in a somewhat familiar way to Baker and asked for his name and address. Baker suspected

that it was because he had made water against the wall, and, though he did not refuse, instead of giving them at once, he had an altercation with the constable. Baker, it is clear, had a good deal of suspicion about the police (witness his fear of Dr. Jackson, the Divisional Surgeon), and for the reason he alleged he thought it better to go to the station to give his name and address to the Inspector in order that the charge that was about to be made against him might be made accurately. His notion was that if he did not do that the constable would invent some much more serious case of indecency. He admitted that the constable formally arrested him by taking his arm. When he got to the station he was surprised to learn that the charge against him was not of making water against the wall but of being drunk and disorderly. That he should be discomposed at the realisation of the fact that a serious charge was being made against him which involved publicity and if successful the possible loss of his situation, seems to us extremely probable; and it is not surprising that he became agitated and very likely lost control to some extent of his limbs. His conduct in the charge room and subsequently, until he finally left the station, seems entirely consistent with sobriety. He insisted upon an examination by a private doctor; according to his view he positively refused to be examined by the Divisional Surgeon; and though it does seem that a partial examination was made by the doctor, and though Baker deemed it prudent to write his name when asked to do so he repudiated at once the validity of any conclusion to which the doctor might come. For some reason he was throughout actuated by great distrust of the police, and his whole conduct must be looked at in the light of that fact. It explains his refusal to be bailed out until one of the doctors he had sent for had had ample opportunity to come.

Looking at the whole matter broadly we have come to the conclusion that the charge made by P.C. Pittuck was one that ought not to have been preferred.

Alleged Negligence in Summoning Doctors.

We have considered the evidence as to Baker's complaint that reasonable care was not taken by Inspector Mason and his subordinate, P.C. Hillier, in delivering Baker's messages to the two medical gentlemen whose names he gave. We think both messages were properly delivered, with reasonable care and expedition.

The Examination by Dr. Jackson.

It was impliedly suggested in Baker's evidence that Dr. Jackson had rather forced himself upon the complainant. Now the Inspector was present when Dr. Jackson and Baker were in the charge room together, and it is clear that his duty was to see that Baker was treated properly. He himself told us that if the doctor insisted upon examining the complainant without his consent he would be guilty of an assault. The Inspector also told us that, in regard to what passed between Baker and the doctor Baker neither approved nor disapproved of it. That Baker wrote his name upon a piece of paper when asked to do so is clear, but, as we understand his account, when the doctor took him by the wrist he pulled his arm away. However we think that Dr. Jackson did not really commit an assault even technically upon Baker, and that probably the Inspector's phrase "Baker neither approved nor disapproved" about hits the mark. We do not think that Baker has made out his proposition that the Inspector insisted on his submitting to an examination against his will. We have only to add that we do not understand upon the evidence why Dr. Jackson inserted an entry in the Occurrence Book which suggests that he had made the complete examination of the prisoner, usual in such cases, though in fact such an examination had not been made in consequence of Baker's distrust and reluctance.

P.C. Pittuck's Police Court Evidence.

A reference to the Notes of Evidence shows that P.C. Pittuck said "I was on duty in Kensington Place. Defendant was drunk and urinating in the road." Even according to the evidence as given before us by P.C. Pittuck himself that is an

entirely misleading statement of the case. The picture that it would call up before the mind of any person reading the sentence is that of a man reeling about the middle of the road and making water there. It may, of course, be said, and said truly, that the effect of P.C. Pittuck's evidence is that Baker was drunk when he was in Kensington Place, and that he did make water in Kensington Place. The words are so general that they cover the particular facts of this case; but in giving evidence before the Magistrate it was P.C. Pittuck's duty as an honest prosecutor to state his case, not in the strongest and most general language that he could employ against the prisoner, but in a perfectly fair manner, telling the specific facts upon which he relied for his opinion, that the man was drunk, and that he was disorderly. Fortunately for Baker the Magistrate was not misled, but that was certainly not due to any display of care or fairness on the part of P.C. Pittuck.

Our findings are :—

1. P.C. Pittuck was guilty of an error of judgment in demanding Baker's name and address.
2. P.C. Pittuck wrongfully arrested Baker.
3. P.C. Pittuck falsely preferred a charge of being drunk and disorderly against Baker.
4. Inspector Mason committed an error of judgment in accepting the charge preferred.
5. Inspector Mason did exercise reasonable care when summoning the doctors whose names and addresses were given to him by Baker.
6. Inspector Mason did not improperly insist on Baker being examined by Dr. Jackson.
7. P.C. Pittuck did not make a full and complete disclosure of all the relevant facts to the Magistrate at the police court.

XII.—CASE OF ARTHUR TRESADERN, COMMONLY CALLED HARDING.

Q. 21032, &c. Arthur Tresadern, of 10, Gibraltar Buildings, Bethnal Green Road, who described himself as a cabinet maker, complained that P.C. Cann, 47 HR, wrongfully charged him with having on the 12th September, 1906, at Sclater Street unlawfully assaulted and beaten him then and there in the execution of his duty as such constable. The real surname of the complainant was Tresadern, but it appeared that he was commonly known at the Board School at which he formerly attended as Harding, and has been known and called by that name ever since.

The charge of assault referred to arose out of an incident which occurred while P.C. Cann and other constables were taking one Callaghan to the Commercial Street Police Station on the evening of the 12th September, 1906. There is no doubt that P.C. Cann, while assisting in taking Callaghan to the station, was struck by some one on the left ear, and so much injured that he had to be placed on the sick list. The principal question in dispute in the case is whether or not it was the complainant, Harding, who struck the blow while the constables were surrounded by a disorderly crowd.

The complainant in a note appended to the statement which was sent in to the Secretary of the Commission on his behalf referred to the matter as "A case of disorder in the streets which throws some light on the gradual process of manufacture of criminals under the present police system in the Metropolis." We are clearly not charged with an inquiry so broad as that suggested in this note, and we do not affect to inquire into the causes which give rise to crime in general or which account for the commission of crime by any particular persons. From the questions put by Lord Russell, who appeared on behalf of Harding in this case, we infer that it was apparently intended to suggest to us that the police system, and its administration in the H Division in particular, tended to manufacture criminals, and further to suggest that Harding has been the victim of what may be described as police persecution.

Harding himself commenced his evidence before us by saying that he had been arrested on the 18th September, 1906, and taken to the police station for identification in connection with some robberies that had been committed in Bethnal Green, and
Q. 21053 that the several prosecutors failed to identify him in the presence of Inspector Wensley, and suggested that Inspector Wensley had said: "If we do not have you for this we shall have you for something else," and that thereupon this charge of being the person who had struck P.C. Cann on the 12th September was trumped up against him in pursuance of the police policy of continually harassing men who are known to them as having been once or more times convicted.

The view taken by the police authorities of Harding is contained in a report which Inspector Wright made in consequence of his (Harding's) allegation at the Police Court of police persecution. It is as follows:—

"It is quite true that Harding has been brought to the station on suspicion of having committed larcenies, but the losers have generally failed to indentify him owing to his plan of action after committing an offence of immediately going home and changing his clothing, although at the same time the police have been in possession of reliable information connecting him with some of the cases. In the particular case he mentions, the facts are as follows:—On the 30th November, 1905, P.C. 413 Putt saw Harding at Chilton Street carrying a bag on his back, and knowing him to be a thief asked him what the sack contained when he threw it down, and said 'F——g well look.' Upon inspection the P.C. found the sack contained a quantity of onions which he declined to give any further account of. He was thereupon brought to station when the case was investigated by P.C. 1 Willmott, and on inquiries being made it was found that the onions had been purchased at Spitalfields' Market by Harding's mother, when he was allowed to go. Harding's statement of being in work is not corroborated, and I very much doubt whether he can give a single instance of following any honest employment. He is well known to the whole of the C.I.D. officers at this station, also a large number of the uniform men as a most slippery and dangerous criminal. He is the leader of a numerous band of

thieves, by whom he is feared on account of his various acts of violence. When he is brought before a Magistrate he invariably sets up an alibi, which in conjunction with a plausible tongue has resulted in him being discharged on several occasions. Harding, alias Tresadern, commenced his course of crime at the age of 13, and I respectfully submit herewith a list of charges and convictions recorded at this station ;—

10th April, 1901. Suspected person. Discharged.

4th March, 1902. Larceny simple. 12 months' Hard Labour.

10th March, 1903, Larceny person. Discharged.

21st April, 1903. Larceny person. 20 months' Hard Labour.

17th January, 1905. Larceny van. Discharged.

28th May, 1905. Larceny person. Discharged.

6th April, 1906. Shooting with intent. Acquitted.

13th April, 1906. Robbery. Discharged.

24th July, 1906. Assault. £5 or 1 month."

We should not have deemed it necessary to inquire into the matter with a view of determining the question how far police action may have tended to confirm Harding in his wrong course of life, or whether our existing system of criminal law and prison discipline is the best way of dealing with youthful offenders, but, as it was suggested that the case did throw considerable light on the manner in which the police deal with cases of disorder in the streets, we determined to take evidence on the matter, especially as reference had been made in the case of Emms and Norrey to this person (Harding) as the leader of what is known as "Harding's gang," and as having taken very considerable interest in the defence of Emms and Norrey. The summons against Harding was issued upon the information of P.C. Cann on the 18th September, and, being duly served, was heard on the 26th September at the Old Street Police Court before Mr. Cluer.

The following is a copy of the charge sheet against Callaghan and Williams :—

METROPOLITAN POLICE. "H" OR WHITECHAPEL DIVISION.

H. 62340.

Charges taken at Commercial Street Police Station between the 13th day of September and the day of , 1906.

No. of Charge.	Date and hour brought to Station.	Persons charged. Age.	Name, Address and Occupation.	Administrative County in which charged.	Charge.	Persons charging—Name, Address, and Occupation.	Witnesses—Name and Address.	Taken into Custody by	Property found on person or elsewhere.	At the Station House. Detained.	Or hour admitted to bail.	Signature of Police Officer taking the charge.	Magistrate before whom the charge is brought.	Charge—how disposed of by Magistrate and what offence proved.	Remarks by Magistrate.
1.	13/9/06. 12.10 a.m.	23	Stephen Williams, 25, Chilton Street, Bethnal Green. Flower Seller.	London.	Both behaving in a disorderly manner at Bacon Street, Parish of Bethnal Green. Both further with assaulting P.C. 47 H.R. M. Cann by throwing him to the ground and kicking him about the arms and legs whilst in the execution of his duty at the same time and place.	Michael Cann, P.C. 47 H.R.	Louisa Pottinger, 33, Chilton Street, Bethnal Green. Frederick May, 44, Usher Road, Bow, E. Edward Weller, 55, Nora Street, Bethnal Green. Isaac Teff, 37, Bacon Street. T. Deller, P.C. 173 H. R. Hunt, P.C. 486 H. E. Ashford, P.C. 207 H. J. Filbee, P.C. 104 H. F. Weller, P.C. 193 H.	M. Cann, P.C. 47 H.R.	Nil.	Detained	—	A. Wright, Inspector.	F. Mead, Esq.	W. 1 m. h. l.	
2		18	Charles Callaghan, address refused. Bookmaker's Clerk.					M. Cann, P.C. 47 H.R.	1 knife.					C. 4 ms. h. l.	

NOTE.—State below whether the prisoner was taken into custody (a) without warrant; (b) on warrant in first instance; (c) on warrant after failure to appear to summons. Charge No. 1 without warrant; Charge No. 2 without warrant.

J. MONK, Chief Inspector, for Superintendent.

The following is a copy of the Notes of Evidence taken at the Old Street Police Court on Wednesday, 26th September, 1906, before A. R. Cluer, Esq. :—

In the case of Michael Cann, P.C. 47 HR and Arthur Harding.

Michael Cann, P.C. 47 HR, on oath, saith as follows :—

I was conveying a prisoner through Sclater Street on the night of 12th September, when the defendant came and deliberately hit me on the left ear with his fist. A hostile crowd prevented me from arresting him. There was a mark on my ear. I was on the sick list six days on account of this and other injuries. It was about midnight. I have known the defendant for years.

Cross-examined : This was about thirty yards from the "White Hart." You said, "You f——g well don't want to take him." I handed my prisoner to P.C. 217. I was fagged out. There were five or six officers there at the finish. There was a big crowd. On the Saturday a soldier was being got away by me and you did take him away. Tresadern is your right name, but I know you better as Harding. You were not in the station when I summoned you.

John Filbee, P.C. 164, H Division, on oath, saith as follows :—

About midnight on the 12th September I was helping to arrest a prisoner with P.C. 47 and others. The crowd tried to rescue him. Defendant tried to get the man away, but failed. He left go of the prisoner and hit P.C. 47 on the left ear with his fist, saying, "You don't f——g well take him." He then ran away.

Cross-examined : You came out of the public house. This took place just round the corner from Cygnet Street. You hit him with your left hand. I noticed you particularly because I knew you. I have known you about twelve months.

By the Magistrate : P.C. 47 HR had the prisoner in custody and defendant tried to rescue him. At the time of the assault he handed his prisoner over. The defendant tried to part P.C. 47 and his prisoner. He got in between them.

Edwin Ashford, P.C. 207 H, on oath, saith as follows :—

About 12 midnight on the 12th I was in bed at No. 52, Huntingdon Buildings. I heard a police whistle. I got up and ran towards Sclater Street, where I saw P.C.'s 47 and 164 on the ground with the prisoner Callaghan. I released P.C. 47 and took Callaghan's arm. Defendant came up and hit P.C. 47 on left ear and then ran away. He said : "You are not f——g well going to take him."

Cross-examined : It was near Cygnet Street. You hit P.C. 47 as he had hold of his prisoner. Then he handed him over to me. I did not see you try to rescue the prisoner.

John Filbee, P.C. 164 H (recalled) : There were two other officers there afterwards after the assault.

Edwin Ashford, P.C. 207 H (recalled) : I took hold of Callaghan's arm and released P.C. 47.

Cross-examined : You had on a collar and a tie and a cap.

For Defence.

Arthur Tresadern (defendant), on oath, saith as follows :—

I am a cabinet maker and live at No. 10, Gibraltar Building. From about 9.30 to 12 on this night I was in the "King's Arms" in Sclater Street. I heard a row outside. I went out and saw five or six constables taking a man who was struggling. There were 200 or 300 people round. Things were being aimed about and people were shouting out. I shouted, "Don't kill the man." An officer (not here) shouted,

"All right, Harding, we'll have you for this." Other officers were arriving, so I went into the public house and finished my game of darts. I did not strike or attempt to strike any of the officers. I shouted because they ill-treated him. I know P.C. 47 HR by sight. I did not see him on the ground with Callaghan. I saw P.C.'s 47 and 164 there.

Cross-examined: I did not know it was Callaghan at the time. I have been arrested fifteen or sixteen times. (Defendant says this voluntarily.) I have often been released again.

By Magistrate: On the next Saturday I saw P.C. 47 HR in Gibraltar Walk. A man wanted to fight a soldier. P.C. 47 interfered and the man wanted to fight him. I took the man away.

John Miller, on oath, saith as follows:—

I am a dealer, and live at No. 27, Gibraltar Gardens. I was in the "King's Arms" playing darts with defendant. When we heard hollering we went to the door and stood there. Defendant said "Don't murder the man." He never moved away from the door of the public house. I did not know who was being arrested. I knew Callaghan by sight only. They were eight or nine yards away from the "King's Arms." I saw no police badly treated at all. I had been in the "King's Arms" from about 9.30. Defendant had been with me one and a-half hours I daresay.

William Andrews, on oath saith as follows:—

I am a glass beveller, and live at 11, Walkley Street, Old Ford. I was in the "King's Arms" playing darts. I heard a noise outside. I went to the door. Defendant came to the door and never left my side. He said to the constable, "Don't kill the man." The officer said: "All right, Harding, we'll have you for that." They were ten or twelve yards away. The street was crowded. There were seven or eight police officers there. We were not out there five minutes. Defendant did not push into the crowd at all.

Frederick Smith, on oath, saith as follows:—

I am manager of the "King's Arms." On the 12th September defendant and four others were playing darts. I went to the door to see the row. Defendant and two others stood there. Defendant stood by me. Then he came back into the house. He called out, "Don't hurt the man," or something. Some man called back, "I'll have my own back." Defendant came back and finished his game.

Discharged.

Mr. Cluer dismissed the charge, saying that there could be no doubt P.C. Cann was assaulted but the defendant Harding's witnesses, and particularly the manager of the tavern, proved conclusively that he never went to the crowd or the constable. The defendant then said, "May I ask what protection I have against the police?" And Mr. Cluer replied, "Your best protection is a magistrate at this Court."

We heard the case on the 4th, 5th and 6th December, 1906. Lord Russell appeared for Harding, and Mr. Eldon Bankes, K.C., and Mr. R. D. Muir appeared for the police concerned.

We examined the following witnesses:—

Frederick Smith, William Andrews, and John Miller, in addition to Harding himself, in support of his complaint; and in defence of the police, William Williams, William Southey, Henry James Gellender, Frank Rayner, Inspector Wensley, Inspector Wright, P.C. Cann, 47 HR, P.C. Filbee, 164 H, P.C. Ashford, 207 H, and P.C. Deller, 173 H.

Observations.

The main issue, as will be gathered from what has been stated above in this case, is whether it was Harding who struck P.C. Cann in Sclater Street whilst he with other constables was conveying Callaghan to the police station. This constable, at half-past 11 p.m. on Wednesday the 12th September, 1906, was on duty in Bacon Street, and under circumstances which are given more in detail below he arrested two men, Williams and Callaghan, for disorderly behaviour; Williams was taken by a constable to the police station by one route, and Callaghan, who was violent, was taken by P.C. Cann and others from Bacon Street into Brick Lane and then into Sclater Street, and when the prisoner had been taken just past the "King's Arms" public house P.C. Cann was undoubtedly struck on the left ear with great force. Harding's case is that while the prisoner Callaghan was being taken to Sclater Street, he was at the door of the "King's Arms" public house in Sclater Street, and did not move therefrom, and that, therefore, the blow was struck by some one else.

The police case is that in Sclater Street they were surrounded by a very large, hostile and disorderly crowd with which they coped with difficulty, and that a short distance from the "King's Arms" Harding, who had left the public house and rushed into the crowd, struck the constable the blow which caused his injuries.

General Evidence.

In addition, however, to the evidence of the constables and of the two Inspectors' evidence of a general kind as to the character of the locality and of Harding himself was tendered by Mr. Eldon Bankes on behalf of the Police, and received by us. If we had had to determine the issue raised with a view to the punishment of Harding himself, we should have rejected that evidence as being not relevant to the particular assault into which we are inquiring, but, having regard to the fact that we are inquiring into the manner in which the Police deal with certain street offences, and to the fact that we are only investigating Harding's complaint in order to enable us to report upon the general question, we thought it right to receive the evidence of some of the residents in this Police district who, at the instance of the Police, had attended before us. We accordingly took the evidence of three of the suggested witnesses.

It is unnecessary to give this evidence at length. That of Mr. William Southey, who carries on the business of a hosier at 123, Brick Lane, may be taken as a fair example of this class of evidence. He said he had been connected with the business for twenty-five years, and during that time had never known him do any work. He himself had seen Harding rob many people and vans as well, and on one occasion he had seen him and Andrews (who gave evidence before us, as appears above) steal a box of tea off a van and take it up a court with a man whose nickname was "Dido." He called the attention of the Police to the fact, and the Police went and fetched the tea away and took it to the Police Station. He remembered that one Saturday night he had a stall outside his shop at 190, Brick Lane (he carried on business there as well as at 123 in the same street), and Harding, "Dido" and someone else, whom he did not recognise, came to the stall and tried to steal a watch from a man. He called the attention of the crowd at the stall to the fact that they must look after their watches and purses. Harding and the others went away, and in a little while they came back and tried to set light to some paper under the stall. On another Saturday night he said they (and among them Harding) assaulted a man outside his shop and attempted to rob him. The victim was a Jew, and a boy connected with "Harding's gang" (as he called them), who is a Jew, stopped them when he saw they were maltreating another Jew, and he (the Jew man) was then thrown through his (the witness's) window, smashing the window to pieces. He told us the gang is known as "Harding's gang." Qs. 23074, 23075

In cross-examination he further said that the gang interfered with the tradesmen of Brick Lane to a terrible extent. Sometimes they stand outside his shop thirty strong. He said that he went in bodily fear of them, because they are a dangerous gang. They have never done him any actual harm, but they have threatened him. He said they have stood outside his shop and kept people from coming into it; and Q. 23077 Q. 23080, 23081 Q. 23083

Q. 23084 he referred again to the occasion on which they threw a man through his window.
Qs. 23097, 23098, 23099 He was pressed as to why, having seen Harding take watches, he had not reported the matter to the Police, and he replied, "Is it my business to report these things to the Police? A business man cannot be away from his business always." He said
Q. 23109 he did report about the tea to a policeman, and he also said that he had been to the
Q. 23111 Police score of times about Harding and his gang to ask the Police to protect him
Q. 23115 against the gang. Harding was the captain of the gang. On Lord Russell saying, "And the Police do not help you," he replied, "The Police do help me, but the Magistrates do not. A man like Harding ought not to be at large. He is a danger to respectable people. That is what I have got to say, and I say it in front of Harding. If the Police take Harding to the station, and there is a charge brought against Harding, and it is taken before the Magistrate, he does not get convicted;
Q. 23117 but that is not my business. I say Harding is a most dangerous character, and the
Q. 23118 gang he mixes with is as dangerous as he is. I have known Harding ever since he was a little boy. While Harding was doing twenty months we had no trouble." He admitted that Harding had bought things at his shop, and said, "The door is open for
Q. 23123 anyone to come in and spend money." In answer to the Chairman he repeated his views of Harding and his associates in the following words: "There is a gang of lads and young men that hang about the corners in Brick Lane, and my corner unfortunately is a very convenient corner for these young men because they can see four ways. They are like a regiment of soldiers; they throw out scouts in every direction, and they use dumb motions; they do not talk to each other, but they use dumb motions. If they were going to rob a man and they saw it was convenient to take his watch they would use their fingers, their head, and movements of their body. Harding is the captain of that gang, and has been for many many years. And
Q. 23124 not only that, but the big boys get goods off a van, they put them in convenient places, and then they get small boys that have not left school to go with a barrow and take the parcels or the boxes that they have stolen away, and they are taken in different directions, mostly down Cygnet Street or down Hare Street, or the first
Q. 23125 turning on the left—I forget the name of the street for the moment." He added that the maintenance of order in that part of London is very difficult, and it is very difficult for tradesmen to carry on business as they should. "Brick Lane, of course, has got a very bad name, but it is men of Harding's class that give the neighbourhood a bad name. A respectable man is in danger in walking through the street." The Police have a very difficult task. Asked what judgment he had formed of the general conduct of the Police in the maintenance of order in the streets in his neighbourhood,
Q. 23127 he replied that he had nothing whatever to say against the Police. "They do all they can do, but when the Police come they have their buttons and their uniform on, and they come down the street, and when these men see them coming they go away, and as soon as they are gone they come back again." Further asked whether he had
Q. 23121 observed an instance of a Police-constable treating a man more roughly than he ought to do, he said: "Many years ago I have, but for fifteen years I have not. The Police are conducted differently, to my way of thinking, now to what they were twenty years ago."

We received further evidence to the same effect from Mr. W. Gellender and Mr. F. Rayner. After Mr. Rayner had been examined, Mr. Eldon Bankes informed us that there were several more gentlemen from the neighbourhood there, and they asked him to say that they had come before us voluntarily.

The Issue.

Such being the evidence given in support of and against Harding's complaint against P.C. Cann, the first and most important question raised is the question of fact whether the blow which the constable received at a short distance from the "King's Arms" in Sclater Street was given or not by Harding. In deciding that question we have practically no assistance from any documentary evidence. The story told by Harding, supported by the testimony of his three witnesses, is in direct conflict with that of P.C. Cann, and the officers and constables called to confirm his version. But for the fact that so experienced and painstaking a Magistrate as Mr. Cluer had dismissed the summons against Harding we think that we should have felt no difficulty about the matter at all, and contented ourselves with

saying that having observed the witnesses in the box, and considered their evidence, we had come to the conclusion that Harding and his witnesses could not be trusted.

Having regard to the circumstances under which the matter comes before us, it seems to be better to state briefly how the case presents itself to our minds, and the reasons which induce us to believe that P.C. Cann is right in his allegation that it was Harding who, in the crowd in Sclater Street, struck him on the ear. Let us observe that the issue is presented to us in a different form from that which it assumed at the Police Court. There, Harding was a defendant in a criminal court, and the Magistrate was bound by the properly strict rules of law applicable to the proof of the charge against him, and it was the Magistrate's duty to give him the benefit of any reasonable doubt. As we have explained above, we do not feel bound to limit the material for forming our judgment within the range to which Mr. Cluer was necessarily confined. In forming an opinion on this question of fact different from his, it will be understood that it cannot be fairly suggested that the opinions we form in the slightest degree reflect upon the administration of justice in his Court by this Magistrate.

We have stated above our reasons for receiving the evidence given by the inhabitants who spoke about the general condition of things in their locality, and as to the difficulties under which the police labour in the discharge of their duties. We may say, however, that our judgment in the matter would have been quite the same if this evidence had not been taken.

Dealing then with the case upon the basis that we are taking into account only the evidence relevant to this particular case, how does the matter present itself? The case stands thus: Harding, who admits that he had been convicted several times, and acquitted several times, for various crimes, called three persons, as to whose character we have no information, to say that he was standing on the step of the "King's Arms" at the moment when the blow received by P.C. Cann was delivered. On the other hand, we have the testimony of P.C. Cann and other constables that it was this man Harding who rushed into the crowd, struck the constable, and then disappeared. There is no impossibility in either version. The fact that Harding was a criminal probably smarting under the punishment which he had several times received in consequence of the action of the police, and that he was fully conscious that he and others with whom he voluntarily associated were under constant observation by members of the Force, does not of itself make it probable that he would at great risk to himself attempt to rescue a prisoner or assault a constable with whom he had never been in hostile contact. But here we know that Harding was acquainted with, and probably friendly with, Callaghan, as he was sufficiently interested in him to accompany his wife later in the day to the Police Court, though he himself did not attempt to enter its precincts. The circumstance, too, that the policeman and the prisoner, when they had passed the "King's Arms" in Sclater Street, were surrounded by a very large and excited crowd of something over 200 people who were making a hostile demonstration and rendering the discharge of their duty very difficult, diminished the risk involved in Harding's rushing into the crowd and creating a diversion that might enable Callaghan to escape, or, at any rate, Harding to vent his indignation by striking a blow without being perceived in the noise and confusion of the moment. Seeing that it is admitted that P.C. Cann was struck there does not appear to be any improbability in his being able to recognise his assailant, or in the fact that P.C. Filbee and P.C. Ashford, who knew Harding's features, should also be able to identify him as the man who came into the crowd and struck the blow. Assuming that they were in any doubt about the matter, and did not know, in fact, which of the men around struck the blow, there does not seem to be any reason for P.C. Cann's fixing the guilt upon Harding in particular. There is nothing in the evidence to suggest that either P.C. Cann or P.C. Filbee or P.C. Ashford had any particular spite against Harding, and it seems odd that they should have conspired against him if in fact Harding never stirred from the public house where he stood in no very conspicuous position in a crowd of other interested bystanders, as he alleges.

Q. 21452
Qs. 21409, 21410, 21411, 21412

It may of course be said that all the witnesses on the police side are constables or superior officers, and therefore by no means independent witnesses. It must be admitted that there is some force in the suggestion, and it must be conceded that as a

general rule where a body of witnesses are closely connected by common employment, and they are called to support a particular view of what has taken place on some occasion as to some matter affecting the conduct of some or all of them in reference to their business, their united testimony ought not in general to be accorded the same weight as that which would be properly allowed to that of the same number of witnesses absolutely unconnected with one another. It manifestly would have been of great advantage to Mr. Cluer and to ourselves if some respectable person, not acquainted with any of the persons concerned in this affair who was a witness of the scene in Sclater Street on this night, had been called in order to tell him and us what he saw and heard, and there might be circumstances under which the fact that no such observer has come forward might be forcibly used against the Police version of some occurrence, but the conditions existing in a great city like London when the police intervene to put down disorder, as we know from what has come out in other cases, for instance those of Altfuldisch and Maurer, and of Gerothwohl and Lavalette, are such as often to preclude them from having any opportunity of getting the names and addresses of independent witnesses. Where, as in this instance, the crowd around a constable and his prisoner is hostile, the difficulties in which the Police are usually placed are naturally greatly increased. It may be mentioned, too, that the general evidence leads us to believe that in this locality tradesmen are reluctant to come forward as witnesses for the police, and incur the displeasure of young men of the class to which Harding belongs with all its unpleasant consequences. The fact, however, that no independent testimony is brought forward in a particular case in support of the police is one of which it is right to take notice, but not one to which conclusive importance should be attached. The right course seems to be to consider the character of the constables, and the way in which they perform their several parts in the whole operation of arresting, conveying to the station, and preferring a charge, and, if nothing comes out which affords reasonable indication that the story as told discloses impropriety of action, or incidents that lead one to infer that they are distorting or suppressing something material, to accord the same weight to the case made by the testimony of several Police officers as one would accord to a case made by the consistent evidence of any other set of presumably trustworthy men speaking as to matters connected with their avocations.

The Ascertained Facts.

In this case the story told by the Police officers concerned in the arrest of Williams and Callaghan, and in the conveying of the latter to the police-station, and as to what took place in the charge-room, is almost entirely uncontradicted or varied in any sensible degree by the evidence of Harding or his witnesses.

As to the main facts there is absolutely no doubt whatever. P.C. Cann's statement as to the conduct of Williams and Callaghan, their attack upon him, and their grossly disorderly and violent conduct during and after their arrest in Bacon Street, is quite unquestioned. Williams and Callaghan were tried before Mr. Cluer, and the sentences, serious though not severe, which he passed upon them show that he (Mr. Cluer) fully accepted the account given by P.C. Cann. Williams was taken from Bacon Street to the Commercial Street Police Station without incident. Callaghan was taken by P.C. Cann and P.C. Filbee through Sclater Street. After passing the "King's Arms" Callaghan became violent and threw himself on the ground. In response to the police whistle P.C. Ashford and P.C. Deller first, and other constables afterwards, came to the assistance of P.C. Cann and P.C. Filbee. P.C. Deller took hold of Callaghan while he was struggling and relieved P.C. Filbee, while P.C. Ashford, who, with commendable zeal, rushed up only partially dressed, relieved P.C. Cann, who was exhausted, and P.C. Filbee and P.C. Cann then fell back somewhat and proceeded to try to keep the crowd from closing in upon the constables and the apparently desperate prisoner, and it was just after he (P.C. Cann) had let go of Callaghan that he (P.C. Cann), turning his head suddenly, received a very severe blow on the left ear, which caused considerable bleeding. The small variations to be discovered in the Police account are such as, in our view, go to show the honesty of the witnesses, and that they are not telling a story agreed upon, but each giving his independent version of what he saw of the affair, and of the part he himself played in it. It should be noticed that P.C. Deller candidly told us that he saw nothing of the assault, though, if he had been disposed to mislead us, there was absolutely nothing to prevent

him from saying that he, too, recognised Harding as the man who struck the blow. These facts alone would give an inadequate idea of the scene which we are persuaded was witnessed by any onlooker in Sclater Street. The crowd actively following, and more or less taking part in a hostile demonstration against the Police, was large even for that locality and for such an occasion. None of the witnesses who gave us an estimate of the number of the crowd placed it at less than 200, and the usual answer was: "From 200 to 300." That the temper of the crowd was dangerous, and that there was a real probability that the Police might be overpowered is, we think, clear. The burden of the shouts shows that somehow the notion had spread among the crowd that Callaghan was being very badly treated by his captors, though it is practically certain that there was no foundation for any such belief, since there is no suggestion that he was not quite sound, unhurt and unwounded when he got to the Police Station. It is true that two or three persons did come to the Police Station to make some complaint about Callaghan's treatment; they were civilly received by Inspector Wright, and they had every opportunity of making any statements upon the matter at the Police Court, but in fact no representation as to the exercise of undue force by the constables against Callaghan was made by anyone before Mr. Cluer. Everyone knows how rapidly quite erroneous notions as to what is going on in the centre of the crowd pass from one to another, and from end to end of a street, and sometimes through a whole neighbourhood. That such a belief spread in Sclater Street on this night is very likely, but that it was quite unfounded seems beyond doubt. The importance of all this for us here is that it does afford us some ground to start from in asking ourselves whether Harding's story is true.

The Alleged Police Threats.

Harding, in stating his version before us, appeared to attach very considerable importance to two statements which he alleged were made by the members of the force to him, and which he advanced apparently as showing that threats had been uttered against him by the Police before proceedings were taken against him in respect of an assault on P.C. Cann. The first is a statement alleged to have been made by Inspector Wensley, when persons who had lost property failed to identify Harding as the thief on the 18th September, which was to this effect—"If we do not have you for this, we shall have you for something else." The other statement was that one of the constables (he did not know which of them exactly) called out while they were in Sclater Street, and he was standing on the steps of the "King's Arms" public house, "All right, Harding, we will have you for this."

As to the first of these statements, we suppose that the point that the complainant had in his mind was that, disappointed at the result of the indentification proceedings, Inspector Wensley maliciously determined to see whether he could not proceed against Harding for something else, and, having heard that Harding was in Sclater Street when P.C. Cann was struck, determined to take advantage of that fact to trump up a charge of assault against him. As a matter of fact, Inspector Wensley absolutely denies that he said anything of the kind. However, even supposing that he did say something of the kind, or even used those exact words, there is really nothing whatever in the point, because the summons had already earlier on the 18th been issued under Mr. Biron's signature, and the application for the summons had been determined on two days earlier and had been delayed by the fact that it had been necessary to obtain the sanction of the Commissioner.

The other statement is that one of the constables called out, "All right, Harding, we will have you for this." The witnesses Williams, Andrews, and John Miller, confirm Harding's allegation as to the use of these words, though Frederick Smith was not certain as to the exact words. The constables deny that anyone of them used the expression. We are inclined to see in those words, "All right, Harding, we will have you for this," the concoction of a conversation for tactical purposes. What we are asked to believe is that P.C. Cann and P.C. Filbee, after they had got about twenty yards from the public house, when surrounded by a large, hostile and noisy crowd in such a way that it would have been only by the merest chance that they could possibly have seen Harding if they had looked back, and at the very moment when the prisoner became more violent than before, distinguished among discordant voices across a surging mass of people

that of Harding shouting out, "Don't kill the man," and that Harding and the people round him heard rising above all the din of popular disorder the words, "All right Harding, we will have you for this," from such a considerable distance. The thing does not seem to us at all probable. It would indeed be not improbable if Harding were the man who struck P.C. Cann, that P.C. Cann or P.C. Filbee might have then said: "All right, Harding, we will have you for this," and he would have been quite near enough to hear the words in that case; but it seems idle to pretend that his (Harding's) name should, the moment one of the constables was struck, be that which first occurred to him or to one of his comrades on the spot, if, in fact, Harding was not there, but was on the step of the public house. It is difficult to believe the evidence of Harding and of his witnesses upon this point.

We may add here that we have visited Sclater Street, observed the position of the King's Arms, and inspected the steps on which as Harding alleges, he stood.

Cross-Examination of Harding.

Further, we were very dissatisfied with the manner and the substance of Harding's answers in cross-examination. There are many points disclosed in them which invite damaging criticism of his accuracy and good faith. We will
Q. 21108 content ourselves with one. Harding was asked by Mr. Muir: "Who was the man in custody going along Sclater Street?" Harding replied "A man named Callaghan I heard afterwards." No one would have imagined from that answer that he
Qs. 21109 (Harding) knew Callaghan well. He immediately afterwards said "by sight" he
21110 knew him, and then he said that he certainly knew him by name. In these answers he went perilously near denying a friend, and we say "a friend" because it came out later on in his cross-examination that he had known Callaghan for twelve or fifteen months, and that he was so much interested in him, that he accompanied Callaghan's wife to the Police Court later in the day, and waited in the public
Qs. 21409 house opposite while the case was being tried. We also have it in Mr. Rayner's
to 21412 evidence that he had seen Harding with Callaghan "scores of times." Harding's disclaimer of acquaintanceship with and of a somewhat closer knowledge of Callaghan than is implied in knowing him "by sight and name," is not a thing that commends itself to us.

Looking at Harding's evidence as a whole, and bearing the points to which we have just adverted in mind, we have no doubt at all that Harding's evidence in this case is thoroughly untrustworthy as to all material points.

Harding's Witnesses.

Harding and the three witnesses whom he called had been for some time in the bar of the "King's Arms" public house with four or five other persons, and it appears that facilities are given in the bar for playing at a game called "darts," which is an entirely harmless recreation. Harding and one or two of the other persons in the bar were in the middle of a game when it was stopped by the noise made by the arrival of Callaghan and the constables with the crowd outside in Sclater Street. As we gather from the evidence, all the people in the bar rushed to the door. Some of them got on to the pavement or into the road, and Harding, Smith (the manager) Andrews and Miller stood on the step, Miller not being allowed by his "intended" (a young woman who was with him in the bar) to go further. They all stood on the steps until the prisoner and his captors and the crowd had gone up the street, and seemingly during the time when Callaghan was struggling on the ground and the procession was therefore stopped, and afterwards, all, except two or three of the persons who had been in the bar, returned there, and Harding and others continued the interrupted game. Smith (the manager) Andrews and Miller all swear positively that Harding never left the doorstep, but no one can suggest any plausible reason why they should be so certain that Harding did not go away for a minute or two, and in some of the answers given by the three witnesses there is great vagueness as to

what became of the persons other than Harding and themselves. There is absolutely nothing to indicate that anyone in the bar connected Harding in any way (if indeed they knew as little about him as they say) with what was going on outside. There was no reason whatever for their keeping any kind of observation upon Harding's proceedings, and the general rush to the door was sufficiently sudden to distract, and the noisy and turbulent drama that was being enacted outside was sufficiently interesting and exciting to absorb the attention of those who hastened to witness the scene. If Harding did, as is stated by the Police, rush into the crowd, which consisted of people many of whom would readily recognise and make way for him and did get right into the centre of the crowd, perhaps touch Callaghan, and deal a passing blow at P.C. Cann, and then dodge and retreat to the public house, his rapid and well-executed movement may well have escaped the notice of those members of the company in the bar who, after rushing to the door, remained on the step as onlookers. Their failure to see that blow indirectly tends to contradict Harding's statement that he actually saw from the doorstep the constables ill-treating Callaghan, and it shows that the density of the crowd, and the distance where the occurrence in question took place, was too great for them to see as much as Harding himself affects to have noticed from the same spot. Even if we give these three witnesses the credit of not going to the Police Court with the deliberate intention of misleading the Magistrate, it may well be that they are by common mistake treating the fact that they do not remember that Harding did rush into the crowd and then come back, as amounting to proof that he did not leave the doorstep. That there was considerable bias in Harding's favour on the part of Andrews, and, to some extent, on the part of Smith (the manager), was, we think, noticeable. The result of cross-examination was, in our opinion, unfavourable to all three witnesses, and they did not convince us that we ought to accept as accurate their statement that Harding did not leave the doorstep.

The Police Case.

The Police case appears to us particularly strong, inasmuch as P.C. Cann, P.C. Filbee, and P.C. Ashford separately informed Inspector Wright that Harding was the person who had struck the constable. Reports were called for in consequence of the allegation that Callaghan had been ill-treated; these reports were prepared the same night, and in each of them Harding's name appears as having been observed to strike P.C. Cann. The charge against Harding was clearly no afterthought. P.C. Cann, though acquainted with Harding by sight and by name, had never had occasion to arrest him, and had no apparent reason for picking Harding out as his assailant from among the numerous youthful criminals who were known to the Police, and some of whom must have been in and about Sclater Street on the night in question.

Further, there is is nothing in what is shown to have taken place on the way to the station after the assault on P.C. Cann was committed, or at the Police Station itself, or subsequently, which ought to lead one to think that the decision to lay an Information against Harding was arrived at as the result of combination between Inspector Wensley and the three constables. The conduct of each seems quite natural and explicable without having to resort to the suggested conspiracy. P.C. Cann, when he charged Williams and Callaghan at the Police Station, at once told Q. 23672
Inspector Wright that it was Harding who struck him a blow on the left ear. This was said not after he had finished the charge against the two prisoners, but as part of the statement which he gave the Inspector when the prisoners were in the dock at the station, and before the charge was read over to them. It is extremely unlikely, having regard to the great excitement amidst which Williams and Callaghan were brought to the station, and when P.C. Cann had only just been violently struck, that he (P.C. Cann) could have had any conversation with P.C. Filbee and P.C. Ashford as to Harding, and it seems certain, from the evidence before us, that the charge against Callaghan was made to Inspector Wright before any such conversation took place at the station. P.C. Filbee described the assault to Inspector Wright on the same night, and named Harding as the person who had committed it. Q. 23222
P.C. Ashford also reported that Harding was the assailant. It is, of course, possible Q. 23751
that the constables may, after Williams and Callaghan had been removed from the dock to the cells, have talked about the matter, but there is nothing in the evidence which clearly indicates that that was the case. We infer, with very great confidence, that each of the constables spontaneously gave Inspector Wright Harding's name

as that of the man who struck the blow, and that there is no substantial foundation for for the suggestion that there was here any improper combination on the part of the three constables mentioned to bring a false charge against Harding.

We have, therefore, come to the conclusion that all the constables concerned in the arrest of Callaghan and his conveyance to the Commercial Street Police Station did their duty remarkably well under very trying circumstances.

The result of the inquiry, therefore, is that the accusations made by Harding against P.C. Cann of having falsely and maliciously instituted proceedings against him wholly fail, and that, in our judgment, Harding was guilty of the assault and battery for which he was prosecuted.

XIII.—Mrs. X's CASE.

(In Camera.)

In this case Mrs. X. the wife of Mr. X, a member of a respectable profession, living in one of the suburbs of London, which for the purpose of this case we will call "Alpha," complained that she had been wrongfully arrested at Regent Street on the (——), 1906, by P.C. Cole, and charged at Marlborough Street with soliciting.

Mrs. X expressed a wish that the case should be heard in private, and we thought it expedient to comply with her request.

A written statement on her behalf was forwarded to the Secretary of the Commission, together with a note in which it was stated that Mr. X had been seen and stated that he was an extremely busy man, and had just then to go to (——) and then on to (——). His wife would have to accompany him and might be absent for some months, possibly until after the Commission had ceased their work. He therefore could not see his way to consent to the case being taken in hand until he returned, which was uncertain. He appears to have returned before the end of November, and we, having decided to inquire into the case, proceeded to do so on December 5th.

Mrs. X's statement, which it is expedient to set out as there are variations between it and her evidence in chief, is as follows :—

I am Spanish by birth, and am a married woman, living with my husband at the above address.

My husband is a (——), and is engaged at his work most of his time, and when he goes away to (——) and other places I am left much alone and am forced to go about such business as I do, and to any amusements that I fancy, by myself.

I teach Spanish to a lady at (Omega), and go to her house twice weekly when she is at home.

I always go to Oxford Circus by motor-'bus, and then take a 'bus to (Omega), returning in the same manner.

I knew by sight P.C. Cole, and after my affair at the police court I called to mind the fact that he had spoken to me once some months ago when he was in plain clothes off duty. He said he was a detective. He asked me to have a glass of wine with him. I refused this. I was merely waiting for a 'bus one afternoon.

On the night of the ——, 1906, I had just alighted from the (Omega) 'bus on my way home, and was waiting for the motor-'bus. I had with me a large cardboard box containing my evening shoes, some blouses, and other things, which I had been wearing at a party that evening at the house of the lady I have mentioned.

My insurance agent, who lives near me, met me and said he was riding home by cab and would give me a lift. I declined this, and he bowed and left me.

It was a wet night, and I had my umbrella and was holding my skirt up, and my hands were full. I had also my purse in my hand.

The police constable I have mentioned was on duty near where I was standing, and as soon as the gentleman had left me he came up to me and said, "I saw you leave that gentleman. I suppose you wanted too much from him. You fly too high. I suppose you want £10; you won't get that." I told him to go away; I was a married woman. He said, "Yes, I know all about that; your husband is a bully or a ponce." He went on to ask if I had any children. I said I had not. He told me if I had a big fellow like him he would soon make me a baby or perhaps twins.

I turned to go away, and he remarked that I had a fine fat purse, and that I never did anything for him. I took this to mean that I gave him no money at any time.

My 'bus then came up, and I made a move towards it saying "Here is my 'bus." He seized me by the arm and said, "You are not going that way; you are going with me." He then dragged me to the station.

I do not know what I was charged with—I was too ill. My dress was muddied and my parcel also.

I told the Inspector I was a married woman and gave my address, and told the policeman he was a dirty rascal.

Whilst I was waiting to be charged, another policeman came in and walked round me, and called out, "Yes, I know her well; she is in Oxford Circus every night." They said the parcel I was carrying was an old trick and too well known.

I was put back in the cell.

There were several other women there. They told me the policeman who had locked me up had locked them up also. They said that he was a dirty dog, and that I ought to have given him half a crown, that he would take anything from a woman, even a shilling and that I ought to have run away when I saw him coming. They said he wanted money every week from every one of them. If one gave him 5s. at first they would have to continue that amount every week.

The policeman afterwards came in to me and told me that if I said anything against him he would lock me up and my husband too, or would tell some of the others to do so.

This was some hours after I had been taken into custody, when I think he heard my husband was coming to bail me out.

The next morning, when I went to court, with my husband I had to leave him and go with the policeman who had locked me up and stand with the prisoners.

The policeman said to me, "What you have to do, Mrs. X, is to tell the Magistrate you are very sorry. Don't listen to what he says to you or it will be the worse for you."

He told me that the law is that no single woman can be out after half-past ten.

When I went into court I came over ill and cannot say what happened. I could not speak. My husband was there.

The Magistrate said, "I believe a mistake has been made." I was discharged.

The following is a copy of the Charge Sheet:—

C. 48681. METROPOLITAN POLICE. "C" OR ST. JAMES DIVISION.

Charges taken at Gt. Marlborough Street Police Station between the day of and the day of 1906

No. of Charge.	Date and hour brought to Station.	Persons charged.			Charge.	Persons charging, Name, Address and Occupation.	Witnesses Name and Address.	Taken into Custody by	Property found on person or elsewhere.	At the Station House.		Signature of Police Officer taking the charge.	Magistrate before whom the charge is brought.	Charge—how disposed of by Magistrate and what offence proved.	Remarks by Magistrate.
		Age.	Name, Address and Occupation.	Administrative County in which charged.						Detained	Or hour admitted to bail.				
	10.55 p.m.	39	(Mrs. X.) (Alpha.)	London.	Using insulting behavour whereby a breach of the peace may have been occasioned at Oxford Street, Parish of St. James.	Arthur Cole, P.C. 81 C.		A. Cole, P.C. 81 C.	Nil.	Detained	2.50 a.m.	J. Remfry, Inspr.	G. L. Denman, Esq.	Discharged Sec. 16.	

T. M., Superintendent.

Mrs. X was brought to the Great Marlborough Street Police Station at 10.55 p.m. on the (——), 1906, and on the following morning was let out on her husband's bail at 2.50 a.m. The case was tried by Mr. Denman, who dismissed the charge under Section 16 of the Summary Jurisdiction Act, 1879.

The following is a copy of the notes of evidence taken at the police court on the (——) day of (——), 1906, before G. L. Denman, Esq., when Mrs. X was charged with

"Insulting behaviour."

(Police Act).

Arthur Cole, 81 C, on oath saith as follows :—

At 10.50 p.m. on (————) I was on duty in Oxford Street. Prisoner went up to a gentleman outside the Tube Station and spoke to him. He seemed annoyed and walked away. He spoke to me, saying "That lady is annoying me." She went further down Oxford Street and spoke to two more men. She is up there every night about 10 or 11 p.m.

Henry Keeble, 91 C., on his oath saith :—

About 10.30 p.m., on the (————), I saw prisoner standing about at the Circus for half an hour. I did not see her the week before last.

Mr. X on his oath saith :—

Defendant is my wife. Married five years. I was called to bail her at the police station. I found that she had a large box with her. She had been to London on some business. Not with her when arrested.

Discharged.

We inquired into the complaint in private on the 5th, 7th and 10th December, 1906. Lord Russell, Mr. Cockle, and Mr. Graham Mould appeared as counsel for Mrs. X. Mr. Eldon Bankes, K.C., and Mr. R. D. Muir appeared for the police concerned.

The complainant, who described herself as Spanish by birth, spoke English well. She was a voluble and excited witness, and she spoke so quickly that it seemed almost impossible for the shorthand writer to follow her, but in fact he was able to cope successfully with the difficulty.

She was the only witness, and practically the only possible witness who could be called as to the exact circumstances of the arrest, except a gentleman to whom she referred in her statement as an insurance agent, and he was not called. Mr. X did not appear before us, and as the lady was represented by counsel we did not think it necessary to summon him to give evidence.

On the Police side we took the evidence of P.C. Cole, 528 V ; P.C. Keeble, 91 C ; Sergeant Shepherd, 39 C ; Sergeant Mead, 27 C ; Inspector Remfry, and S.D.I. Mackay.

We propose to summarise the evidence given in chief by Mrs. X on her side, and the relevant portions of the evidence given by the police concerned.

Mrs. X's Case.

Mrs. X told us that she was a married woman of Spanish birth, and that her husband was a (————), and had often to be away on business. On the night of (——), 1906, she had been paying a visit to a lady to whom she gave French lessons. She had to change at Oxford Circus, and had got off the 'bus at Peter Robinson's on the south side of Oxford Street. It was about 10.30, and a very rainy evening. She had a big box containing the things she had been wearing at

Q. 10, &c.
Q. 15.
Q. 19.
Q. 20.

her friend's. While she was waiting she saw two gentlemen one a friend and one a stranger. She dropped her umbrella, and the stranger picked it up. He said, "Madam, your umbrella." She said, "Thank you." He said, "Will you allow me to help you with your box?" She refused his help, and said that she was waiting for a motor-car. Her friend said, "Where are you going to, Mrs. X? Will you come in a cab?" She refused, and said that she preferred a motor-car. He said, "There is no motor-car; it is awfully late for you; it is 10.30." She said, "Never mind; the motor-car cannot be very long." He kept a draper's shop near where she lived, Q. 24, &c.
and was not exactly a friend, only just to say "How are you?" Did not know his name. He went away in a cab. She said that a constable, whom she afterwards Q. 37.
identified as P.C. Cole, came up and said, "Hallo, good lady," touching her on the Q. 38.
chin. She said, "What a liberty you take with me." He said "Do not be so rushing, lady." He said, "What did the gentleman say." She said, just for fun, "He was asking me to take a cab." He said, "Oh, you did not go in the cab with him." She said, "No, I want a motor-car." He said, "Never mind; it is rather late—it is half-past ten." He said, "What are you doing here? It is half-past ten." She said, "I know it is half-past ten." He said, "Come with me." She said, "Where?" He said, "Come with me. What country are you?" She said, "I am foreign." He said, "Come with me." She said, "No; do not be silly. My husband will be here to night; he has come from abroad. Let me alone." He said, "Give me your address, and I can come and see you." She said, "No, I do not want you to know Q. 53.
my address; leave me alone." He said, "I do not want to hear what you want to say." He said, "Have you got any baby?" She said, "I have got none." He said, "How long have you been married?" She said, "Five or six years. Why do you ask?" He said, "Your husband is no good." She said, "Why is he no good?" He said, "You have no baby." She said, "My husband is an Englishman; he is the same as you are." She said, "You dirty rascal, let me go." He said, "Why are you rushing me like that? Inside!" She looked at him and said, "What are you doing to me." He said, "Why are you rushing me like that?" She said, "Leave me alone. If I have no baby that is not your business." She said, "That gentleman never said Q. 55, &c.
anything wrong to me. Do not put me inside." The constable then took her by Q. 59.
the arm and squeezed her. That was outside the Tube Station. He took her in a little street. He said, "You are not married. You live in Charlotte Street." She said, "You take me for somebody else." Had never seen P.C. Cole before. The Q. 60.
constable first put his hand upon her arm when they were going into the small street Q. 66.
at the back of Regent Street. She was standing at the corner of Regent Street and Oxford Street, near the Twopenny Tube Station, when she dropped her umbrella, and was practically in the same place when the man asked her to go in a cab, and also when P.C. Cole came and spoke to her. He put his hand upon her Q. 80, &c.
arm when he took her in charge. He told her that she was in charge. It was Q. 86.
about two minutes from the time the man got into the cab to her arrest by P.C. Q. 88, &c.
Cole. He came up and said, "What did the gentleman say to you?" He said, "Hallo, good girl! what are you doing here?" He asked her how long she had been married, and told her that her husband was no good when she said she had no baby. He said, "Come with me, if you be a good girl." She told him about her husband, and said, "You must let me go." He said "No, you will be sorry." He said, "You are rushing me, you are pushing me. You are not a nice girl! You are not kind to me." All the time he was speaking he tickled her. He said, "Give me your arm, like two sweethearts." She told him to let her go and keep his place. "You do not keep your place of a policeman." He said, "As you are so cruel, it is inside." She said, "You are dirty mannered; you are no good!" He took her down a little street Q. 103.
to the Marlborough Street Police Station. P.C. Cole said he had seen her a week Q. 110.
or a week or two before. At the station she was put in the dock. She asked to Q. 114.
send a telegram to her husband. P.C. Cole said, "I am awfully sorry; pardon me, Q. 119.
where is your husband?" and "Don't mention anything about what I say to you." Q. 124.
The charge was not read over to her. Inspector only asked her where she lived, and said he was sorry for her, and would send for her husband. She did not see any Q. 127.
other constable. She was locked up in a cell alone. A lady (obviously the matron) Q. 128, &c.
brought her some water and told her not to cry. Her husband came for her, and Q. 140, &c.
she drove away with him in a cab. It was awfully late; it would be about a quarter-past one. She had to go to the Police Court next morning. Her husband Q. 144 &c.
came with her, but she had to stand with the other prisoners. While she was standing there P.C. Cole came up with another P.C. and spoke to her. According Q. 150, &c
to witness, he told her not to make any charge against him, and suggested that she Q. 162.

Q. 163. should say she was sorry and submit to pay a fine of 5s. She was not defended by a
Q. 164, &c. solicitor. She was discharged. In reply to Mr. Dickinson she said she said nothing to the Magistrate.

We pass by for the moment the cross-examination of Mrs. X.

Police Case.

On the Police side the first witness called was P.C. Cole, 528 V, formerly of the C division. He said he had been recently removed from the C division on
Q. 468, &c. account of his wife's health. He told us that he first saw the complainant on the night in question at the junction of Oxford Circus and Regent Street at about 10·25 p.m. She was standing there, looking up into gentlemen's faces and smiling at them. She then went eastwards towards Oxford Street, and then to the Oxford Circus Tube Station. She there approached a man, looked up into his face, and smiled. She said something. The man said to her, "Go away; I do not want to have anything to do with you." He entered the Tube Station as if to avoid her, but on seeing witness he came out again. He said to witness, "These women are a nuisance." Witness then crossed to the opposite side of Oxford Street, by Peter
Q. 475, &c. Robinson's. He then saw her stop a man by Hills Place. The man got a yard or two past her, but he came back to her, and after a short conversation they walked
Q. 487. on together to Berwick Street. There they parted. She then went on to Wardour Street. She there stepped in front of another man, but he stepped aside. She again stepped in front of him, and he then said something to her and gave her a slight
Q. 488, &c. push. This man then crossed to the north side of Oxford Street. The witness had cautioned her at the Tube Station after the man spoke to him. He told her "You must behave yourself and not molest people." She said, "You mind your own business. That was my friend." After the third man had crossed to the north
Q. 492, &c. side of Oxford Street the witness crossed back to the south side of Oxford Street from Wells Street. He was behind the complainant the whole time. He saw Sergeant Shepherd while crossing the road, and said something to him about the complainant.
Q. 500. At Wardour Street witness told her he should arrest her for using insulting behaviour.
Q. 501. She then said "Give me a chance, I am a married woman and ought not to be here." He then took her to Marlborough Street Police Station—down Oxford Street to Poland
Q. 502. Street and down Poland Street to Marlborough Street, and along Marlborough Street to the police station. On the way the complainant "pleaded very hard for me to
Q. 503. let her go, and she said 'My husband will kill me for this.' She pleaded very much and asked me several times to give her a chance." She told him several times that
Q. 504. he had made a mistake. At the station he stated the fact in Mrs. X's presence to
Q. 505. Inspector Remfry. The complainant said, "The constable has made a mistake, I did not insult him. He was my insurance man, and the other man spoke to me." At the
Q. 510 Police Court before the case came on she said to witness in the passage, "Do not
Q. 517, &c. be too hard on me," etc. "You know my husband gives me plenty of money. I only
Q. 511, &c. did it for love." P.C. Cole and P.C. Keeble gave evidence, and the complainant's husband made a statement. P.C. Cole also informed us that he had seen her
Q. 520, &c. (Mrs. X) almost nightly between 10 and 10.30 for the whole month before. Had seen her get on to one of the late motor-buses that used to leave there about half-past
Qs. 523, 524 twelve. On those nights he had seen her there she was accosting men, but he could not get near enough to speak to her. He had seen her go into the "Dolphin" public-
Q. 534, &c. house in Oxford Street with men. Had twice before seen her carrying a cardboard
Q. 540. box like she had that night.

Sergeant Shepherd, 39 C, was patrolling from 10 p.m. to 6 a.m. on the night in question between Berwick Street and High Street, Bloomsbury. At Oxford Circus
Q. 1062. P.C. Keeble, who was on point duty, came across to him and said "All right, Serjeant, there is a woman gone along Oxford Street East, which I have seen several nights in the Circus speaking to gentlemen, and I should like you to see whether you know her. She is dressed in red carrying a card-board box in her hands." He then went into Oxford Street and saw a lady (identified as Mrs. X) hovering about the Tube
Q. 964, &c. Station at Oxford Circus. She was not there a minute before she walked away eastwards along Oxford Street. He saw her stop a man at Hill's Place. She and the man whom she stopped walked together as far as Berwick Street,
Q. 972, &c about 200 yards. Witness saw P.C. Cole between Poland Street and Berwick Street.

He (P.C. Cole) spoke to him (Sergeant Shepherd) and said, "Have you seen that woman stop anyone?" He (Sergeant Shepherd) said, "Yes, I saw her stop a man at Hill's Place." P.C. Cole said, "I have already cautioned her, and I am going to take her into custody; I have seen her before," and he (P.C. Cole) then walked past the witness (Sergeant Shepherd), who remained at Berwick Street. P.C. Cole walked on towards Wardour Street. About two or three minutes afterwards, he (P.C. Cole) came back with Mrs. X in custody walking towards the station. Q. 975. Q. 977.

In cross-examination by Mr. Cockle he said he had been on duty walking round about there for a whole month, he thought, but he had never seen Mrs. X before. Q. 982, &c. Q. 988.

P.C. Keeble, 91 C, said that he was on point duty at Regent Street on (——) from 9 p.m. until 1 a.m. He had seen Mrs. X for the first time round Oxford Circus during the week ending (——), between 9 and 12 at night. He had seen her looking into men's faces, smiling. He saw her speak to two men one night, and then cross the road and get into a motor-'bus for (Alpha). He remembered that she usually wore a red dress, and that once or twice she was carrying a small cardboard box. On the night in question he saw her on the west side of Regent Street, and she was in his sight for about a quarter of an hour. She was walking about the Circus looking into people's faces. This was between 10 and half-past 10 as far as he could remember. He saw her cross the Circus towards the Tube Station. He then lost sight of her for about a couple of minutes. He then saw her turn out of Regent Street to go towards the Tube Station. He saw Sergeant Shepherd coming out of Regent Street and he crossed over to him and reported to him. He said, "A woman has been going down here wearing a red dress and carrying a cardboard box. I should like to see if you know her." He next saw Mrs. X at the police station the same evening in the charge room. He was sent for by the Inspector in connection with the case, and he told the Inspector what he had seen of her that night and previously in her hearing. He could not remember whether she said anything. Q. 1277. Q. 1280. Qs. 1281 1282 Q. 1283, &c. Q. 1287. Q. 1288. Q. 1289. Q. 1290. Qs. 1292 to 1301.

P.C. Henry Keeble gave evidence at the Police Court, and it appeared from the copy of the notes of evidence put in that he had said he had not seen her the week before last; and, if so, that would be in direct contradiction of the statement which he had just made to us that he had seen her during the week ending (——) round Oxford Circus. But subsequently the original note of his evidence, and a letter from Mr. Savill, the Chief Clerk of Marlborough Street Police Court, were produced, the effect of which was to show that the copy of the original note was not accurate, and that the original note did not contain the above statement, "I did not see her the week before last," which was arrived at by putting together in the copy two uncompleted sentences in the original, and supplying a word. See Q. 1277.

In cross-examination by Mr. Cockle, he said that he had seen complainant three times during the week ending (——). He did not see her do anything improper on the evening in question. He had never spoken to her. He could not say whether she had a parcel with her on the night before he saw her getting into the 'bus; nor could he remember whether she had a cardboard box with her on any of the three prior occasions. Q. 1304 &c. Q. 1373. Q. 1489 Q. 1515. Qs. 1516, 1517.

Sergeant Henry Mead, 27 C, was called and said that he was on night duty from the 5th (——) for the remainder of that month. He saw Mrs. X frequently, the first time being about the second or third night of his duty. She was opposite Jay's accosting gentlemen. She was dressed in red with a white furry hat. She generally carried a cardboard box about a foot square. P.C. Cole said to him, "There is a woman here accosting gentlemen over against the 'buses, Sergeant." He (Sergeant Mead) said, "If you see her commit herself take her into custody, but mind you caution her, and be careful and do not make any mistake." He described her as a woman carrying a cardboard box and dressed in red with a white hat. The first time he himself saw her was after P.C. Cole had described her. He saw her at Jay's, close to Swallow Passage, and, besides seeing her on that night, he saw her several times during that week and the week after, between 10 and 12 in Oxford Street—generally on the Swallow Passage side. On the night in question he saw Mrs. X go up to a gentleman and look into his face, and she got into conversation with him, and then they walked into the "Dolphin" public house together. P.C. Keeble also spoke to him during the same week about the woman following and accosting gentlemen. "He gave me the same description as P.C. Cole." Q. 1556, &c. Q. 1567 Q. 1572. Q. 1573. Q. 1569 to 1577. Q. 1579. Qs. 1580. 1581.

In cross-examination by Mr. Mould he said that between the 6th or 7th and the night in question he saw her accosting gentlemen, but no one complained, and no one seemed to him to be annoyed. He had never known a prostitute carry a box of the size that she carried.

Q. 1604.

Qs. 1611, 1612

Inspector Remfry, who took the charge, was also called. He told us that he had made a report in the case on the (——) in which he stated that he had had a conversation with Mr. X at the Police Court on the morning of the (——) while he was waiting for his wife to appear before the Magistrate. He (Mr. X) informed the Inspector he was employed by a firm of (——), and that he was very often away from home for several days at a time, but usually came home for the week end. He could not understand why his wife should have been in Oxford Street on the previous night, as he expected to find her home, as he only arrived that evening from (——). But his wife had assured him that she had been to see a lady friend at (Omega), and that she was on her way home when arrested. He assured him that he did not know who his wife's friend was, as she (Mrs. X) declined to disclose her name, but he was sure his wife would not come to Oxford Street again at night. The Inspector added in his report that Mrs. X was a French woman, very excitable, and that she did not deny the constable's evidence as to his having seen her speaking to men, but she said they spoke to her first. She said that she had a very great difficulty to explain her conduct to her husband, and when she came into court and saw him she felt faint. She made no complaint against the police. The learned Magistrate asked the police constables if they knew her as other than what she represented herself, and they assured him that they did not. The charge sheet was marked "Discharged."

Q. 1800, &c.

The Inspector was examined by the Chairman as to what was the evidence of "insulting behaviour," and he replied, "The P.C. stated that he saw the woman stop three men and speak to them, which action was resented." He (the Inspector) thought it was proper on the evidence before him to take the charge under the section as to insulting behaviour, Sub-section 13, Section 54, of the Police Act, 1839. There had been many convictions of that kind at Marlborough Street Police Court.

Qs. 1815, 1816

Inspector Remfry was subsequently recalled, when he stated that no complaint was made in his hearing by Mrs. X of the behaviour of P.C. Cole towards her. After he read the charge over to her she said what he had stated in his report. He had more of a conversation with her after she was in the cell, when she gave him a wrong address (wrong number), and told him particularly of her husband, but he did not remember her making any complaint against P.C. Cole.

Qs. 1936–1950.

Q. 1880.

Q. 1893, &c.

Q. 1898.

Q. 1911, &c.

Q. 1914.

Inspector Francis Mackay produced the note books of P.C. Cole, P.C. Keeble, and Sergeant Shepherd. There was no entry in the note book of either of the two latter, but there was an entry of the case in P.C. Cole's note book, and the Inspector had duly initialled it at the time. He told us there was not a man in the force with more experience of dealing with prostitutes than P.C. Cole. He also explained the origin of the practice of charging women under the "insulting behaviour" section. There had been difficulty in proving women to be prostitutes, and the Magistrates would not convict, so they fell back, with the Magistrates' assent, on Sub-section 13. They had found it of great service. "A number of women—in fact, I believe more than three-quarters of them—we do not see now. They have left the streets; they saw the folly of it. . . . . With regard to a number of these cases of insulting behaviour, the Magistrate discharges them under Section 16 of the Summary Jurisdiction Act, and I am glad to say it has been very useful in that way, because these women have gone back to their employment, or have left off coming to the streets. A great number of them have been in employment."

Observations.

If the evidence of the constables and the sergeants which we have just summarised is true, it seems to us clear that the arrest was justifiable, though the case

raises once more the question as to the practice which has arisen at Marlborough Street Police Court of treating cases which are to all intents and purposes cases of solicitation under Sub-section 13 of Section 54 of the Police Act, 1839. If Mrs. X did in fact behave in the manner described by P.C. Cole he was amply warranted in arresting her under the circumstances. P.C. Cole's account is confirmed in material particulars by Sergeant Shepherd, who saw Mrs. X stop a man at Hill's Place. P.C. Keeble does not say that he saw Mrs. X actually accost anyone on that night, but he had seen her walking about the Circus looking into people's faces. Seeing that the police did not allege that she was a prostitute, her behaviour on nights preceding the one in question appears, strictly speaking, to be irrelevant; but the Magistrate to some extent accepted evidence on that point, and we thought it right to receive it, as for our purposes it was necessary to learn as much as possible with a view of testing the complaint and thoroughly investigating the method in which the police deal with these cases.

The weight of the evidence is *prima facie* very strongly in favour of the police, and unfortunately for Mrs. X, our confidence in her veracity and accuracy was much shaken by the very damaging points made against her in the course of her cross-examination by Counsel and examination by the Commissioners. Her own account of her behaviour, when considered in the light of all that we know about Oxford Circus, and about the number of women frequenting that place, seems open to unfavourable construction by an impartial onlooker, even if he did not know that Mrs. X had often been observed at Oxford Circus before. Still, seeing that a very large number of omnibuses stop at the corners of the circus, and that ladies frequently have to change from one omnibus to another, there would not seem, if her account be true, to have been any adequate justification for any interference by P.C. Cole. Ladies waiting for public conveyances are, no doubt, often exposed to improper accosting by men, and the mere fact of Mrs. X's conversing with a gentleman or gentlemen was quite capable of explanation on the ground that she was a victim of such unpleasant attentions, or on other grounds not involving any impropriety on her part. We were very sorry that it was necessary that Mrs. X should be subjected to a close and searching examination, especially as the result disclosed conduct on her part from which it is difficult to draw anything except an inference unfavourable to her character, though it does not afford sure ground for believing that she could be properly described as a "common prostitute." In her attempt to explain her presence and her conduct at Oxford Circus on this night, and the fact that she had been there on other occasions rather late in the evening, she involved herself in many contradictions, and landed herself in difficulties, from some of which she could not extricate herself.

Cross-examination of Mrs. X.

She told us, for instance, that she had never seen P.C. Cole before; she did not know his face before. In her original statement she said, "I knew by sight P.C. Cole and after my affair at the police court I called to mind the fact that he had spoken to me once, some months ago, when he was in plain clothes off duty." Possibly what she meant to tell us was that she did not recognise him when he spoke to her on the night in question as the plain clothes constable who had spoken to her once before. But that is hardly a satisfactory explanation; for later on in the cross-examination, when she was asked if she was quite sure she had never seen him before, she replied, "I do not remember," and when the sentence in her original statement was put to her by Mr. Eldon Bankes, she said, "I never said this 'police constable.'" She seemingly meant that she had not used the words "police constable," to the gentleman who took the statement. "I know nothing about that word. I know I said that a policeman one afternoon at four o'clock insulted me the same as that man. When he took me in charge, I said, 'That is the man I met a month or two before.' He said, 'Madam, will you have a glass of wine?' I said, 'No thank you.'" Then she said he looked exactly the same man. Being asked by the Chairman whether she still thought that P.C. Cole was the man who asked her to have a glass of wine she said, "Yes, I think it is the same man. He has the same moustache and the same physique, only when a man is in policeman's dress he is quite changed. Never one policeman in London has spoken to me before"; and she added some further details about the conversation when the policeman spoke to her on one occasion.

Q 3. 172–173.

Q 409.

Q 410.

Q 413

On being asked how long she had been married she replied "Six years"; but on a copy of the certificate of her marriage, dated the 1st April, 1902, being handed to
Q. 187. her, she admitted that it was on that day that she had been actually married, but that she had been living with Mr. X two years before that time, that is to say, she had been living with him for six years. To this contradiction we do not think, under the circumstances, it would be fair to attach any great importance.

One of the most serious difficulties in which the witness became placed as the result of further interrogation was as to the name and address of the lady friend living in (Omega), to whom she was in the habit of giving lessons. In her original statement she said that she taught Spanish to a lady at (Omega), and went to her
Q. 7. house twice weekly when she was at home. Before us in the examination in chief she said that she went to give her French lessons. In cross-examination, having said that the lady at (Omega) was a French woman that her Christian name was (——), that she was a Madame (T), and that her address was (Omega), she was asked:
Q. 230. "I understand you to suggest you went there to give her lessons? (A) Yes.
Q. 231. (Q) Lessons in French? (A) Yes. (Q) Although she was a Frenchwoman—Madame
Q. 232. (T)? (A) Yes. (Q) So you went to give a Frenchwoman lessons in French at
Q. 233. (Omega)? (A) No, not in French. (Q) But, Madame, you said in French? (A) That
Q. 234. is my mistake; that was all." She was a good deal questioned as to the address.
Q. 218. Asked in what street the lady's house was, she said "I forget." Later on she was asked again about Madame (T). Mr. Eldon Bankes said, "I must press you to give
Q. 129 some indication of where I can find the house where Madame (T) lived." The witness replied, "At (Omega)." Being asked what 'bus she went by to it she replied
Q. 430, &c. that she went "by a 'bus near a big shop called (——) Furniture Shop, and on the opposite side there is a public house and 'buses." They went right up to (Omega), and she got out right at the top of (Omega) as far as the 'bus went, and then she walked. The 'bus stopped right at the top of the hill—it is a big hill—after passing all the shops. It is a little street down there. She then walked about ten minutes. She further described the place where Madame (T) lived as a little house by itself, but
Q. 443. almost immediately afterwards said "I do not mean a little place. The place where she lived, right where the 'buses stopped, has big grounds with little streets all
Q. 444. round." She did not know the name of the street. She was asked by Mr. Eldon
Q. 440. Bankes whether she only went there when her husband was away from home, and she replied, "Yes, the day is too long for me. I have no children." She described
Q. 446. the way in which she met the lady thus:—"I knew her before in Paris—in France. She said, 'One day come and have tea with me; I am very pleased to meet you. Where are you living?' I said I live down (Alpha). She said. 'Come in and see me and keep me company—come with me; if your husband goes out, and he is not
Q. 450. here, come in and see me.'" Being asked how she got there she replied, "By 'bus," but that Mrs. (T) met her at Queen's Hall or the Langham Hotel opposite the Queen's Hall, and she said, "Come with me." Ultimately she said that the first time she
Q. 453. met Mrs. (T) was in Queen's Hall. "She said, 'I will be here to-morrow afternoon shopping in town; I will meet you here at the Langham Hotel to-morrow afternoon.
Q. 459. You can come with me and get a cup of tea at my place.'" She also said that she refused to tell her husband the name of her friend.

Mention has been made in the evidence of the fact that Mrs. X was, on the night in question, carrying a cardboard box. It was one of rather large size (2 feet by 1) and certainly it was a larger box than one would imagine that a woman engaged in solicitation would be likely to carry, though it appears, and there is no reason to doubt the statement, that women of that class do often carry boxes or parcels for the purpose either of misleading the police or of affording a colourable answer to a charge of solicitation. Mrs. X had on this occasion undoubtedly a cardboard box in her hand. In her original statement she said, "I had with me a large cardboard box containing my evening shoes, some blouses, and other things which I had been wearing at a party that evening at the house of the lady" (*i.e.* Mrs. T.) "I have mentioned." In cross-examination she was asked by Mr. Eldon Bankes whether she took this box with her from her home (Alpha), and the witness replied "Yes." Mr. Eldon Bankes then said, "You took an evening dress with you for the purpose of giving her a lesson?" and the witness replied, "No, not for that. She gave it to
Q 240 me like a friend. She said, 'It is good for you.'" It is not clear why Mr. Eldon Bankes referred to an evening dress because in the statement Mrs. X only refers to evening shoes. Probably the learned counsel meant to refer to evening shoes and not

to an evening dress; but, however that may be, the witness replied, after a further reference by Mr. Eldon Bankes to the evening dress, "She" (*i.e.*, Mrs. T.) "gave it to me friendly, she never used it herself. She said, 'If you like to have it you can.'" Q. 241.
The witness being further questioned, and it being pointed out to her by Mr. Eldon Bankes that he had asked whether she had not taken the box from her address (Alpha), and she had said, "Yes," she then said, "No, from her," (Mrs. T's) "house; she gave it to me." Q. 242.
She said that she had never taken that box into Oxford Street at night before that occasion, but that she had been about Oxford Street three weeks before with a box, but it was one not so big—a little box. As a matter of fact, the cardboard box, which was opened at the police station, contained neither an evening dress nor evening shoes, but a blouse, some under-linen, and a pair of stockings. Q. 566.

Upon another point she gave in her cross-examination evidence which contradicted another allegation in the statement which she sent in to us. In the statement she said, "My insurance agent, who lives near me, met me, and said he was riding home by cab and would give me a lift. I declined this, and he bowed and left me." In her examination-in-chief she told us that one of the two gentlemen who spoke to her on the night in question asked her "Where are you going Mrs. X? Will you come in a cab?" but she said she preferred a motor-car, it was quicker. She told us that she did not know his name, but that he was at (Alpha) and a gentleman in business whom she saw very often. He always said, "How are you, Madame?" but he was not a friend of hers, and subsequently she said that his business was in a linendraper's shop. In cross-examination she said that she often saw him in (Alpha), where she did her shopping, and that he sold her things in a draper's shop but that he was not a friend of hers. Asked why she had referred to him as her "insurance agent," the explanation she gave was that he said, laughing, "What are you doing? I am an insurance agent." He said, "I am an insurance agent" for fun, but she denied that she had ever said that he was her insurance agent. The other gentleman who spoke to her after picking up her umbrella was, according to her account, a complete stranger. He said to her, "Madame, you look awfully embarrassed," and she said that at the time when this stranger spoke to her she was standing close to the Tube Station at the corner. Q. 268. Q. 272. Q. 275. Qs. 276, 277. Q. 280.

Mrs. X was also cross-examined on a paragraph in her original statement to the following effect:—"The P.C. I have mentioned was on duty near where I was standing, and as soon as the gentleman had left me he came up to me and said, 'I saw you leave that gentleman; I suppose you wanted too much from him. You fly too high. I suppose you want £10. You won't get that.' I told him to go away, I was a married woman. He said 'Yes, I know all about that; your husband is a bully or a ponce.'" On being asked by Mr. Eldon Bankes whether the policeman on the night he took her into custody said anything about £10, she replied, "He never told me about £10. He said 'You are not very kind to me; I shall not let you go.'" Q. 425.
She was asked categorically whether the policeman said to her, "I saw you leave that gentleman; I suppose you wanted too much from him; you fly too high; I suppose you want £10; you will not get that," she replied "No." She admitted that he did say, "'I think you are too dear, good lady; you are too proud, you are rushing the men.' He said I was very proud or rushing the men. 'A man comes to you very nice, and you are awfully proud.' I said, 'I am a married lady; I live in a small house, and I do not make money in this way.' That is what I said to him." Q. 427. Q. 428

There are several points to which reference might be made in regard to which it was shown that the witness had made contradictory statements, but we think the matters we have mentioned are sufficient to show that Mrs. X is not a trustworthy witness, and that her story cannot be accepted in preference to that of P.C. Cole where there are material differences between the two versions of what took place on the night in question.

Mrs. X did not deny that she had been at Oxford Circus on several other nights before the (——), 1906. Indeed it follows from her own explanation that she had been in the habit of visiting a lady friend at (Omega) in the evening when her husband was away, that she came back by 'bus, that she had in fact been at Oxford Circus on several evenings, and that therefore the constables had had

the opportunity of seeing her before. It should be noticed in her favour that none of the constables except P.C. Cole speak to acts or conduct on occasions before the one in question which would afford any certain ground for inferring that she was a prostitute in the sense that she was there for the purpose of soliciting men to go away with her to have connection for a monetary reward. Sergeant Shepherd, though he had been on patrol (which appears to have included Oxford Street) from High Street, Bloomsbury (eastern end) to Oxford Circus, had never seen Mrs. X before this night. P.C. Keeble saw her for the first time during the week ending 11th
Q 1279. (——) round Oxford Circus between 9 and 12, and what he had noticed was her "looking in men's faces smiling"; and on one night he saw her speaking to two men,
Q. 1280. and that then she crossed the road and got into a motor 'bus for (Alpha). It is obvious, even assuming that he was not making a mistake in identity, that that is not strong evidence of soliciting, and her conduct may be explained by gaiety of disposition or a general levity of nature. Sergeant Mead told us that he had seen Mrs. X frequently,
Q. 1556. first about the 6th or 7th (——), and that he had seen her accosting gentlemen.
Q. 1561. That of course is stronger evidence than P.C. Keeble's, but the word "accosting" is a word that contains the suggestion of soliciting prostitution, although in fact what he may have observed was innocent, though it may have been indiscreet conversation. He remembered, however, that on one particular evening he saw her go up to a gentleman, look into his face, get into con-
Q. 1579 versation with him, and that they then walked into the "Dolphin" public house, but he very frankly said that he did not at that time conclude that she was a prostitute. Really the evidence only comes to this, that on several occasions P.C. Cole, P.C. Keeble, and Sergeant Mead, had seen Mrs. X, or, at any rate, a lady in a red dress, and sometimes with a cardboard box, on several occasions before the night in question walking at or near Oxford Circus, and had observed her talking to and smiling at gentlemen, and on one occasion going into a public house with one. The case does not strike us as a very strong one, though no doubt the conduct of Mrs. X was such as to induce the supposition that she was a woman of light character and perhaps a regular prostitute.

Upon the whole, we see no ground for disbelieving the story told by the constables that they had seen Mrs. X in the neighbourhood of Oxford Circus on several occasions before the night in question, and that she was conducting herself in such a manner that an impartial onlooker might think that she was speaking to men for an improper purpose.

Conclusions.

The true facts of the case, therefore, seem to to us to be these. Mrs. X is the wife of a person in good employment, whose business takes him away a good deal from home. She is left to reside in a house in a dreary suburb, and, to use her own
Q 440. words, she finds the day "too long for her." She seems to have made the acquaintance of some one whom she chooses to describe as a French woman who lives in a suburb which we have called (Omega), in a house the number of which she does not know, in a street the name of which she does not remember. On the (——) she had paid a visit to this friend in (Omega), and took with her from home a cardboard box which, when she was returning, contained a blouse, some underlinen, and a pair of stockings. Whether she was actually on this occasion returning from visiting a friend in (Omega), whether the friend exists at all, or whether it was really a French woman or some male acquaintance are questions which the evidence does not enable us to answer with certainty and are only relevant so far as they affect her credibility and the probability of her behaving in the way described by the police witnesses. It was she herself who volunteered in her statement and in her evidence before us an explanation of her presence at Oxford Circus. Whether she was, in fact, coming from (Omega) or not, Mrs. X was undoubtedly about half-past 10 on the night in question at or quite near the place where P.C. Cole saw her. She had been on several occasions noticed by policemen in or near to Oxford Circus behaving in a manner which suggested to them that she was there for the purpose of prostitution, and which, whether their inference was true or not, was of a compromising and highly indiscreet character. On the night in question she approached
Q. 474. a man who was standing outside the Oxford Circus Tube Station (near which she herself admits that a man spoke to her), she looked up into his face, smiled, and said something that P.C. Cole could not hear, but, according to the constable, the

man said to her, "Go away, I do not want to have anything to do with you," and the man then went into the Tube Station as if to avoid her, but, upon seeing the constable, he came out and said, "These women are a nuisance, constable." He then said to Mrs. X, "You must behave yourself and not molest people." She said, "You mind your own business ; that was my friend." P.C. Cole says that on the same evening, within a few minutes after that, he saw her stop a man by Hill's Place. The man got past her but he went back and had a short conversation with her, and then she and the man both walked together eastward as far as Berwick Street, where the man left her. P.C. Cole says that Mrs. X then proceeded towards Wardour Street, where she stopped in front of another man who stepped aside as if to allow her to pass, but she again stepped in front of him, and the man then said something to her and gave her a slight push, and then crossed to the other side of Oxford Street. P.C. Cole then went to Mrs. X and said, "I shall arrest you for insulting behaviour." She herself admits that she had spoken to two men. The constable, however, says that it was her action that stopped the gentlemen, while her account is that one of the men was a draper's assistant whom she knew from having done business in a shop at (Alpha) and that the other was a courteous stranger who picked up her umbrella when she accidentally dropped it.

Qs. 489, 490.

Q. 487

Q. 495.

P.C. Cole, it should be observed, is a constable of great experience in regard to these cases, and has earned the confidence of his superior officers. Sub-Divisional Inspector Mackay told us he did not think there was another man in the Metropolitan Police Force who had more experience of dealing with prostitutes than P.C. Cole. He has had facilities for knowing prostitutes more than any other man, because he has been employed to keep observation on disorderly houses and brothels, and he has had opportunities of getting acquainted with them more than any other men who have not been employed on that duty.

Q.1902.

Q. 1904.

Those being the facts of the case as proved to our satisfaction, we think there can be no doubt that P.C. Cole acted rightly in arresting Mrs. X, and, under the special circumstances, it appears to us that he was right in preferring the charge under Sub-section 13 because there was some evidence of "insulting behaviour" on the part of the prisoner whereby a breach of the peace might have been occasioned. Mrs. X annoyed by her behaviour one man who complained to the constable that these women were a nuisance, and it seems to us that her stepping in front of another man who gave her a "slight push" is also some evidence of insulting behaviour whereby a breach of the peace might have been occasioned, and her doing the same to a third gentlemen, notwithstanding the caution she had received, afforded additional ground for the charge that she was behaving in such a way as to insult passers by. But still the case made by the police seems to amount to a *prima facie* case of an offence under Sub-section 11, because the conduct of Mrs. X on this particular night, coupled with what was proved against her as to her behaviour on other occasions, amounted to some, though of course by no means conclusive, evidence that she was a "common prostitute."

The result is that the complaint of Mrs. X fails, and that the action of the constables concerned was, in our opinion, correct.

We should like to add that the case is one of a painful character, in which we have felt the responsibility of decision, especially having regard to the fact that Mrs. X is a married woman. We do not think the evidence warrants us in coming to the conclusion, even if it were necessary for us to do so, that she was a "common prostitute" in the sense that she was frequenting Oxford Circus with a view of soliciting men in order to obtain money. Her statement to P.C. Cole, "I do not make money in this way," is very likely true ; and P.C. Cole's evidence as to the conversation at the Police Court in which, according to him, she said, "You know my husband gives me plenty of money, I only did it for love," tends to confirm this view. Whether her representations that her visits to Oxford Circus were merely incidental as being a place in which she had to stop in going home from a friend with whom her relations were entirely innocent be accepted or not, that is a question as to which we need say nothing. Her conduct justified the belief which P.C. Cole came to entertain that she was a prostitute, and her behaviour on the night in

Q. 428.

question amply justified the action which the constable took. It is she herself, even if we accept her explanation, who is to blame in the matter, and, assuming that she is a respectable and faithful married woman, no one, we think, however willing to make allowance for gaiety of disposition, could approve of a course of conduct so compromising to herself, and inconvenient to the passers by with whom she interfered.

It should be observed that Mr. Denman found that the charge preferred under Section 54, Sub-section 13, of the Police Act 1839 was proved, though he very properly discharged the prisoner under the Summary Jurisdiction Act 1879, Section 16.

In conclusion we have only to add that in our opinion the police exhibited prudence and circumspection in dealing with this matter, and their action was correct and fully justified.

XIV.—EMMS AND NORREY'S CASE.

Edward Emms, who described himself as a flower-seller, residing at 10, Gibraltar Buildings, Bethnal Green, complained that without justification he was, on the early morning of the 23rd of October, 1906, assaulted and beaten by P.C. Harry Jeffery, 369 H, with his truncheon in Brick Lane, E., and wrongfully arrested and charged with being concerned, jointly with one Norrey, in assaulting P.C. Jeffery "whilst in the execution of his duty at Brick Lane," and also of further ill-treatment by members of the Force. Q. 23794, &c.

John Norrey, who described himself as a labourer, residing at 4, Poyser Street, Bethnal Green, complained that he was wrongfully arrested on a warrant obtained upon a false Information and charged jointly with Edward Emms, "For that he did on 23rd October, 1906, unlawfully assault and beat one Harry Jeffery, a constable belonging to the Metropolitan Police Force, at Brick Lane, E., then and there in the execution of his duty as such constable."

The details of these complaints sufficiently appear from the summaries of the evidence of Emms and Norrey, which are given below.

Edward Emms was arrested by P.C. Jeffery about half-past 12 on the morning of the 23rd October, 1906, and was brought in to the Commercial Street Police Station at 12.55 a.m., where he was detained. The charge against him was called on before Mr. Cluer at Old Street Police Court later in the day, and the case was remanded by the Magistrate to the 30th October, the prisoner being allowed out upon his own recognisances in the sum of £5.

The following is a copy of the Charge Sheet in the case of Edward Emms :—

H. 62516

METROPOLITAN POLICE. H. or WHITECHAPEL DIVISION

CHARGES taken at Commercial Street Police Station between the 22nd day of October and the 23rd day of October, 1906.

No. of Charge.	Date and Hour brought to Station.	Persons charged.			Charge.	Persons charging. Name, Address, and Occupation.	Witnesses Name and Address.	Taken into custody by.	Property found on person or elsewhere.	At the Station House.		Signature of police officer taking the Charge.	Magistrate before whom the Charge is brought.	Charge; how disposed of by Magistrate, and what offence proved.	Remarks by Magistrate.
		Age	Name, Address, and Occupation.	Administrative County in which charged.						Detained.	Or how admitted to bail.				
2	23/10/06 12.55 a.m.	25	Edward Emms, 10, Gibraltar Gardens. Bethnal Green. Flower Seller.	London.	Concerned with a man not in custody in assaulting Police-Constable Harry Jeffery 369 H whilst in the execution of his duty at Brick Lane, Parish of Bethnal Green.	H. Jeffery, P.C. 369 H.	—	H. Jeffery, P.C. 369 H.	Nil.	Detained.	—	A. Anderson, S.-Sgt.	A. R. Cluer, Esq.	30 October (1 in £5). Discharged.	

NOTE.—State below whether the prisoner was taken into custody (a) Without warrant; (b) On warrant in first instance; (c) On warrant after failing to appear to summons.

Charge No. 2.—Without warrant.

J MONK, Chief Inspector, for Superintendent.

After the case of Edward Emms, upon Information a warrant was granted by Mr. Biron, one of the Magistrates at Old Street Police Court, on the 25th October, 1906, against John Norrey, "For that he did on 23rd October, 1906, unlawfully assault and beat one Harry Jeffery, a constable belonging to the Metropolitan Police Force, in Brick Lane, E., then and there in the execution of his duty as such constable." The warrant was executed at Mount Street, E., on the 27th October. The charge against John Norrey was remanded by the Magistrate to the 30th October, the prisoner being allowed out upon his own recognisances in the sum of £5.

On the 30th October the charges against Emms and Norrey were heard togethe by Mr. Cluer at the Old Street Police Court.

The following is a copy of the Charge Sheet in the case of John Norrey :—

H. 62626.

METROPOLITAN POLICE. H. or WHITECHAPEL DIVISION

CHARGES taken at Commercial Street Police Station between the 23rd day of October and the 27th day of October, 1906.

No. of Charge.	Date and Hour brought to Station.	Persons charged. Age.	Persons charged. Name, Address, and Occupation.	Persons charged. Administrative County in which charged.	Charge.	Persons charging Name, Address, and Occupation.	Witnesses Name and Address.	Taken into custody by.	Property found on person or elsewhere.	At the Station House. Detained.	At the Station House. Or hour admitted to bail.	Signature of police officer taking the Charge.	Magistrate before whom the Charge is brought.	Charge; how disposed of by Magistrate and what offence proved.	Remarks by Magistrate.
2	27/10/06 10 p.m.	25	John Norrey, 4, Poyser Street, Bethnal Green, Labourer.	London.	On a warrant granted by H. C. Biron, Esq., Magistrate at Old Street Police Court, dated 25th October, 1906, for that he did on 23rd October, 1906, unlawfully assault and beat one Harry Jeffery, a constable belonging to the Metropolitan Police Force at Brick Lane, E., then and there in the execution of his duty as such constable. Arrested at Mount Street, Parish of Bethnal Green.	Arthur Greenfield, P.C. 214 H.	—	A. Greenfield, P.C. 214 H.		Detained.	—	W. MacMillan, Inspector.	A. R. Cluer, Esq.	October 30th (1 in £5) Discharged.	

NOTE.—State below whether the prisoner was taken into custody (a) Without warrant; (b) On warrant in first instance; (c) On warrant after failure to appear to summons.

Charge No. 2.—On warrant in first instance.

J. MONK, Chief Inspector, for Superintendent.

The following is a copy of Notes of Evidence taken at the Old Street Police Court on 23rd October, 1906, before A. R. Cluer, Esq., in the case against Edward Emms.

HARRY JEFFERY, P.C. 369 H, sworn, saith :—

In Brick Lane, at 12.30 a.m. on the 23rd inst., I saw prisoner and another man quarrelling with a woman. Prisoner said it was his wife, and it was nothing to do with me. She went away. The man attacked me. Prisoner hit me in the mouth, and they got me against the wall. The other man also assaulted me. Being overpowered, I drew my truncheon and hit prisoner on the head. Prisoner knocked one of my teeth out.

ALBERT ANDERSON, sworn.—Sergeant H. :—

Last witness brought in prisoner. He seemed weak. His tunic was torn and his lamp damaged. He said Norrey hit him in the face, then prisoner hit him, and the two got him against the wall and hit and kicked him. Doctor saw prisoner and constable. P.C. did say that prisoner knocked his tooth out. He showed prisoner.

Copy of Notes taken on 30th in the case of Emms and Norrey

HARRY JEFFERY, P.C. 369 H, sworn :—

At 12.30 a.m. on 23rd in Brick Lane I saw the two prisoners and a woman. I knew Norrey for about twelve months before, and Emms by sight for about eight months. The woman was crying. I asked what was the matter. Emms said, "She is my wife. He is my brother-in-law. It does not matter to you." I said, "Why not take her indoors?" The woman and Norrey walked away a few yards. Norrey at once returned and hit me in the face with his fist violently. Emms hit me in the mouth, breaking a false tooth. I was partly dazed. I went against the wall. Emms seized my throat, and Norrey knocked my head against the wall. Norrey kicked me below the left knee, and beat me about the body and chest. They were pinning me against the wall. I was feeling nearly overpowered. I got clear, drew my truncheon, and hit Emms on the head with it, making him leave go. Norrey kept out of my reach, and said to Emms, "Get away if you can." Norrey ran away. I lost my whistle; Norrey took it; and he tore my armlet and my sleeve. My lamp was damaged. P.C. Death came on the scene and took Emms. I came to the station by myself. The Divisional Surgeon put me on the sick list. I am still on the sick list. I had done nothing to either men to call for this. I am certain of their identity. Emms never left my sight.

Cross-examined for EMMS.

I should not know the woman again. I have not been to Emms' house. I know Emms' wife, and this woman was not Emms' wife. Till this night I did not know that Mrs. Emms was the wife of the prisoner Emms. I told the Magistrate last week that I was kicked. I threw the two prisoners away from me, and hit Emms, making him release his hold, but Emms did not fall then. He ran a few yards and then fell. I followed him, but did not hit him again. I hit Emms twice at first. I made a very small mark. If I had had a good hit at him I should have found one blow enough to make him let go. I did not hit him while he was on the ground but while he was standing up. My arm was numbed by being pinned against the wall. It was not injured. It was my right arm. The first blow had no effect. Emms went on struggling. I had Emms by the throat with my left arm. Norrey had my right arm. I threw Emms clear of me. That was all. Norrey took my whistle at the beginning of the struggle. I have not got it back. A private person called P.C. Death. Emms was taken on the ambulance. He was left in the road perhaps three or five minutes. I did not see the blood in the road. I had nothing to do with the ambulance. I followed to the station. Emms was lying on the ground. I heard Emms say he did not want to see a doctor. I did not hear him say he wanted a private doctor. There was no provocation on my part.

Re-examined.

The first blow had no effect, hardly touched him. The second caused him to fall after going a few yards. Emms was found by the P.C. where he dropped down. I had as much as I could do to get to the station. I could not stand when I got there.

By Magistrate.

I identified Norrey by his general features and dress. I knew him as "Ginger Norrey" for about twelve months. The place was quite dark—just by a railway arch. I had never spoken to Norrey before. He had on a dark suit.

William Death, P.C. 409 H, sworn :—

At 12.30 a.m. on 23rd October I was at Sclater Street and received information from a private person who had a P.C. helmet in his hand. I went to Brick Lane, and at the entrance to Pedley Street I saw Emms lying on the pavement. The P.C. was about three yards away leaning against a fence, appearing dazed and exhausted, his left eye was swollen, mouth bleeding, his whistle gone and lamp broken. Emms seemed injured, so I sent for ambulance. I tried to pull him up, but he could not get up. I and P.C. Wood took Emms to the station on the ambulance.

Cross-examined for Emms.

There were not many people there. I have been at Commercial Street about two and a half years. As a rule crowds gather there quickly. This spot was a quiet one. There is a public-house within about 100 yards. I saw that Emms had a cut on his head. He was bleeding. There was not much blood about, though I said nothing to Emms. I was present when Divisional Surgeon examined him. He said, "I don't want to see a doctor." That was all. There were no women at the station. I did not help to push any out. I did not hear the inspector asking Jeffery what was the matter. At Pedley Street the P.C. told me that Emms and Norrey had both assaulted him and that Norrey had run away. I said I would see to the prisoner Emms. The inspector was there just as we took Emms away. I did not hear him speak to Jeffery.

Re-examined.

It was Inspector McMillan.

Albert Anderson, Station Sergeant 41 H, sworn —

I was in charge of station at 12.55 when Emms was brought in on the ambulance. Jeffery came in soon after. I investigated the charge. The P.C. was very exhausted. He seemed to have been roughly handled. His mouth was bleeding. Emms had a wound on the head. I sent for the doctor. Emms said, "I am not going to have no b——y doctor. I am going to Court as I am now." But I sent for the doctor. Then Emms was put in a cell. At the time Emms did not say that he had done nothing. Afterwards two women came to the station and asked for bail, and I said it would be accepted. Two or three men came to bail him. Emms was not bailed, as it was not forthcoming. I required £5. Emms made no complaint.

Cross-examined for Emms.

I think Emms came into the station first. The ambulance had to go in at the back. Emms had blood on his head, but he did not seem dazed. The P.C. told me Emms had been hit by him with his truncheon. I did not push the women out of the station. One did not ask to speak to Emms. I daresay she could have done if she wanted. It would not have been refused. I don't know Mr. Kemp. A man did not ask to see Emms or make any statement to me. I did not ask any of the men or women if they knew anything of the circumstances. They came in

about ten minutes after the prisoner. I never asked them if they knew the facts of the case. The officers sent in reports which went to the Commissioner through the Superintendent. The S.D. Inspector called for them, I made a report at the time in the Occurrence Book. Jeffery made his statement at once, which went into the Occurrence Book. I took it from Jeffery's pocket-book. He has it now, or should have. He wrote it at once.

PERCY JOHN CLARK sworn.—Divisional Surgeon :--

I was called soon after 1 a.m. on 23rd. I first examined Emms in the charge room. He was very much objecting to have his wound dressed. He said he wished to go before the Magistrate as he was. I dressed his wound. I persuaded him to let me. He had a contused wound on his forehead three-quarters of an inch long of no gravity. It was not serious. Skin was broken. It was bleeding. He had also wound on back of head one inch long, contused, not of any depth, not serious. Had bled rather freely. It was not a typical full truncheon blow, nor was the one on the forehead. Truncheons generally make starred wounds. I could not swear they were truncheon wounds. Neither had been delivered with much force. I said he could be confined in the ordinary way. P.C. had a cut mouth, false tooth broken, two loosened, contused left eye, contusion on left side of back of head with lump size of a pigeon's egg, large bruise on inner side of left knee, below it, possibly a kick. Generally in state of collapse. Had been badly mauled. I put him on sick list—he is still on it. Probably return to duty next Monday.

Cross-examined for EMMS.

I saw no other marks on Emms' head. I think he had the skin of his hand knocked up, but I am not sure. I was half an hour or three-quarters of an hour over Emms. He was very troublesome and excited. Emms seemed to complain of his wounds. To break the skin would need some force. I should not have thought the wound would have made him senseless or even have felled him to the ground. I have had eighteen years as police surgeon, and have seen truncheon wounds. One used to see rough cases in this district. I did not speak to the inspector before I saw Emms. Emms talked nearly all the time, and kept moving his head. He was complaining, I believe, about the case, but I paid no attention. The sergeant was not present ; an officer was.

ARTHUR GREENFIELD, P.C. 214 H, sworn :—

I arrested Norrey on a warrant at 9.45 p.m. on 27th October in Mount Street. He had run away from me in Virginia Road. He fell; I arrested him. Before I spoke, he said, "I'm done. I am innocent. I can prove an alibi." I told him the warrant was for assaulting P.C. in Brick Lane. He said, "What policeman?" I said he knew as well as I. He said, "I am innocent. I can prove an alibi."

Cross-examined by NORREY.

There was no cry of "Fire!" There was no crowd except your associates. You just got off the ground and faced me as I came up to you. You said something about identification, but it was pointed out that you were on the warrant, so it was unnecessary.

JEFFERY, recalled (puts in his notebook for Mr. Schultess Young) :—

Cross-examined.

I wrote this at once when I got to the station. I was feeling dazed. I could hardly hold the pencil. I saw Emms hit me in the mouth ; Norrey hit me in the face first. I may have omitted some things from my book. I was dazed. Perhaps the sergeant made the ink additions. I had no pen.

Re-examined.

The sergeant initialled this book about 1.30, I believe.

For Defence of Emms.

George Kemp, sworn :—

Table maker, 4, Granby Street. I was in Brick Lane about 12.30 a.m. on 23rd, coming from Whitechapel after a walk. Just before the archway is a court. I looked down and saw a P.C. and a man apparently rowing. The P.C. seemed to be stopping the man. There was a scuffle and the man fell to the ground. I saw the P.C. hit the man with his truncheon. I could not see whether the man hit the constable first. It was Emms. When Emms fell the P.C. knelt on him and hit him again. A man ran out of the crowd, punched the P.C., and ran. The P.C. blew his whistle and a crowd came. I saw Emms taken away covered with blood. I thought his throat was cut. He seemed dead. At the final there were many people there.

Cross-examined.

I knew Emms by sight only. I have known him two or three years by sight, He is not a friend of mine. He is not a pal of mine. I may have spoken to him. I don't know Norrey; I never saw him before. The P.C. and Emms were a little way down the court just off Brick Lane through an arch when I first saw them. There were plenty of people there. I was nearly the length of the court away. There were some people between me and Emms. I did not see the P.C. with his back against the wall. There were several women there. I think there were nearly a dozen people there; perhaps more. I saw that the P.C.'s helmet was gone. I saw a boy with it. I was not close enough to see his whistle and armlet were gone. I would not like to say that Emms did not hit the P.C. in the mouth. The P.C. did seem a bit exhausted, as if he had had violent treatment. Emms is the man who scuffled with the P.C. The scuffle was before the P.C. hit him. After the P.C. hit Emms the other man came and hit the P.C. The other man was shorter than Norrey. I can't say who it was. The first blow brought Emms down close to the P.C. Then the P.C. hit him a second blow and knelt on him. Then I rushed towards where they were. I kept away from them by about the distance of the length of this Court. The whistle was blown by a constable after the other man had hit the P.C. I never saw the P.C. against the wall. They were scuffling when I came up. A young man asked me to come here on Saturday afternoon, so I came last week. It was Emms' wife or someone. She lives in Bacon Street. It does not benefit me to come. The woman asked me to go to her house. I went there and a gentleman saw me and asked me what I knew. He wrote it down. I don't see him here now. I did not come to this Court last week. I knew the woman well by sight. I suppose she saw me there. One of Emms' friends saw me and that was why I came here on Monday week. I was not asked to come then, but I came to see the case. But I did not come inside the Court. I did not see Emms till this morning. The gentleman I saw seemed to be a solicitor or someone.

Re-examined.

I had spoken about this matter to a friend of mine. I only came here on 23rd out of curiosity. The court where it happened is about four or five times the length of this Court. The P.C. and Emms seemed to be wrestling with each other. I am nothing to do with this case.

Martha Allen, sworn :—

55, Bacon Street, widow. I keep a coal shop. I was in Brick Lane on 23rd and saw a mob of people. I looked and saw the P.C. shoving Emms to get along. This was at the turning before Brick Lane—Pearley Street, I think. The man said, "All right," and was going along. There were about forty people there. I was quite close.

All at once the whistle blew. The P.C. hit the man on the head with his truncheon and he fell down. As he was getting up the constable hit him again. A lady raised his head and said "Do you know me," but he made no answer. A man behind the P.C. hit him in the face and ran away. The ambulance came up, and Emms was taken away. Emms was bleeding dreadfully. I don't know any of them. I went to the station and saw Emms in a chair. A young woman said she would like to speak to us. The inspector came and threw us both on the pavement, and we fell. I did not come here on 23rd, but a gentleman came and asked me what I saw. I had been speaking about the matter.

Cross-examined.

I was seeing my sister home, and had just left her. I did not see Norrey there. It was a short man who hit the P.C. The P.C. had his hat on. There was a young woman close to the constable; whom, I don't know. At that time Emms was on the ground. She was there also when Emms was being shoved. Emms did not hit the P.C. while I was there. The first blow brought Emms to the ground. He fell straight at the P.C.'s feet. I remained there for about half an hour. The woman with whom I went to the station was a stranger to me. I don't think I saw the station sergeant at the station. I saw an inspector. I thought I could take Emms to the hospital or something. My friend asked to see Emms. She said nothing about bail. I don't know who the man was who came to see me.

Hester Bloom, sworn:—

6, Hare Street, married. At 12.30 a.m. on the 23rd I was in Brick Lane and saw a P.C. struggling with a man in the courtway, and the P.C. hit the man with his truncheon and the man fell. The P.C. knelt and hit him again. I said he had killed him. The man was bleeding horribly. I knew him through passing in the neighbourhood. I asked if he knew me, and he groaned. The ambulance came afterwards. P.C. said, "I didn't know it was you; I thought it was one of our men." He was looking down when he said that.

Cross-examined.

I came up as the blow went. I was about three yards away. The P.C. fell to the ground too, and then knelt and hit the man again. I saw a short man make a blow.

Edward Emms, sworn:—

Out of employment. I was on my way home and saw P.C. and two or three people arguing and I went up. My wife was not with me. A young woman was with me. P.C. asked what I wanted. He said, "What do you want here, Emms?" I said I was only looking. He shoved me and I shoved him again, and he drew the truncheon and knocked me insensible, and when I came to I was in the police-station. I had several marks on my head. I found I was sitting in a chair. I wanted a private doctor, which was refused. I was getting up from the chair and a P.C. knocked me back again.

Cross-examined.

I do some flower-selling now and then. I know Norrey well. Have known him about eight years. I don't know where he lives. I wasn't talking with a woman that night. The P.C. pushed me two or three times and I pushed him back. He spoke to me by name directly I got there. I know him by sight. I have had no trouble with him. I saw nothing happen before I came up. One man was pulling another man. They were intoxicated. The P.C. was shoving them. I don't know what became of the other people. The P.C. got hold of me and pushed me before he drew his truncheon. I saw no one hit the P.C. or pin him against the wall or kick him. What the P.C. says is a lot of lies. I didn't see Norrey on Monday. I saw him when he came out from bail yesterday. I don't know the name of the solicitor who is defending me. I wrote to the society and they are acting for me.

I did nothing except to push the P.C. I saw no violence offered to the P.C. The P.C. knew me by name. Nearly everyone in Commercial Street knows my name. P.C. had his helmet on when I got there. I can't say if he had his whistle or his armlet on. He seemed as if he had been struggling with the other chaps.

Re-examined.

I wrote the letter produced.

JOHN NORREY, sworn :—

6, Poyser Street Buildings, labourer. Saturday 27th, in Virginia Road, P.C. came up and arrested me on a warrant. When I asked what the warrant was for he said for assault on a P.C. I said I was innocent and could prove an alibi. I was taken to the police station, and I asked to be put up for identification. On Monday night when this row was supposed to occur I went home at 11 at night and sat and played three games of draughts. I had been out by myself. I lived with my sister. I played draughts with her. We finished about eight minutes past 12. I went to bed then. Miss Baker played with me as well as my sister. Saturday night I first knew I was wanted. I hadn't been told I was wanted. Emms didn't come and tell me.

Cross-examined.

I didn't see Emms from the Tuesday before my arrest. I didn't run away from the P.C. I heard someone call "Fire," and when I got to the court I fell over a piece of orange peel. I didn't say "I'm done." I didn't say I was innocent before I knew what I was arrested for. I don't know the P.C. Jeffery at all. I haven't seen him before to my knowledge. Emms was a friend of mine until six months ago, when we had a row. I didn't know Emms had been arrested. I haven't associated with anyone since I was in trouble. My last place was at Ingrams & Perkins, in Chiswell Street, about eleven months ago. I do a bit of hawking now. I do work for my sister, who is a hawker. I have been at present address about six months. I am not known as "Ginger Norrey." They may have called me that now and again. I have played draughts. The night before (Sunday) I played draughts. I played a few nights, but can't remember every night I played. It was not unusual for me to play draughts in the evening.

ELIZABETH BAKER, sworn :—

6, Poyser Street. I live in the same place as the Norreys. Norrey came in at 11 and stayed in till 12. We played draughts. He and his sister played two games and I played one with him. Just after 12 I went to bed. I have played with him before. It is a common thing. We played Wednesday and Thursday nights last week. Norrey was there. I don't think I played the week before. We played all the evening on Wednesday night. He was in Wednesday and Thursday night. He was in about six on Thursday night. I sat up till five past one on the Monday night and I bolted the front door. I am on the ground floor. I can't remember every time what time I bolt the door. I didn't know Norrey was wanted till Sunday morning, when his sister told me. I have heard people call Norrey "Ginger Norrey." I don't know what he does for a living.

MARY ANN GIBBONS, sworn :—

6, Poyser Street, married. 22nd October prisoner Norrey was at home at night. He came in at 11. We played draughts—me and him and Mrs. Baker. We often play. He was in till 12 o'clock playing, and went to bed at ten past 12. No one came and told me he was wanted before he was arrested. I haven't seen Emms.

Cross-examined.

I hadn't heard Emms had been arrested. My brother always sleeps at my place. We generally play draughts. I didn't take much notice what time he went to bed on Tuesday or Wednesday. I don't take notice of the time. I had nothing to bring the Monday night to my mind until after he was arrested. Norrey goes out sometimes at night.

Mr. Cluer, the Magistrate, dismissed the charges as against both defendants.

We inquired into the case on December 13th, 14th and 19th, 1906, and on January 29th and 30th, 1907. Mr. Schultess Young and Mr. Livett appeared for Emms, and the police concerned were represented by Mr. Eldon Bankes, K.C., and Mr. R. D. Muir.

In support of the complaint we heard the evidence of the following witnesses:—Edward Emms, J. Norrey, Mrs. Baker, Mrs. Gibbons, Mrs. Bloom, Mrs. Allen, G. Kemp, Mrs. Hoy and G. Measures. In answer to the complaint we took the evidence of P.C. Jeffery, 369 H, Dr. Clark, P.C. Death, 409 H, P.C. Payne, 285 H, P.C. Wood, 422 H, Sergeant Anderson, P.C. Greenfield, 214 H, P.C. Penny, 366 H P.C. Philips, 363 H, and of Mr. John William Ward and Mr. Thomas John Ward.

The charges against the police in these cases may be thus formulated:—

(1) That P.C. Jeffery, 369 H, without provocation or justification, assaulted and beat Edward Emms with his truncheon, causing him actual bodily harm, on the 23rd October, 1906, at Brick Lane.

(2) That P.C. Jeffery wrongfully arrested Edward Emms for assaulting him (P.C. Jeffery) while in the execution of his duty.

(3) That P.C. Jeffery falsely preferred a charge against Edward Emms of being "concerned with a man not in custody in assaulting" him "whilst in the execution of his duty at Brick Lane."

(4) That in the charge room at the Commercial Street Police Station, when Emms was rising from a chair on which he had been placed, a constable forcibly knocked him back on the chair.

(5) That P.C. Jeffery gave false evidence at the police court in support of the charge.

(6) That P.C. Jeffery maliciously and without reasonable and probable cause commenced and carried on a prosecution against John Norrey for being concerned with Edward Emms in an unlawful assault and battery upon P.C. Jeffery on the 23rd October, 1906.

(7) That Mrs. Allen and Mrs. Hoy were assaulted and violently pushed out of Commercial Street Police Station by one or more policemen.

(8) That Emms was ill-treated in the Charge-room.

General Observations.

This case is of importance (1) because it is the only case except that of Wilson in which complaint is made of the improper use of the truncheon by a police-constable; (2) because it is suggested on the police side that the facts disclosed show the difficulties under which the police discharge their duties in that part of the Metropolis (the H or Whitechapel Division), where they have to deal with an idle and criminal class of persons animated by settled hostility to the police authorities; and (3) because it is suggested, on the other hand, by the complainant, and those who were acting with him, that the case affords a good illustration of the manner in which the police ill-treat men who have become known to them from being, rightly or wrongly, charged with various offences at the police court of the division. In the written notes sent in with the details of Emms' account it is said:—"This case shows that a man 'known to the police' was roughly pushed away by a constable merely because he stopped to look at two or three people who were having 'some words,' and that when the man expostulated after being pushed a second time the constable gave him a knock-down blow on the head with his truncheon and dealt him other blows on the head as he lay on the ground. That when the man recovered consciousness at the station the constable charged him with assault upon himself, and afterwards arrested another man, also 'known to the police,' as an accomplice, who was proved to have been elsewhere at the time. Both charges were dismissed."

We thought it right, therefore, notwithstanding the admitted bad character of Emms, to investigate the affair for ourselves.

Complainant's Case.

Edward Emms' account of what took place on the morning in question, as given before us, was very nearly the same as that which he gave when called for the defence
Q. 23797, &c at the Police Court. He was coming about 25 minutes past 12 through Brick Lane, and as he was going along he saw two or three people round a constable. He was then on the opposite side of the road and crossed the road to them. The constable said to him, "What do you want here, Emms?" He said, "Out of it." He shoved him (Emms). He never went away. He shoved him (Emms) again. He never went away. He shoved him (Emms) again, and then he (Emms) shoved him back, and with that he (P.C. Jeffery) drew his truncheon and knocked him on the head insensible. He (Emms) remembered nothing more until he found himself in the station sitting in a chair. As to what took place then, we give his account in his
Q. 23805. own words: "They sent for a doctor to attend my wounds. I refused to see the
Q. 23808, &c surgeon for the police. I wished to have one outside for myself, but they would not let me; so I refused to be attended by the surgeon for the police . . . . I was in a shocking condition, feeling seriously ill. I fainted. I could hardly sit in the chair. When they refused to let me have a surgeon on my side I got up off the chair, and I was pushed back into the chair again by one of the constables there . . . . A surgeon who was there dressed my wounds. I was charged with assaulting the police . . . . They mentioned a man of the name of Norrey. I had not seen him for over a week."

Q 24199, &c. John Norrey said that he was a labourer, and that he had known Emms before, but had not seen him on the 22nd, and that he was not with him at the time of the occurrence in question, and that he had never seen P.C. Jeffery before. In substance his defence to the charge was an alibi, and he told us that he went home (*i.e*, 4, Poyser Street), on Monday night, the 22nd October, at 11 o'clock, and sat and played three games of draughts with his sister and a Mrs. Baker, that they finished playing at eight minutes past 12, and that he then went to bed. Norrey, of course, was unable to give, assuming his story to be true, any evidence as to the affray in which Emms became engaged with the police constable. Therefore his complaint is that he, being entirely innocent, was wrongfully prosecuted by the police because of the strong animus which they had against him and because they knew he was acquainted with Emms.

The Police Case.

The answer of the police to these complaints is given, so far as the main question
Q. 25121 is concerned, in the evidence of P.C. Jeffery; and we think it better to give the story as he told it. He told us that he was on duty in Brick Lane about half-past 12 on the morning of the 23rd October, and that when, in proceeding along that street, he came to the Great Eastern Railway bridge, which crosses over Brick Lane, his attention was attracted by two men and a woman who were quarrelling. "Seeing
Q. 25216. the woman crying I spoke to them. I said, 'What is the matter here?' The man
Q. 25133. Emms replied, 'This is my wife.' . . . He said. 'This is my wife. This is my
Q. 25135. brother, and it has nothing to do with you.' I then said, 'If it is your wife, take
Q. 25141. her indoors. Do not keep a woman crying in the street at this hour of the night.' The woman and the man Norrey walked away a few yards. The man Norrey almost immediately returned, and the two men assaulted me, striking me in the face and pinning me to the wall. The man Emms hung on to my throat and knocked the back of my head against the wall. Norrey kicked me just below the left knee, and beat me about the left side of the face and body. An artificial tooth was knocked off the plate, and my whistle and armlet were torn away in the struggle. My lamp was also damaged. I tried to get them to desist assaulting me, and to surrender to me, but they would not, and, finding that I was being overpowered by them, I drew my truncheon. I struck the man Emms a light blow on the forehead. It did not cause him to desist, so I struck him again on the head with the truncheon. The man Norrey ran away to the south, down Brick Lane, and the man Emms released himself from me and ran down Pedley Street, and there he fell to the

ground. I followed him and stood over him. In the meantime someone had informed another police constable and he came to my assistance." He said he never recovered his whistle nor his armlet. "My helmet was knocked off and was given to me by a bystander." He told us that the helmet was knocked off at the commencement of the struggle; that P.C. Death was the first constable to come to his assistance; and that afterwards the ambulance came; he walked to the station but Emms was taken on the ambulance. He said he (P.C. Jeffery) was very exhausted, and the station sergeant, seeing his condition, told him to sit down in the inspector's office. He was afterwards attended to by the Divisional Surgeon, and placed on the sick list, and remained on it for some thirteen days. Q. 25147. Q. 25148. Q. 25149. Q. 25150. Q. 25151. Q. 25152. Q. 25153. Q. 25154. Q. 25155. Q. 25156.

Comparing the accounts given by Emms and by the police constable, it is obvious that there is a very glaring conflict of evidence. That P.C. Jeffery was injured, and Emms also, are, as we shall see, facts beyond doubt. The case turns entirely on the view we take of, and the inference we draw from, the oral testimony, and mainly on the question which of these two men is speaking the truth as to the commencement of the affray.

Character of the Parties Concerned.

In considering the credibility of the witnesses in a case of this kind, where two diametrically opposite versions of the commencement of a struggle are given, it is always well to ascertain what characters the parties concerned bear; because though a man of bad character, as we have pointed out more than once, ought not to be treated always as necessarily speaking falsely, still, where his record clearly shows him to have been guilty of dishonesty on many occasions, it is not unfair to treat his evidence with the utmost caution in all cases, and with some special scepticism, where he himself is a party to the occurrence in question, and is not simply giving evidence as an observer.

Whatever may have been the circumstances of the bringing up of Emms and Norrey, or however unfortunate the surroundings of their early lives, it is the fact that they belong to the class sometimes called "hooligans," and that neither can fairly represent himself as one who has simply occasionally committed larceny under the pressure of want, but that they are undesirable members of the community who habitually pass their time without any real effort to get steady employment, and more or less associate together in a highly irregular course of life.

The list of convictions against Emms shows that from 1899 down to August, 1906, he had been convicted ten times for various offences, and been sentenced in each case to a term of imprisonment, the first conviction being for robbery in January, 1899, when he was sentenced to one month's imprisonment with hard labour; and in every subsequent year there were convictions for larceny and allied crimes. In 1902 he was sentenced to twelve months' imprisonment; in 1903 he was sentenced to eighteen months' imprisonment; in September, 1904, he was sentenced to two months' imprisonment for assault; in 1905 he was sentenced to twelve months' imprisonment; and in August, 1906, a few weeks before the occurrence into which we are enquiring, he was sentenced to one month for assaulting his own wife. That constitutes, we believe, the worst record of any witness called before us.

Norrey's record is not so bad, but it is sufficiently serious. In 1905 he was sentenced to eight months' imprisonment for an attempt to steal a gold watch and chain; and in May, 1906, he was sentenced to eight weeks' imprisonment for assaulting a barman at the "Crown" public-house in Brick Lane.

P.C. Harry Jeffery is a young constable who, at the time he was called before us, was in his twenty-fourth year, and he had been fifteen months in the Force. Before becoming a constable he served as a gunner in the Royal Marine Artillery for six years. After leaving the Marine Artillery he had three months' employment as a motor-car driver, and then, after a short interval, became a police constable. His defaulter's sheet is clean, and, so far as we can ascertain, he has, during his somewhat brief experience, given satisfaction to his superior officers. He may, therefore, be described as a man coming before us with a very good character.

The Injuries Received by Emms and P.C. Jeffery Respectively.

If Emms' account of this affair is compared with that of P.C. Jeffery it becomes apparent that not only was Emms in fact close to the spot where the police intervention by P.C. Jeffery for some cause or other first took place, but that P.C. Jeffery and Emms did come into violent personal contact, whichever of them was the aggressor. As a result, both received considerable injuries. Dr. Clark, the Divisional Surgeon, attended to them both at the police station very shortly after the affray had
Q. 25056. occurred. He told us that he found Emms sitting on a chair in the charge room at the Commercial Street police station, and that he objected to having his head dressed by any surgeon except one from outside, because he wanted the Magistrate
Q. 25065. to see his head. After his protest, however, and seemingly without further resistance on his part, Dr. Clark, who had already come to the station to attend to another case, did examine and dress the wounds of Emms. He thus described the result of his examination: "He had a contused wound on his forehead about three-quarters of an inch in length, just at the commencement of his hair; he had another at the back of the head about one and a-half inch in length. They were both lineal wounds in a straight line. He said, further, both wounds were bleeding." Apart from the wounds, he described Emms' condition as being "very excited, and
Q. 25082. talking the whole time, and protesting." He wanted to tell the doctor all about the
Q. 25083. case. The doctor then dressed the wounds, and told the officer in charge of the
Q. 25084. station that he (Emms) was fit to be detained in the cell. Dr. Clark said he had seen truncheon wounds before. He explained that Emms' wounds were not typical
Q. 25077. truncheon wounds. Wounds caused by truncheons were almost invariably "starred," *i.e.*, running in about four directions, whereas each wound in this case was lineal. He
Q. 25097. added, "I do not say they were not caused by a truncheon. They might have been caused by any blunt instrument, or even by coming in contact with the pavement."

He thought that the wound on the back of the head might have been caused by falling on the pavement, and that it was possible the truncheon blow might have been the one on the forehead causing the man to fall, and the wound on the back of the head might have been caused by coming in contact with the pavement.

He added that the wound on the back of the head was undoubtedly the severer, and that what he saw was quite consistent with the policeman and Emms having had a struggle, the policeman knocking him on the forehead with a truncheon, and the man falling and getting a wound on the back of his head. The witness also said that, assuming the wounds were truncheon wounds, judging from his previous experience of that class of wound, they were not delivered with a man's full force.

So much as to Emms' condition when he arrived at the station. Dr. Clark also examined P.C. Jeffery. He found him "in a very exhausted condition, as if he had
Q. 25088. been in a severe struggle. His face was bruised. One of his artificial teeth had
Q. 25089. been broken. He complained of injury to his chest, and to his legs and to his head.
Q. 25090. He presented all the appearance of a man who had been through a severe struggle.
Q. 25091. He had no wounds but only bruises." He put him on the sick list and told him "to
Q. 25092. go home and bathe the bruises with warm water and keep quiet." He saw him regularly for thirteen days, during which he was unfit to go on duty.

The Locality of the Affray.

In order to understand the evidence it is necessary to have a clear idea of the place in which the struggle between P.C. Jeffery and Emms took place. Brick Lane is rather a narrow street running in a northerly direction from Osborn Street (High Street, Whitechapel) to Columbia Market. Proceeding from Hanbury Street northward one comes to the intersection of Brick Lane by Quaker Street on the left, and Buxton Street on the right. Proceeding still northward, the street passes under a bridge which carries the Great Eastern Railway over Brick Lane. About 26 feet or 27 feet before you come to the south end of the bridge you pass on the right Pedley Street. The railway and bridge are about fifty feet wide where the railway crosses Brick Lane, and underneath the bridge there would not be so much light as in the rest of Brick Lane and Pedley Street, because just near the

railway, Brick Lane and the beginning of Pedley Street are fairly well lighted, as there are railway lamps which give illumination in addition to the ordinary gas lamps in the street. We have visited the place and observed nothing requiring us to modify the statements just made, which we gathered from the evidence. According to P.C. Jeffery's evidence, he was just under the bridge at its north end when he saw two men and a woman quarrelling, and the latter were standing near a doorway at the south end of the bridge. A plan, which it is however unnecessary to reproduce, was put in showing the necessary portions of Brick Lane and the vicinity.

From the evidence of Emms and P.C. Jeffreys, together with that of the Doctor, we ascertain the following facts :—

(i.) Emms, as the result of the encounter with P.C. Jeffreys, had sustained two wounds on the head—one slight wound on the forehead and another more serious on the back of the head.

(ii.) P.C. Jeffreys admits that he struck Emms twice on the head with his truncheon—once lightly "on the forehead" and a second time on "the head."

(iii.) The wounds were such as might have been caused by blows from a truncheon. The one on the back of the head might certainly have been caused by a fall on the pavement, and it is possible that the one on the forehead might have been produced by such a fall.

(iv.) P.C. Jeffreys was also suffering from the effects of assaults ; he was exhausted ; his face was bruised ; an artificial tooth had been broken ; he complained of injuries to his chest, legs, and head, and though unwounded he had bruises on his person.

(v.) It is not denied by Emms (nor by anyone else) that P.C. Jeffreys' whistle and armlet had been torn away in the struggle.

Evidence of Complainants' Witnesses.

There were called on behalf of the complainants five witnesses, viz. :—Mrs. Bloom, a stallkeeper, in Brick Lane ; Mrs. Allen, a shopkeeper, residing in Bacon Street ; Mrs. Hoy, a married woman, also residing in Bacon Street ; George Kemp, a tablemaker, living in Granby Street ; and George Measures, a carman, and ex-soldier. Unfortunately, even assuming that they are all honest witnesses, their evidence gives us no assistance in coming to a conclusion on the question how the affair began, and no trustworthy guidance as to whether the use of the truncheon was necessary or unduly violent. Measures, whose account differs greatly from that of any of the other witnesses, we believe to be quite untruthful, and we are inclined to think P.C. Clark was right in suggesting he was not on the scene at all, or only there at so late a stage that he saw nothing of consequence. Mrs. Bloom and George Kemp we think were honest in the sense that they tried to give a truthful account of what they saw, but there are such discrepancies or contradictions between what they told us and what they said at the police court, and between their several narratives, that we cannot reconcile them. Mrs. Allen and Mrs. Hoy were thoroughly unsatisfactory witnesses, and we are inclined to think they were making common cause against the police, but however this may be, we do not think it safe to place any reliance on what they said. Mrs. Hoy was not called before the Magistrate, but she admitted she had made a statement to a gentleman concerned in getting up the evidence to be given before us, and that statement contained a story very different from that which we heard in the witness-box. That they were on the spot either just as or just a minute or two after the struggle commenced is probably true, and there are indications from which it may be reasonably suspected that Mrs. Hoy was the woman whom P.C. Jeffreys observed talking with two men when he first intervened. The material allegations hostile to the police to be gathered from the testimony of these persons are that the constable exercised great force in striking the blows with the truncheon, and that he struck Emms after he had fallen in Pedley Street, but the stories are so confused, and on many points so contradictory, that we have no hesitation in finding that they afford no ground at all for deeming those allegations proved.

Still though the accounts of these four onlookers cannot possibly be wholly reconciled, and much of what they said was (obviously to any careful listener) untrue, whether because they intentionally tried to mislead us, or because they were led away by imperfect observation or unduly strong sympathy with a bleeding and suffering man, coupled with faulty recollection, their evidence is not wholly without value. There are some phases or incidents on which all or the majority of the witnesses are agreed.

The following allegations clearly emerge :—

(1) There was a struggle or scuffle between the constable and Emms.

(2) The constable did strike Emms twice on the head.

(3) Some man did "punch" the constable in the face and run away.

(4) Emms did fall down seemingly unconscious in Pedley Street.

(5) The police constable did stand over him (Emms).

For each one of these allegations it is to be observed that there is a basis of fact in P.C. Jeffery's own account. There was a struggle, the blows that he struck were two in number, the constable was struck in the face, and one of the men whom he identified (Norrey) did run away, and Emms did fall down seemingly unconscious in Pedley Street, and P.C. Jeffery did stand over him. There is a sense, therefore, in which it may be said that the witnesses on behalf of Emms to some extent corroborate P.C. Jeffery's account of the events. The difference between him and them is as to the order in which the incidents occurred. If they occurred, as he says, we think there can be no doubt whatever that he was justified in using his truncheon. If he is mistaken as to the exact place at which he used the truncheon, and in fact in the struggle with Emms he had really got further from the railway arch than he imagined, even into Pedley Street, and it was there that the two blows were really given by him, it does not seem to make any substantial difference to his case. If the final struggle with Emms took place in Pedley Street and not at the point which P.C. Jeffery thinks, if he was justified in using the truncheon at all he was justified in using it there just as much as where he believes he did use it ; and we are not by any means certain that it is not a mistake on the part of P.C. Jeffery as to where his truncheon was used which has principally contributed to the conflict of evidence in this case.

The Police Case.

Turning now to the Police case we find that, as in many others, the only witness on that side who can speak as to the crucial incidents is the policeman himself concerned, namely P.C. Jeffery. We have summarised his account above, and we need only add that while the circumstances make it quite possible that he is mistaken as to various details, we think that the story he tells is one that has every mark of truth. According to Emms' story, P.C. Jeffery's interference with him and the truncheon attack were wholly unprovoked. P.C. Jeffery's story, having regard to the character of Emms and Norrey, is one that seems probable enough. Whether P.C. Jeffery was wise or not in interfering in the altercation that was going on when he got under the railway arch, in the course of his beat, simply because a woman was crying, may be open to question ; but his doing so, coupled with the fact of his being isolated in a lonely and dark place, may well have annoyed men already hostile to the police, and only too glad to get what they deemed a safe opportunity to pay off old scores. That P.C. Jeffery sustained injury is certain ; and that he lost his whistle and his armlet is certain. The evidence on Emms' side does not explain these facts, nor does Emms' own statement.

The other constables who quickly came upon the scene do not give very material assistance, but so far as their accounts go they all tend to confirm the accuracy of P.C. Jeffery's version. P.C. Clark, being informed by some stranger of what was going on, immediately ran into Pedley Street, a distance of two hundred yards. He found

P.C. Jeffery leaning against a hoarding in an exhausted condition, and asked him what was the matter. P.C. Jeffery said, "I have been assaulted by this man (pointing to Emms lying on the ground), and Ginger Norrey; Ginger Norrey has got away." P.C. Clark then went down on his knees with the intention of rendering first aid to Emms, if necessary. He raised Emms' head from the ground, when he (Emms) said "I will make some of you f———g well sit up for this." Another man that he (the constable) knew by sight said "Guvnor, here is his wife, let her have a look at him." He said "Certainly." With that the woman stepped forward and said, "Let me take him home, will you?" P.C. Clark said, "That is impossible, he is in custody now." With that P.C. Clark raised Emms to his feet and asked him if he would walk to the station. Emms said "No," and threw himself down again, and was in a reclining position against the hoarding when the ambulance arrived. The constable then helped to put him into the ambulance, and he was taken, as we know, to the station. P.C. Clark was certain that no woman touched him (Emms) during the time that he was there, and he was positive that Measures did not do so, and, in fact, that he was not there at all, so far as he knew, and did not help Emms on to the ambulance. Q. 29977

The effect of course of P.C. Clark's evidence is to show that P.C. Jeffery was suffering himself, and that Emms' condition was not so serious as he and his witnesses would lead us to believe; and indeed it tends to confirm the suspicion which we strongly entertain, that Emms' statement to us that he was unconscious and remembered nothing from the time he received the first blow till the time he found himself in the station is false, though we have very little doubt that he was for a short time stunned.

The evidence of the other police witnesses is not material except that it throws great doubt on the accuracy of the complainant's witnesses on some of the later incidents described by them.

The Case Against Norrey.

We now come to consider the evidence bearing upon the charge made against Norrey.

The question raised by the prosecution of Norrey is simply one of identity. No substantive evidence was called by that complainant tending to disprove the statement of P.C. Jeffery as to the origin of the affair. Of course Norrey himself could not consistently with the denial which he made that he was the man with Emms on this occasion give any evidence as to the commencement of the matter. His case is that he was not present at all, but that he was at home and in bed at the time when this occurrence in Brick Lane and Pedley Street took place.

Like Emms, Norrey is a man with a bad record, but until comparatively recently he was leading an honest life. But we have also the information that he had known Emms intimately for eight years, though he denied that he was one of the Harding gang, or associated with Harding or his gang at all, and alleged that he had quarrelled with Emms some eight months ago. He did not deny the previous convictions alleged against him, though we were not very well satisfied with the way in which he answered Mr. Eldon Bankes' questions in reference to them. There is nothing to suggest that Norrey was a man who had taken to drink, and whatever the circumstances which may have led him into evil ways he seemed to have been a man who had been acting with his eyes open. Upon the whole, without allowing ourselves to be unduly prejudiced by his bad record, we were not favourably impressed with him as a witness, and thought him a person quite capable of telling deliberate lies. The defence that he set up to the accusation made by P.C. Jeffery was an alibi which we will examine presently. Q. 23867 Q. 24289 Q. 24293

P.C. Jeffery, as appears from the account given above, named Norrey as one of the two men whom he found under the railway bridge with the woman, who was crying. He said that he had never spoken to Norrey before the night in question, but that he had been pointed out to him by a police officer on duty in Brick Lane "as being 'Ginger' Norrey, one of the gang that hang about that neighbourhood," and that he had seen him on and off during twelve months. In reply to Mr. Dickinson he said that when he on the evening in question got up to three persons he recognised him, and that the two men were standing in the full Q. 26414 Q. 26415 Q. 26396

light of the lamp at that end of the bridge. The effect of this evidence therefore is that the constable had ample opportunity of seeing the features of the two men to whom he spoke, and there seems no reason whatever for doubting that P.C. Jeffery was acquainted with Norrey by sight and knew him under the name of Ginger Norrey, which appears to have been a nickname often applied to him.

Further it is shown by the evidence of P.C. Death, who was the first constable to arrive upon the scene when Emms was lying in Pedley Street, that when he
Q. 26694 spoke to P.C. Jeffery the latter replied "I have been assaulted by the man who is lying on the ground and Ginger Norrey, who has run away." Moreover, P.C. Clark also asked him what was the matter, and P.C. Jeffery replied "I have been
Q. 29977 assaulted by this man," pointing to Emms lying on the ground, "and Ginger Norrey has got away." Again, immediately upon arrival at the station P.C. Jeffery
Q. 30171 told Inspector McMillan that he had been assaulted by the man they were just moving on the ambulance, and that Norrey had escaped. P.C. Payne told us that
Q. 26962 he heard P.C. Jeffery say to the station sergeant "Ginger Norrey is the man we want besides this one we have here." P.C. Payne then said to the station sergeant (Station Sergeant Anderson) "I know him," and thereupon P.C. Payne went out immediately but saw nothing of him that night.

Furthermore, early on the morning of the 23rd October P.C. Jeffery made an entry in his notebook before leaving the station, which he did in accordance with regulations applicable to the case of a constable who has used his truncheon. This entry must not be confounded with the formal report which he made on the 31st October, and is an entry made practically at the time of the occurrence in the course of his ordinary duty, to which he was entitled to refer for the purpose of refreshing his memory, and in that entry he says he "saw an altercation between two men and a woman. The woman was crying. P.C. (*i.e.*, himself) spoke to them and requested them to go away; whereupon one man, not in custody, whom I know as Ginger Norrey, struck me a violent blow in the face. . . . Norreys kicked me on the left knee and struck me on the chest and body. . . . Norreys then made good his escape." This entry was undoubtedly made at the time, as it is initialled by his superior officer on the 23rd October. The words "Ginger Norrey" were clearly written right off at once, as they are not interlineated and cannot have been subsequently interpolated. We think no importance can possibly be attached to the addition of the "s" to the name of Norrey on the second and third occasions where the name occurs quite naturally in the course of the brief narrative. Proceedings were thereupon taken against Norrey, and a warrant was issued by the magistrate on the 25th. The slight delay in the issuing of the warrant appears to have been due to the fact that the consent of Scotland Yard was required to the proceedings.

The Suggested Alibi.

Q. 30391 &c. Norrey was arrested on Saturday, the 27th, by P.C. Greenfield, 214 H, under circumstances which he described as follows: P.C. Greenfield first saw Norrey, the person described in the warrant, whom he knew, in Virginia Road, and he immediately went towards him in order to arrest him, when Norrey dodged round and ran up Mount Street. The constable ran after him for eighty or ninety yards, when Norrey fell down, but got up. The constable told him he was going to take him into custody for assaulting a policeman the other night in Brick Lane. Norrey said "What policeman?" The constable replied, "You know as well as I do." "He then said 'I am innocent and can prove an alibi.'" The constable then arrested him and took him to the station and read the warrant to him there. He made no reply. Norrey gave a slightly different account of the conversation between him and P.C. Greenfield, but, in the view we take of the matter, the difference is not material.

Norrey's story is that he was back at his home, 4, Poyser Street, a little before 11 o'clock on Monday the 22nd, that he played two or three games of draughts with his sister Mrs. Gibbons and his sister's friend Mrs. Baker, who lives in the same house, and that he went to bed at midnight or a few minutes after, and that he did not again leave the house before morning. If that statement is true it

is of course a complete answer to the police case, and P.C. Jeffery must be mistaken in thinking that Norrey was the man who was with Emms under the railway arch. Mrs. Gibbons and Mrs. Baker were called before us, and confirmed with many details the account given by Norrey. We have considered their evidence, and compared it with what they said before the Magistrate. We see no reason to doubt that they and Norrey occasionally played draughts together, but in our opinion their statements that they did so on the particular Monday on which the affair in question occurred are not proved to our satisfaction, even if we take the favourable view that they did not come before us with a deliberately concocted story.

A strong point against the truth of the alibi is, we think, afforded by Norrey's own conduct. Norrey told us positively that until he was arrested he knew nothing whatever about the affair; he did not even know that a constable had been assaulted, or that Emms had been injured in Brick Lane, nor did he know that anyone had mixed his name up with the affair, and he was ignorant of the fact that there was a warrant out against him. Nevertheless the moment Norrey saw P.C. Greenfield in Virginia Street he dodged round and ran up Mount Street, and then some 80 or 90 yards off fell down. We entirely disbelieve his obviously invented allegation that he was running because he heard shouts of "Fire," and regard his attempt to escape as showing that he was telling a lie when he told us that he knew nothing whatever about his being wanted by the police.

Upon the whole we have come to the conclusion that Norrey was the man with Emms upon that occasion. If so, the question whether he was guilty of assaulting P.C. Jeffery must depend upon the view we take of that constable's evidence. Norrey, therefore, must stand or fall with Emms.

Summing up of Case as Between P.C. Jeffery and the Complainants.

We are now in a position to consider the case broadly, and, but for the fact that so experienced a Magistrate as Mr. Cluer dismissed the case both against Emms and Norrey, we should have very little hesitation in deciding that Emms' account of the origin of the struggle between him and P.C. Jeffery is incorrect, and that the intervention of the police-constable was justified. We start, with some facts which are ascertained. P.C. Jeffery was undoubtedly knocked about a good deal, his whistle was taken away or lost in the struggle, and his armlet was torn off; and, if Emms' account is true, these injuries were received before he came upon the scene, for, except as to the blow given while he was standing in Pedley Street over the prostrate Emms, of which he says nothing, there is no evidence whatever that Emms or anyone struck the constable, and the "blow" or "punch" spoken to by some of the witnesses cannot have been the only blow received by the constable. As to Emms' injuries there is no dispute. He had two wounds, and one, at any rate, bled a good deal, though neither of them was of a serious character. According to Emms, he became unconscious, and remained unconscious after receiving the blow until he came to in the police station. According to the evidence of some of the witnesses favourable to Emms, that cannot be true, because they saw him raise himself up after he had been felled to the ground, and P.C. Death and P.C. Clark are positive that he spoke after they came into Pedley Street. Whether, however, Emms was or was not unconscious as long as he says seems to be of no consequence, so far as the question we are now discussing, namely, the origin of the affair, is concerned. There is no doubt at all that he received two blows on the head with the truncheon from the constable. The accounts of Emms and of P.C. Jeffery agree as to the place where they first came into contact. It is common ground between them that this was just under the railway bridge on the opposite side of the road from Pedley Street, which runs out of Brick Lane a few feet south of that point, and also that when P.C. Death came up Emms was lying in Pedley Street a few feet from the corner.

What we now have to ask ourselves is, How did the affray commence? According to Emms' story, he saw two or three people round the police-constable. In his examination-in-chief he said nothing at all as to what the people were doing, or whether there was any kind of altercation going on between them and the constable, and it was not very obvious why his attention should have been attracted to the

group on the other side of the road. But in cross-examination he informed us that
Qs. 23945 the police-constable was called a name, "and one chap was pulling another chap
23946 away." Again, he told us that the constable was standing "with his back against the
23947 wall and three or four chaps—I think there were some women too—standing there."
Q. 23951 Later he said that when he crossed the road and got to the place there were seven or
Qs. 24000 eight people there, and he thought he noticed Mrs. Allen, but would not be sure. The
24004 seven or eight people he said were not close round him—'standing round him."
Q. 24009 Then he crossed over, and then the constable said, "What do you want, Emms?"
Q. 24014 and so on. Now, if that is so, the constable's action appears to have been one of a very silly and unnecessary character. We are asked to believe that a constable standing with seven or eight people round him, one of whom is pulling another man away, and calling the constable by some improper name, simply because Emms came up, singled him, the new arrival, out for attack. It is difficult to see what motive is suggested for this course. Besides the total absence of motive for the police-constable interfering with Emms, one cannot help noticing that it is odd that if this account is true, not one of the seven or eight persons who were around the police-constable, and who must have heard his inquiry of Emms, and seen the commencement of the affair by the pushing of Emms three times, have been called before us unless, indeed, Mrs. Allen was in fact standing there at the time, though, if her evidence is true, she was not. We have had quite a considerable number of people who speak to the remainder of the affray, but not one of them says anything about its commencement. If Emms' story is true, what became of the seven or eight people? His account gives no explanation whatsoever of their disappearance from the scene.

When critically examined, Emms' account of the origin of this matter is very unconvincing in itself, and, when examined in the light of all we know about the case, it seems to us to show that there was a woman, possibly though not certainly, Mrs. Hoy, with Emms on the occasion, and, if so, to some extent Emms' own story lends assistance to the police-constable's account.

Let us now turn to the police-constable's version of the origin of the affray. It seems to us to give a reasonable enough cause for the commencement of the affair. There is nothing improbable in the circumstances that two men and a woman were talking, and that the woman was crying, and though we are not at all sure that, even according to his own account, P.C. Jeffery displayed much prudence, still his intervention was natural enough under the circumstances, as the woman was crying; and perhaps when P.C. Jeffery has had more experience he will not be so susceptible
Q. 26322 to a woman's tears. Having spoken to them, and being told by the man, who turned
Q. 26323 out to be Emms, "This is my wife," he was preparing to walk away on his beat when he was at once assaulted, though he found it difficult to say which of the men
Q. 26295 struck him first. He was rather pressed in examination by the Chairman as to why he interfered, and he explained that, knowing the man Norrey, he thought they might be up to some mischief with the woman, so, as she was crying, he asked what was the matter. He would not admit that his conduct was in the least degree provocative; and when he got the answer, "This is my wife," he quite properly did
See White Book, p. 215 not interfere further. In taking that course it should be observed he was acting in strict accordance with the regulation that "The police are not to interfere between a man and his wife who are quarrelling unless it is absolutely necessary."

Upon the whole, no successful attack was made upon any of the details of P.C. Jeffery's story, nor was anything brought out which tended, according to our thinking, to discredit his character or his story.

There is one criticism which we think may be directed against the story as told by P.C. Jeffery, and that is that it discloses no adequate motive for the assault on him. P.C. Jeffery does not suggest that there was any personal motive directed against himself for the assault, but he asks us to believe that the reason simply was that these two men took advantage of the loneliness of the spot, the lateness of the hour, and the isolation of the constable, to revenge themselves upon the police. That habitual criminals and good-for-nothing young men who spend their time in loitering about the streets in the intervals of visits to various public-houses and other resorts should dislike the police as a body, and even conceive hatred for individuals among them is quite natural, and there is very

good ground for our thinking that this is the case with the more or less organised groups of such persons as exist in this part of the East End. Both Emms and Norrey, and Harding and others, whom we find to have been more or less associated with them during the past few years, for the most part are not men who have been guilty of one or two offences for which excuse might be found by the temptation of an immediate and pressing poverty, but they are men of considerable intelligence who seem to have received a good elementary education, and who, though they occasionally do a day's work, rely chiefly, or at any rate, very largely, upon the profits obtained by larceny committed in combination for their means of livelihood; and as we think too, they are the misleaders of youths at the critical stage between boyhood and full manhood. The conditions of life in this part of London are such as to make it difficult for the high spirits of youth to find, as they can find in the country, an adequate outlet for their natural expression. The young people there are practically forced to spend long hours and long evenings in thoroughfares where they are exposed to the influence, and perhaps inspired by the example, of older men who have fallen into a settled and criminal course of life. The consequence is the formation of what the tradesmen called before us described as "gangs," which come to be associated more particularly with the name of some individual, generally one who has been in collision with authority; and, in estimating the value of the explanation given by P.C. Jeffery of this assault upon him, one ought to take into account the condition of things which has been shown to exist in the neighbourhood of Brick Lane. We see, under all the circumstances, no improbability whatever in thinking that these two men, Emms and Norrey, seized an opportunity of humiliating a constable by a sudden attack under circumstances which seemed pretty favourable both for its execution and for escape from its consequences.

The conclusion that we have come to is that the story told to us by P.C. Jeffery is true, and, that being so, that he did not, under the circumstances, use more force than was necessary in defending himself against the attack of Emms and Norrey.

Complaint of Mrs. Allen and Mrs. Hoy.

This conclusion, however, does not finish our enquiry in this case, because it appears that Mrs. Allen when called as a witness at the Police Court said that she went to the station and saw Emms in a chair. "A young woman said she would like to speak to him. The Inspector came and threw us both on to the pavement and we fell." The statement of this alleged ill-treatment of Mrs. Allen and her companion attracted attention, and police reports were called for upon the subject; but the Inspector and the constables who reported on the matter were unable to throw any light upon it, though one and all denied that any such treatment had been accorded to any of the visitors to the police station upon the morning of the 23rd October.

The hearing of this complaint took a long time; but, fortunately, as the allegations against the police were whittled down by Mrs. Allen, the more trustworthy of the two complainants, to an accidental slip on the steps of the police station, and practically withdrawn, we need not go into the evidence.

We do not believe that Mrs. Allen and Mrs. Hoy went right into the station together at all. Mrs. Hoy was evidently very much interested in Emms, and Mrs. Allen, too, appears to have been very greatly upset by what she had seen. We think it by no means impossible that mingled curiosity and sympathy may have led them to walk to the police station. Sergeant Anderson told us that a person getting on to Q. 30305. the station doorstep could see right into the charge room. We have visited the place, and find it is possible that if Mrs. Allen and Mrs Hoy got as far as the station steps and looked into the charge room, they may have seen Emms as they described. If so, it is possible that they may have slipped on the steps when they attracted the attention of a constable at the door, and that he ordered them off, and that here we may have the germ of what developed into a wholly inaccurate story. We are however, quite satisfied that the complaint made by these two women of ill-treatment by the police at the station is wholly unfounded.

Emms' Complaint of Ill-treatment at the Police Station.

Emms, in the statement sent in to us, in addition to his main complaint of the wholly unjustifiable assault by P.C. Jeffery complained that he was ill-treated in the charge room. The initial account that he gave, however, is somewhat weak, as it seems to us, as a basis for a charge of that kind. He said, "They sent for a doctor
Q. 23805. to attend my wound. I refused to see the surgeon for the police. I wished to have one outside for myself, but they would not let me; so I refused to be attended by the surgeon for the police. . . . . I was in a shocking condition, feeling seriously ill. I fainted. I could hardly sit in the chair. When they refused to let me have a surgeon on my side I got off the chair, and I was pushed back into the chair again by one of the constables there."

In cross-examination he gave a fuller account. He said "I told them I was willing to pay for the doctor myself, as I did not want to be attended by the divisional surgeon." He added "I said I wanted to see a doctor. That was as much as to say I would pay for it myself." He then in answer to Mr. Eldon Bankes said: "The divisional surgeon came. He did not ask me to allow him to examine me at all. As he walked into the room I got up off the chair and I said 'I do not wish you to attend to me; if I cannot have a doctor myself I will go in front of the Magistrate as I am.' One of the constables got hold of me by my two shoulders, and put his knee in my stomach, and forced me down." He was positive that the constable put his knee on his stomach.

The only other evidence besides the police evidence as to the treatment of Emms in the charge room is to be found in the evidence of Mrs. Allen and Mrs. Hoy, who, during the alleged visit which we have just discussed, gave with still greater fulness an account of Emms' condition and how roughly he was treated whilst sitting in the chair, and so forth. For reasons which already appear we ignore the evidence of the two women upon this point entirely. P.C. Wood was called, and he told us that no violence was used to Emms except, of course, that he was placed in the chair by P.C. White because he got out and refused aid of any description.

Dr. Clark, who was present during the time at which the alleged use of the knee was suggested, as well as the police-constables present, denied that Emms was improperly kneed in the stomach or forced back into the chair with any undue violence.

We think there can be no doubt whatever that Emms was treated with all consideration under the circumstances, and that, assuming that it was right to force upon him the attention of the divisional surgeon, nothing improper at all was done. We were not quite satisfied as to what action ought to be taken when a prisoner who is injured obstinately refuses to allow the divisional surgeon to attend to him, and, in order to obtain the view of the ordinary constable on the matter, P.C. Wood was asked, after he had told us that Emms had to be put into the chair by force, why he had to be forced into the chair, and he replied, "For the purpose of
Q. 27131 the doctor dressing his wounds." He was then asked whether Emms was objecting to having his wounds dressed, and he answered, "He did decidedly object. He
Q. 27132 said, 'I want to go before the Magistrate as I am.' I said, 'You cannot go before the Magistrate as you are; you must have your wounds dressed.'" We then asked him,
Q. 27133 "Who told you to make that statement to him. What superior officer was present?" He replied, "The doctor wanted to dress his wounds, and we had to see that he was in the chair. It was necessary for him to be put in the chair, under the light."
Q. 27134 Then we said, "Your view is that he was bound to be put in the chair for the purpose of
Q. 27136 being examined by the doctor and having his head dressed by the doctor?" and he replied, "Yes." After further questions he said, "No one told us to use force to place him in the chair, but we knew he had to have his wounds dressed, and we know that all prisoners have their wounds dressed. It is no uncommon occurrence at Commercial Street police station to hold a prisoner in the chair to have his
Q. 27137 wounds dressed." We then called attention to the statement in the White Book. "If prisoners are insensible from drink or any other cause, or appear to be ill or injured in any way, although they do not complain, the divisional surgeon is to be sent for immediately." In answer to the subsequent questions it appeared that P.C. Wood

did not act under the orders of the divisional surgeon, but upon his own initiative, and that that was according to the regular practice.

The regulation in the White Book, though explicit enough as to the necessity of sending for the divisional surgeon in such a case as that of Emms, does not seem to provide for the case of a refusal by a prisoner, nor to contain any direction or caution to constables as to the course they are to pursue where a prisoner objects to having his wounds attended to. We are not at all certain that the police authorities or the divisional surgeon have the right to give surgical attendance to a prisoner who objects to assistance being given. It appears that at the time when the doctor dressed his wounds the charge had not been taken, and therefore at that time the prisoner was technically only in the custody of P.C. Jeffery who had arrested him, so that then no Q. 30263
prison regulations which may lawfully apply to the case of a prisoner once placed in a police cell, or in one of His Majesty's gaols, appear to apply to the case. It is only necessary to add here that we are quite satisfied that, assuming the police concerned had the right to insist upon Emms submitting to having his wounds dressed, no other force was used than was absolutely necessary to make him sit down in the chair, and that the force so used was not of a kind to give any or to increase any pain from which he was suffering or in any way to injure him.

Reverting now to the charges formulated against the police in this case we answer them in the following manner:—

(1) P.C. Jeffery did not without provocation or justification assault and beat Emms with his truncheon, but Emms and Norrey, without justification, assaulted and beat P.C. Jeffery, who used the truncheon in self defence and without more force than was reasonably necessary to defend himself against his assailants.

(2) P.C. Jeffery was justified in arresting Emms and causing him to be conveyed in an ambulance by other constables to the police station.

(3) P.C. Jeffery did not make any false charge against Emms, but rightly charged him with being concerned with a man not in custody in assaulting him whilst in the execution of his duty at Brick Lane.

(4) Emms while rising from a chair on which he had been placed in the charge room, was compelled by force by P.C. Wood, another constable, to sit down on the chair for the purpose of having his wounds attended to by the divisional surgeon, but the force used was not such as to cause any additional pain to Emms, or to injure him in any way.

(5) P.C. Jeffery did not give false evidence at the Police Court in support of the charge against either Emms or Norrey.

(6) P.C. Jeffery did not maliciously, and without reasonable and probable cause, commence and carry on a prosecution against John Norrey, but on the other hand Norrey was jointly guilty with Edward Emms of an assault and battery on that police-constable.

(7) The complaint of Mrs. Allen and Mrs. Hoy is quite unfounded.

(8) The complaint by Emms that he was ill-treated at the Police Station is quite unfounded.

XV.—RILEY'S CASE.

James Riley, of 21, Loudoun Street, Wapping, aged 21, complained of misconduct by P.C. Mizen, 134 H, on the 21st November, 1906, and we heard his complaint on the 28th and 29th January, 1907. The complainant was represented by Lord Russell, and the police concerned were represented by Mr. Eldon Bankes, K.C., and Mr. R. D. Muir.

The written statements sent in by or on behalf of this complainant agree in substance with the evidence which he gave before us, and, though he represented himself as being wrongly charged with being drunk and disorderly and making use of obscene language at Old Gravel Lane, the real burden of his complaint is that he was improperly assaulted by P.C. Mizen while on the way to the station.

His story, shortly put, as appears in the evidence before us, is as follows: Riley, on the 21st November, 1906, was having a dispute in Old Gravel Lane with another man whose name he does not know. It was about ten minutes past 11, and he was having a row with him, and while it was going on a constable whose number he had forgotten but whom he identified as P.C. 134 H. (*i.e.*, Mizen) came up and laid hold of him, and as he was taking him he took him about ten yards away from the other man, and then another constable came up and the two of them took him down Prusom Street. He identified the second man as 332 H. (*i.e.*, P.C. Thomas Kemp). They were taking him down Prusom Street when P.C. 134 H, who was on the right hand side hit him with his right hand, which caused him to fall to the ground in a dazed condition. He dragged him about 200 yards. The constables were dragging him along and each had hold of him by each arm. He was in a dazed condition and could hardly stand. They let him sit down for a while and gave him a rest on the pavement for about ten minutes, and then they took him to the station. There, before he was charged, he complained to the Inspector about his eye. The Inspector said, "Sit down." and the prisoner then sat down on a chair. The doctor was sent for and when the doctor came he bandaged his eye. The doctor then said, "Walk up and down." He walked up the room straight first but as he was coming back he happened to make a slip, and the doctor said to him, "You are drunk." When the doctor came Riley said, "You might let that constable go out of the room." He said, "Why?" Then Riley said, "He will hear what I say to you, and what you say it is. The constable will say the same thing." The doctor said something about that it could be done by a fall, and then the constable said in the presence of the doctor that it was a fall. Riley said to the doctor, "No, it was a punch," and the constable said it was a fall. The doctor asked him what he had had to drink. The prisoner told him that he had had a kola (a mineral water) about 11 o'clock. He further asked him if he was drinking any beer in the afternoon. The prisoner admitted that he had had a couple of glasses. The Inspector charged Riley with being drunk and disorderly, but the prisoner said he had no time to make any answer to the inspector. He told us, to use his own words, "They bunged me down too quick." He was not bailed out till seven in the morning, as the police would not allow bail before that time. Riley further said that a brother had come there in order to bail him out, but the authorities told him to come early in the morning. He was not informed of the fact that his brother had come until he was released at 7 o'clock. Later in the day the case was heard before Mr. Dickinson at the Thames Police Court. The two constables already mentioned gave evidence against him, and as the defendant complained that he had been assaulted by the police, the magistrate remanded the case to the Saturday then next following, and on that day the hearing of the case was concluded, and the magistrate convicted Riley and fined him 2s. 6d. and costs.

Qs. 28081, &c.
Q. 28098
Q. 28100
Q. 28104
Q. 28105
Qs. 28106 to 28109
Q. 28115
Q. 28116
Q. 28117
Q. 28120
Q. 28124, &c.
Q. 28133

The following is a copy of the Charge Sheet:—

H. 62570

METROPOLITAN POLICE. H OR WHITECHAPEL DIVISION.

CHARGES taken at Shadwell Police Station between the 10th day of November and the 21st day of November, 1906.

No. of Charge.	Date and Hour brought to Station.	Persons Charged.			Charge.	Persons Charging, Name, Address and Occupation.	Witness, Name and Address.	Taken into Custody by.	Property Found on Person or elsewhere.	At the Station House.		Signature of Police Officer taking the Charge.	Magistrate before whom the Charge is brought.	Charge, How disposed of by Magistrate and what Offence Proved.	Remarks by Magistrate.
		Age.	Name, Address and Occupation.	Administrative County in which Charged.						Detained.	Or Hour admitted to bail.				
4	21/11/06 11.45p.m.	22	James Riley, 21, Lowder St., St. George's, E., Labourer.	London.	Drunk, disorderly, and making use of obscene language at Old Gravel Lane, Parish of Wapping, E.	Alfred Mizen, P.C. 134 H.	Thomas Kemp, P.C. 322 H.	A. Mizen, P.C. 134 H	—	Detained.	7.30 a.m. 22/11/06	R. Sanders, Inspector.	J. Dickinson, Esq.	Rem. 24 Nov. O R. 40/-, fee 2/6 or 1 day.	—

Charge No. 4 Without Warrant.

J. MONK, Chief Inspector for Superintendent.

The following is a copy of the Notes of Evidence taken at the Police Court:

22nd November, 1906.

Alfred Mizen, Police-constable 134 H Division, sworn, states:—At 11.30 p.m. yesterday, the 21st instant, I saw the prisoner in Old Gravel Lane, drunk. He was quarrelling and behaving in a disorderly manner. He was violent, and he threw me down.

Cross-examined:—I did not hit you in the eye.

By the Court: He may have got his black eye in struggling or beforehand.

Thomas Kemp, Police-constable 322 H Division, sworn, states:—I saw the prisoner and Police-constable 134 in a crowd. Prisoner tripped the police-constable up, and they struggled on the ground. Prisoner's eye was swollen then.

Defence.

Edward Sweeney, 6, Whitehorn Place, E., labourer, sworn, states:—I saw the Police-constable 134 H strike the prisoner in the eye, knocking him against the wall. Prisoner was going quietly between the two police-constables then. I was passing only.

Richard Sanders, Inspector H Division, sworn, states:—I was in charge at Shadwell Police Station at 11.45 yesterday. Prisoner was brought in by Police-constable 134 H on a charge of drunkenness and of using obscene language at Old Gravel Lane. He was drunk. He had an injury to the right eye, and I called Dr. Grant, who asked him how he got it. Prisoner said "The policeman did it." Prisoner denied drunkenness. Dr. Grant in prisoner's presence said he was drunk.

I asked the constable if he could account for the injury. The police-constable said he found the prisoner quarrelling with a man, that he used obscene language, and wouldn't go away, and he (the police-constable) took him into custody. He said, "He may have had the injury at the time, or it may have been done after his arrest. On the way to the station going through Prusom Street opposite Chopping's Court the prisoner tripped me and tried to get away and we were on the ground when the other constable came to my assistance." The constables great coats were mud all over.

Remanded 24th November, O.R. 40s. Free.

24th November, 1906.

Police-constable 322, H Division, recalled, sworn, states:—The prisoner lay flat on his face on the ground and the police-constable was on his knees just raising himself up. Police-constable 134 and I took him to the station. The tripping up was in Prusom Street. I saw only two lads and a little girl at the corner of Clegg Street. I saw no other soul. A crowd afterwards followed. The prisoner went very quietly to the station after we had sent for the ambulance. I did not strike him. I did not see Police-constable 134, strike prisoner.

By the Court: Prisoner was not struck in my presence that I know of. He was not struck in my presence.

Re-examined: I did not come up before the prisoner and Police constable 134 were on the ground. I was about 30 yards from Prusom Street when I saw the crowd. The large crowd first attracted my attention.

By the Court: The large crowd was in Old Gravel Lane. I went through the crowd. The police-constable and the prisoner were a little way down Prusom Street. The crowd did not come down Prusom Street.

Again cross-examined and questioned by the Court: The first I saw of the prisoner and Police-constable 134 was turning the corner of Old Gravel Lane into Prusom Street. I was in Old Gravel Lane. The crowd was five or six yards from the corner between me and 134 and prisoner. I got round the corner into Prusom Street and saw the tripping up. The prisoner was going quietly around the corner. The prisoner and Police-constable 134 had got 10 or 12 yards down Prusom Street when I got round the corner. They were then on the ground. Afterwards the crowd followed up.

By the Court: I was on duty in Old Gravel Lane. My attention was called to the crowd. I looked and saw Police-constable 134 with prisoner in custody. I walked up, passed through the crowd, and went to the corner of Prusom Street. The crowd followed me to the corner. Then I saw 10 or 12 yards away, P.C. 134 and the prisoner on the ground. The others couldn't see I don't think. I was several yards in front of the crowd. Clegg Street, where the two boys and the little girl were, was about seven yards beyond P.C. 134.

P.C. 134 H Division, recalled, sworn, states:—He was very drunk and using obscene language. He was not fighting but quarrelling. I arrested him between Green Bank and the "Angel" public-house in Old Gravel Lane, right opposite Prusom Street. There was a crowd when I arrested him. I took him down Prusom Street. About 90 or 100 yards down Prusom Street he tripped me up. He was very violent. P.C. 322 H came to my assistance. When prisoner tripped me up, there were two lads and a little girl standing opposite at the corner of Clegg Street. The crowd remained at the top of Prusom Street, in Old Gravel Lane. I and Police-constable 322 got him up and took him to the station. He went quietly. I did not strike him at all. I saw no one strike him. I first noticed his eye when we picked him up, after we had struggled on the ground. He said nothing about his eye on the way to the station.

By the Court: When I first saw him he was drunk, quarrelling with two other men and using obscene language. The other two men went away. There were 30 or 40 people there, including children. It was about five yards from Prusom Street, just across the road, when I took him. Police-constable 322 was about 20 yards down Old Gravel Lane, and came towards me as I arrested prisoner. He did not come quite up to me, but I saw him coming. I did not wait, because the prisoner went quietly. None of the crowd followed me. He went very quietly to a dark place where there was a dark court on the left down which he tried to escape. I did not look back to see if P.C. 322 followed me. There was nothing to draw my attention to the two lads and little girl before the struggle. I struggled with the prisoner about two minutes before P.C. 322 came up. I did not strike him. I couldn't say if he had a mark before I arrested him or before the struggle. I saw no mark. I noticed it when we got up.

Cross-examined by Prisoner: I went to the ground. My coat was mud from top to bottom.

Re-examined: Clegg Street from the corner of Gravel Lane is a matter of 90 yards.

Richard Sanders, Inspector H. Division, recalled, sworn: Evidence read—no question asked.

Charles Graham Grant, Divisional Surgeon, sworn, states: I was called on the 21st of November instant at 11.50 p.m. to see defendant. He had an injury to his eye, and I said, "Have you had a fall?" It presented that appearance to me more than any other. He said "I want the police-constable to leave the room before I reply." I said "There is no reason why you shouldn't say what you have to say before the police-constable." Prisoner said "He hit me with his fist." I applied a cold water compress. It was an ordinary black eye. My first impression was that it had been a fall. There was a small lacerated wound near the nose, as if some hard substance had impinged upon it there. The injury was not one I should have been called to in the ordinary way. I told the prisoner to remove the bandage next morning. He has it still. He has his reasons no doubt. I saw the policeman's

coat. It was covered with street debris, mud and dirt. He denied he'd had any intoxicating liquor and said he had had only one glass of kola. He was drunk.

By the Court: The injury could have been caused by a blow from the fist, or from falling in the struggle.

DEFENCE.

James Riley, 21, Loudoun Street, labourer, sworn, states: On the 21st of November between 11 and 11.30 p.m. I was quarrelling with a man outside the "White Swan." I had not been in there. I had been in the "Angel" close to the "White Swan." Police-constable 134 came up and laid hold of me. The other came up and laid hold of me. They marched me down Prusom Street. Just before Clegg Street the constable (134) hit me in the right eye with his right fist. He was on my right hand side. The blow knocked me down. While I was on the ground the other police-constable said "Go and get the ambulance." Constable 134 said "No, this is my man." When I got up they dragged me about 200 yards, and when I had a little rest I got up and went quietly with them to the station.

Cross-examined: The two officers arrested me almost at the same minute, and both took me down Prusom Street. It was about 170 yards down Prusom Street I was knocked down. Constable 134 gave no reason for striking me. I wasn't drunk. The last drink I had was a kola. That was about five minutes to 11. I had a couple of drinks before that about 7 p.m. I had had nothing intoxicating for four-and-a-half hours. The doctor certified me drunk because I was dazed. I stumbled, being dazed. The doctor must have made a mistake.

By the Court: I was quarrelling over sixpence I owed the man and couldn't pay him. I can't make out why he didn't take the other man. There was no reason why two constables should take hold of me.

James Shepherd, 76, Prusom Street, labourer, sworn, states: On the 21st of November, about 11, I was coming home from a concert. I was with another chap and we went down Chopping's Court, going from Old Gravel Lane into Prusom Street. When I was in the court I heard a bit of a rush. I looked up and saw P.C. 134 hitting prisoner. He hit him in the head about twice and in the ribs about three times. I went and told the constable they ought to be ashamed of themselves hitting a man like that. The prisoner fell to the ground after they hit him. Constable 134 who hit him went to the ground. They picked the man up and dragged him. I told them they ought to let him rest, but they dragged him along on his knees. I followed as far as my own door.

Cross-examined: I don't know prisoner personally. I've met him at football matches, but never drank with him or mixed with him. The constable, hitting him (the prisoner) caused the bit of a rush. The constable may have hit him more. It was more than once he hit him. I saw no more than that; I didn't know I could go to the police station. I was only there once before. I was then a witness for the police. I suppose Constable 134 went to hit the prisoner, missed, and fell. I don't know otherwise how he fell. I wasn't here last Thursday. Last night I was first asked to come.

By the Court: Prisoner and the two constables were just this side of the court. Only me and the other chap were there. I didn't see any other people in the street. The police-constables and the prisoner were walking when I first saw them. Prisoner seemed quiet to me. I cannot say how far he'd been quiet. The other constable had hold of him. The one who struck prisoner was on the right hand side. Thomas Tree was with me. He's a carman at work to-day.

Edward Sweeney, recalled, sworn, states:—I only saw the one blow. I was coming from Whitehorn Place, a turning out of Prusom Street. Whitehorn Place is about two minutes' walk from Chopping's Court. It was further from Old Gravel Lane than Chopping's Court. The blow was struck just by Chopping's Court. I was walking towards them. The crowd was behind the police-constables, very nearly on

top of them. I noticed the crowd before I noticed the prisoner. I was about 20 yards from the prisoner when I noticed him first. He was on one side (the side where Chopping's Court is) and I was on the other. He was between the two constables. He was walking quietly. The constable on prisoner's right hand side struck him. I was about 20 yards away. I had only just noticed him as the blow was struck. I saw no blows struck after that. I turned round and went home. I didn't want to get mixed up in it, having read many cases in the papers of bystanders getting mixed up.

Cross-examined : I first saw the crowd and then the police-constables with the prisoner. The police-constables and the prisoner were on the footway. The crowd was all over the place, in the road, and on the pavement. The crowd was just behind the police-constables. The crowd was not between me and the police-constables. The blow knocked the prisoner against the wall and then he fell. Next morning the prisoner asked me to come up. I can't say if the police know me. I have been charged for drunkenness. I was sent to prison for ten days in 1903 for assaulting the police. I was fined 21s. or 14 days for assault six years ago. I had six months hard labour at Maidstone. I was innocent. The charge was assault and attempt to steal. I'm as fair for the police as for any other man.

2s. 6d. or one day.

We are satisfied that the conviction of the prisoner by Mr. Dickinson was entirely just. We have considered all the evidence bearing upon the actual circumstances of the arrest, and are of opinion that there is no reason whatever for doubting that P.C. Mizen was right in apprehending the prisoner and in making the charge against him at the police-court. The only substantial complaint made by Riley is that he was in the manner described by him assaulted by being struck with the fist in the eye, and afterwards dragged for about 200 yards with unnecessary violence on the way to the station.

The misconduct alleged in this case may thus be formulated :—

(1.) That P.C. Mizen while taking Riley to the police station at a little after 11 p.m. on the 21st November, 1906, assaulted him by striking him in the face with his fist.

(2.) That P.C. Mizen and P.C. Kemp used unnecessary violence in taking Riley to the police station on the same night.

(3.) That P.C. Mizen and P.C. Kemp gave false evidence at the police court by denying that P.C. Mizen had struck Riley as above-mentioned.

As above indicated, the only point of interest in this case, and as to which there may be any reasonable doubt, is whether the black eye which Riley had undoubtedly sustained when he arrived in the charge room was caused by P.C. Mizen or otherwise, and also whether that constable and his colleague, P.C. Kemp, behaved cruelly and caused unnecessary pain to their prisoner by dragging him 200 yards after he had received a blow from P.C. Mizen. There can be no doubt that the arrest was fully justified. It ought at once to be said that Riley was a person of bad character. He had been previously convicted, and he gave us no satisfactory information about the way in which he earned his living. As we have had occasion to mention before, the bad character of a prisoner ought not to be an element in his treatment by the police. The same fairness and the same careful avoidance of unnecessary force or pain should be observed in the case of persons of Riley's class as in that of any other citizen. We do not propose to summarise the evidence in the case, because it is a comparatively simple one. It is only necessary to say that the fact that the injury to the prisoner might have been caused on the way to the station when he was in custody threw on the police the burden of supplying all the information which they could give upon the matter.

The case turns mainly on the view we take of the credibility of the witnesses who took part in or saw the struggle in Prusom Street, near Choppin's Court. We are of opinion that Riley and Sweeney are quite untrustworthy ; but we believe the evidence of P.C. Mizen to be substantially true. P.C. Kemp seemed to us honestly

trying to give a true account of what he saw and of the part he played in the affair; but there are discrepancies in his story as told before us and his evidence at the Police Court, and we cannot attach the same weight to his testimony as we accord to that of P.C. Mizen.

Q. 29273 Dr. Grant, the Divisional Surgeon, was called by telephone to Shadwell Police Station at ten minutes to 12 on the night of the 21st November, and then examined Q. 29277 Riley. He found a contused right eye, and an abrasion under the same, close to the nose, within three-quarters of an inch from the nose, and that he was intoxicated. Q. 29283 There was no injury to the eye itself. It was, in his opinion, "a common black eye." The doctor made an entry in the Occurrence Book as usual, which reads as follows: Q. 29292 "I attended at 11.50 p.m. to see James Riley suffering from right contused eye; intoxicated, fit to be retained." He also stated that in his opinion, though the injury might have been caused by the fist or elbow in the course of a struggle, it was in fact caused by a fall, and that his opinion was to some extent based upon the fact that there was an abrasion close to the nose, and under the eye. We have visited the locality and walked from Old Gravel Lane where Riley was arrested into and up Prusom Street to the corner of Choppin's Court and Prusom Street. The court is a way for foot passengers only, and a post is placed in the centre of the way just where it runs into Prusom Street. A few feet further on Clegg Street turns off to the right. It is not disputed that the struggle between Riley and P.C. Mizen took place close by where the court and the street meet, and we could not help concluding from our observation that it was a place very well adapted for an attempted escape. If Riley had in fact succeeded in getting clear of the constable it would have been easy for him to baffle a pursuer in the numerous adjoining narrow streets and courts. We noticed, too, that owing to a bend in the street P.C. Kemp, unless at the time the struggle began he was very near, could not have seen its commencement.

According to the complainant's account P.C. Mizen's attack on him was entirely unprovoked. No motive whatever is disclosed for the constable's suddenly knocking him down when they reached Choppin's Court; and if not only P.C. Mizen but P.C. Kemp had him in custody at that time the alleged action of the former becomes still more improbable. On the other hand, P.C. Mizen's story of the beginning of the struggle, namely, that Riley suddenly tripped him up and tried to get away, is by no means improbable, having regard to the fact that Riley was considerably the worse for liquor and the favourable aspect of the place. It is clearly proved that both P.C. Mizen and the complainant fell to the ground, and that is a circumstance of which the latter's version of the affair affords no explanation. We have no doubt that in truth Riley did, finding himself alone with P.C. Mizen, suddenly trip him up with a view to escape, and that a violent struggle then occurred which ended with the advent of P.C. Kemp and the overpowering of the prisoner. The latter constable, in the proper exercise of his discretion, had followed P.C. Mizen and his prisoner in order to satisfy himself that the latter was going quietly; but he was so far behind them when Riley made his attempt that the bend in the road prevented him from seeing the actual commencement of the affair. If he had been a little more quick in his movements it is probable that nothing unusual would have happened. However, this may be, a struggle did ensue, and we think it was during its continuance that Riley received a blow which gave him "a black eye." It is not possible to determine with certainty whether the injury was sustained by Riley's face coming in contact with the post in Choppin's Court, the corner of one of the adjacent houses, the edge of the pavement, or some uneven projection in the road, or else simply by a blow from P.C. Mizen's fist. Having regard to the existence of an abrasion near Riley's nose, we are inclined to think the last is not the most probable explanation. P.C. Mizen does not admit that he intentionally struck any blow with his fist, and we see no reason to conclude that he did so. In any case he used no more force than was necessary to prevent his prisoner from escaping, and Riley brought his injury on himself by his own unjustifiable assault on his captor.

With regard to the charge of unnecessary violence after the struggle was over and P.C. Kemp had come up, it is only necessary to say that, with the main allegation made by Riley, it falls to the ground. In sending for the ambulance the constables behaved perfectly properly, and there was no necessity at all for their endeavouring to force Riley to walk if he was not in a fit condition to do so, and therefore there

was no reason for dragging him along in the way Riley alleges. We are satisfied that the constables behaved with all due consideration to the prisoner on the way to the station.

In this case no question arises as to the propriety of the proceedings in the charge room. We however desire to express our opinion that Sub-divisional Inspector Sanders Q. 29437 ought to have mentioned in the entry in the Occurrence Book the fact that the prisoner alleged to him that P.C. Mizen had caused the injury to his eye. No doubt Riley was drunk and it is often impossible to take a note of all the things persons in that condition may say. The matter must be left to the discretion of the officer taking the charge. In this case, however, the fact that he had sustained a black eye was obvious and necessarily appeared in the Occurrence Book from the doctor's entry. P.C. Mizen's statement as to the way in which the injury may have been caused is Q. 29577 included in the entry and the prisoner's counter-statement ought to have appeared in order that a superior officer examining the entry might be apprised of the fact that Riley had made a definite accusation against the constable. In omitting to make this clear in the entry the Inspector does not, however, seem to have neglected any definite rule in the White Book, and we do not suggest there was any intentionally improper concealment of a relevant fact by him.

The result of our inquiry into this case is therefore as follows :

(1) P.C. Mizen did not, while taking Riley to the police station at the time in question, assault him by striking him in the face with his fist.

(2) P.C. Mizen and P.C. Kemp did not use any unnecessary violence in taking Riley to the police station on that night.

(3) P.C. Mizen and P.C. Kemp did not give false evidence at the police court when they denied that P.C. Mizen had struck Riley as above-mentioned.

XVI.—GAMBLE'S CASE.

George Gamble complained that on Tuesday the 21st August, 1906, at about 1 a.m., when he met a woman called Ethel Griffiths in a street leading from Brick Lane, in the Whitechapel district, a constable, whom he identified as P.C. Ashford, 207 H, in abuse of his authority ordered him to move on, molested him, and assaulted and kicked him in such a way that he sustained grievous bodily harm, namely, a rupture of the urethra.

In this case there were no police court proceedings. As the result of injuries received in the early morning of the 21st August, Gamble had to go into the London Hospital, and remained there until the 21st November. While he was in the hospital his case was brought to the notice of Mr. Timewell, the secretary of the Police and Public Vigilance Society, through a fellow patient, and he wrote down a statement of the way in which he had received his injuries, which was put in and handed to us. Upon leaving the hospital Messrs. Radford and Frankland were instructed by Mr. Timewell to write a letter dated the 23rd November, 1906, to the Commissioner of Police. The letter was in the following terms: "Dear Sirs,—We have just been instructed in the case of George Gamble, and we think it right to lay the facts before you in order that the case may be investigated by the authorities. Our client has been in hospital since the assault complained of and is not yet recovered, but it is proposed to issue process against the police constable complained of as soon as he is able to attend. The facts are shortly as follow: On the 21st August in this year in Spelman Street, Whitechapel, George Gamble was speaking to a woman named Ethel Griffiths at about 4 a.m. when, after some conversation, the constable knocked Gamble down and kicked him several times while on the ground. The constable is stated to be aged about 30, with a ginger moustache, and to be numbered 207 H. George Gamble in consequence of his injuries was taken to the hospital, where he has since been an in-patient. We are your obedient servants, Radford and Frankland." The letter was duly acknowledged and certain steps were taken in the matter on behalf of the Chief Commissioner to which we refer more particularly below. No proceedings were in fact taken by Gamble, but the case was brought to our notice and a written complaint setting forth the facts deemed to be material was laid before us.

We heard the case on the 20th, 21st, and 28th February, and the 4th and 5th March, 1907.

Lord Russell appeared for the complainant, and Mr. Eldon Bankes, K.C. and Mr. R. D. Muir appeared for the police concerned.

The complaints made by Gamble may be thus stated:—

(1) That P.C. Ashford, 207 H, while on duty, wrongfully interfered with, molested and finally assaulted and beat the complainant in such a way as to cause him grievous bodily harm, namely, a rupture of the urethra.

(2) That the complaint made on his behalf to the Chief Commissioner was not attended to with such reasonable care and thoroughness as he had a right to demand on the part of the Chief Commissioner.

The first and principal question in the case is whether P.C. Ashford was guilty of the misconduct alleged.

We will first summarise the account given by George Gamble of what happened to him during the early morning of the 21st August, and then state the evidence of P.C. Ashford.

George Gamble is a labourer, who, in August, 1906, was living at the Victoria Home in Commercial Street. He told us that after having been to the "London"

Theatre he was going home when about 1 a.m. he met a woman named Ethel Griffiths, who stopped him and asked him if he was going to have a "short time." While they were speaking, a constable came up and said, "Go on; come out of this," and "You are after no good with the likes of this." The witness said, "All right, there is no hurry," and walked steadily on. Ethel Griffiths stopped with the constable. Witness went on and had got half way up the street, of which he could not give the name, though he knew it led from Brick Lane, when Ethel Griffiths caught him up again and said, "What do you think yon policeman wanted to do? He wanted to go in and have a short time with me, and take me round the corner and have a short time with me." The witness said, "Did you go?" and she replied, "No, no fear." She had hardly said those words before the constable, who had followed her up, caught him (witness) up. The constable said, "You are not out of it yet." The witness replied, "I was going." The constable said, "You are after no good." The witness said, "Why?" The constable replied, "You ought to be ashamed of yourself." The witness said, "It is not for me to be ashamed." He said, "You ought to set a better example to the woman, instead of asking her to go round the corner with you." Ethel Griffiths was there with him while this conversation was going on. The constable followed him up, and kept trying to tread on his heels, and shoving him all the time up the street, "and then when I kept walking on he would get in front of me and try to stop me from walking on." Both of them were talking during this time. The constable was going on and saying that he would take him down to the station. Witness said if he (the constable) did he should certainly report him for wanting to have connection with the woman. The witness did not notice anyone in sight at this time, and he used no bad language because he thought the constable was trying to "rile" him, and "to make me strike him." The constable followed him up and kept dancing in front of him, as he said, and trod on his heels, and shoved him, and finally the police constable knocked him down, and started kicking him between the legs. He said the constable was by the side of him walking up the street when he knocked him (the complainant) down. He witness kept walking all the time, and the moment he went walking on he (the constable) "kept dancing in front of me and tried to stop me." The witness, after being knocked down, got up and went away and the constable followed him half way up the street, and caught him up and knocked him down again, and started giving him "some more boot." While he (witness) was on the ground, and before he got up to the top of Brick Lane a sergeant stood at the top of the street talking to some man, but he (witness) could not see who the man was. He first saw the sergeant after the constable had knocked him down the second time. He (witness) was on the ground before the sergeant came up. The sergeant stood there and said, "That is enough—you have done enough to him." Witness could not say anything, but only shouted. He heard the sergeant telling him to stop — "You have done quite enough." The constable did not stop for a little while. The sergeant said, "Get up and fight him like a man." When the police constable stopped kicking him they left witness there, and he walked steadily to the wall the best way he could, because he had not started swelling so much and did not feel the effects of it. He said the constable walked away and left him as he was. The sergeant never came near him, and he (witness) could not say whether he walked away or not. He managed to get up by himself and walk to the place (seemingly Victoria Home) and then a boy and Ethel Griffiths helped him to the hospital the best way they could. He went down to the Victoria Home because he thought of going in and going to bed, but he found he was gradually swelling, and it took him a long while to get down there—he "was swelling that bad, and was in terrible agony." The swelling was between the legs where the kicking had been. The boy's name was Wiltshire, as he had found out since. At that time he had never seen him. Wiltshire being called into court, the witness identified him as one of the two boys who took him to the hospital. He thought it was between 2 and 3 o'clock when they got him to the hospital. He remained in the hospital until the 16th November, and then was for twenty-six days in a convalescent home at Swanley. The witness said that he could identify the constable, but not the sergeant. He had not seen the constable since he came home except on that morning (*i.e.*, the morning on which he was giving evidence) when he saw him pass him outside the court. On the suggestion of Mr. Eldon Bankes and the Chairman all the constables who were on the beat near Brick Lane on the morning of the 21st August were called in with their helmets on and in uniform, as well as a sergeant in uniform. The witness was then asked if he could identify the constable, and, having looked at the con-

Q. 32823 &c.
Q. 32839 &c.
Q. 32842
Q. 32852
Q. 32854
Q. 32857
Q. 32858
Q. 32860
Q. 32861 &c.
Q. 32865
Q. 32866
Q. 32869
Q. 32870
Q. 38722
Q. 32873
Q. 32876
Q. 32877
Q. 32878
Q. 32879
Q. 32882
Q. 32883
Q. 32885
Q. 32886
Q. 32887
Q. 32888
Q. 32889
Q. 32893
Q. 32895
Q. 32896
Q. 32901
Q. 32903
Q. 32904
Q. 32908
Q. 32915

Q. 32917 Q. 32920 stables, who were drawn up in rank, he said, "The third man from the end" who was P.C. Ashford, 207 H. The witness said he was unable to identify the sergeant. That is, in substance, the evidence given by the complainant.

Q. 37529 &c. Q. 37542, &c. P.C. Ashford, 207 H, told us that he had been in the force for six years on the 18th March, 1906, and that he was a married man with one child. He remembered being paraded for duty on Monday night, the 20th August. At that time one hour's leave was due to him for having been present at the reading of orders. Upon being paraded that evening he asked Station Sergeant Anderson, who was parading on night duty, to grant him the hour in the course of the period then commencing, and he was told that he could come off at 5, that is to say, one hour before the period Q. 37556 of duty would, in the ordinary course, have ended. He was posted on the night of the 20th August to No. 10 and No. 11 beats of the second section of the H division in charge of Sergeant Sheedy. No. 10 and No. 11 beats joined together form nearly a parallelogram, not quite rectangular. The area covered is bounded on the north by Buxton Street, on the south by Hanbury Street, on the west by Hunt Street and Spelman Street, and on the east by Vallance Road. It was explained in the course of the hearing before us that when, owing to absence of men on sick leave or for other causes, there was a shortage, it was not unusual to post one man on two beats in the Q. 37562 same section. P.C. Ashford stated that he did not go off these beats at all during the Q. 37549 to 37554 time he was on duty on the night of the 20th, and on the morning of the 21st, until at 5 o'clock, as arranged, he left duty and reported himself at the police station in the ordinary way. He said that he met his sergeant (Sheedy) several times as Q. 37564 Q. 37572 usual. Nothing unusual occurred during the night. He did not know Gamble, Qs. 37565 37566 37569 37570 although he knew Ethel Griffiths by sight, but he had never spoken to her, and did not see her that night. He denied the meeting with them as alleged, and also the alleged assaults and misconduct in Osborn Place and Spelman Street; and said Q. 37575 &c. that the first mention he heard of the story was from Inspector Hewison in the latter part of November. In answer to a question from the Chairman he thought Q. 37579 &c. Q. 37845 that in the course of his duty that night he went over the two beats about six times altogether, but he had no note which would show where he was at any particular hour.

That is the substance of P.C. Ashford's answer to the complaint, and, with the exception of Sergeant Sheedy's, is the only evidence on the police side that amounts to a direct and personal contradiction of the complainant's statement.

Gamble's account was confirmed by Ethel Griffiths, the woman who was with him when the constable, as alleged, first came and interfered with him, and a number of other witnesses were called who spoke to seeing some of the incidents which go to form the complainant's story; and some of them identified P.C. Ashford as the constable who was ill-treating the complainant. However, before shortly summarising their evidence, it will be well to see what portion of the complainant's case is undisputed.

The medical evidence can hardly be impugned. Dr. Walter Brinsmead Billinghurst was in August, 1906, the house surgeon at the London Hospital in Whitechapel Q. 35019 &c. Road to which Gamble was taken early on the morning of the 21st, and was admitted under a mistake, the circumstances of which are explained below, under the name of *Pearce* and not that of Gamble. His name was so entered in the book at the hospital, and it was under that name that Dr. Billinghurst knew him there. The doctor was not on duty on the night of the 21st and so he did not see him until 10 o'clock in the morning. When Gamble arrived at the hospital he was taken to the Receiving Room.

Dr. Robert Stanton Woods, the house physician, was on that morning what is Q. 36488 &c. known as the "Receiving-Room Officer," and he was called to see a patient in the Receiving Room between 5 and 6 in the morning. He saw the patient in the Q. 36496 &c. Receiving Room and treated him in the wards until the house surgeon could see him. He found the patient was sufficiently ill to justify his being taken in, so he admitted him, and he went up to see the house surgeon and asked him if he would like him to treat him (complainant) for the time being, and the house surgeon said, "Yes." Nothing was said about the man's name, and Dr. Woods was unable to identify Gamble as the man, but there can be no doubt that it was Gamble whom Dr. Woods in fact saw and treated. He found, on examination of the patient, that there was a large

blood swelling between the buttocks and the perineum. The doctor gave him morphia and prescribed a cooling lotion for the perineum and passed a catheter. He duly reported to the house surgeon, and that was the only time at which he attended the patient. The patient was conscious when he first saw him, and also in the wards. In the Receiving Room the patient said that during the night he had been in the company of a woman, that a policeman had come up, and, to the best of the doctor's recollection, that there had been some dispute with regard to the woman, and the policeman had knocked him down and kicked him. That is all the doctor could recollect. So far as he saw there were no other injuries, and the appearance of the injury was consistent with it having been caused by a kick, though it could have been caused by any extreme violence in that region, but not simply by falling down. There was no abrasion, and the doctor thought that if he had fallen sufficiently violently on a sharp point there would have been some abrasion of the skin.

Q. 36504 Q. 36505 Q. 36507 &c. Q. 36511 Q. 36513 Q. 36518 Q. 3 :519 &c.

Dr. Billinghurst saw Gamble (or Pearce, as he knew him) at 10 o'clock in the morning. He found the patient in great pain. The main cause of the trouble was a large hæmatona of the perineum and difficulty in passing his water. He had been relieved to a certain extent when he (Dr. Billinghurst) came in. It was necessary then to give him relief, but there were no other injuries about the body; there was swelling of the perineum, and the patient was in great pain then, and his water was taken off, and he was relieved to a certain extent. He was quite sober, and there was no sign of his having been drunk. He became steadily worse and the swelling enlarged, and it was necessary to operate on him, and it was then discovered he had ruptured the urethra. The first operation was performed on the night of the 21st; there was a second operation performed on the 24th, and a third one on the 31st. An artery in the urethra had been ruptured. The complainant was in the hospital until the 16th November, when he was sent to a convalescent home, where he remained for three weeks or a month. The injuries were, in the opinion of the doctor (Dr. Billinghurst), extremely serious, and were undoubtedly due to direct violence on the perineum. They were quite consistent with kicking. It would have to be a kick between the legs, and the legs must be open at the time the kick was given. The injuries were not consistent with mere slipping in the street or falling down unless he fell on something hard between the legs—a fence or anything of that sort; the injury could not have been sustained by falling down ordinarily. In the doctor's opinion the complainant is permanently damaged. There is no doubt that at the time when Gamble came to the hospital he was suffering from a rupture of the urethra, which could only have been caused by the application of extreme violence between the legs on the perineum.

Q. 35023 Q. 35029 Q. 35032 Q. 35033 Q. 35034 Q. 35035 Q. 35036 Q. 35037 Q 35038 Qs. 35039 35040 Q. 35042 35043 35044 35045 Qs. 35046 35047 35048

This fact being ascertained, let us see how far the other witnesses confirmed Gamble's account that his injuries were sustained by a kick given by a policeman, who was in fact P.C. Ashford, 207 H.

The principal witness in the sense of being the one who saw most of what is alleged to have happened between Gamble and the constable is Ethel Griffiths. She described herself as living at No 2, Flower and Dean Street, and it may here be said at once, though it only came out later in her examination, that she was a married woman who had come to London two years before and had taken to prostitution as a means of livelihood. She said that she remembered meeting Gamble one night in August between two and three o'clock. It was opposite some chapel down by Osborn Place, but she could not remember the name of the street; it was opposite some chapel or a school. There was nobody else in the street but Gamble and herself and the constable. She had known the constable before, as she was often about in that part of the world. The constable came up to her and called her on one side from George (*i. e.*, Gamble), and he asked her if she would come across the road to speak to him, but she refused to do so, so she left the constable and went back to George. The constable was on the left side of the road, opposite the chapel on the pavement, though she said immediately afterwards that he was "in the middle of the road." The constable called her on one side. She left George on the pavement and went close up to the constable. He asked her if she would go to a certain place with him, and she refused. She knew what he meant. She went back to George and told him what the constable had asked her. Gamble had then walked on about five minutes walk from where they had been standing. It took her nearly five minutes to catch him up. The constable followed her. She walked after Gamble

Q. 33486 Q. 34140 &c. Q. 33492 &c. Q. 33496 Q. 33499 Q. 33503 &c. Qs. 33507 33508 Q. 3350 Q. 33511 Q 33512 &c. Q. 33519 Q. 33520

and left the constable. When she came up to Gamble she told him what had
Q. 33521 happened. The constable came and stopped them again. He (the constable) was
Q. 33522 alongside of her—a few steps behind her. Gamble told him (the constable) what she
Q. 33523 (the witness) had told him and said he ought to be ashamed of himself. One word
&c. brought up another and there was a bit of an argument. During that time they were walking on. She said that when she caught up Gamble she was in a street turning into Osborn Place going towards Brick Lane, because she was going towards Brick Lane when they met the constable. She and Gamble were walking in the middle of
Q. 33527 the road. The constable told her to go one way and George to go the other. She
Q. 33528 said "No, we are both going to Brick Lane, and we will go together,' and the
Q 33530 constable followed them. She could not exactly remember what Gamble
Q. 33535 and the policeman were saying to each other. She supposed the argument was
Q. 33538 about her, because she would not leave George to go with him (the constable),
Q. 33539 and there was a bit of a "niff" about it. The constable did nothing
Q. 33542 except talk until he got outside Osborn Place, and "then he pushed George,
&c. and he fell on the pavement." There were some few people standing by at that time. Two of them she knew. Mr. Hughes was one whom she knew, but she could not tell the name of the other young man though he was one of the
Q. 33549 witnesses there. When George had fallen down there was a fight between the
Q. 33550 constable and him, and the constable kicked him and knocked him about. She saw the constable kick him, and went in between them. The constable kicked him
Q. 33551 about the ribs and the back. Then a sergeant came on the scene. He came from the
Qs. 33552 top of Brick Lane opposite the "Bell" public house. It was in Osborn Place, a few
33554 steps from the "Bell" public house, that Gamble fell down. Being asked from which
Q. 33556 way she had come into Osborn Place before it (seemingly the quarrel) happened,
33557 she said she turned by Vallance Road to come up to it first of all, and came into
Q. 33558 Osborn Place not from the Brick Lane end but from the other end. She could not
Q. 33559 remember the name of the street she had come from before she got into Osborn
Q. 33560 Place. The sergeant was standing outside the "Bell" public house talking to
Q. 33562 another constable, she thought. He came on and stopped the constable from kicking
Q. 33566 Gamble. Gamble got up on his feet and went across the road, and the constable
Q. 33567 followed him. She did not know what happened in the next street. Gamble walked
Q. 33569 as quickly as he could in the direction of the way in which they came away from Brick
&c. Lane. The sergeant did not do anything except to tell her to go home, and she walked
Q. 33574 away. She did not remember any conversation by the sergeant while the constable
Q. 33577 was kicking Gamble. Gamble and the constable turned "to their own right." When
Q. 33585 Gamble turned the corner he fell. She then went into Osborn Place into White-
Q. 33586 chapel in order to see what had happened to Gamble, and she saw him standing outside
Q. 33589 the Victoria Home. She found him there about a quarter of an hour after she had
Q. 33592 parted from him. He was by himself. She asked him how he was. He said he
Q. 33595 was not able to walk. She asked two young men if they would help her to take him
Q. 33596 to the hospital, and they said Yes, they would come with her. One of the young
Q. 33599 men was with her. The other was standing outside the "Princess Alice" public-
Q. 33600 house. Being asked whether Gamble told her anything about what had happened
Q. 33601 since she had seen him, she replied that he told her the constable had kicked him,
Q. 33602 and he was not able to move. He said that it was worse than the first time. He could
Q. 33604 scarcely walk at all. They took him to the London Hospital. She thought they got there about four o'clock, but she could not be positive as to the time; it was just breaking daylight as she got there. She did not go in with Gamble, but the two young men did. She stayed at the door.

Q. 33605
Q. 33606
Q. 33607
Q. 33608
Q. 33609
Q. 33611

The next witness, and, next to Ethel Griffiths, the most important one, was a
Q. 34342 young man named Joseph Wiltshire, who lived at 19, Brick Lane. Wiltshire earns his
Q. 34344 living as a newsvendor, and was seventeen years of age when examined before us. He told us that he earned his living by selling newspapers in the streets in the City, and that he began his work about one o'clock in the day, when the evening papers began to come out, and he usually remained in the City until midnight. He generally walked home from the City, and often was very late. As I gather, the common
Q. 34354 lodging-house in which he lived had an entrance in Flower and Dean Street as well as one in Brick Lane. Wiltshire told us that he was standing outside the lodging-house in Flower and Dean Street between two and three a.m., on the 21st August,
Q. 34352 when he heard "a man's screams." He rushed up to Brick Lane, and saw a man
Q. 34358 lying on the ground and a constable leaning over him. That was outside the lodging-
Q. 34360 house in Chicksand Street within a stone's throw of Brick Lane. Every time he

went to get up the constable hit him and kicked him. He heard a sergeant say, "Let him alone; he has had enough." He knew the sergeant's number 5 H. The man was on the ground about five minutes after witness came up. After getting up the man ran down Chicksand Street with the constable after him. When they got near the school the constable kicked him again, and witness saw him fall. The witness said that he saw Ethel Griffiths, whom he knew by sight only, there. He and she then walked round the other way to try and find out whether the man was hurt or not. They went by Brick Lane, Montague Street and Whitechapel Road, and when they him found was leaning up against the wall at the Victoria Home, and another man whom he had not seen since was standing there too. He and Ethel Griffiths helped Gamble to the hospital. Nobody else helped. The witness went into the hospital with him (the complainant) and took charge of his clothes. It was about 6.30 when he came out. They got to the hospital about an hour after he first heard the man screaming. When this witness's evidence is looked at in connection with the sectional plan put in it will be seen that if he was, as he says, standing at the entrance to the lodging house in Flower and Dean Street, and then rushed into Brick Lane and went down the lane to the point at which Osborn Place runs into it, it is quite possible that he could have seen such an occurrence as he describes in Chicksand Street; but, seeing that he says that he saw the man lying down on the ground outside the lodging house in Chicksand Street, it would seem that he is in error in using the term "Chicksand Street," and that what he meant to say was that the man was lying outside the lodging house in Osborn Place. Chicksand Street runs into Osborn Place, and the lodging house referred to is situate in Osborn Place, and not in Chicksand Street. The discrepancy between this witness's evidence, therefore, and that of Ethel Griffiths and others as to where the man was lying down on the ground before he got up and walked or ran off followed by the constable is only apparent, and not real.

Q. 34362
Q. 34377
Q. 34384
Qs. 34394
34395
Q. 34401
Q. 34403
Qs. 34416
34417
Q. 34449
Q. 34459
Q. 34461
Qs. 34462
34463
Q. 34471
Q 34477
Q. 34358

We had, in addition to Wiltshire's testimony, that of five other witnesses who speak to the incidents which they observed and which seem to be, if the evidence be true, connected with the alleged assault upon Gamble. The evidence of Mrs. Franks and Mr. Rubenstein must, however, be separated from that of the other three witnesses, Hartnett, Brager, and Hughes, because the former relates to what they saw in Spelman Street, while the latter relates to what the witnesses saw in Osborn Place and Chicksand Street.

Mrs. Franks, who lived at 28, Spelman Street, was in bed on the morning of the 21st August, when she was awakened between 2.30 and 3 a.m. She heard someone groaning, so she opened her window, which looked out into Spelman Street, and saw a figure lying there and over him was standing a policeman, and when she looked she saw the policeman kicking the man. She was asked how far from her window the policeman was, and she replied: "From about here (the witness box) to where you are standing," *i.e.*, about two yards. Asked whether she heard the policeman say anything, she said that she heard the man say to the policeman, "Will you let me alone?" and the constable said, "I will give you some more if you do not get up and go away." The policeman saw her looking out and he soon went away. He turned away so that she could not get the chance to see him. The policeman was kicking the man in the stomach. She did not notice whether the man was lying on his back or face because "the policeman was standing covering him like." The policeman went off when he saw her looking, she went and looked out, and the man tried his best to walk away. He staggered away a little and she went in. The man walked off down Spelman Street towards Hanbury Street. 28, Spelman Street, she said, was about a second's walk from Chicksand Street. There are three or four houses from Chicksand Street to 28, Spelman Street. She told us that she could identify the policeman if she saw him. At first sight it seems a fair observation to make upon this witness's evidence that this occurrence in Spelman Street cannot be the second assault described by the witness Wiltshire, who said that, after getting up in Osborn Place, the man ran down Chicksand Street, with the police constable after him, and that when they got near the school the police constable kicked him again and the witness saw him fall. From where Wiltshire was standing he could not have seen the man fall actually in Spelman Street, or have seen the constable kick the man in that street; but No. 28, Spelman Street is only three houses from the corner, and it is to be noticed that Ethel Griffiths said that when, after the assault, at which the sergeant was looking on,

Q. 35224 &c.
Q. 35290
Q. 35228
Q. 35231
Q. 35233
Q. 35234
Q. 35235
Q. 35236
Q. 35237
Q. 35238
Q. 35241
Q. 35242
Q. 34394 to 34403

Q. 33586 Gamble got up and walked the way they (*i.e.*, Ethel Griffiths and Gamble) had come, he turned the corner and fell. That corner was, we should infer, the corner of Chicksand Street and Spelman Street and, if Gamble fell forward into Spelman Street, Mrs. Franks' evidence does not seem to be in contradiction with that of Ethel Griffiths or Wiltshire. If Gamble was kicked as described by Wiltshire, and the kick was given as he was turning the corner, he may have fallen forward into Spelman Street. If so, the relative positions of the constable and the man would be those which Mrs. Franks described. The importance of Mrs Franks' evidence is due to the fact that it is the evidence of an obviously respectable and perfectly intelligent person, who speaks to something as to which she could hardly be mistaken. Such an incident as that of being awakened in the middle of the night by groans, and finding a man lying in the road with a policeman standing over him, is one not easily forgotten, though perfect accuracy as to details cannot be expected. There seems to be no reason for doubting the good faith of this witness, and her manner in the witness box impressed us very favourably. As to the identification of the constable, she tells us nothing helpful, but unless we reject her evidence as a mere invention, we may take it as an ascertained fact that a constable was in the small hours of the morning of the 21st August kicking a prostrate man in Spelman Street.

Q. 35493 &c. Isaac Rubenstein, who lived at 25, Spelman Street, was called before us with a view of confirming Mrs. Franks' statement. He was a very aged person, and seemed extremely confused and nervous. He only spoke Yiddish, and was examined through Mrs. Franks, who was sworn as interpreter. The substance of the evidence that Rubenstein gave was of very small value as to any details. It only came to this, that he looked through his window some time during the night in question, Q. 35497 &c. though he could not say what the time was, and that he saw a man lying on the area, and saw a constable next to him there, and saw people standing there, and Q. 35501 that he heard the man groan and cry. There seems no reason to doubt the honesty of his testimony, so far as it goes, except that there were some indications that the witness was not speaking so frankly as he ought to have done owing to a timidity that suggested fear of some ill consequences that might result from his appearance Q. 35546 before us. Mr. Gordon, a member of the London County Council, was good enough to send us a letter in which he enclosed one that he had written on behalf of Isaac Rubenstein, to which Rubenstein had put his mark. The substance of the latter letter was that Rubenstein had received the summons from the Commission, and that he considered it must have been sent to him by mistake as he knew nothing about the police, and had had no dealings with them, and he hoped that he might be excused from attendance on account of his being over 85 years old; but the witness in the box before us said that he had never put his mark to the letter which was shown him. The matter does not appear to be of any importance except that it suggests that the witness might have told us more about what he saw, if for some reason he had not deemed it prudent to be reticent. The evidence of the other three witnesses, Hartnett, Brager and Hughes, relates to what they observed in Osborn place. They all three are men who were in August, 1906, living at the common lodging-house referred to above, and some of the windows of which open into Osborn Place.

Q. 35556 &c. James Hartnett said that on Tuesday morning of the 21st August, between three and four, he heard a woman screaming and a man holloaing. He looked out of the window, and saw a constable kicking the man. There was a sergeant there as well. He saw the man on the ground, and the constable was telling him to get up. He only saw him kicked as he was getting up; it was in the lower part of the back Q. 35570 of his body. The sergeant told the constable to leave him alone. When the sergeant told the constable he had done enough to him, the man ran down the street, and the Q. 35572 woman tried to follow, but the sergeant got into the middle of the road and barred the way. The next morning he saw a lot of blood smeared all over the pavement Q. 35575 outside where the man was lying. He identified Sergeant Sheedy, 5 H, out of four sergeants who were brought into Court before us. He was sleeping in a room on the Q. 35591 &c. first floor with several other men in the room. The window looked right over the scene of the assault. Brager got up, too. The witness also said that he saw the Q. 35730 man get up and the constable kicked him as he got up. He went down the street towards Chicksand Street. The witness watched them until they got by a kind of bend opposite the school. Hartnett's statement as to the pavement being smeared with blood, a fact not mentioned by either Gamble or Mrs. Griffiths, strikes one as

prima facie an exaggeration or invention damaging his credibility, but it was subsequently explained that Gamble's nose bled, though not directly in consequence of any blow. The incident seems therefore immaterial in any respect.

George Brager, who described himself as a dock labourer, said that he lived at 1, Osborn Place in August, 1906. He remembered that about four o'clock in the morning he awoke and heard a man holloaing out "Let me alone." He looked out of the window, and he saw two constables standing over a man. One was a constable and one was a sergeant. He heard one say, "Get up and face me like a man." The man was on the ground. He was just getting up on his hands and knees. The constable said, "Go on," and the man ran down the street, and he (the constable) ran after him. He saw no more of them. He did not hear the sergeant say anything. He saw a woman, but she was doing nothing. The holloaing that awakened him was, "Oh, let me alone; let me alone." He said he was in the same room as the last witness, Hartnett, but Hartnett went to the window first. Being asked whether he could identify the constable, he said he had an idea. Nine constables were thereupon brought into court, and he could identify the constable as the fourth one from the left, which was in fact P.C. Ashford. But the value of this identification was somewhat diminished by the witness admitting to Mr. Bankes that the police constable's number was 207; so that if on the 21st August he had seen the constable's number, or had heard that the number of the constable supposed to have been the guilty one was 207, the identification before us was of little value as tending to support the accuracy of the witness's recollection of the constable's face, as he (P.C. Ashford) and the other constables were all in uniform, and their numbers were plainly visible on their collars, though it is only fair to the witness to say that he asseverated that he should know the constable out of a hundred. Q. 35740 &c. Q. 35765 Q. 35767 Q. 35772 Q. 35774 Q. 35825 &c. Q. 35828

William Hughes, a young man of 19, and who, like Wiltshire, earned his living by going to the City and selling newspapers, told us that he lived at the same common lodging-house as the last two witnesses, and that he remembered on one morning in August, the 21st he thought it was, between half-past three and four, he was in a room at the lodging-house and heard a scream, and he looked out of the window and saw a constable hit a man and knock him down. He was in bed but woke up when he heard the scream. He saw one man and two constables or one constable and a sergeant. He did not see anyone else. He saw the constable strike the man and knock him down. Then the man got up again, and he (the constable) knocked him down again. When the man got up the third time he ran down the street, and the constable ran after him, and caught him up beside the school, and then the constable kicked him between the legs. That was a hundred yards from the lodging-house. Asked if he could recognise the constable, he said Yes. He also said that he had met the constable a month before the occurrence in question, and he also saw him a month after. It happened at the corner of Hanbury Street, which is quite near Osborn Place. He had also seen him about the Court, and he knew his number. As, under the circumstances, it seemed not of much use to ask the witness to identify the constable out of a number of constables in their uniforms with the correct numbers on their respective collars, P.C. 207 H was called in alone, and the witness then said that he (P.C. Ashford) was the same constable whom he saw in Osborn Place with Gamble. This witness in cross-examination contradicted a statement that he himself had made that he did not see anyone else in Osborn Place while the assault was going on, because he told Mr. Eldon Bankes that when he got out of bed and looked out of the window he saw a crowd of people, and that he saw Ethel Griffiths, whom he knew by sight, standing by herself outside the "Bell" public-house. Q. 35830 &c. Q. 35840 Q. 35841 Q. 35842 Q. 35843 Q. 35844 Q. 35 44 Q. 35851 Q. 35852 &c. Q. 35930 - 35945

Police Evidence.

The only evidence given on the police side which directly contradicts any portion of the evidence for the complainant is that given by P.C. Ashford, which we have summarised above, and that of Sergeant Sheedy, 5 H, whom some of the witnesses identified as the sergeant who was looking on at the occurrence which was alleged to have taken place in Osborn Place. Sergeant Sheedy told us that he was in charge of Section 2 on Monday, the 20th August, and paraded his men at a quarter to ten on that evening, and that he told Sergeant Anderson, who was station sergeant,

what men he (Sergeant Sheedy) had out, and the list was duly entered on the "state." He patrolled Section 2 from 10 a.m. on the 20th August to 6 a.m. on the 21st. He visited each constable, he told us, about four times. He did not on that night find any man off his beat, and he denied that he was present at the alleged assault in Osborn Place, or that he saw P.C. Ashford, 207, anywhere near there or off his beat at all. P.C. Ashford went off duty at 5, as he stated that Station Sergeant Anderson had given him leave to do so at the parade. He (witness) thought it was in November that he first heard of the assault.

Nature of the Case.

This case, like most of those with which we have to deal, resolves itself into a conflict of evidence between a body of persons in humble circumstances, of very varied occupations, and of various degrees of respectability as to character, and so forth, on the one side, and witnesses who are members of the Force on the other. Unlike some of the other cases, however, the conflict of evidence is not as to what took place between the complainant and a constable, who admits that he had arrested or interfered with the complainant, and justifies himself on the ground that he did so in the execution of his duty, but between a complainant and a constable and a sergeant, who both deny that they came across the complainant or had anything to do with him on the night in question at all, so that it may be that the story told by Gamble and Ethel Griffiths is true in so far as it alleges that some constable and some sergeant behaved in the manner they allege, and yet that they are wrong in saying that it was P.C. Ashford and Sergeant Sheedy who were the constable and the sergeant concerned in the affair.

Characters of the Witnesses.

It seems necessary to inquire a little particularly into the respective characters of the principal persons concerned. We took steps to find out what we possibly could about Gamble, and we discovered that he had been employed by Messrs. George Trollope and Sons, the well known builders, as a labourer in the painting department of their business from the month of March 1906. George Plumb, who is the managing foreman of the decorative department of their business, came before us, and gave Gamble an excellent character for sobriety, regularity, and capacity in doing his work. He informed us that Gamble was recommended to the firm by a lady who resided in Belgrave Square, and who, when Gamble was out of work, had given him a letter recommending him for employment. It appeared that Gamble
Qs. 36248 36251 was the son of a person employed upon this lady's country estate, and that he had come to London, but was unfortunate in not getting work. He was very highly recommended in this letter, and accordingly he was taken on by this firm of builders. There is not the slightest reason to doubt this evidence, and we may take it that Gamble is a working man of diligent habits and of good character.

In this connection we ought to refer to a matter which at first sight seemed to throw some possible suspicion upon Gamble, and that is, that as the case came before us there appeared to be some doubt as to whether his name was Gamble or Pearce. It turns out, however, that the matter is of no importance and that it is perfectly certain that Gamble himself has had no occasion to pass under the name of Pearce, and never did pass under that name of his own will. It appears that the name Pearce had been written down by some blunder in the Hospital book as the name of the man who was admitted as an in-patient at 6.5 a.m. on the 21st August. No satisfactory explanation has been given of the blunder, though it is suggested that the patient had, when asked his name, said something about "police," and that the person who heard him understood that he answered that his name was Pearce. Whatever the reason, a blunder was made, and the matter being thus explained, no adverse criticism on Gamble can be made on that account.

The next, and in many respects the most important witness called in support of the complaint, was Ethel Griffiths, who admitted that she had taken to the streets and who, therefore, cannot be described as a person of good character. The story

she told is a sad one. She is a married woman, who until recently has been living with her husband at Merthyr Tydvil, but left him owing to his drunken habits; she went to Cardiff, where, to use her own expression, she "went wrong," and then made her way to London. She seems to have tried to obtain some work of an honest kind, but for more than a year she has maintained herself by prostitution. She gave her evidence for the most part very well. At the time of the occurrence, though she was known by sight to some of the constables in H Division, she had not been in any trouble with the police, but it came out that some weeks after the affair we are investigating she had been convicted and fined 5s. for being drunk and disorderly. We think that, without being open to the charge of undue leniency, we may take, upon the whole, a favourable view of her disposition. Her compassionate behaviour to Gamble, whether we have got at the truth of the affair or not, tells in her favour as being that of a poor woman who, moved by the impulse of pity, did her best to help a fellow-creature in distress. No motive of a pecuniary kind has been suggested as likely to have actuated her in coming forward to give evidence. That her relations with Gamble were a good deal closer than appears from his or her first statement in the witness box is clear, and we shall have a word or two to say about those relations below.

Passing from Ethel Griffiths to J. Wiltshire, the young newsvendor, who says that he too accompanied Gamble to the hospital, it is only necessary to say that he was a very good specimen of his class. He has never been in any kind of trouble with the police; he is the son of a bricklayer, who died some years ago; he had been at a Board school in Spicer Street till he was fourteen; his mother still lives in the neighbourhood doing work; and he helps her when he can afford it, though he does not live with her, and for about three years he has supported himself by selling newspapers in the City. His occupation involves his being in the City till close on midnight, and he usually makes his way home from there to his lodgings in Brick Lane in the small hours of the morning. His demeanour in the witness box was good, and, so far as we can see, his account was not shaken in cross-examination or in examination by the Commissioners. So far as character and the manner of giving his evidence are concerned, he may be regarded as a witness *prima facie* entitled to credit.

With regard to Mrs. Franks, upon whose evidence, in our opinion, the case very largely turns, we need only say that she is the wife of a respectable working man, and that she appeared to be thoroughly trustworthy. No suggestion of any kind was made against her character or that of her husband, and her position is such that we may infer with reasonable confidence that she was completely disinterested. She struck us as a calm and capable woman, and not in the least likely, like some of the witnesses we have had before us in our Inquiry, to allow her emotions of sympathy with a man in pain to impair her judgment.

Of the three other witnesses, Hartnett, Brager, and Hughes, who resided at a common lodging house in Osborn Place, one cannot speak with the same degree of confidence. But as nothing whatever was suggested against them in cross-examination, they are entitled to be regarded as labourers of good character, though their want of education compels one to accord to their evidence as to detail a less degree of importance than one feels inclined to give to that of a witness like Mrs. Franks.

Turning, on the other hand, to the constable and the sergeant, whose conduct is impugned, one finds that the former (P.C. Ashford) bears an excellent character in every respect, and that his defaulter sheet is quite clean, while Sergeant Sheedy has a very good record, having been for nearly thirteen years in the force. He was first attached to the A division, and after ten years' service there he was removed to the C division, and on 23rd June, 1906, he was promoted to be sergeant, and removed on his promotion to the H. Division.

The Ascertained Facts.

Before discussing the details of the case, so far as it is necessary for us to go into them, it seems well to form a clear view as to the circumstances which are proved beyond doubt.

First of all, it is ascertained that Gamble was received as an in-patient at the London Hospital at six a.m. on the morning of the 21st August. The formal admission
Q. 35050 of Gamble to the hospital was timed at six a.m., and it is certain from Dr. Woods' evidence, without taking into account that of Gamble and Wiltshire, that he had been at the hospital in the Receiving Room for some considerable time, and there is no reason to doubt the doctor's evidence that he is not likely to have first come into the Receiving Room much more than about an hour before he was taken to the Ward as an in-patient.

Q. 36206 &c. Fewell, the night lodge porter at the London Hospital, gave us further help as to the time of Gamble's arrival at the hospital. It is his duty to observe persons who go in, and to make a note in his book of the "cases" that come to the hospital. He does not enter the name of any person who comes to the hospital suffering from the effects of an accident or from illness and who wishes treatment, but simply makes a general entry in the following form:—"10.10—Medical case—woman. 1.15—Accident—woman," &c. He had no recollection of Gamble's coming, but he had kept his book as usual, and produced it for our inspection, and we found that after midnight only two accident "cases" had come to the hospital. The first was a case of a woman who came at 1.15 suffering from the effects of an accident. The other was a case described as "4.45—Accident—man." It is practically certain that the man who arrived at 4.45 was Gamble, and therefore that he got into the Receiving Room of the Hospital a little before five o'clock.

Secondly, Gamble was undoubtedly seen between five and six o'clock by Dr. Woods, who was the house physician on night duty on the 21st August, and he (Gamble) told the doctor that he had been in company with a woman and had had a dispute with a police-constable about her, and that the police-constable had
Q. 36511 knocked him down and kicked him. Later in the day Gamble told Dr. Billinghurst,
Q. 35078 the house surgeon, who attended to him, that he had been kicked by a policeman, and that it was an unprovoked attack. The doctor added that Gamble just told him it was something to do with a woman, but he (the doctor) did not enquire into details.

Thirdly, we think it may be taken as an ascertained fact that Mrs. Franks, residing at 28, Spelman Street, a house three or four doors off from the corner of Spelman Street and Chicksand Street, was awakened in the middle of the night of the 20th—21st August by a noise in the street, and on looking out of the window saw a policeman kicking a prostrate man in Spelman Street. She did not recognise either Gamble as the prostrate man or P.C. Ashford as the constable. We may, therefore conclude that, without relying at all on the evidence of Ethel Griffiths or J. Wiltshire or the three lodgers in Osborn Place, it is proved beyond all reasonable doubt that Gamble arrived at the London Hospital at about 4.45, suffering from very grave injuries, that at the earliest opportunity he complained that those injuries had been caused by a kick from a policeman, and that a credible inhabitant residing in Spelman Street observed an assault committed by a constable on a prostrate man.

Criticism of Gamble's Story.

Next, bearing in mind the facts which we have ascertained to be true, let us consider the probability of the story told by Gamble supported by Mrs. Griffiths. It may be said at once that the account Gamble gives is not only possibly true, but, assuming that a police-constable, meeting Gamble and Mrs. Griffiths in conversation, determined to detach her from him for his own purposes, and that thereupon a quarrel took place between him and Gamble about the woman, there seems nothing at all in the story which is markedly improbable under all the circumstances. But the story is open to some criticism. It is not suggested that Mrs. Griffiths was a particular friend of the constable, or even a woman with whom he had had connection before, and it may be said with some reason that the occasion for the interference by the constable with a view to taking the woman away from Gamble seems very slight. It may also be said that for a constable to come across a man and a woman talking together is a common occurrence, and that it is a very curious thing that this constable should have deemed it necessary to interfere. Supposing a constable wished to have connection with a woman known by him to be on the streets, there would be, one would imagine, no great difficulty in his getting opportunity for gratifying his desire, and, even if

there should have been something about Mrs. Griffiths which specially attracted this constable, one cannot help thinking that he would not have chosen the particular moment at which she was talking to or perhaps soliciting another man for the purpose of making her acquaintance and entering into improper relations with her. If the story had been that the constable had discovered Gamble and Mrs. Griffiths having or about to have connection in some convenient place near Hanbury Street, there would be no improbability about the occurrence of a quarrel between the two men leading to a fight, in the course of which the constable might be driven to such straits and so lose his temper and forget himself as to indulge in kicking his assailant.

Another point with reference to Gamble's account, which seems to us open to adverse comment, is his submissiveness throughout the whole affair. He describes the constable as following him, molesting him by treading on his heels, and so forth, without his making any remonstrance. Gamble says the constable then knocked him down and started kicking him between the legs. Gamble went away without Q. 32865
making any counter attack or resistance. The constable followed and caught him up and knocked him down again and started giving him "more boot." Again, he Q. 32870
seems to have made no resistance. He does say that when the constable threatened to take him down to the police station, he answered, "If you do, I shall certainly report you about wanting to have connection with the woman," a remark that may Q. 32862
have added fuel to the constable's anger, but still there is the fact that this young man, who, though he was weak and ill when he appeared before us, looked a naturally strong, well-built young fellow, behaved in what at first sight seems a remarkably tame and cowardly way; and that there was something noticeable about Gamble's submissive conduct is rather borne out by a remark made by the sergeant, "Why do you not get up and fight him like a man?" The answer to the suggested improbability of Gamble's behaving in the way which he himself described is possibly to be found in his fear of the police, and it may be said in defence of his conduct, assuming that he described it truly, that he was not on equal terms with the constable owing to the advantage which the latter had in being quite indifferent as to whether the matter came into a Police Court. That Gamble valued his employment was shown by more than one circumstance which was disclosed in our proceedings, and it is not unlikely that he was determined not to get into such trouble as might involve his being taken to the station. He told us he thought that the constable was trying to "rile" him in order to make him (Gamble) strike him.

The most damaging attack that can be made on the trustworthiness of Gamble as a witness is that founded on his attempt to mislead us as to the nature of his relations with Mrs. Griffiths. He certainly gave us to understand in examination-in-chief that he had never had anything to do with Mrs. Griffiths, but when, later on, he was asked by Mr. Dickinson whether he had ever spoken to her before, he replied: "Yes, Q. 33393
only as a matter of form. She would ask me if I was going to treat her, or anything like that." Then almost immediately afterwards, being asked whether he had ever gone home with her, he replied, "No, he could not say that he had." Not long Q. 33396
afterwards, on being asked by Mr. Isaacs whether he had ever been home with Ethel Q. 33472
Griffiths, he said, "Yes, but not for a long while before this. I had not seen her for a long while before this." Then, being pressed, he admitted he had been with her Q. 33479
once or twice.

Mrs. Griffiths also at first disclaimed anything but mere acquaintanceship with Gamble. She said she had seen him about twice before she met him on the 21st., Q. 33669
and that she had known him a month or so, but did not remember. In answer Q. 33671
to a subsequent question from Lord Russell as to whether she had ever taken George (*i.e.*, Gamble) home with her, she said yes, she could remember that about 12 months before she had, but did not remember it yesterday (*i.e.*, the first day on which she was examined before us). The Chairman categorically asked her whether Gamble went for a short time with her somewhere, and she replied, "Yes, he has been with Q. 34071
me twice, as far as I can remember."

So far as the evidence of these two persons goes their relations were merely occasional, but one cannot help remembering that Lily James, a friend of Mrs. Griffiths, told us that George was "her particular man," which, if true, indicates that the friendship between Gamble and Mrs. Griffiths was a good deal greater than

was admitted by them before us; and if we felt that we could rely upon the accuracy of Lily James about a matter of that kind Gamble's suppression in the first instance of his true relations with Mrs. Griffiths would be open to much severer comment than we feel inclined to make upon it.

There can, therefore, be no doubt that Gamble and Mrs. Griffiths attempted in the first instance to deceive us as to the degree of acquaintanceship between them. One does not see why Mrs. Griffiths should have attempted to do so, but there is perhaps some excuse to be made for Gamble, because his manner suggested to us that he was anxious to protect Mrs. Griffiths' character, because he did not appear to know what she might say about herself in the witness-box, and she had undoubtedly been very kind to him about the matter; and also his anxiety about his employment made him desire to conceal misconduct on his part which might perhaps imperil him with his employers in case they came to know of it. However, his untruthful answers on this point ought to tell to some extent against the trustworthiness of his evidence, though we do not say it is a circumstance that ought to cause us to reject his account.

Some suggestion was made in cross-examination as to the way in which Gamble came to make his complaint to us, but full investigation of the matter has been made, and there seems nothing to suggest anything detrimental to his credit. It appears that one Weekes was in the hospital at the same time as Gamble, and that it was he who suggested that he should communicate with Mr. Timewell, the Secretary of the Police and Public Vigilance Society. Gamble did so, and the result was that Mr. Timewell paid one or two visits to him during the time that he was in the hospital, and took a statement from him which Gamble signed under the name "G. Pears" with difficulty, and after more than one attempt to sign it. The statement does not materially differ from the account which he gave before us, though there are some discrepancies which, if he had been quite well when he made the statement, and his evidence had been taken by a solicitor, might be worth attention, but, under the circumstances, they seem to us to be of no importance.

These are points which strike us as affording a basis for adverse comment upon the story told by Gamble. They are not very serious, and certainly not conclusive. But more substantial matter for comment confronts us, for when we come to consider the somewhat conflicting evidence as to the time at which Gamble and Mrs. Griffiths first met and at which the assault took place, we find we cannot have received a full and complete disclosure as to the events of the night. We have examined that evidence and have satisfied ourselves :—

(i.) That Gamble and Mrs. Griffiths met on the night in question not earlier than 12.30 a.m., and probably not latter than about 1 a.m.

(ii.) That the disturbances in Osborn Place and Spelman Street took place certainly not earlier than 2.20 and not later than 3.45 a.m., and probably at about 3 a.m. It follows that there is a considerable interval of time for which the story as told does not account. As the time consumed in walking and quarrelling after the constable came up cannot well have been more than a quarter of an hour or a few minutes longer, there was a period of from an hour and twenty minutes to two hours and a quarter, during which the complainant and Mrs. Griffiths were together before the constable interfered. The allegation that the constable came up just after they had met and commenced talking cannot therefore be true.

One's natural inference is, seeing that their friendly relations are admitted, that they went away somewhere and passed the time together, but whether in some house or in some convenient place in the neighbourhood must be mere matter of conjecture. Nor for our purpose is it of any consequence where they went. What is important from our point of view is the fact that they have not given us what we have a right to expect, namely, a full and frank disclosure of what took place upon this occasion. If they have not done so, then their credibility is damaged to a considerable extent, because it shows that they are persons capable of deliberately persisting in giving us a false and a misleading statement. We could understand Gamble and Mrs. Griffiths agreeing or perhaps arriving separately at the determination not to admit that their relations had been intimate, because they or either of them might wish to conceal the fact of their relations from natural and not unworthy

motives, and we were willing to pass by the incorrect representation of both these witnesses in regard to that matter in their initial examination before us; but seeing that we thought it right in testing their story to see how far their evidence accounted for the lapse of time from midnight to the time that Gamble arrived at the hospital, there seems to be no excuse for their perseverance in withholding any part of what took place, if what took place was simply this—that they went away to some place or other in order to have connection. Their failure to make a full disclosure might, if they had been the only witnesses before us, have so discredited their evidence that we should not have felt justified in accepting the relevant facts of the story upon that alone. But to reject that part of the story which relates to what took place in Osborn Place, Chicksand Street, and Spelman Street, would involve also the rejection of other evidence which is no way discredited, and which *prima facie* there is no reason to debelieve. We ought to observe, however, that if the inference which we are inclined to draw from the minute examination of the evidence that Gamble and Mrs. Griffiths went away somewhere to have connection, and passed something like two hours together, be true, that does not, save so far as it may damage their credibility, disprove either the possibility or the probability of the main events that form the story.

The Place of Meeting and the Quarrel.

Let us now try to determine if possible where the meeting of Gamble and Mrs. Griffiths and the first interference by the constable took place. Gamble said that Mrs. Griffiths stopped him in a street "leading just off Brick Lane—not far off Brick Lane, but he did not know the name of the street." It was not near any public-house of which he knew the name. "It was one of the streets leading up there. Brick Lane was on the top"; and afterwards he said that the nearest he could tell us was "that it was one of the streets leading from Brick Lane." Q. 32843 Q. 32848 Q. 32849

Mrs. Griffiths said, in reference to the place at which she met Gamble, "I really could not tell you the name of the street, but it was opposite some chapel down by Osborn Place, the bottom end of Osborn Place; I don't really remember the name of the street." Again, she said it was "near Osborn Place—it was opposite some chapel where I met him, or a school." She did not remember any public-house near it. Later on, after telling us that while she was talking to Gamble the constable came up, she told us she did not know the name of the street in which that happened. "We met outside this chapel, and the chapel was a little way away from the 'Bell.'" The chapel was about five or ten minutes' walk from the "Bell." Mrs. Griffiths was also cross-examined as to her movements before meeting with Gamble, and having said that she left Bow about 11 o'clock, she said she went "by tram to the Pavilion, which is close to the Vallance Road." She did not meet Gamble in Vallance Road, but met him a little further on. When she got to Vallance Road, she turned round on her left-hand side. She met Gamble close to Vallance Road; "it was not far from a chapel or a school where we met." She knew Hanbury Street. It was opposite a chapel in the street, but she was not positive of the name of the street. Q. 33406 Q. 33499 Q. 33500 Qs. 34275 34276 Q. 34277 Q. 33725 Q. 33728 Qs. 33731 33732 Qs. 33737 33738

We gather the effect of these and subsequent answers to be this—that she walked into Vallance Road intending to go to her home in Flower and Dean Street, and that when in Vallance Road she turned to her left into a street, the name of which she does not know, and that by a chapel or a school in that street she met Gamble; and further, that the street into which she turned was a street that led to Brick Lane. According to the plan before us, a person walking up Vallance Road would have on his left hand, some distance away, and, running very nearly parallel with Vallance Road, Brick Lane. If any such person walking up Vallance Road wished to go from Vallance Road to Brick Lane, the first street on the left-hand side leading into Brick Lane is Old Montague Street, which crosses Brick Lane and then becomes Wentworth Street, and then crosses Commercial Street; the second street would be Hanbury Street, which also runs to and crosses Brick Lane, the third street would be Underwood Street which only runs part of the way to Brick Lane; and the fourth street is Buxton Street, which runs straight from Vallance Road across Brick Lane into Quaker Street, and then into Commercial Street. Old Montague Street and Hanbury Street run into Vallance Road at the same point, and there are school buildings near the point of junction which abut both upon Hanbury Street and Old Montague Street. If one

goes into Old Montague Street towards Brick Lane one passes those buildings on the right, and if you go into Hanbury Street you pass them on the left. There are also school buildings on the opposite side of Hanbury Street nearly facing the schools just referred to. If one walks past those schools on towards Brick Lane one comes to another school building on the corner of Hanbury Street and Deal Street, and just opposite that school building on the corner of Hanbury Street and King Edward Street there is a building marked on the plan as a church. Reading the evidence in the light of the assistance given by the plan, and by a personal visit to Hanbury Street and the other streets referred to in the evidence, it would seem that what Mrs. Griffiths' really did was to turn from Vallance Road into Hanbury Street, where she might well have met Gamble. That being so, it seems most likely that the place at which they met opposite, to use Mrs. Griffiths' words, "some chapel" or "school," may have been opposite the church at the corner of Hanbury Street and King Edward Street, the appearance of which is not inconsistent with its being a chapel or school. Here we need only add that if a person going up Vallance Road wished to get to Flower and Dean Street, the shortest way would be to go into Hanbury Street, turn to the left from Hanbury Street into King Edward Street, and then to the right into Chicksand Street, which leads into Osborn Place, which runs into Brick Lane, and then on getting into Brick Lane, Flower and Dean Street would be found almost opposite. If such a person wished to go to the Victoria Home the nearest and most direct way would be to turn from Vallance Road into Old Montague Street, across Brick Lane into Wentworth Street, which is a mere continuation of Old Montague Street, and then across Commercial Street, when he would find the Victoria Home on his left-hand at the corner of that street and Wentworth Street. Whether in this case the proposed destination was Flower and Dean Street or the Victoria Home, either of the suggested routes is better than any other. The former is a little nearer for Flower and Dean Street and the latter for the Victoria Home. If it be assumed that both Gamble and Mrs. Griffiths turned into Hanbury Street on their way to their respective homes and met in Hanbury Street somewhere near the church at the corner of Hanbury Street and King Edward Street, the fact would be quite consistent with the accuracy of the story told. Osborn Place would be most nearly reached from that point by going either down King Edward Street or Dunk Street, or Great Garden Street into Chicksand Street and then along Chicksand Street to Osborn Place.

Accepting the story told by Gamble and Mrs. Griffiths it may well be that the constable first came up to them while they were in Hanbury Street near the church, that Gamble walked on as he described, and followed by the constable turned down into Chicksand Street and proceeded along Chicksand Street, till he got to Osborn Place near Brick Lane, where he was knocked down and kicked, and that when he got up and ran away he ran back along Osborn Place into Chicksand Street, and turned and fell either at the very corner of or in Spelman Street, where a man was observed lying on the ground and being kicked by a constable by Mrs. Franks. There is in fact nothing to be gathered from an inspection of the locality which throws any doubt on the details of the complainant's evidence.

Result of Examination of Complainant's Case.

We have now summarised the evidence for the complainant and have considered the question how far Gamble and the witnesses called on his side may be deemed to be credible witnesses. We have considered the criticisms that may be passed upon the complainant's story as a whole, and endeavoured to sift or analyse the evidence as to the time of the alleged assault and the place at which Gamble met Mrs. Griffiths on the night in question.

The result is that the following propositions are proved to our satisfaction:—

(1) That Gamble was admitted to the London Hospital suffering from a grave injury, namely, a rupture of the urethra;

(2) That that injury was most probably caused by a kick delivered on the perineum, though it is possible that the rupture may have been caused otherwise;

(3) That Gamble arrived at the London Hospital at 4.45 a.m. accompanied by Mrs. Griffiths and Wiltshire ;

(4) That a disinterested and credible witness (Mrs. Franks) saw, probably at a little before 3.0 a.m., a constable kicking a prostrate man close by the corner of Spelman Street and Chicksand Street ;

(5) That the relevant parts of the story told by Gamble and Mrs. Griffiths as to a policeman interfering with them somewhere not very far from Osborn Place, and having assaulted and kicked Gamble more than once at different places is a coherent narrative which reasonably accounts for the injury received, and is quite consistent with the facts ascertained ;

(6) That nothing was elicited in the course of cross-examination or in the examination of the witnesses before us which tends to show that there is any ground for believing that the witnesses either among themselves or in combination with others who have not been called before us have conspired to fabricate a story with the intention of throwing the blame for Gamble's injuries untruly upon a member of the Police Force ;

(7) That even assuming that there has been something in the nature of an intrigue against the Police, or there existed a settled bias or hostility against the Force, so far as Wiltshire and the three lodgers are concerned, there is no reason whatever to believe that Mrs. Franks was a party to anything of the kind or actuated by any such feeling.

The general conclusion is, that the injuries sustained by Gamble were inflicted in the course of a conflict that occurred after a quarrel between him and a constable about Mrs. Griffiths. That proposition is one which may be arrived at without relying on the evidence of Wiltshire, Hartnett, Brager or Hughes, though if we can safely rely upon their testimony we can do so upon stronger ground.

The complainant, however, goes further and alleges that P.C. Ashford, 207 H, was the constable who assaulted and kicked him after an unprovoked interference with him and Mrs. Griffiths ; and he also charges Sergeant Sheedy, 5 H, with having made himself a party to the constable's misconduct by looking on without making any attempt to prevent him from continuing his acts of violence, and with deliberately shielding P.C. Ashford from the consequences of his guilt. It becomes, therefore, necessary for us to consider whether the evidence justifies us in concluding that P.C. Ashford and Sergeant Sheedy are in fact the constable and sergeant of whom the witnesses are speaking. The police case is confined to the evidence of P.C. Ashford and Sergeant Sheedy, who say that they were not concerned in the affair at all, and to evidence that none of their superior officers or of the constables on duty on the beats near Osborn Place know anything about the occurrence more than the fact of Gamble's charge, and that certain inquiries were made after the receipt of the letter from Messrs. Radford and Frankland towards the end of November, 1906.

Identification of P.C. Ashford and Sergeant Sheedy.

Let us now consider the evidence identifying P.C. Ashford and Sergeant Sheedy as the constable and the sergeant who played a part in this affair if Gamble's story is true, and for that purpose it is reasonable to assume the substantial accuracy of his story. If we do accept that story and believe, notwithstanding the criticisms which may be made upon him, that Gamble is an honest man, then it follows that we must look upon Mrs. Griffith's evidence with much the same degree of favour. If Gamble is substantially speaking the truth so also is Mrs. Griffiths, and therefore some weight may be accorded, identified though she is in interest with Gamble, to the fact that she speaks positively to P.C. Ashford and Sergeant Sheedy being the constable and the sergeant really concerned. At any rate, Mrs. Griffiths, as might be expected from what she admitted as to her frequenting the streets nightly, knew P.C. Ashford by sight, though it would not seem that she had ever spoken to him before the 21st August. In the course of Mrs. Griffiths' examination a number of constables and sergeants in uniform were brought before us and stood in a row. Mrs. Griffiths at

once identified P.C. Ashford as the constable who assaulted Gamble, and though she picked out Sergeant Sheedy as being the sergeant who was in Osborn Place she very frankly stated that she could not be positive about him. We may say at once that her evidence did not appear to be materially strengthened by the test implied in her being asked to pick out the constable from a number of men brought into Court, because all the men were in uniform, and their numbers were plainly visible upon their collars, and there can, we think, be no doubt that Mrs. Griffiths as well as all, or nearly all, the other witnesses had heard that it was P.C. Ashford, 207 H., who was the man upon whom suspicion had fallen. In order to strengthen the evidence of identification, the testing of a witness's recollection by asking him to pick out the man whom he accuses from among a number of others must be carried out under conditions very different from those which we could conveniently impose at the Guildhall, Westminster; still it is possible that some little additional weight may be rightly accorded to identification in the way in which it took place before us. However that may be, the evidence of identification can hardly be put higher than this, that when confronted with P.C. Ashford the witnesses said they recognised him as the man who was concerned in the affair.

Gamble told us he did not know the number of the constable who assaulted him, and that he had not seen him since the 21st August until the morning of the day on which he was giving evidence before us when he recognised him outside the Court. He added that he knew him by his moustache which was "very red—ginger." Subsequently several constables and a sergeant in uniform were brought into Court and Gamble at once identified P.C. Ashford as 207 H—"the third man from the end of the rank"—but he said that he could not identify the sergeant.

Qs. 32909
32910
Q. 32916
Qs. 32917
32918
Q. 32920

As to the other witnesses the matter stands thus: P.C. Ashford was identified as the constable concerned by Wiltshire, by Brager and by W. Hughes, but he was not identified by Mrs. Franks, Rubenstein or Hartnett.

Qs. 34485 to
34489
Q. 35772
Q. 35852 to
35862

As to the sergeant he was identified but not positively by Mrs. Griffiths, and recognised without hesitation by Wiltshire and by Hartnett; but he was not identified by Gamble, Mrs. Franks, Rubenstein, Brager or W. Hughes.

Q. 33361
Q. 34485 to
34489
Q. 35577

The value of this evidence, of course, depends almost entirely on the view we take as to the character of the various witnesses. If we put them down as merely suborned or reckless there is nothing in it, but if, as we think is the case, the witnesses are speaking on other matters quite honestly one cannot, in the absence of any special motive for their picking out P.C. Ashford, help attaching very considerable weight to the evidence, if the movements of P.C. Ashford are found upon investigation to be such as to make it possible for him to have come across Gamble and Mrs. Griffiths at the place at which they say they met.

It is obvious that the case of identification is rather stronger against P.C. Ashford than it is against Sergeant Sheedy. Gamble and Mrs. Griffiths, who had the best opportunities of observing the features of the constable concerned, because both had talked to him when he was quite near, and both of whom had strong reasons for noticing him, speak positively as to his being the man who called her aside and was concerned in what afterwards happened. Of the other three witnesses who positively identify the constable Wiltshire is the one who had the best opportunity for observing the constable's features, because he was standing in the street while one of the assaults was going on with the sergeant looking on, whereas Brager and Hughes were looking out of a window, which was at a good height above the level of the road. The first named was quite certain on the matter. With regard to Sergeant Sheedy, the evidence of Mrs. Griffiths was very uncertain, but that of Wiltshire, assuming that he is not deliberately lying, seems nearly conclusive, because it is not easy to think that a sharp lad standing quite close to the sergeant under the circumstances would be likely to make a mistake; but in Harnett's statement to the same effect one cannot feel quite the same confidence, as his opportuunity for observation was not so good. We leave the evidence as to identification there.

The Interview Between Mrs. Griffiths and P.C. Ashford.

There is one other topic that we must touch upon before we pass to consider the Police case, and that is the evidence about two interviews which, as alleged, took place between Mrs. Griffiths and P.C. Ashford.

Mrs. Griffiths told us that she had seen P.C. Ashford on the Sunday night before the 20th February, 1907 (the date at which she gave evidence), outside the "Carpenters' Arms," about ten minutes after the public-houses had been closed. He (the P.C.) was on duty and in uniform. She had at that time received a summons to give evidence before this Commission, and she had it with her on the Sunday night just referred to. According to her account, she went up to the constable and asked him if he knew anything about *this* (showing him the letter containing the summons), and he answered "No." Mrs. Griffiths said, "It is a funny thing that you have not heard when I have." Here we had better give her exact words. "So, after one or two words, he said, 'I have.' He said, 'What are you going to do?' I said, 'I don't know what I am going to do.' He asked me if I was going to do my worst . . . I said I thought it was all dropped until I heard on Saturday . . . I don't think much passed besides that. He offered me £2 if I would not go against him. That is all that passed. . . . He said I should be sorry for it. He said he would do it in on me. What he meant by that I don't know." She also said that she had spoken to him before Christmas, but she could not tell us the date. She spoke to him about the same thing. "He was on duty in Brick Lane on a Sunday morning," she said it was, and she saw him in Brick Lane just along by a public-house called the "Cranes"; at any rate, not far from it. She said, "I just spoke to him on the subject. I told him I had given a statement about it . . . He said, 'What did you do that for'? He told me he was a married man, and he told me I was not to recognise him if anything should occur." That is all that took place. Q. 33647 &c. Q. 33654 &c. Q. 33655 Q. 33657 Q. 33658 Q. 33933 Q. 33934 Q. 33936 Qs. 33945 33946 Q. 33947 to 39349

P.C. Ashford denied that he had spoken to Mrs. Griffiths about the matter at all. As to the conversation on the Sunday morning near the "Cranes" public-house, he denied that he met her. As to the Sunday evening conversation in which he was alleged to have offered her £2, he denied that any conversation took place, but he admitted that she had approached him on the Monday night before she came here (*i.e.*, the Monday night before the 20th February) about half an hour after midnight. His account of the conversation was as follows:—"She asked me if she could speak to me. I said, 'Yes.' She said, 'I have got a paper here! would you mind reading of it?' I said, 'No, I don't want any conversation with you.' I then walked away . . . . She shouted out something about, 'If you make it worth while, I will bunk out of it, but,' she said, 'I will give you till Wednesday to consider it over.'" He did not say anything in answer to that, and he had not seen her since. He was examined by the Chairman in reference to this admitted conversation, and the conversation which had been detailed by him before was put to him, and he admitted that she commenced the conversation by saying, "Can I speak to you?" The Chairman then asked him, "Then what did you mean by saying she might speak to you?" and he replied, "I did not know whether she wanted to ask me any question, or anything like that." He was then asked, "Was not that obviously what she was going to do? She said, 'Look at this paper.' Was she not going to ask you for advice?" He replied, "This paper being a letter, I did not read it." The Chairman then asked him, "Here was a woman whom you knew by sight who very courteously asked you if she might speak to you, and you said 'Yes.' Then she said, 'I have a letter here; will you read it?'" and he replied, "I said so." "(Q.) Why did you not read it? (A.) I did not want to read other people's letters. (Q.) You said she wanted your advice? (A.) I thought she might want me for something else. (Q.) For what? (A.) For some other question. (Q.) What other question? (A.) I do not know." Further questions were put to him with a view of suggesting to him that his account of the conversation did not seem very probable, the point being that he had given the woman permission to speak to him, and the moment she did so by asking him to read a letter, and to give her advice, he refused to have anything further to say. We do not suggest that there is very much in the point, but the manner of the witness in answering the question was unsatisfactory, and the conversation as given by the constable does not seem to us to have an air of reality about it. He absolutely denied that he thought the paper in any way concerned himself, and said that the thought that it might be a summons to come before us in connection with Gamble's affair never occurred to him. That being so, one would have thought that, after giving the woman permission to speak to him, he would, at any rate, have listened to what she had to say, and that when he found that all she wanted was that he should look at a letter, evidently with a view of giving her some advice, he would have done so Q. 37585 Q. 37586 Q. 37857 Q. 37592 Q. 37594 Q. 37595 Q. 37598 Q. 37600 Q. 37803 Q. 37806 Q. 37807 Q. 37809 Q. 37810 Q. 37811 Q. 37812 Q. 37813 Q. 37814

unless of course he had some reason to suspect that she was speaking with the object of compromising him in some way in regard to the case which he then knew was pending before the Commission; and if he had frankly said that he suspected that the letter was a summons, and that she was going to talk to him about the case, we should have thought there was nothing at all in the conversation that in any way reflected adversely upon him; but we could not help coming to the conclusion that he was not speaking honestly about the interview, whatever may have taken place at it, and, on the whole, that part of P.C. Ashford's evidence produced a very unfavourable effect upon our minds, especially as he admitted that she used words just as he was walking away that had distinct reference to this case, we mean the words "If you will make it worth while I will bunk out of it." Even if Mrs. Griffiths' suggestion that he (the P.C.) offered her money to drop the case be without foundation, the unfavourable impression that P.C. Ashford made upon us is by no means removed.

As to the first of the two interviews alleged by Mrs. Griffiths, the happening of it is absolutely denied by P.C. Ashford; but it may be urged that some confirmation of her statement is afforded by the evidence of a witness called Lily James,
Q. 37922 who is a friend of hers, and, like her, a woman of the "unfortunate" class. According to her story before us, it was in September and not in December, as Mrs. Griffiths told us, that the interview took place. She said that she and Mrs. Griffiths were walking down Brick Lane on a Sunday morning in September between twelve and one in the daytime, when they saw P.C. 207 H. The constable stopped Mrs. Griffiths, and asked her how the young man was. She (Lily James) was by her side. Mrs. Griffiths said that he was very bad. The constable said, "What are you going to do?" Mrs. Griffiths answered, "I do not know." The constable then said, "Well, keep your tongue between your teeth as I am a married man."

In cross-examination it came out that she had not been formally summoned, and that she had only attended on the 5th March, when she was called, and it was suggested that she had been tempted to come because Mrs. Griffiths told her how much she had received as a witness for her own attendance, and that the inducement for her coming forward in order to confirm, to a certain extent, Mrs. Griffiths' statement, was the temptation afforded by the very small amount payable to the witnesses for their attendance before us.

Upon the whole, though we think that it would be quite unfair to attach the slightest importance to the evidence of Lily James, and although, as will be seen from comments that we have made in other cases about evidence as to conversations introduced with a view of strengthening a case, we do not attach, as a general rule, much importance to it, still if one comes to the conclusion that Mrs. Griffiths is a reasonably trustworthy witness, one can hardly refuse all belief in regard to her alleged conversations with P.C. Ashford, though as to the precise words used one could feel no great confidence. P.C. Ashford admitted that he did have a conversation, though he put it on a Monday and not on the Sunday night, and the way in which he gave his evidence upon the matter, and the somewhat unnatural and forced terms which he gave to the tenor of the admitted conversation, rather point against him. The upshot is that this part of the complainants' case tends slightly to confirm the evidence of identification against P.C. Ashford.

The Police Case.

The case made by the body of witnesses called on the complainant's part was met by the evidence of P.C. Ashford and Sergeant Sheedy, who were both on duty in Section 2 on the night in question, and who both denied any knowledge whatsoever of the occurrences spoken to by Gamble and his witnesses.

We have already referred to the excellent characters and good record of both these members of the Force, and we need only say here that it seems to us a point to which we ought to attach very great importance.

Let us now see what was the duty of each on this night, and where did it take him? The necessity of making this inquiry naturally occurred to us during the

hearing of the complaint, and we accordingly took evidence as to the disposition of the members of the Force on duty in the H Division on the night in question.

Sub-divisional Inspector Hewison gave us full information as to the parade and inspection of the men on night duty from 10 a.m. on the 20th August to 6 a.m. on the 21st in the H Division. He told us that it was the duty of the sergeant when he parades the men of a night to post the constables on the different beats. He Q. 36343
explained to us, first of all, that, according to the system in vogue, it was his duty, as Sub-divisional Inspector, to arrange the duties of constables for every month. Once a month he made out what is called the Roster, which is then submitted to the Superintendent for his approval. The Roster having been approved, it is kept and exhibited at the station, and every day every officer and constable finds out what his duty is for the whole month for which the Roster is made out. In the course of the month, however, certain variations may be made in consequence of men being away from duty or relieved from duty, and that sort of thing. For such variations the sergeant makes arrangements. The men going on night duty should be paraded and inspected at 9.45 p.m. under the direction of one of the inspectors or the station sergeant. The H Division is divided into four different sections. The constables on parade fall into their different sections, and their appointments and books are inspected, and it is seen if the men are in proper order to go on duty. After that any necessary information taken from Police Orders and telegrams or anything urgent are read to the men before they go out on duty. The sergeant of each section should report to the inspector or station sergeant the number of men that he has available for duty, and an entry of that is made in a book called the Duty Book. The sergeant, before leaving with his men, enters up the strength of the night duty on a slate, and it is afterwards copied into the Duty Book by one of the officers on night duty. The sergeants, before going out with the constables, are given by the inspector or the station sergeant notes stating the places and times during the night at which the sergeants would be met. No one, except the sergeants and the inspectors, knows the time and the place of the rendezvous, and the inspector places a note in the Duty Book before he goes out patrolling, so that if any superior officer might wish to find him, or want to know where he was during the night, he could easily be found. After the inspection is over, the sergeant marches the men under him to their section, and posts them on their respective beats, and relieves the constables who have been on duty on such beats for the preceding four or eight hours. The system was very clearly explained to us by Sub-divisional Inspector Hewison and by Station Sergeant Anderson, and it appears to us to be entirely well conceived. The result of the system and of the record kept is this, that if you go to a police station at any hour of the day or night you can, by looking at the Roster, at the station sergeant's slate, and at the Duty Book, find out where any constable on duty at any moment ought to be, and if he is not in fact on duty, you can learn the reason for his absence.

Sub-divisional Inspector Hewison put in a plan of Sections 1 and 2 of the White-chapel district which showed the beats into which the section is divided; and it is the Q. 36337
Second Section which comprehends the streets between Brick Lane, Vallance Road, Buxton Street and the Whitechapel Road, within which Osborn Place, Spelman Street and the other streets mentioned in the evidence in this case, are situate. The Second Section is divided into eleven beats. From the documents put in it is found that the Second Section was undermanned, as sometimes happens, on the night of the 20th-21st August, and therefore some of the constables posted to the second division had to patrol two beats instead of one. This was the case with P.C. Ashford, who was allocated to No. 10 and No. 11. The boundaries of those beats have been given above. Osborn Place runs between and divides beat No. 3 and beat No. 4. Chicksand Street, starting from its easterly end, runs through No. 8 beat and No. 9 beat, and then passes between No. 4 beat on the left hand and No. 9 beat and No. 3 beat on the right hand. The effect of this evidence is to demonstrate conclusively that P.C. Ashford might have met Gamble and Mrs. Griffiths as they say while performing his duty on beats No. 10 and No. 11.

The general effect left on our minds is this: that Gamble and Mrs. Griffiths have shown that they probably met at a place where they might have met P.C. Ashford while being engaged in the regular performance of his duty, and that if he so far forgot himself as to leave his beat and follow Gamble and Mrs. Griffiths into

Chicksand Street, a street which they would be likely to pass through on the way to their respective homes, the allegation that he is the constable who knocked down and kicked Gamble in Osborn Place and Spelman Street is by no means improbable, and that conclusion is strengthened by the reflection that if we accept the story told to the extent of believing that it was a constable who caused the injury to Gamble, we are practically forced to the conclusion that that constable was the same man who first interfered with them when he came across them talking together in Hanbury Street.

Turning to the question whether it was Sergeant Sheedy who looked on at the assault, it does not seem to us that the consideration of the way in which the various officers and constables of the H Division were employed on duty during the night in question carries us much further. Sergeant Sheedy was undoubtedly on duty, and no kind of breach of duty would have been involved by his being near the "Bell" public-house in Osborn Place at the time when the alleged assault took place, whether it was as early as 2.30 a.m. or as late as 4 a.m., and there is nothing in Sergeant Sheedy's evidence which negatives the possibility that he was at the place where the assault is alleged to have taken place at the critical moment.

We thought it might be of some advantage for us to see Sergeant Doyle, who was on duty in command of Section 1 on the night in question, especially when it came out in our minute examination of the roster and of the sergeant's state, made in the course of duty for the night in question, that P.C. 200 H, who belonged, according to the roster of the 20th August, to another section, had been posted with him (Sergeant Doyle) on this night, and this induced, we will not say the suspicion, but the notion in our minds that possibly the system was not worked so rigidly and accurately as we were asked to believe. The explanation given by Sergeant Doyle of the seeming irregularity was entirely satisfactory, and he told us that he saw nothing of the alleged occurrence, and that if, while on duty in his own section, he saw a constable kicking a man lying down, he would go and investigate what was going on, even though it took him off his section.

We think it only fair, in concluding our observations on this part of the case to say that not the slightest disposition was shown on the part of those who appeared for the police to conceal anything whatsoever that might throw light upon the occurrence. Mr. Eldon Bankes told us that all the constables upon the beats lying close to P.C. Ashford's beat, and in fact, as we gather, all the men in charge of beats close to Osborn Place, were interrogated, and we were invited to examine all or any of them. It did not appear to us necessary to do so, because we felt it would simply have resulted in a series of men being called and denying that they witnessed any of the events connected with the occurrence into which we were enquiring.

We feel it may be urged, as against the acceptance of the story told by Gamble and Mrs. Griffiths, that it is extremely improbable that Sergeant Sheedy, or any other sergeant in the H Division, would be likely to witness an affray in which one of the constables under his immediate supervision was concerned without taking any action at all, and without making any report whatever upon the subject. But the introduction of the sergeant into the story was by no means necessary to the case made by Gamble and Mrs. Griffiths. Supposing that they have concocted the story, one cannot see why they should have brought the sergeant into it at all. As it stands, the presence of a sergeant is an integral part of the narrative, and, if we were to reject that part of the story, one could only do so for reasons which would so discredit the witnesses as to take away the ground upon which the rest of the story stands. Looking at the affair as a whole, it should not be forgotten that it cannot have seemed to the sergeant, or to any experienced observer of East End scenes, anything like so surprising or so serious as it does to us. The only thing at all out of the common in what the sergeant (if he was there) saw is the fact that the constable kicked the man. Everything else was quite in the ordinary course of events near Brick Lane, and what the sergeant saw was consistent with its being a case in which a prisoner had been attempting to escape, or some man was assaulting the constable while in the execution of his duty. Nor was there anything to indicate to an onlooker, when Gamble got up and ran from Osborn Place to Chicksand Street, that he had been really injured. The utmost that anyone could have seen there was a man engaged in an altercation with a constable, and that the constable knocked him down, gave him a kick, and pursued

him. It may, therefore, be that the sergeant, whoever he was, simply saw a constable, engaged in conflict with a man, give him a kick, which did not seem to have any grave consequence, as the man got up and ran away. It is not suggested that the sergeant followed and saw anything of the subsequent assault in Spelman Street. If that be so, though it could not be said that the sergeant joined in or was responsible for the assault, yet he would be open to censure for not intervening and reporting the matter at the police station.

Having given our best consideration to the case, we are unable to resist the evidence, and we accept Gamble's story as substantially true. There is no doubt in our minds that P.C. Ashford and Sergeant Sheedy are the constable and sergeant who were actually concerned in the affair. We desire to add that we are satisfied that P.C. Ashford did not intend to do Gamble serious injury.

Our formal conclusions are :—

(i.) P.C. Ashford was guilty of the misconduct alleged, but in kicking Gamble did not intend to do him the serious injury which resulted.

(ii.) Sergeant Sheedy was guilty of misconduct in that :—

(a) He did not intervene between Gamble and the constable, whom he observed in conflict in Osborn Place, and terminate the disturbance, ascertain its cause, and then take the consequential steps which the performance of his duty under the ascertained circumstances required.

(b) He omitted to make any report at all to the Inspector or other superior officer.

Complaint of the Treatment of the Case by the Chief Commissioner.

Gamble himself did not when he came before us expressly complain that the Chief Commissioner had not dealt with the case properly when it came under his notice. He was content to come before us and tell his story. But as the case affords an illustration of the manner in which complaints by members of the public are dealt with by the authorities at New Scotland Yard, it is necessary for us to inquire into the facts of this particular case, as they form part of the data upon which we ought to base our conclusion upon the general question submitted to us. As appears from the summary of the evidence given above, Gamble while in the hospital talked to a man called Weekes, who suggested that he should put himself in communication with the Police and Public Vigilance Society. It does not clearly appear how the case was brought to the attention of the Society, but in fact Mr. Timewell, the Secretary of the Society, saw Gamble more than once while he was at the hospital, and he took the statement referred to above from him. The Society appear, without instructions from Gamble, to have retained a well-known firm of solicitors (Messrs. Radford and Frankland), and instructed them to write a letter to the Chief Commissioner, which is set out above. So far as can be ascertained, this was undoubtedly the first communication made to the Chief Commissioner, and, so far as we can find, it was the first communication made about the case to any police authority. The letter was duly acknowledged. Reports were called for, and the solicitors' letter was sent Q. 36812
to the Commercial Street Police Station and handed to Sub-divisional Inspector Q. 36816
Hewison with instructions to make inquiries. He told us that before he received this letter he had heard no gossip, rumour or report about a man lying in the hospital Q. 36817
who alleged that he had been injured by the police. Upon getting instructions to make a report, he said, "First of all I asked the constables" (he does not say which constables), "and particularly P.C. Ashford, but he absolutely denied all knowledge of it, and was directed to make a report, which he did." The report has been put in Q. 37710.
and is in the following terms :—"Commercial Street Station, H. division, November 25, 1906. With reference to report called for *re* alleged assault on Charles Gamlett (*sic*) on 21st August, 1906. I beg to report being on 10 and 11 beats, second section, night-duty, which includes a part of Spelman Street on the above date, I do not know the man who have complained, I did not see him, neither did I assault him or know anything of the occurrence. Edwin Ashford, P.C. 207 H. J. Hewison, S.D. Q. 36821
Inspector J. Mulvaney, Supt." The inspector then made inquiries of four or five shopkeepers carrying on business in that portion of Spelman Street that was on P.C.

Ashford's beat, and asked them if they had heard any disturbance or if they were woke up by any disturbance in the morning, and they said they had heard nothing, and they knew nothing at all about it. He (Sub-divisional Inspector Hewison) then went to the London Hospital, and with one of the night porters searched the books, but they could not find the name of Gamble there at all, and so the inspector came to the conclusion that he was not in that hospital. The letter, the inspector properly observed, did not say what hospital he was in. The Chairman asked him whether in searching the books he had not found the entry on the 21st August "Accident—man 4.45," and he replied that he had no knowledge that that referred to this case. Being pressed upon the point, he said that they (meaning himself and some person or persons at the hospital) searched the books to see if they could find the name, but he did not go to the porter's lodge, and therefore the only books he searched were the records in the office of the hospital. The inspector then told us that the conclusion he came to was that the man referred to was not in the London Hospital, that, in his opinion, he made the inquiry as thoroughly as he could at the time, and that he did not himself in fact close the inquiry. On the 29th November, Sub-divisional Inspector Hewison made his report which is covered by Superintendent Mulvaney, and is in the following terms:—"With reference to the attached correspondence I beg to report that there is no record at this station of any complaint being made by Gamble of the alleged assault. I have made careful inquiry at Spelman Street, and also at the London Hospital, but I am unable to obtain any information whatever of the occurrence. The P.C. was on night duty during the month of August last, and was posted to a beat that takes in part of Spelman Street, Whitechapel, on the date in question. He, however, absolutely denies all knowledge of the assault. I would respectfully suggest that the solicitor might be asked to furnish Gamble's address so that he could be seen with a view to his statement being taken, and the nature of the alleged assault inquired into." In the margin of the report is the letter "A," and below is a note in these terms: "A recommended." On the 8th December, 1906, Mr. Bathurst, on behalf of the Chief Commissioner, wrote the following letter to Messrs. Radford and Frankland: "New Scotland Yard, S.W. Gentlemen,—With reference to your letter of the 23rd ultimo, I am directed by the Commissioner of Police of the Metropolis to acquaint you that the P.C. referred to denies having seen or assaulted your client, and nothing is known to the police of the incident." No further steps were taken in the affair, and the recommendation noted upon the report of Sub-divisional Inspector Hewison was not, so far as our evidence goes, acted upon.

Q. 36825.

Q. 36825

It is perfectly clear that the Sub-divisional Inspector did all that could be reasonably expected of him with the very scanty data afforded to him by a copy of the letter of Messrs. Radford and Frankland. Our first impression was that the Chief Commissioner ought to have pushed the inquiry further having regard to the gravity of the misconduct alleged. But Sir Edward Henry called our attention to instructions given by the Home Office, to the effect that "if the complaint amounts to a criminal charge and there is conflicting evidence on the subject, the Commissioner ought not to decide the matter, but it ought to be brought before a Magistrate, who can take evidence on oath," and contended that in view of this direction the authorities at New Scotland Yard were justified in not acting upon Inspector Hewison's recommendation or inquiring any further into the matter.

Q. 52402 &c.

All that we need say here is that we think that in the circumstances this contention is well founded, and that the course taken was correct, but we may refer to our observations made above upon the Home Office instructions.

See above p. 142.

XVII.—MR. Y's CASE.

(In Camera.)

In this case a young gentleman made a complaint of the misconduct of certain constables on a recent Saturday night in wrongfully arresting two young ladies, in whose company he was in Piccadilly, for solicitation and for riotous and indecent behaviour, and afterwards arresting him while on his way to Vine Street Police Station in order to bail out his friends. He informed us that he came forward out of a sense of public duty; and he conveyed to us a message that, though he felt much aggrieved at the treatment to which his friends and himself had been subjected, he did not wish to make his complaint in public as, whatever the result, further publicity would only add to the annoyance that had been caused to him by the affair, and that, however well founded his complaint might be found to be, he might be injured in his business if the occurrence should become, as would inevitably be the case if we inquired into the complaint publicly, a matter of general notoriety. He therefore requested us to hear the case in private.

We considered the application, and though, seeing that we became acquainted with the name and address of the complainant, we had the power under the Metropolitan Police Commission Act, 1906, of compelling his attendance and giving evidence before us in public, we thought that to take that course, which might have the prejudicial result to him which he suggested, would be a somewhat harsh and unduly inquisitorial exercise of the powers with which we are invested. On the other hand, seeing that in regard to the manner in which the police deal with solicitation cases we had only taken evidence in regard to the cases of Madame D'Angely, Mrs. Braham, and Mrs. X, we thought it would be inexpedient to allow the opportunity of learning more about the way in which solicitation cases are dealt with by the police to escape us; and though as in the case of Mrs. X we were rather reluctant to adopt the course of taking the case *in camera*, and suppressing the names of the complainant and his friends, we considered ourselves justified in hearing the matter in private. We accordingly decided to hear the evidence of Mr. Y and Mr. Z, a friend of the former, who had seen part of the affair, without any representatives of the police or any constables being present, and then, if after listening to the story told by Mr. Y and his friend, we thought it expedient to go further into the matter, that the shorthand notes of the examination of Mr. Y and of Mr. Z should be handed to Messrs. Wontner and Sons, as representing the police, and that at the future stages of the Inquiry the police might be represented by counsel, and Mr. Y, if he so pleased, might be also represented by counsel.

We therefore took the evidence in the case in private on the 11th, 13th, and 18th June, 1906.

Mr. Y told us that he was a motor engineer, carrying on business at (——), that he was 24 years of age, that he had heard of the appointment of the Commission, and in the first instance approached Mr. Timewell, the Secretary of the Police and Public Vigilance Society, and in consequence of what passed he made the application to us. Q. 48374, &c.

Shortly summarised Mr. Y's story was this. On the night of Saturday the (——) day of (——) 1906, he went to meet a young lady, whom for the purposes of our inquiry we shall call Miss A, by appointment at the London Pavilion Music Hall opposite the Criterion Theatre and Restaurant. He had known her for eight or nine months as the mistress of a friend of his. It appeared that he had promised during the week to take this friend on the Sunday for a drive with Miss A. He had been busy all that day, and had been somewhere in the country, so he wired to Miss A to meet him on the corner of the Pavilion at 12 o'clock (this telegram was not produced before us but was produced at the police court) in order to make the necessary appointment for the next day. He went to the rendezvous, and when he got there he found Miss A with a lady friend of hers, Miss B, whom he knew by sight, and by her Christian name; but she was nothing more or less than an acquaintance. He waited at the corner of the Pavilion for about five minutes before they came up. He could not tell where they came from Q. 48384 Q. 48385. Q. 48390. &c.

but, after waiting a few minutes, they arrived and took hold of him by the arm, and they started walking along, and had got as far as the corner of Shaftesbury Avenue
Q. 48396. and were waiting to cross opposite the Monico on the Glasshouse Street side. Just as they were going to cross a constable seized Miss A, and then turned round to one of his colleagues, and said, "Take the other one as well." The ladies started struggling and he (Mr. Y) said to them, "It is no good struggling; you will have to go—go quietly." Upon that the police were insulting to him. They told him to mind his own business, and Mr. Y told them that they could not say anything to him so
Q. 48399. long as he was assisting them. They crossed over to the Fountain then. One constable had hold of one lady and the other constable had hold of the other, and he (Mr. Y) followed. They went towards Vine Street, they crossed over
Q. 48401. to the Fountain (that is the centre of Piccadilly Circus) and there, as one of the women was struggling, they called upon a constable (No. 155 C.R) to assist them. They dragged the ladies along Regent Street, and Mr. Y kept saying to the one he knew "Don't be silly; don't struggle; I will come and bail you out." With that the constables used filthy language to Mr. Y; they told him to mind his own business, and he replied the same to them as he had previously said at the Pavilion until they got to Vine Street. At Vine Street, as they dragged the women through, one of the constables said, "Don't let that man through with the cap." Mr. Y insisted on going through, and they would not let him go through. In the meantime P.C. 155 had come out again, and then he said, "All right, if you want to come through, come through," and he dragged him in, and as they dragged him in, Mr. Y said, "You have no right to drag me like this." The constable said, "We will soon see about that." Mr. Y said, "What are you going to charge me with?" The constable did not reply. When Mr. Y got inside he was subjected
Q. 48404, &c. to the most filthy and abusive language, and was pushed down by one policeman—he thought it was P.C. 27, but he could not swear to it—and he was charged with rescuing. He says he was first pushed into the charge room and after that he was put in a cell. He thought he was told to sit down in the charge room. He stood, and was pushed down very violently but not by a blow. There were two constables near him. He thought one of them was 27 CR, and he called him (Mr. Y) all sorts of names. He could not tell the number of the other constable as he had not his pocket-book then, but he had it written down in a pocket-book at home. He said,
Q. 48411. further, that they called him all the filthiest names they could, and, being asked what,
Q. 48433, &c. he replied, "They called me a b—— ponce." The ladies had been already put in the dock and taken through into a cell before he (Mr. Y) was put into the dock, but he saw them in the dock. They were charged with being common prostitutes, and
Q. 48437, &c. nothing else, so far as he could remember. An inspector, or he thinks it was a sergeant, took the charge, he wrote it in a book, and, after he had written it in a book, he told the young ladies that they were charged with being common prostitutes. He did not remember anything else. On being asked whether Miss A or Miss B said anything in answer to the charge he replied "They very nearly fainted. They
Q. 48445 cried and shrieked, but I do not think they said anything very much. They said it
Q. 48446. was not true. They were asked what their profession was, and they said they were actresses." Mr. Y said they refused to give their addresses, and he believes
Q. 48452. they gave wrong names at the time. Being asked whether there was any disturbance in the charge room, he replied that there was no disturbance. While the charge was being made and being taken the only people who were talking were
Q. 48453. the constable who made the arrest and the sergeant and the young woman in the dock. Then after they had been taken away, he (Mr. Y) was put into
Q. 48460. the dock, and P.C. 155 CR. charged him. He said that P.C. 27 CR called him at the Fountain, and told him to arrest him (Mr. Y), and that he then arrested him
Q. 48464. and took him to Vine Street. The charge was "Attempting to rescue." The
Q. 48467, &c. sergeant took down the charge. Mr. Y denied it, and said it was absolutely false. Then Mr. Y was asked for his name and address, and he gave them correctly. Mr. Y
Q. 48472. told the sergeant he had walked to Vine Street absolutely alone and unmolested, and that he tried to persuade the girls to go quietly, also telling them that he would bail them out if they did so; and he added other details which it is not necessary to mention here.

In further examination he told us that upon this night there were a good many
Q. 48521 people in Shaftesbury Avenue and Piccadilly Circus, though he did not think there was much traffic at the time, as it was past the time of the theatres. At Swan and Edgar's there were crowds of people. There were not many people by the

Pavilion, but there were plenty all round Swan and Edgar's, and the Fountain, and all up Regent Street. There was a big crowd following him when he was following the constables and the young ladies. The crowd remained behind and heard the altercation with the police. There were a lot of people standing round—packed. Q. 48524. Q. 48527. Q. 48530.

Mr. Y was allowed out on his own recognisances at 2 o'clock and offered himself as bail for the young ladies, but the inspector wanted more evidence as to his position, so he went back to his business place and brought back papers which satisfied the inspector, and they were allowed out a little after 3 a.m. In answer to a question from the Chair Mr. Y said he had never been drunk in his life, and he was nearly a teetotaler.

Mr. Y was accompanied before us by Mr. Z, who was a great friend of his, and who also gave evidence on the same occasion. It appeared that Mr. Z and a friend, Mr. Q, were walking towards the Pavilion Music Hall on this very Saturday night when they observed a disturbance just outside, and they subsequently saw Mr. Y arrested. These two gentlemen were there without any previous arrangement with Mr. Y, and their presence at the time of his arrest was a mere accident. Mr. Z said that their attention being called to a disturbance outside the Pavilion Music Hall, they noticed several policemen's helmets in the crowd; and he observed to his friend (Mr. Q) "Here is an arrest; let us see what happens." They accordingly tried to push across the crowd, and to follow the persons arrested across Piccadilly Circus and up Regent Street. They got to a big hoarding there, where a hotel was being built, and there was a small passage way to Vine Street Police Station. Just up there (seemingly up Half Moon Passage) the crowd were stopped by several policemen—he thought about six or seven—at the passage way. They got through, and were much surprised to see Mr. Y arguing with the policemen. Till then they had not seen him. As they got there (seemingly at Half Moon Passage) he thought it was P.C. CR. 27 who had just gone down the passage way, and he (the constable) turned round and said, "Don't let that fellow with the cap go down." He was quite close enough to hear that. Then he heard Mr. Y arguing. Then P.C. 155 C said, "Very well then, you shall come if you want it," and he took Mr. Y by the collar and ran him in. In the court P.C. 155 C stated that Mr. Y was arrested in Piccadilly Circus, but the witness Mr. Z absolutely denied it. The constable arrested him at the top of this passage for no reason whatever that he could see at all. Then the other constables moved the crowd on. They said, "Move on, move on," and pushed them all off. He went back to the garage where Mr. Y's business is, and was going to ring up some friends to see if he could get bail for him; and, while talking to Mr. Q, Mr. Y himself arrived. He and Mr. Y then drove down in a car to Vine Street and bailed the two girls out. He said that while waiting outside in the car a lot of policemen were coming on duty and they were impudent while he was in the car; he was not the driver nor the owner of the car; and that then a conversation that may be described as an "unfriendly altercation" took place. Q. 48695. Q. 48696. Q. 48698.

In answer to questions from the Chairman he said that he might have seen the two girls at the Fountain in the centre of Piccadilly Circus, but he should not have associated them with Mr. Y, and he did not at the time. He saw the two constables going up Regent Street with two girls and several fellows. Of course he did not know it was Mr. Y. He also said there is always a big crowd with an arrest there. He said that on the night in question the streets were very crowded, it was a Football Cup-tie night, and there were a lot of provincial people in the streets. They only got to the head of the crowd when they reached the passage leading to Vine Street. At that time the girls were just going down in custody. It was 27 CR. who shouted out, "Don't let that man with the cap go through." 155 C was then standing at the entrance to the passage way. He arrested Mr. Y and took him into the police station. He did not go with 27 CR. and the girls into the police station first before arresting Mr. Y. Q. 48703. Q. 48705. Q. 48707. Q. 48708. Q. 48709. Q. 48711. Q. 48713. Q. 48714. Q. 48715. Q. 48764. Q. 48766. Q. 48767. Q. 48771. Q. 48774.

In answer to Mr. Dickinson he said that he first became certain of the fact that there were two women in the case when he got to the entrance to the passage to Vine Street. He saw the two girls go in the passage, and when they turned round he recognised one of them by her dress and her bonnet, and he was sufficiently near to see them go down the passage. P.C. 155 C did not go down the passage with the

Q. 48778. Q. 48781. Qs. 48783. 48784. Q. 48810.

girls, and then he saw Mr. Y arguing with him. As far as he could remember, Mr. Y wanted to go down the passage way to the police station, but the police constables would not let him, and they would not let any body go down the passageway. He had seen Mr. Y in the course of the day, but did not speak to him during this occurrence. At the police court he laid emphasis on the fact that it was at the entrance to the passage that Mr. Y was arrested because the police said they arrested him at Piccadilly Circus by the Fountain, and that was not true.

Having taken the evidence of these two gentlemen, and obtained from Mr. Y the names and addresses of Miss A and Miss B, we adjourned the further proceedings, and, having considered the matter, we determined to inquire into the case.

We summoned Mr. Stanley Savill, Chief Clerk of Marlborough Street Police Court, and he was good enough to attend before us on the 13th June and to produce the register of the court sitting at Marlborough Street on Monday the (——) day of (——), 1906 ; and we subsequently obtained the charge sheets in the cases of Miss A, Miss B, and Mr. Y, and Mr. Savill also produced the original notes of evidence taken by him in the three cases.

The following are copies of the charge sheets :—

METROPOLITAN POLICE. "C" or ST. JAMES'S DIVISION.

C 49105.

Charges taken at Vine Street Police Station between the day of , and the day of , 1906.

No. of Charge.	Date and hour brought to Station.	Persons charged.			Charge.	Persons charging. Name, Address and Occupation.	Witnesses. Name and Address.	Taken into Custody by	Property found on person or elsewhere.	At the Station House.		Signature of Police Officer taking the Charge.	Magistrate before whom the charge is brought.	Charge—how disposed of by Magistrate and what offence proved.	Remarks by Magistrate.
		Age.	Name, Address, and Occupation.	Administrative County in which charged.						Detained	Or hour admitted to bail.				
	12.30 a.m.	23	(Miss A)	London.	Common Prostitute behaving in a riotous and indecent manner at Piccadilly Circus, Parish of St. James's.	Frederick Caladine, P.C. 27 CR		F. Caladine, P.C. 27 CR	Nil.	Detained.	3.15 a.m.	A. Bex, Inspr.	G. L. Denman, Esq.	O.R. £5 keep peace for six months. 34 Edw. 3, c. 1.	

J M., Superintendent.

C 49112.

METROPOLITAN POLICE. "C" OR ST. JAMES'S DIVISION.

Charges taken at Vine Street Police Station on the day of , 1906.

No. of Charge.	Date and Hour brought to Station.	Persons charged. Age.	Name, Address and Occupation.	Administrative County in which charged.	Charge.	Persons charging. Name, Address and Occupation.	Witnesses. Name and Address.	Taken into Custody by.	Property found on Person or elsewhere.	At the Station House. Detained.	Or hour admitted to bail.	Signature of Police Officer taking the Charge.	Magistrate before whom the charge is brought.	Charge how disposed of by Magistrate, and what offence proved.	Remarks by Magistate.
	12.30 a.m.	23	(Miss B.)	London.	Common prostitute, behaving in a riotous and indecent manner at Piccadilly Circus. Further with assaulting P.C. 22 C.R. Walter Earl by striking him on the mouth whilst in the execution of his duty at same time and place, Parish of St. James's.	Walter Earl, P.C. 22 C.R.		W. Earl, P.C. 22 C.R.	Nil.	Detained.	3.15 a.m.	A. Bex, Inspr.	G. L. Denman, Esq.	O.R. £5 keep peace for six months, 34 Edw. 3, c. I.	

J. M., Superintendent.

C, 49,111.

METROPOLITAN POLICE. "C" OR ST. JAMES'S DIVISION.

Charges taken at Vine Street Police Station between the day of , and the day of 1906.

No. of Charge.	Date and hour brought to Station.	Persons charged.			Charge.	Persons charging, Name, Address and Occupation.	Witnesses Name and Address.	Taken into Custody by	Property found on person or elsewhere.	At the Station House.		Signature of Police Officer taking the charge.	Magistrate before whom the charge is brought.	Charge—how disposed of by Magistrate, and what offence proved.	Remarks by Magistrate.
		Age.	Name, Address and Occupation.	Administrative County in which charged.						Detained	Or hour admitted to bail.				
	12.35 a.m.	22	(Mr. Y.)	London.	Attempting to rescue Miss A. from the lawful custody of P.C. 27 C.R. Caladine at Piccadilly, Parish of St. James's.	Frederick Caladine, P.C. 27 C.R.	William Wood, P.C. 155 C.	W. Wood, P.C. 155 C.	Nil.	Detained.	2 a.m.	A. Bex, Inspr.	G. L. Denman, Esq.	O.R. £5, keep peace for six months, 34 Edw. 3, c. 1.	

J. M., Superintendent.

The Notes of Evidence are as follows :- -

In the Case of Miss B. (Case No. 24.)

Walter Howell, P.C. 22 R. [Howell should be Earl. Mr. Savill said that a mistake was made as to the name.] At 12.30 a.m. on the (——) of (——). Piccadilly Circus. Defendant annoying gentlemen by catching them by the arm. One she stopped at Windmill Street and one in Shaftesbury Avenue. Prostitute. There nightly. Struck me twice in face with fist when I took her.

Cross-examined.

Had not hold of a gentleman by the arm when I took her. She was with another woman. Another constable took the other woman. At the corner of Windmill Street I saw a gentleman whom she accosted shake her off. I did not see the man (Mr. Y) with her. She did not strike me twice in the face until after I had gone a few yards with her.

O.R. £5 for six months.

In the Case of Miss A and Mr. Y.

(Cases 30 and 31.)

P.C. Caladine, 27 CR. At 12.30 a.m. on the (——) day of (——). Piccadilly Circus. Saw defendant (Miss A) stop two gentlemen corner of Windmill Street. I requested them to pass away. They did so towards Coventry Street. Shortly afterwards the defendant (Miss A) returned and I saw her stop another gentleman there. She went on towards Shaftesbury Avenue. When I took Miss A into custody the man (Mr. Y) came up and said, "You are not going to take her," and tried to get her away. The woman walks Coventry Street and Regent Street. The man (Mr. Y) was close beside Miss A when taken into custody.

P.C. William Wood, 155 C. Saw 27, CR. with Miss A in custody. Saw the man (Mr. Y) come up and seize Miss A by the arm and try to get her away from P.C.'s custody.

Then Mr. Y was called.

On the (——) I sent Miss A a telegram (*Produced*) to meet her at Leicester Lounge. She is the mistress of a friend of mine. I subsequently met Miss A and Miss B at Windmill Street. They put their arms in mine and we walked towards the Pavilion. Near there a constable came up and took her. I told her to go quietly, and did not try to rescue her.

Then Miss A was called.

I met Mr. Y by telegram, and about midnight went with him and the girl (Miss B) and another gentleman friend to the Pavilion and going on through Regent Street when the constable arrested us. Miss B (the other prisoner) corroborated. The constable took me from Mr. Y's arm. I met Mr. Y by appointment at 11.45 at Leicester Lounge, and left with him at 12 o'clock.

Then Mr. Z was called.

I saw Mr. Y at Vine Street Police Station demanding to go in to bail someone. P.C. William Wood, 155 C, said, "You cannot go in." He (Mr. Y) said he wanted to go in and bail someone out. 155 C then took him.

Then Mr. Q said, I was with Mr. Z and I corroborate him.

O.R £5 for six months.

We issued summonses addressed to Miss A and Miss B, and proceeded to inquire further into the case in private on the 18th June, 1907, when Lord Russell appeared for Mr. Y, and Mr. Eldon Bankes, K.C., and Mr. R. D. Muir appeared for the police, but, owing to some misapprehension, counsel for the police had not understood that the formal inquiry would commence on that date, and were unable to proceed with the cross-examination of Mr. Y. Accordingly, it was arranged that the cross-examination should be postponed, and if we, after hearing the police witnesses, should think it necessary, the cross-examination of Mr. Y and of his witnesses should take place at a later stage of the inquiry. Neither Miss A nor Miss B was in attendance.

We accordingly took the evidence of P.C. Earl, 22 CR, P.C. Caladine, 27 CR, P.C. Wood, 155 C, Sergeant Lougton and Inspector Bex.

P.C. Earl was on double patrol duty with P.C. Caladine on the night in question from Windmill Street to the corner of Shaftesbury Avenue. The duty was called "double patrol" duty because he and the other constable were to make the patrol together. He and P.C. Caladine commenced their duty just before 12 o'clock midnight. They saw Miss A and Miss B for the first time that night at the corner of Windmill Street, Piccadilly Circus, at about twenty-five minutes past 12. There was no one with them when he first saw them, but they saw them stop two gentlemen at the corner of Windmill Street. P.C. Caladine spoke to them; the two gentlemen went up Windmill Street, and the two ladies passed on to Shaftesbury Avenue and the Circus, in front of the Pavilion. They spoke to two other gentlemen, one in front of the Pavilion and the other at the corner of Shaftesbury Avenue, and then they were taken into custody. He took Miss B, and P.C Caladine took Miss A. He did not hear what P.C. Caladine said. He said to Miss B that he was taking her into custody for soliciting prostitution. She made no remark, but going across Piccadilly Circus she hit him in the face twice with her fist. Then he got hold of her hand to prevent her striking him again, and held her hand until they got to the station, where she was charged. There was no man with her when he took her into custody. He (P.C. Earl) went with his prisoner before P.C. Caladine went with his prisoner, and he did not see what happened to the latter or his prisoner. He had known both Miss A and Miss B by sight for six months. He had seen them together frequently and he had also seen them separately. He had also seen them soliciting prostitution—stopping men as on that occasion. Qs. 49188, 49199. Q. 49190. Qs. 49193, 49194, 49195. Q. 49196 Q. 49204. Q. 49207. Q. 49209. Q. 49210. Q. 49211. Q. 49212. Q. 49213. Qs. 49214, 49215. Qs. 49199, 49200. Q. 49201.

P.C. Earl was cross-examined very carefully by Lord Russell, but none of his answers disclosed any substantial variation from the story that he told in chief, and nothing to which attention need be specially called as tending in any way to shake the evidence.

In answer to the Chairman he said that Miss B was pretty fashionably dressed in blue, and that he had never heard her called by her name before, and that he had seen her frequently since. In answer to Mr. Rufus Isaacs he said that he had seen her and the other woman leave the "Leicester" with separate gentlemen and get into a cab. Asked what he had done as to giving them a warning, he answered thus: "Sometimes you caution them and tell them not to repeat their conduct again or otherwise you would have to arrest them. Other times you cannot get near enough to caution them They run away." He said further "Sometimes you have not cautioned them but they are repeating the soliciting of prostitution and you arrest them although no caution has been given." Pressed upon this point he answered: "If you get close enough to them there is a rule, and you are supposed to caution them. If you cannot get near enough to them, if they run away from you, and you see them repeating the soliciting of prostitution and annoying gentlemen, then you arrest them." The witness's attention was then called to the regulation in the White Book: "In the first instance the woman should be cautioned by the police on duty, and told to move on, and conduct herself properly. Should she refuse and persist in misconducting herself she should be taken into custody and charged with such offence." The witness also said that it had happened on more than one occasion that he had had to arrest a woman for soliciting whom he had not been able to get near enough to caution. He further in answer to the Chairman denied that it was true that the two prisoners that he and his colleague (P.C. Caladine) arrested were arm in arm with any gentleman at the moment of arrest, nor did he Qs. 49431, 49428, 49432, 49433, 49435. Qs. 49439, 49440. Q. 49441. Q. 49443. Q. 49445. Q. 49446. White Book, p. 339, par. 85. Q. 49457

Q. 49458. Q. 49460. Q. 49465. turn round and say to somebody "You take the other one." He effected the first arrest. He said that it was he who suggested the arrest, and that he spoke to P.C. Caladine and said, "These women we have been speaking to at the corner of Windmill Street are soliciting again and we will arrest them as disorderly persons."

Q. 49511. Q. 49512. Qs. 49514, 49515. Q. 49516. Q. 49517. Qs. 49518. 49519. Q. 49523 Q. 49525. Q. 49526. Q. 49528. Q. 49530. Q. 49535. Q. 49536. Q. 49542. Q. 49543. Q. 49544. Q. 49545. Qs. 49546, 49547. Q. 49548. Qs. 49549, 49550. Q. 49551. Q. 49552. Q. 49533. Q. 49554. Q. 49555. Q. 49556. Q. 49557. Q. 49558. Q. 49559 Q. 49560. Q. 49563. Q. 49564. Q. 49565. Q. 49567. Q. 49568. Q. 49573. Q. 49574. Qs. 49579, 49580, 49581, 49582. Q. 49583. Q. 49584. Q. 49587. Q. 49590. Qs. 49591, 49592. Qs. 49593, 49594.

P.C. Caladine, 27 CR, said that on the night in question he was with P.C. Earl on double patrol duty. He joined P.C. Earl about a quarter to 12 at midnight. He said that he had seen the two women (Miss A and Miss B) who were taken into custody on that night on other occasions before the night in question, for as nearly as he could remember, from two to three months or something of that sort in Coventry Street, Leicester Square, Piccadilly, and Regent Street. He had seen them together, and he had seen them apart. His view as to their calling was that they were prostitutes, but he had never cautioned them prior to the night in question, and he could not say whether either had been arrested previously. He had seen them on the night in question, first at the corner of Great Windmill Street and Coventry Street, where they accosted two gentlemen. He told them to pass along. That is what he generally says if women are standing with gentlemen in the street. The two women passed along in the direction of Regent Street, while the gentlemen went up Great Windmill Street. He and P.C. Earl walked along in the same direction as Miss A, and Miss B behind them. He then saw them stop another gentleman in front of the Pavilion. Before they (the constables) got to them they left the gentlemen and went on. They (the constables) walked on, and he (P.C. Caladine) saw them accost another gentleman in Piccadilly Circus, and they (the constables) went up and arrested them. He arrested Miss A and P.C. Earl arrested Miss B. P.C. Earl went on with Miss B and he (P.C. Caladine) followed behind with Miss A. When he had got about ten or twelve yards from the kerb, his prisoner became violent, screaming and throwing herself about. Then a crowd began to collect, and a gentleman came out and took hold of her arm. That was he believed Mr. Y. The man whom he afterwards saw in custody. He had not seen him before, and he was not the man whom the two ladies had accosted at the corner of Shaftesbury Avenue. Mr. Y took hold of her arm and said, "You are not going to take her." The constable said, "You leave the woman alone," and eventually he let go the woman. He seized her first ten or twelve yards from the footway facing Shaftesbury Avenue, just before they got to the Fountain. P.C. Caladine then went on with the prisoner just over to the corner of the Fountain pavement. Mr. Y kept on talking to this woman on the other side, and he (the constable) said, "You had better get away; you are only making the woman worse." He could not remember the exact words Mr. Y said. They got near Swan and Edgar's and near Air Street, and then the prisoner became very violent again. She screamed and holloaed, and Mr. Y came up again and took hold of her arm. The constable requested him again to leave go, and when he (the constable) saw P.C. 155 C he said to him "Will you take this gentleman into custody," not knowing Mr. Y's name then. He was then near Air Street. He (P.C. Caladine) did not actually see the arrest. In the meantime Sergeant 20 came up and took hold of the woman's other arm, and they then went to the station down Half Moon Passage. He saw no constables at the entrance to Half Moon Passage, nor were there any policemen at the entrance to the station except the one on the door. When he got inside the station Miss B was already there, and within two or three minutes, or something like that, Mr. Y was brought in. He charged Miss A, and Mr. Y was also charged. He did not hear anybody say as he was going into Half Moon Passage or at the entrance to the station, "Don't let that man with the cap come in."

Qs. 49603, 49606, 49608. Qs. 49613, 49614. Q. 49628. Qs. 49682–49888. Q. 49691. Q. 49735 Q. 49728.

Cross-examined by Lord Russell he said that he had seen the two ladies behaving frequently in that way before, speaking to different gentlemen in the vicinity of the Circus. He had seen gentlemen walk away from them as if they did not want to have anything to do with them. Being asked by Lord Russell whether up to that night their behaviour had been such that he had never required to caution them, he said, "No, they had not accosted before." When Miss A and Miss B came up to the last man to whom they spoke before the arrest, the constables were behind, and the gentleman was facing the ladies. They walked right in front of him and stopped him. He was walking towards them slowly. When he and P.C. Earl came up the gentleman walked away, and they took the woman into custody. He thought that one of them had hold of the gentleman's arm at the time, but he did not seem to resent it. He walked away. His prisoner tried to throw herself down

more than once, and she also screamed very loudly. He did not tell Mr. Y to mind his own business. He had a kind of motor cap on, and he thought he had a kind of light dust coat on. Being asked whether he thought he would know the man, he said he would, and then, looking round the room, he identified Mr. Y. who was present. He simply told him to leave the woman alone, and he (Mr. Y) did not say anything about bailing her out, nor did he tell him that the woman had met him by appointment. He denied that Mr. Y was persuading the woman to go quietly. He did not hear him use words about going quietly, but he might have done so. He talked to the woman alone and did not argue with him (P.C. Caladine). He could not say where P.C. 155 C came from. There was a large crowd about at that time. He saw P.C. 155 C, and directly he saw him said, "Take this man into custody. I call on you to arrest him." The sergeant then came up and helped him to take his prisoner to he station. He did not actually see the arrest of Mr. Y, and so far as he knew it was quite possible that Mr. Y may have walked up a little way to the police station and been arrested. Q. 49753. Q. 49751. Q. 42755. Q. 49768. Q. 49770. Q. 49780. Qs. 49783, 49784, 49785. Q. 49812. Q. 49808, 49813.

In answer to Mr. Dickinson he said that though he had known the two women for two or three months as frequenting the vicinity of this part of Piccadilly he could not say they did so regularly every night. He had not arrested them before because he never saw them actually accost men in his presence. Such persons do not as a rule give him the chance of getting near them to caution them. Q. 50006. Q. 50013.

P.C. Wood, 155 C, was on patrol duty on the Saturday night in question from Air Street to Piccadilly Circus. He saw P.C. Earl with a woman in custody near the County Fire Office. He (P.C. Earl) was crossing Piccadilly Circus with the prisoner, and he was then just about the Fountain. He saw a large crowd a short distance behind P.C. Earl, and he then saw P.C. Caladine with another woman in custody, and saw her struggling. Just by the Fountain he saw a man trying to pull away the woman from the police constable. The man would not let the woman go, and they walked across the Circus to Regent Street. He followed the crowd a few yards away from the constable and the woman. He saw the man catch hold of the woman by the arm again. It was the same man. The man was Mr. Y. He heard him say to the woman, "All right (——), go quietly." He did not hear him say anything else at all. P.C. Caladine called him to take the man into custody, and he did so near Air Street, and took him to Vine Street Station. He went quietly, walking along Regent Street and down Half Moon Passage. He did not notice any constables in Half Moon Passage when he got there, nor at the entrance to it. He did not hear anybody say, "Don't let that man with the cap come in," or any words to that effect. As far as he could remember, Mr. Y was wearing a cap. There were no constables outside the station, except the man on the door. He took his prisoner into the charge room and charged him. Q. 50024. Q. 50028. Q. 50029. Q. 50031. Q. 50034. Qs. 50036, 50037, 50038. Q. 50041. Q. 50046. Q. 50043. Qs. 50050, 50052, 50053, 50054. Q. 50055. Q. 50056. Q. 50058. Q. 50059. Q. 50062.

In cross-examination by Lord Russell he said that at the time that P.C. Caladine asked him to take Mr. Y into custody the latter had the woman by the arm, and he said that he arrested Mr. Y instantly when the other constable told him to.

In answer to the Chairman he said that he had never seen either Miss A or Miss B before and that on that night he was on special duty—extra patrol—and he was one of a considerable number of extra men who were turned out for that kind of duty. He further said that after P.C. Caladine had ordered him to arrest Mr. Y, and before he actually did so, a large number of the members of the public got between him and P.C. Caladine and Miss A, and when P.C. Caladine got near Half Moon Passage there was a crowd between him and the witness (P.C. Wood), so that he could not actually see P.C. Caladine turning into Half Moon Passage; he simply walked through the crowd and did not notice any constables at that point. When he and his prisoner got to the corner of Half Moon Passage members of the public were going down the passage following P.C. Caladine. He walked with the crowd through the passage. When he got into Vine Street there were some persons there, but he did not see any other constables in the crowd, but he did notice the man usually on the door. He did not remember his prisoner saying anything. Qs. 50027, 50240, 50241, 50242. Qs. 50252, 50253, 50254. Q. 50270. Qs. 50259, 50260. Qs. 50261 50263. Q. 50264. Q. 50278. Q. 50293.

Sergeant Lougton C 20 on the night in question was in charge of the extra patrols. About half past 12 midnight he saw two women in the custody of two constables, and noticed the behaviour of the woman who was in the custody of P.C. Qs. 50295, 50297. Q. 50299.

Q. 50301. Earl. He saw the actual arrest by P.C. Earl. There was nobody with the woman at the time, P.C. Caladine and his prisoner started off, and they got about ten yards
Q. 50303. towards the Circus when she gave a scream which caused a large crowd. They all rushed towards the spot, and she struggled, and then she went quietly for some distance from Swan and Edgar's to almost Air Street. He was some distance behind, but there were a good many people then, they suddenly stopped again, and
Q. 50305. P.C. Caladine was struggling with Miss A, and the man who was subsequently arrested was trying to get her away. P.C. 155 then appeared on the scene at the
Q. 50307. same time as himself, and was told by P.C. Caladine to take Mr. Y into custody. He (Sergeant Lougton) got hold of the woman's arm and assisted P.C. Caladine right into the station. When he got to the entrance of Half Moon Passage there were no constables there.

In cross-examination by Lord Russell, the witness said that Mr. Y was pulling the prisoner away from P.C. Caladine. He (witness) never heard him say anything, though he might have done so without his hearing it. He could not say that he was not advising her to go quietly.

Q. 50431 &c. Inspector Bex said that he was in charge of the Vine Street Police Station when the three prisoners Miss A and Miss B and Mr. Y were brought in, that he took the charges, and that he allowed Mr. Y out on bail at 2 a.m., and that the ladies were allowed to go out subsequently.

Observations on the Case.

We have now summarised the evidence which we obtained in regard to this complaint, and we may add that the fact that Mr. Q, who was a friend of Mr. Z, was not called before us, is not, in our view, of any importance, and we are quite ready to assume that he was with Mr. Z on the night in question, and that he would have corroborated his evidence as he did at the Police Court.

We regret that Miss A and Miss B did not avail themselves of the opportunity which we gave them of coming before us under circumstances which need not have given them the slightest embarrassment, whether they were innocent or guilty of the conduct attributed to them by the Police, as it afforded reasonable security against the annoyance of further publicity, and did not necessitate the ordeal of an examination in a public court.

We considered whether we should exercise our power of compelling them to attend, and we came to the conclusion, seeing that Mr. Y was represented by counsel, and was himself present when the Police witnesses gave an account of the circumstances which had led up to and accompanied the arrest of these two ladies, that we should be adequately discharging our duty by throwing upon these ladies the responsibility of deciding, through Mr. Y, with whom they were in communication, whether they would or would not come forward to vindicate, if they could, their characters. They did not do so, and we inferred, therefore, that they were content to let us draw our own conclusions from their silence. We therefore abstained from taking what might have been deemed the harsh and unnecessary step of enforcing their appearance.

We have now to decide whether any misconduct on the part of the constables concerned in this matter has been proved upon the materials afforded by the evidence which has been summarised above.

The conflict of evidence between Mr. Y and Mr. Z on the one hand, and the Police witnesses on the other, is limited to a comparatively small part of the series of events which led to the arrests of these persons on the night in question, and principally relates to details not vitally affecting the issue, so far as the arrest of the two ladies is concerned.

We thought Mr. Y gave his evidence in a very frank manner, which suggested good faith upon his part, but he did not conceal from us that he had been very much annoyed by what had taken place, and we cannot help coming to the conclusion, as to his own arrest, that, owing to youthful inexperience, he had, without any wrong

intention, so behaved himself that his conduct was misunderstood by P.C. Calladine and P.C. Wood, and also that he was mistaken on some of the other incidents of the affair. We see no reason to disbelieve him when he says that he simply went to meet Miss A to arrange about a motor drive on the Sunday, that he was acquainted with her simply as the mistress of a friend to whom he referred, and that he was unaware of the fact that she was in the habit of frequenting Piccadilly Circus and the neighbourhood for the purpose of solicitation in a manner which indicated that she was by no means the faithful mistress which Mr. Y seems to have assumed her to be. That Mr. Y's complaint was genuine in the sense that he honestly believed that the constables behaved improperly in arresting the ladies, and subsequently himself, we see no reason to doubt, but it is perfectly clear that he was not informed of what had taken place before he joined Miss A near the Pavilion, and did not know that there was good ground for thinking that she was a common prostitute, nor had he considered the matter from the standpoint of the Police, upon whom is thrown the difficult task of maintaining order in crowded streets.

Mr. Z told us nothing about the arrest of the two ladies; he only spoke about the arrest of Mr. Y. We see no reason to doubt his good faith, but his statements are open to much criticism, and it is evident that he, like Mr. Y, greatly resented what took place, and we think that he unintentionally allowed his recollection to be coloured and biassed by what he hastily thought to be arbitrary conduct on the part of the constables, and perhaps to some extent allowed himself to be influenced by the altercation which he had with other constables outside the police station while he was waiting with a motor car after Mr. Y had gone to bail out the two ladies—an altercation which, so far as appears, was provoked by unnecessary observations by the constables referred to.

The three constables principally concerned in the case struck us as being intelligent and efficient. P.C. Earl had been twenty-one years in the Service, and P.C. Calladine had been fifteen years in the Service, and the defaulter's sheets of both are clean. P.C. Wood has not seen so much service, since he only joined the Force in 1902, but his record is entirely good. All three constables gave their evidence in a careful manner, and we noticed nothing in the demeanour of any one of them which suggested any ground for believing that he was speaking dishonestly. Such discrepancies or differences in their statements as are disclosed in their evidence do not amount to contradiction on material points, or to such inconsistency as ought to raise suspicion. They rather tend to confirm the honesty of their case as proving that there had been no improper combination with a view to fabricating an answer to the complaint.

We have, therefore, come to the conclusion that the police story is in all essential particulars quite true, though as to one point, to which we refer below, we think that P.C. Earl and P.C. Calladine are mistaken.

The questions that arise in the case are two: First, whether P.C. Earl and P.C. Calladine were justified in arresting Miss A and Miss B; and, secondly, whether P.C. Calladine was justified in ordering P.C. Wood to arrest Mr. Y.

With regard to the first question there seems to be no ground for distinguishing between the cases of the two ladies. It is proved to our satisfaction that before this night, over a period of several months, both had been observed by P.C. Earl frequently walking at night in the neighbourhood of Piccadilly Circus accosting gentlemen in such a manner as to lead him to believe they were prostitutes. He said he had seen them doing so both together and separately; and his evidence is confirmed by that of P.C. Calladine. Their statements are entirely uncontradicted. These ladies had the opportunity of coming before us and denying the statements of the two constables, which, be it observed, were not made before us for the first time, but had been in substance made at the Police Court. They have not done so. We have come to the conclusion, therefore, that either they were common prostitutes, or that they had been for some time frequenting the streets in the neighbourhood of Piccadilly Circus, and behaving in such a manner that an unbiassed observer might properly and reasonably have come to the conclusion that they were women of that class.

It is also proved to our satisfaction that on the night in question they spoke to

two gentlemen at the corner of Windmill Street; that P.C. Calladine ordered them to move along; and that they then walked on and accosted another gentleman in front of the Pavilion Music Hall.

P.C. Earl and P.C. Calladine both state that after speaking to the gentleman in front of the Pavilion Music Hall they left him, and accosted another gentleman at the corner of Shaftesbury Avenue. It is as to this allegation that we entertain doubt, though not a doubt based upon any suspicion that the constables were speaking intentionally falsely. Mr. Y told us that he met Miss A and Miss B at the corner of the Pavilion, after waiting a few minutes, that they took hold of him by the arm, and that they started walking along, and had got as far as the corner of Shaftesbury Avenue, and were waiting to cross opposite the Monico on the Glasshouse Street side, and that, just as they were going across, a constable seized Miss A, etc. Mr. Y does not state that when they were waiting to cross the ladies still had hold of his arm, and it seems not at all unlikely that at that moment they disengaged themselves so as to act independently in crossing the street. We are inclined to think that Mr. Y is right in stating that the ladies joined him at the Pavilion, and that things happened as he said. It follows that the two constables are wrong in alleging that Mr. Y was not one of those whom they saw the ladies accost, and that the gentleman spoken to at the Pavilion and that the one spoken to at the corner of Shaftesbury Avenue were different men. It must be remembered that all the witnesses agree in stating that the streets were very crowded (as experience suggests to us was quite likely to be the case) at the hour when the arrests took place, and that the two constables were not following the ladies immediately but at some little distance behind, and that the constables may have made a mistake upon a point which, after all, is not strictly material.

We think, therefore, that what really took place was that the two ladies met Mr. Y, as he says, and very likely took his arm, that they then walked on to Shaftesbury Avenue and stopped there, and that the ladies were arrested by the constables under the impression that they had, after they had been told to move on at the corner of Windmill Street, accosted, in the pursuit of their avocation, two separate gentlemen. Under these circumstances, the anger and indignation of Mr. Y, ignorant as he probably was of the true character, and certainly of the previous misbehaviour of the ladies on this night, at the sudden arrest of companions who were accompanying him by his own desire, was natural enough, and, from his point of view, not without good cause.

We have, however, no doubt that upon the state of facts which existed the constables were within their legal right in making the arrests. Though they had not complied with the regulation as to cautioning prescribed in cases where it is intended to prefer a charge under the Police Act, 1839, section 54, sub-section 11, they had ample ground for believing the two girls were prostitutes, from their behaviour during some two or three months previous to this night; and they had, in our opinion, just committed an offence under that sub-section by accosting two gentlemen at the corner of Windmill Street, one of whom shook off Miss B. It must be remembered that Mr. Y cannot wholly dissociate himself from his lady friends, and whether we are right or not in finding that the constables made a mistake in thinking they were soliciting Mr. Y for the purpose of prostitution, they contributed to the mistake by their conduct while on their way to keep Miss A's appointment with Mr. Y. Under the circumstances, however annoying the police action may have been to Mr. Y, the constables cannot be said to have been guilty of any misconduct.

The Arrest of Mr. Y.

The next question is whether the arrest of Mr. Y was justified.

Here again the case is very largely to be explained by the occurrence of a misunderstanding. We believe that Mr. Y did not intentionally wish to mislead us in his account of what took place after the ladies were taken into custody. It is perfectly clear that Mr. Y had no intention at all of effecting a rescue, and that, what-

ever the exact words he used were, his intention was to reassure and pacify the lady and simply to accompany her to the Police Station with a view to assist her as being the victim of outrageous and brutal conduct on the part of the police; but it is clear that he had lost his temper, though not without good cause, if the real circumstances had been those which he supposed; and we think that his conduct was a great deal more excited and ambiguous than he imagined, because he himself admitted that the police told him to mind his own business.

As to the place of the arrest, if we take his account literally, there can be no doubt that he is quite mistaken. In his account before us he told his story in such a way as to imply that his actual arrest took place in Vine Street, but it is clear, when the whole of his evidence is looked at in conjunction with that of his friend Mr. Z, that his arrest was effected not in Vine Street but before he got to Half Moon Passage. It looks as though he thought that Half Moon Passage was really nominally as well as actually a continuation of Vine Street.

There is a conflict of evidence between Mr. Y and Mr. Z on the one side, and the police witnesses on the other, as to the circumstances of the arrest. The former would have us believe that it took place after P.C. Calladine and Miss A had gone into Half Moon Passage, and after a noisy conversation with some constables. P.C. Calladine says that before getting to Half Moon Passage he found difficulty in taking his prisoner owing to the interference of Mr. Y, and that he called on P.C. Wood to assist him. If we thought that all the persons concerned had been equally calm and observant, and equally accurate witnesses, we should find very great difficulty in coming to a decision as to which version of the arrest is true. That Mr. Y is not accurate, though we do not believe his inaccuracy is wilful, is shown by his statement that P.C. Wood was called upon by P.C. Calladine to assist him in taking Miss A to the station, and that the latter (P.C. Calladine) went with the constable and Miss A through Half Moon Passage and then came out and arrested him (Mr. Y) after coming back. Now, in fact, there is no doubt that it was Sergeant Lougton who assisted P.C. Calladine with Miss A to the station and then came out again, and that P.C. Wood did not leave Regent Street till he had arrested Mr. Y and took him into the Charge Room. The inaccuracy on this point affords us some ground for thinking that Mr. Y was so upset by all that was taking place that his memory as to details cannot be trusted as against that of men who were simply doing their duty in the ordinary course. We therefore accept the police version of the arrest of Mr. Y, and though we do not believe that his acts amounted to anything like conclusive proof of an attempted rescue, still we think that his interference (though innocent in intention) was in fact of such a character as to amount to an obstruction of P.C. Calladine in the execution of his duty. That appears to have been the view taken of it by Mr. Denman, who, though he took what we regard as an entirely proper and lenient view of the matter, thought it right to bind Mr. Y over to keep the peace.

Under these circumstances we think there was no misconduct on the part of either P.C. Calladine or P.C. Wood in arresting Mr. Y.

Observations as to the Charges Preferred.

The form of the charges made against the female prisoners in this cases requires some comment. As it stands in the Charge Sheet it reads thus: "Common prostitute behaving in a riotous and indecent manner at Piccadilly Circus, Parish of St. James's." That seems to be intended for a charge under the Vagrancy Act, 1824; but the material words of that statute are: "Every common prostitute wandering in the public streets or public highways or in any place of public resort, and behaving in a riotous or indecent manner." In the charge taken and entered by Inspector Bex the words "wandering in the public streets or public highways or in any place of public resort" are omitted. That may, of course, have been done simply for the sake of brevity; but having regard to what Sub-Divisional Inspector Mackay told us about the practice which has arisen in the C Division of proceeding in many cases, which are strictly cases of solicitation, under section 54, sub-section 13 of the Police Act, 1839, the entry suggests to us some uncertainty as to the exact charge which was going to be preferred before the magistrate. If, however, we look upon the entry as an abbreviated form of a charge under the Vagrancy Act, we may

legitimately ask why in this case it was not taken by Inspector Bex under section 54, sub-section 11 of the Police Act, because it seems to us that there was before him, seeing that the constables narrated the facts to him as they did before us, no evidence, or, at any rate, only the very slightest evidence, of either riotous or indecent behaviour on the part of Miss A and Miss B.

We are clear that nothing in fact was stated as to the conduct of either lady before the arrest which affords any evidence of riotous conduct; and we are inclined to think that mere accosting, and that merely stopping and speaking to men, even if there is every reason to suppose that it was done for the purpose of soliciting prostitution, does not amount to indecent behaviour within the meaning of the Vagrancy Act.

Inspector Bex had himself no recollection of this particular case, but we should think that the reason why he did not take the charge under the Police Act, section 54, sub-section 11, was the fact that the constable did not allege that either of the ladies had been cautioned in the manner contemplated by the Police Orders and Regulations. These contain the explicit instruction that where proceedings under the last mentioned section are contemplated "In the first instance the woman should be cautioned by the Police on duty, and told to move on, and conduct herself properly. Should she refuse and persist in misconducting herself, she should be taken into custody and charged with such offence as she may be guilty of, provided some inhabitant or passenger will attend at the police station and testify that he has been annoyed, or the constable himself has witnessed conduct by the woman which was evidently an annoyance to inhabitants or passengers."

White Book p. 339.

As we read the Regulation, it is not intended to apply to offences by common prostitutes under the Vagrancy Act, or to offences committed by women who may be prostitutes under the Police Act, 1839, section 54, sub-section 13. We can well understand that the authorities intended that a distinction should be made between cases properly coming under the Vagrancy Act and those properly coming under the Police Act, 1839, section 54, sub-section 11. It is clear that the Vagrancy Act, though applying to common prostitutes, was not intended to apply to such a case as that with which we are dealing. To apply to the conduct of Miss A and Miss B on the night in question, the words "wandering in the public streets or public highways or in any place of public resort and behaving in a riotous or indecent manner," is stretching the obvious meaning of the legislation unduly and improperly, for, in deciding the class of cases intended to be brought within those words, the whole scope of the Vagrancy Act must be considered; and we may observe that it has been held that it is not an offence under this section for a prostitute to take hold of a man's arm and solicit him. (*R.* v. *De Ruiter and Others*, 44 J.P. 90).

It is evident from P.C. Earl's evidence that there had arisen in his mind some confusion of thought, for being asked by Lord Russell whether, apart from solicitation, he suggested there was anything riotous or indecent in the behaviour of Miss B, he replied, "'Riotous and indecent' means soliciting prostitution—behaving in a riotous or indecent manner"—but immediately afterwards he said there was nothing in her behaviour that one could call riotous in the ordinary course, and nothing indecent, and that all he meant was that she was merely soliciting, and he went on to say that he told Inspector Bex exactly what he had told us. Later in his evidence, upon being questioned as to whether Miss B had been cautioned, he admitted that she had not been cautioned, and on his attention being called to the rule in the Instruction Book, he replied, "If you get close enough to them there is a rule, and you are supposed to caution them. If you cannot get near to them if they run away from you, and you see them repeating the soliciting of prostitution and annoying gentlemen, then you arrest them." He was then asked, "Do you mean you find in practice you cannot give them warning?" and he answered, "You cannot get near enough to warn them." He was then asked, "If that is the case, and you are quite certain of it, you disregard the rule and arrest the woman," to which he replied, "I do not say it is a rule." His attention was then called to the exact words of the Regulation, and on his being asked whether it had happened on more than one occasion that he had had to arrest a woman for soliciting, to whom he had not been able to get near enough to caution he replied in the affirmative.

Qs. 49332, 49335.

Q. 49446.

Q. 49447.

Q. 49448.

Q. 49449.

This evidence, and some of that which we have received in other cases, shows that there is a good deal of uncertainty as to the form of the charge that ought to be made when women have been properly enough arrested for solicitation under circumstances which amount to an offence. Here, the result was that Mr. Denman did not convict, and, though we did not think it necessary to ask him what were his reasons, seeing that it was very unlikely that he had kept any note of the case, and could not be expected to remember its details, there can be little doubt that he took the course of binding the two ladies over to keep the peace because, though the constables were right in arresting them, the evidence hardly justified a conviction under the Vagrancy Act.

We think, therefore, that Inspector Bex made a mistake in taking the charge in the form adopted by him, but, having regard to the uncertainty as to the practice in dealing with the offence of solicitation at Marlborough Street Police Court, we do not think it right to say that the Inspector was guilty of such an error of judgment as calls for censure.

Our conclusion, therefore, is that Mr. Y's complaint was unfounded, and that the conduct of the police concerned in the arrest of Miss A and Miss B and Mr. Y was correct.

XVIII. PLATT'S CASE.

Among the communications which we received, there were several in which suggestions were made that bribery of Police Constables by street bookmakers for the purpose of their being allowed to continue their business without interference was a common practice in the Metropolis.

Our attention was attracted by statements made in writing and at interviews with the secretary by one Alfred Francis Platt, who, while confessing that he had carried on the business of a street bookmaker for many years, stated that he had quarrelled with the Police, and that he wished to make a clean breast of the whole thing. He averred that he had systematically bribed the Police in several Divisions in order that he might carry on the business, and that as part of the system he was arrested and convicted by arrangement from time to time; and he added that he was able to give corroborative evidence of his accusations.

We found upon inquiring further:—

(1) That Platt had been several times convicted for betting in the streets.

(2) That as a result of certain communications made by Platt at Kennington Lane police-station in the L. Division in which he alleged that a Police Constable, named Deed, had tried to obtain money from him by false pretences, and that he had paid him and other Constables sums of money, Police Constable Deed had been dismissed from the Force.

Q. 32120, &c. (3) That in the matter of an appeal brought by one Chapman before the South London sessions on January 15th, 1904, Platt had been called as a witness and had made in the witness box charges of bribery against the Police.

(4) That Platt had also made a complaint to the Chief Commissioner which led to a correspondence between them.

Q. 85. (5) Sir Edward Henry informed us that he had had many allegations of the Police being corrupted at all times by bookmakers, and he had had to deal with those cases when they had occurred.

We considered whether, under these circumstances, we ought to publicly inquire into the charges made by Platt, having regard to the terms of the Metropolitan Streets Act, 1867, Section 23, by which betting in the streets was prohibited and made an offence in regard to which power of summary arrest was given to the Police, and we came to the conclusion that the matter came within our Terms of Reference. The mere fact that Platt did not come before us with clean hands or a good character, whatever caution it ought to impose upon us in accepting any statement made by him was obviously not a sufficient reason for our not giving him an opportunity of making his charges, since in all cases of corruption involving the giving and receiving of money it is in general only one or other of the parties to the transaction who can give direct personal testimony as to the affair. While, therefore, we felt that it would be difficult to accept the uncorroborated evidence of Platt we thought it expedient to hear what he had to say and to give him the opportunity of affording us such confirmation of his accusations as might be within his power.

Accordingly the evidence of Platt was taken by us on October 18th, 1906, and he was allowed as nearly as possible to tell his story in his own way. In doing so he made general allegations that from 1886 up to 1906 during which time he had been carrying on this business of street bookmaking he had been in the habit of bribing constables in the ordinary course of his avocation; and he made definite charges against constables belonging to: (1) the L., (2) the G., and (3) the W. Divisions by name. He was allowed in the first instance to write down the names of the constables in the G. and W. Divisions accused by him on a sheet of paper which was handed to the Secretary and retained by us.

The investigation of these charges was necessarily spread over a considerable time as we did not think it would conduce to the interest of the Inquiry that we should pin down the complainant to complete his case without giving him the fullest opportunity of obtaining corroborative evidence, and because we considered that having once taken up the matter we ought not simply to throw on Platt the burden

of proof, but that we ought to regard it as our duty as the investigation proceeded to call before us any persons who could throw light on the transactions.

We took evidence in regard to these complaints on the following dates:—In 1906 on October 18th, 22nd, 26th; and in 1907 on January 30th and 31st, February 1st, March 26th, April 11th, 12th, 17th and 19th, and June 21st.

Platt was unrepresented by solicitor or counsel, and the various officers and Constables concerned were represented by Mr. Eldon Bankes, K.C., and Mr. R. D. Muir.

Having regard to the extent of the evidence, and the conclusion that we have come to, we do not think it necessary to give any summary of the evidence of the witnesses, but that it will be sufficient if we refer to the relevant parts in the course of our observations.

Career of Platt.

Alfred Francis Platt, who at the time that he entered into communication with us resided at 7, Bird Street, Brook Street, Kennington, was by occupation a cabman, duly licensed by the Commissioner of Police, and he carried on that occupation in the Metropolis, though not regularly, until his licence was withdrawn finally by the Commissioner in February, 1904.

As far back as 1886 he commenced carrying on the business of a bookmaker, and, as we understand from him, from that year down to 1906 he continued to do so for longer or shorter intervals during the racing season in each year. He sometimes did so in the street, in accordance with a system which seems to have been followed by a very considerable number of persons in nearly all parts of London, and sometimes used or conducted betting premises which he took for the purpose in Oakley Street, Lambeth, but, in consequence of raids upon such premises made by the police, he and others were forced to give up that method of carrying on their illegal operations, and thenceforward Platt conducted his transactions in the street.

Down to the summer of 1903 he seems to have been fortunate in escaping arrest for street betting, as he had been only once convicted up to that time. On May 29th, 1903, however, he was arrested by P.C. Powell, 203 L., who was accompanied by P.C. Soer, 204 L., and convicted at Southwark Police Court and fined £1 on the same day under the name of Alfred Smith. He was also arrested on three other occasions, namely, August 1st, September 28th, and October 13th in that year, and was on each occasion convicted and fined under the same name.

On October 17th, P.C. Deed, 180 L., made a bet with Platt by handing him some time between two and three o'clock what is called a "slip" together wth two sovereigns. A dispute arose between Platt and the constable about this bet. P.C. Deed demanded £22 from Platt on the ground that the horse named in the "slip" had won a race, while Platt contended that the race in which the horse mentioned had won had been run and the result known before he received the "slip" and the money, and that P.C. Deed was trying to cheat him and pressing his claim by way of blackmail.

The result of the quarrel was that on Monday, October 19th, Platt made communications which led to observation being kept on both Platt and P.C. Deed on that Monday evening, and to Platt's having an interview on Tuesday, October 20th, at 11.30 a.m., at the Kennington Road police-station with Superintendent Noviss and Subdivisional Inspector Spencer, at which he complained of P.C. Deed's conduct, and made certain statements to those officers. That constable was thereupon suspended on October 21st, 1903, and, after inquiry duly held, was on October 23rd dismissed from the Force for "improperly leaving his patrol and making a bet with a bookmaker whilst specially employed keeping observation to detect betting, and considered unfit for the Police Force."

After the part which Platt had taken in securing the dismissal of P.C. Deed he appears to have thought that it had become impossible for him to continue his operations as a street bookmaker within the L. Division, and, in fact, he has not since that event done so there at any time; and, except as regards the proceedings upon an appeal to quarter sessions brought by a bookmaker called Harry Chapman, who

had been convicted upon summons by the Police Magistrate at the Southwark Police Court on October 24th, 1903, he has had nothing to do since then with the Police of the L. Division in connection with any betting transactions.

The appeal of Chapman was heard at the South London sessions on January 15th, 1904, when Platt gave evidence in support of the appeal, in the course of which he made allegations of bribery against Ex-Police Constable Deed and other Constables of the L. Division.

On November 19th, 1903, Platt wrote to the Chief Commissioner a letter complaining that, besides P.C. Deed, P.C. Soer, 204 L., P.C. Gunn, 209 L., and P.C. Powell, 106 L., had been in the habit of receiving from him a weekly wage, and that his arrests had been pre-arranged between him and the constables. He subsequently wrote other letters to the Chief Commissioner, and on March 14th and 24th, 1904, (after the refusal by the Chief Commissioner to renew his cabman's licence) to the Secretary of State for the Home Department. These letters and the correspondence which ensued will be found in the Appendix to the Evidence.

As to where, or during what period during the years 1904 and 1905, and the early part of 1906, he carried on the business, if at all, he gave us no information nor having regard to the course of the investigation was it very material to inquire, but in May, 1906, he entered into relations, the precise character of which is in dispute, with two bookmakers named J. W. Fisher and C. R. Fisher, who had been for some time engaged in street bookmaking in the Clerkenwell Sub-division of the Finsbury Division. According to Platt's account he, together with his brother-in-law (P. McCarthy), engaged the two Fishers as their agents for carrying on the business in Clerkenwell, and there is no doubt that from the end of the first week of May, 1906, Platt, McCarthy and the two Fishers, did carry on a business on some terms or other down to the last week in June, 1906, when the arrangement came to an end owing to Platt's failure to discharge his financial obligations. Subsequently to that time, Platt does not seem, directly or indirectly, to have been concerned in street bookmaking.

As to these facts about Platt's career, there seems to be no doubt, and we may therefore assume, without hesitation, that he had for many years been actively engaged in this illegal business.

Platt's Allegations Against the Police.

Platt's allegations against the Police were made both in a general and in a particular form, that is to say, he told us that during all these years in which he had been carrying on this business he had been in the habit of bribing and treating the Police with a view to being allowed to conduct it with as great a degree of immunity from arrest as possible, and he also alleged that among the constables whom he had bribed were men belonging to three Divisions whose names he gave us. In the statement which he originally made to us we were informed that he had habitually bribed Deed and three other constables in the L. Division, and that he had done, through certain agents, the same thing in the G. Division.

When Platt came forward as a witness he was allowed by us to make his statement in his own way, and the result is that it is not easy to formulate in a very accurate manner the general charges that he makes. The following extract, however, sufficiently indicates what he wishes us to believe had been his relations with the Police—relations which he hints, if he does not expressly aver, were similar to those which had existed between the Police and other bookmakers.

Q. 7083. (1) Being asked to explain how he came into contact with the Police, he said :—

"I have been in connection with them all the years I have been betting. In the different Divisions of the Police I have conducted betting I have always found that if I gave a certain price I could always get a man to do what I required. I could always buy him at his price, and we men who are betting in the streets know best ourselves how to handle them."

Q. 7086. (2) He informed us that he first began business in Lambeth in 1886. He said that
Q. 7090. he had always paid money to the Police from the very first. In answer to the
Q. 7091. question : "When did you first have anything to do with any Policeman at all ?"
Q. 7097. he replied :—

Q. 7099. "The first day I started . . . . in a convivial way ; a drink after I started business, which they very soon found out, and, of course, 'You can come round Monday, Tuesday, Wednesday, Thursday,

whichever day is suitable and whichever hour of the day is suitable for you, and there is a trifle for you,' whatever I thought at the time, according to what I thought of the man or according to his disposition, what I thought I would give him."

He said that he remembered the names of some of the constables that he had bribed in that way in 1886, 1887, 1888, and so on. He said :—

"There are some of them on pension, and several of them are dead." Q. 7102.

(3) He told us that during those years constables belonging to the C.I.D. were told off for the purpose of observing, catching, and arresting street bookmakers, but that in 1903 an alteration was made, and constables belonging to a particular Division, in which it was found that street bookmaking was going on, were sent out in plain clothes for the purpose of dealing with bookmakers. He said :— Q. 7105.

"The system at times was that they sent out Police Constables in plain clothes to arrest us sort of men, and knowing the feeling created amongst the different officers—it is a thing amongst us sort of men—we get hold of a constable by the ear. These men who were put on that special duty in 1903—I believe you will find it was continuous—were out for months, but I think at the present time they are changed every week, or every fortnight. At this particular time, 1903, these men were out continuously."

(4) Other general allegations were made by Platt from time to time on some of the numerous occasions when he was recalled ; and he told Mr. Muir that down to quite recently he had been in the habit of bribing members of the Police Force in order that he might not be molested in the business of a bookmaker. Qs. 8328. 8330. 8332.

If Platt's evidence had stopped with general allegations of that sort, whatever might have been our suspicion as to the occurrence of occasional bribery of some constables during Platt's twenty year's career as a more or less regular bookmaker, we might not have thought it worth while to have gone into the matter further, but, as he firmly asserted that he was in a position to give the names of constables in the L. and other Divisions to whom he had given money, we thought it right to allow him to proceed. He readily specified ex-P.C. Deed, P.C. Soer, P.C. Gunn, and P.C. Powell, as constables in the L. Division whom he charged with this misconduct. He was somewhat reluctant at first to give the names of constables in other Divisions, but ultimately he wrote down on a sheet of paper, which we did not immediately make public, the names of certain constables in the V. and W. Divisions, and in the G. Division, who had, according to him, received bribes.

Apart from his general allegations, his case against the Police resolves itself into three sets of charges :—

(1) Those against the four above-mentioned officers in the L. Division ;
(2) Those against the members of the V. and W. Divisions ; and
(3) Those against the members of the G. Division.

We propose to treat these three sets of charges separately.

Before, however, going into the details necessary for the investigation of these specific charges, we ought to say that at the end of what may be called Platt's evidence in chief, certain considerations peculiar to cases of this kind were present to our minds and determined the subsequent course of our dealing with the matter. The first was that Platt's acknowledged career was one which must prejudice his character as a witness. The second was that in cases of corrupt bargain, of improper bribery, and the like, it is not safe to brush aside a party to a transaction simply because he avows his complicity, as if that course were taken it would be practically impossible to detect such misconduct at all. Thirdly, we felt, however, on the other hand that every constable engaged in the work of attempting to prevent the continuance of this illegal business was very much at the mercy of any bookmaker whom he might arrest or molest, and that it was quite easy for Platt, or for any other person engaged in this kind of business, to make false charges against members of the Force. Under the circumstances, seeing that we had been warned by Sir Edward Henry, and that we knew from the Returns which he furnished to us, that bribery by bookmakers had been proved against constables on a good many occasions during the last ten years, we felt it expedient to allow Platt the opportunity of substantiating, if he could, his charges against the constables whom he had named, and, for that purpose, of giving such corroborative evidence as he might be able to obtain, or which might incidentally be afforded by, or arise out of, the evidence of any witnesses who might be called to throw light upon the matter in the course of the Inquiry.

After the cross-examination of Platt by Mr. Muir the Inquiry assumed the form of a search for such corroborative evidence. The confirmation of the charges might be derived: (1) from the testimony of some independent and credible witness, who was a spectator of some dealing between Platt and the accused constables; (2) from some document which came into being in the course of Platt's transactions; or (3) from inferences to be drawn from the admissions or the conduct of the constables implicated by Platt's account.

Platt was subjected to a very close and able cross-examination by Mr. Muir, but it does not seem to us necessary to go over what was touched upon or developed during its course, though we may say at once that its effect was very damaging to Platt's credibility. It made clear that the witness could not be relied upon as to figures or dates, or the details of any transaction; that he had in his possession no documents throwing any light upon his relations with the Police which came into existence before the summer of 1906; that he had kept no books, or none which had been preserved as to his business; and that, except as to the allegations of bribery against members of the G. Division, there was nothing of any kind in writing to support either his broad allegations of bribery or his particular accusations against divers constables whom he had mentioned. It also brought into prominence certain suggestions as to circumstances in Platt's career touching his honour as a betting man, as to which his explanations were by no means complete or convincing. Incidentally, it disclosed the fact that he was addicted to drinking, and that he conducted his affairs in a very slipshod and unmethodical way.

Damaging as Mr. Muir's cross-examination was, it did not leave upon our minds the impression that Platt was a thoroughly dishonest man, whose allegations must necessarily and at once, be dismissed as of no value as was, for instance, the case with ex-Police Constable Deed, as to whom we have something to say later on.

Of course, if Platt had come before us asking for some kind of redress which we were able to afford him, we should probably have thought it necessary to carry the matter no further than to tell him that he was not coming before us with clean hands, and that his story was so full of contradictions and inaccuracies as to the details of his case that we must give judgment against him at once. But that was not the aspect which the matter presented to us. From amidst the very vague allegations, the contradictory statements as to the amounts that he gave to different Constables, and the hints as to the practices of those whom he called "us sort of men," there emerged the fact that he had for many years carried on his business with little hindrance from the Police till the year 1903, when the Deed incident, and the consequences that followed, brought him before Sub-divisional Inspector Spencer at Kennington Lane Station on October 19th.

Besides this, it must be remembered that Platt's evidence must be considered in conjunction with the other information in our possession. We know that for many years past, and up to 1896, this business of street bookmaking has been carried on by a large number of men in all parts of the Metropolitan area according to systems which, with slight variations of detail, conform to a common type, which afforded opportunities to all classes of persons who chose to avail themselves of them of indulging in betting as to the result of horse racing on every day when a meeting for the purpose was being held in the United Kingdom.

System of Street Bookmaking

We may here mention what the system was in its broad outlines, since sooner or later it will become necessary to do so in order to make the evidence as to the alleged bribery of men of the G. Division intelligible.

Shortly stated, the method adopted by these bookmakers was as follows. A man who wishes to make a book, and to carry on that business in the street, takes his stand at a particular place which, in the slang of the business, is called a "pitch," or he gets an expert agent to stand there to do the work of betting for him. It is of course essential that persons who wish to come and bet should know where to find the bookmaker or his agent. The fact of the illegality of the business, of course, prevents any very open and clear public advertisement, and the fact that a bookmaker may be found at a particular place can only be gradually made known in the neighbourhood among the classes who are in the habit of betting, but in

time the locality of the "pitch" becomes known and customers expect to find the bookmaker on or near the pitch from about twelve o'clock on each racing day. A bookmaker acquires, as against all other members of the fraternity, after carrying on the business for a time, by etiquette, a proprietary right in his "pitch," and it would be thought quite wrong for any other bookmaker to come and stand on the "pitch" belonging to another.

By common understanding between the bookmaker and all persons with whom, on any given day, he makes a bet, the transaction is governed by certain rules or conditions which the bookmaker has printed on a card, which is discreetly circulated in the neighbourhood, or among persons who desire to bet. The Rules or Conditions do not appear to have been identical in all cases, but there does not appear, so far as we can gather, to have been any very great variation in them in substance. Several of these cards were put in in the course of the proceedings before us, and we may here refer to one issued by J. Forbes, London, who was called as a witness. It is unnecessary for our purpose to give the details of the Rules or the conditions of the betting.

The outside of the card is as follows :—

J. FORBES,
LONDON.
Established in Hornsey since
1895,
And now represented there by
George Holloway,
In Crouch End by
J. Taylor,
At Waterloo by
Alf,
In Fleet Street by
George,
And at the Elephant & Castle by
G.
NO LIMIT.
NO COMMISSION.
Telegraphic Address :—
"Forbes, c/o Klubba, London."
Bankers :
London & Westminster,
St. James' Square, S.W.

Probably only very few of the persons who actually make a bet with a bookmaker have seen or studied his printed card, but, in practice, if a dispute should arise, the card is appealed to, and payment has to be made to or withheld from a customer by reference to the Rules or Conditions contained therein. Of course, there is nothing to prevent a customer from making a special bet with a particular bookmaker on his "pitch," but if he takes the course which we shall describe in a moment, it is understood that the bet is made on the conditions of the card.

The customer has, of course, nothing to do with the relations between the bookmaker who is ultimately responsible for the payment to him of any bets which he may win and the agent on the "pitch" with whom he makes the bet, and probably in the great majority of cases he does not know that the man on the "pitch" is simply an agent and not a principal in the matter ; so that in practice the man who makes the bet deems it a point of honour that he himself should meet all claims at the appointed time and place.

The choice of a "pitch" is a matter of very considerable moment, because its convenience depends upon several considerations. On the one hand it must be easily accessible to the generality of the people in the neighbourhood who wish to bet ; but, on the other hand, it must not be in too noticeable a position where a crowd might too easily collect and the attention of the Police be attracted, and it should be so placed that there should be easy opportunities of escape in case transactions are observed, and some constable approaches.

In practice, the "pitch" is always near some public-house into which the bookmaker or his customer may retreat if there is ground for thinking that some detective officer is watching. We should think that most of the "pitches" have been very adroitly chosen for adding to the difficulties in the way of a constable catching a bookmaker at his work, and of getting such evidence as would justify a conviction by a Magistrate. It may be added that a "pitch" is usually guarded during racing hours by "scouts" or "lookers out," who are paid small sums for giving timely notice of the approach of a constable in uniform or of any one believed to be a detective or constable in plain clothes.

The manner in which a bet is actually made by a customer is by handing a "slip" (*i.e.*, a piece of paper) on which is written particulars of the race, the name of the horse backed by the customer, and the amount for which he backs the named horse. Usually, the customer encloses in the "slip," or separately hands to the bookmaker, the amount named on the "slip" in cash, and if that is not done, the transaction is not recognised unless there is an express or implied agreement for credit. If a customer is well known to a bookmaker, a bet may, with his consent, be effected by handing the "slip" over without the money if there is a verbal bargain to that effect; and this method of dealing is called betting "on the nod."

A bookmaker is not, of course, able, in the street, to make any entry in a book at the moment, nor does he hand a card or give any receipt to a customer who, from the very necessity of the case, is bound to place implicit confidence in the integrity of the bookmaker. The latter places quickly and secretly the "slips" and the money in his pocket, and, for the most part, he is bound to keep them there accumulating in his pocket, taking the risk that they afford conclusive proof against him in case he should be arrested; but it is not unusual for him to leave his "pitch" at intervals in order to hand over the slips and money to some confederate in a public-house near by, or in some adjacent place where he can disburden himself in secrecy, or else only under the observation of absolutely friendly eyes.

The method of settlement is probably not entirely uniform, but in all cases there is an understanding that the bookmaker will be found in the evening or some time the next day at a particular hour at a particular place where the customers who have won are expected to attend to receive their winnings. This, of course, involves the prompt making up by the bookmaker of the accounts of the day; and, of course, if, on all the transactions there should be a loss, he has to find the balance over and above that which he has taken in order to discharge his debts.

Where the bookmaker on the "pitch" is the principal in the transaction in the sense that he is running the "pitch" on his own account, the making up of the accounts is a matter for himself alone, but where, as in the G. Division, Platt engaged in the adventure in partnership with McCarthy, and it may be with one of the Fishers also, and employed the brothers Fisher as his agents on a "pitch" at Sutton Street, the making up of the accounts each day is a more elaborate affair, which requires the keeping of books and the making of written memoranda.

Measures to Suppress Street Betting.

In the next place, we must bear in mind that the existence of this system of street bookmaking was well known to the Police and a very considerable number of convictions took place each year which show that the Police were making an effort, though by no means a successful effort, to prevent its continuance, and to put down breaches of Section 23 of the Metropolitan Streets Act, 1867. Not only the superior officers, but a large number of the constables in each Division must have become fully acquainted with the system which we have described, and under which the business was being carried on. We gather that special measures were taken to put down street betting by the employment of officers of the C.I.D. in parts of the Metropolis where business was rife, though it was not intended to diminish thereby the responsibility of the constables in each Division for interfering with and putting down the offence. Having regard to the terms of Section 23, and the adroit manner in which the law was systematically evaded, it was practically impossible for a uniformed constable to deal with the offence effectively; and it appears that, though the exertions of detectives specially employed to discover and arrest offenders were by no means fruitless, it was found necessary in 1903 to take more effective steps, and,

as we understand, the regular employment of officers of the C.I.D. for this special purpose was discontinued, and the practice adopted of sending out a number of plain clothes constables attached to a Division charged with the special duty of keeping observation on bookmakers, and of attempting to put down the business by taking proceedings by summons or by arrest whenever there was reasonably sufficient evidence to make it proper for a magistrate to convict. This was the method in vogue in the L. Division in the year 1903. We know, from the evidence given by the constables who were concerned in the arrest and prosecution of Platt in that year, how they endeavoured to discharge their duties, which necessarily involved duties of a detective character. They were allowed by their superior officers great freedom of action during the time in which they were engaged on their special duties, and it was left to their discretion, when they left the Police Station, to decide as to where they would go, and in what manner they would try to obtain evidence which might lead to the detection and punishment of bookmakers. They naturally adopted disguises which, from the description given, seem not to have been very skilful, with a view to escaping the notice of the "lookers-out" or "scouts" who might be posted around the "pitch," and which might enable them to approach a bookmaker and catch him in the act of conversing with three or more persons (the number mentioned in Section 23), and either taking "slips" from them, or else with "slips" in his pocket.

We are not concerned for the moment with the question whether this was a very effective way of dealing with the matter, or whether some other plan might not have been resorted to, but we think it right to call attention to the temptations to which it exposed the constables on this special duty, and to the facilities which it afforded them for accepting money from or being treated by bookmakers without any appreciable risk of discovery by a superior officer. It is one thing to allow the experienced and carefully chosen members of the C.I.D. to go about in plain clothes disguised in various ways, because such men are specially trained for work which it is impossible to discharge in uniform, and they receive extra remuneration for that kind of necessary work; but it is quite another thing to place constables whose ordinary work is discharged in uniform, and who have no special training for detective work, in a position which enables them to consort with possible offenders in the street, or to accompany them into public-houses, without attracting the attention of members of the public, and possibly escaping recognition on the part of superior officers. We are not saying that the authorities were wrong in reposing such great confidence in men with good records like P.C. Deed, P.C. Soer, and the others who came in contact with Platt; but, in considering the weight to be attached to the latter's accusations, we cannot but feel that the virtue of those constables was subjected to a very severe test for men in their position, receiving weekly wages by no means large, to whom gifts of even small amounts like 5s. and 10s. for doing nothing except looking the other way, or avoiding a particular "pitch" on a racing day, must have seemed gratifying additions to their earnings.

It seems to us right to look these facts in the face, especially when we consider the Police Returns as to bribery by bookmakers, which have been furnished to us by the Chief Commissioner.

We have, too, the ascertained fact that from May down to October, Platt was regularly carrying on his occupation on a "pitch" in Robert Street; and that that fact was perfectly well known to the four men who became implicated in his charges is clear, because he was arrested four times during those months at the very same place—on the first occasion at about 1.45 p.m., and on the other occasions at about 2.30 p.m., or 2.45 p.m., while on the numerous other racing days during that season he appears to have been quite unmolested. With the explanation given by P.C. Soer, P.C. Gunn, and P.C. Powell we deal below. Here, we refer to the fact as one which, in conjunction with all we know about this system of street bookmaking, gives to the evidence of Platt a significance which it otherwise would not have possessed.

The Inquiry into Platt's Complaint Against Police Constable Deed.

Before considering the specific allegations made by Platt against the constables he named we think it necessary to make some observations on the way in which the charges against P.C. Deed were dealt with by the Police authorities. Let us see, then, what was the course taken by Superintendent Noviss and Sub-divisional Inspector Spencer of the L. Division when Platt brought P.C. Deed's conduct to their notice.

The facts are these. Platt called at the Kennington Lane Police Station on Monday morning, October 19th, and was seen by Sub-divisional Inspector Spencer, and a conversation took place during which Platt made a complaint against ex-P.C. Deed. It is not clear how far any positive course of action was agreed to, but it seems that it was understood that Platt was to arrange to see P.C. Deed at 8 p.m. on the evening of that day (Monday) at the "Tankard" public-house Brook Street with a view to testing Platt's statement as to P.C. Deed's conduct; however that may be, on the evening of this Monday Sub-divisional Inspector Spencer did keep observation on the movements of P.C. Deed.

Shortly after 6.p.m. on the same day (October 19th) Platt had an interview with Superintendent Noviss at Kennington Lane Police Station, and told the Superintendent that he had called with reference to a letter which he (Platt) had sent on the previous night complaining of a Police officer. The Superintendent had received no such letter and Platt said that he had not really posted the letter, but that about twenty yards away from the pillar post he gave it to a man whom he described to the Superintendent as "one of your own cloth" to be posted by him. Nothing seems to turn upon the letter, but, in view of what took place, the interview is important. There is some conflict of evidence as to what was said, but the Superintendent in his evidence made it perfectly clear that Platt not only complained to him about P.C. Deed having tricked him into a bet after a horse he was backing had won the race, but also that he charged P.C. Deed with accepting money from him.

The Superintendent's account of the interview is as follows (after Platt had referred to the letter which the Superintendent had not received):—

Q. 40538. "I asked him then what the letter contained. He said: 'It contained a complaint against a constable named Patsy, stationed at Kennington Road who tried to ramp him on a bet on Saturday. He came to me about 2.40 p.m. and gave me a paper with two sovereigns, saying: 'Here is a bet for you, you may as well have it as anyone else.' He also stated that the bet was made after the race was won, and the constable and a friend had been round to his house on several occasions since to demand the winnings, which were,
Q. 40539. I think, something about £20 . . . He afterwards said that when the constable gave him the paper he took him into the public-house and treated him and gave him 5s. I asked him if he had a witness, and he gave me the name of a man named Turner. I then sent for Sub-divisional Inspector Spencer, from Kennington Road, and he attended very shortly afterwards. I asked Platt to repeat the statement that he made to me respecting the constable, and he did so. I ordered the Sub-divisional Inspector into plain clothes, and told him to keep observation at the "Tankard" public-house, Kennington Road, where Platt had informed me previously a friend of his had made arrangements to meet the constable. Platt then left my office and so did the Sub-divisional Inspector. On the following morning I again saw Mr. Platt and the Sub-divisional Inspector."

On the next day (Tuesday the 20th) the Superintendent again saw Platt, and Sub-divisional Inspector Spencer, in the presence of Platt, informed the Superintendent of what he had observed as to P.C. Deed's conduct the night before. The Superintendent then arranged with Sub-divisional Inspector Spencer and Platt to attend at Kennington Road Station the same morning at eleven o'clock in order that their statements might
Q. 40541. be made in the presence of P.C. Deed. During this conversation Platt made a general statement that it had cost him £3 10s. a week for years past for Police. The Superintendent told us:—

Q. 40544. "I asked him whether it was given to the C.I.D. or to the uniform men. He declined to say, and his last words almost to me just before he left my office on the morning when I invited him to give me any particulars, he refused to do it, and just as he was about to leave my office he struck his left breast with his right hand and said: 'I have notes in my pocket book.' I asked him particularly to show me his pocket book, and he said: 'No, I have no further complaint to make at present. I will see how this job gets on first.'"

Platt duly attended Kennington Road Police Station at eleven o'clock on Tuesday, the 20th, as arranged, and was there confronted, in the presence of Sub-divisional Inspector Spencer, with P.C. Deed. The statements of both were taken down in writing, and signed by them respectively, and P.C. Deed was permitted to put questions through the Sub-divisional Inspector to Platt, to only one of which we need call attention. P.C. Deed asked:—

"When I saw you at Waterloo Station did you not say to me: 'Who is that man there?' pointing to a friend of mine. 'I cannot get on my pitch as there are several strangers about. I thought he was a detective.'?"

to which Platt answered:—

"Yes, I asked that question in order to gain time, so as not to pay out."

On the same day Sub-divisional Inspector Spencer reported the result of the proceedings in the case of P.C. Deed, 180 L., and, on receiving his report, Superintendent Noviss deferred the case, but suspended the police constable on the ground that further inquiry was necessary.

On Thursday the 22nd, the inquiry was continued before the Sub-divisional Inspector who duly reported to the Superintendent, and, the Superintendent having made his observations on the case, it was referred to the Chief Constable before whom P.C. Deed appeared as a defaulter on the same day, and the constable, after the Report had been read to him, said :—

"I am very sorry, and have nothing to add to my report."

The case was thereupon referred to the Assistant Commissioner, and on Friday, October 23rd, P.C. Deed appeared before the Assistant Commissioner, and on being interrogated as to whether he had anything to say in his defence he replied :—

"I am very sorry. It was weakness on my part to do such a thing. I have never done such a thing before."

The Assistant Commissioner then gave final judgment on the matter in the following words :—

"You have done good work, I see, but I can find no grounds whatever to treat you leniently. You are employed to suppress betting, and while you are on duty you are found with the very men you are there to arrest. The amount of discredit you have brought on the Force is so incalculable you are unfit to remain. You are dismissed."

The proceedings in the matter are contained in documents which are printed in the Appendix to the Evidence, but the above appears to be the substance of what took place.

The dismissal is recorded on the same date (October 23rd) at the Executive Branch of the Central Office thus :—

"Dismissal (G.O., page 37, Pars. 124 to 128) L. P.C. 180–85303 Deed. Improperly leaving his patrol and making a bet with a bookmaker whilst specially employed keeping observation to detect betting, and considered unfit for the Police Force. Pay to 20th inst.—F.W."

The inquiry appears to have been conducted in accordance with the Orders and Regulations, and we have no comment to make on the course of the proceedings, but we are struck by the fact that, so far as the formal documents connected with the case are concerned, there is nothing to show that the allegations of Platt that he had given 5s. to P.C. Deed and treated him at the public-house were considered and dealt with as a substantive count in the charge against P.C. Deed, and no notice at all was taken of, and no inquiry was made into, the general allegation of bribery. The complaint was treated solely as a charge that that constable had improperly left his patrol and made a bet with a bookmaker.

On November 19th Platt made a complaint to the Chief Commissioner by a letter in which he said :—

"Respecting the statement I made of P.C. 180 L., who has been dismissed from the Force through the facts of my statement, I beg to state the complaint I made against the other three Police Constables, viz., 204 L., 203 L., and 209 L., which was in the presence of Superintendent Noviss and Inspector Spencer at Kennington Lane. The above officers were in the habit of receiving of me a weekly wage, and, moreover, they never fairly arrested me in my occupation as a street bookmaker. That was always prearranged as to what time they should come and take me into custody, which in the Charge Book will prove I was only charged between the hours of 2.30 p.m. and 3 o'clock p.m. It, moreover, has come to my knowledge the other three officers as above mentioned have not been punished or reprimanded, so I am sure you will give the matter your kind investigations, and act as you may think proper in the matter as regards the truth of my statements."

This letter was duly acknowledged on the 20th by the Chief Commissioner. Reports were thereupon called for from Superintendent Noviss, Sub-divisional Inspector Spencer, and from the constables named.

Sub-divisional Inspector Spencer made his report, which was countersigned by Superintendent Noviss on November 23rd. He states therein :—

"The assertion that he had paid a weekly wage to various Police Officers was made as stated, and he further stated he kept a diary in which the particulars were entered. He was invited to produce the diary, so that the necessary particulars as to numbers, names, etc., might be investigated; but he declined. When he made his complaint at Kennington Road Station, which I took down, I again invited him to tell all he knew; but he declined to give particulars, but made sweeping allegations against Police generally. Beyond the allegation of betting by P.C. 180 Deed (which was admitted by the Police Constable), he went on to say that he had given the Police Constable 5s. commission, and had paid for drink in a public-house for him. This was proved beyond all possible doubt to be untrue. He also stated that when charged on

October 13th he handed 10s. to two Police Constables in the charge-room. This, also, is absolutely false. He has vacated the position he used to occupy, and one other man has been arrested there for the same offence, but he cannot be connected with Platt."

On the same day Superintendent Noviss in his Report stated :—

"I beg to state that when Platt made his complaint against P.C. 180 L. Deed, who was dismissed *vide* P.O. October 23rd last, he made a sweeping allegation against Police generally, stating that it cost him £3 10s. per week to pay them all. I invited him to mention any case, which he refused to do. He then said: 'I have notes in my pocket book.' I asked him to let me see it, which he refused, and stated: 'I have no further complaint to make.' In his complaint against Deed he stated that he gave him a drink and 5s. at the time he had the bet. He produced a witness, Charles Turner, who saw Police Constable Deed make the bet; but this man said Deed walked away and did not go into the public-house as Platt alleged. This proved that Platt's statement was false with respect to the drink and the 5s., which he alleged took place inside the 'Hero' public-house. The three Police Constables complained of have arrested or assisted to arrest Platt, *alias* Smith, and the times of arrest vary from 1.45 p.m. to 2.45 p.m. On each occasion he pleaded guilty, and made no complaint at the station when charged to the officer on duty. Platt is a low-class man, and his associates are the same. Police Constable Deed was improperly leaving his patrol and making a bet with a bookmaker whilst specially employed keeping observation to detect betting. The facts were admitted by the Police Constable. The complaint is undoubtedly made through spite against the three Constables, who have done excellent work in respect to street betting, and have clean records. I have no doubt that Platt's object of complaining is to intimidate Police from doing their duty, as no other officers only those mentioned in the complaint have been employed on this duty on Kennington Road Sub-division."

Upon these reports, we remark that, according to Platt's account of the interviews, he did bring to the notice of the Superintendent and of the Sub-divisional Inspector the numbers, if not the names, of the men whom he said he had bribed. He said that at the interview at which Sub-divisional Inspector Spencer read to Superintendent Noviss an account of his movements on the Monday night, he walked up and down the room, and said :—"After the moneys that I was giving them," or words to that effect, and that Superintendent Noviss made an exclamation to Sub-divisional Inspector Spencer, "I knew this sort of game was going on." That interview appears to have been the one which took place at Kennington Lane Police Station on the morning of Tuesday, the 20th. Sub-divisional Inspector Spencer remembered Platt walking about the room, but he did not remember the observation, "After the moneys I have given" being made by him, and added that he made sweeping allegations, but what the exact words were he did not then remember, nor did he recollect Superintendent Noviss making any exclamation to the effect that he knew "this sort of game was going on," but he did not think he did. Superintendent Noviss denied that he said anything that indicated that he thought that sort of thing (*i.e.*, bribery) was going on.

Qs. 39182. 39183. 39184.

Q. 39076.

Qs. 40848. 40849.

Platt also said that at the interview between him and Sub-divisional Inspector Spencer on the same morning at the Kennington Road police-station he told him about the arrangement he had made as regards the times of arrest, and said :—"If you will look into the Charge book you will see what times I was brought in," and that the Inspector then referred to the Charge book and then made entries on a slip of paper, the point being that by doing that the Inspector became acquainted with the names and numbers of the constables Platt was accusing. The Inspector, in his evidence before us, admitted that he did look at the Charge Book in order to verify the times of arrest referred to by Platt.

Q. 32016.

We do not attach much importance to the details of what passed at these interviews, and, so far as there is a conflict of evidence, we believe the statements made by Superintendent Noviss and Sub-divisional Inspector Spencer in preference to the versions of the conversations given by Platt.

It sufficiently appears from what the Superintendent admitted that he quite well understood that Platt was alleging that he had been paying £3 10s. a week in bribing constables, and he must have inferred from that that it was paid with the intention of obtaining as much liberty as was possible to carry on his illegal business. He and Sub-divisional Inspector Spencer had before them, after the proceedings against Deed had commenced, full particulars as to the number of times that Platt had been arrested in the course of the summer, and as to the names of the constables who had effected the arrests, and those who appeared as witnesses on each occasion; and he knew that during the months of May to October, 1903, the four men who had been told off in plain clothes for the purpose of keeping observation on bookmakers were P.C. Deed, P.C. Powell, P.C. Soer and P.C. Gunn. That being so, however general this allegation of bribery was, it would appear that these officers understood it to refer to

these four constables, and it is natural to ask why inquiry was not made at once into the whole matter. Superintendent Noviss told us it was the first time he had known such an accusation made in all his experience. We accept his statement though it appears startling when one reads it in the light of what we know from the confidential Police Returns as to the number of constables who have during the last ten years been dealt with on this very charge of bribery by street bookmakers. But whilst accepting his statement, that it was the first time in his experience that he had known such an accusation made, we are entirely at a loss to see why that should be any reason for his not inquiring into it. On the contrary, seeing that a man of the Superintendent's experience of the world must have been aware that there is always danger of corruption wherever large numbers of men are employed, we should have thought he would have been placed on his guard and would have deemed it his duty to investigate the matter thoroughly. Nor is our astonishment lessened by reading the Report of the Superintendent dated October 22nd, 1903, which he ends with the reflection that:— Qs. 40768. 40769. 40770. 40771.

"Police Constable Deed has hitherto performed his duty very well and has been engaged on special observation on this and other divisions respecting betting, and I cannot understand why he was so foolish as to bet under such circumstances for a man he knew practically nothing about."

without a word of comment on the improbability of the explanation given by the constable.

We cannot avoid asking ourselves, therefore, why the inquiry made by the Superintendent was of so limited a character. Accepting to the full the accounts given by Superintendent Noviss and Sub-divisional Inspector Spencer as to the conversations between them and Platt, and therefore rejecting Platt's statement that he had by name referred to P.C. Gunn, P.C. Soer, and P.C. Powell as men whom he had bribed, they must have known that Platt's real complaint was not that P.C. Deed had been guilty of a breach of discipline in making a bet with him, but that he had tried to cheat him, although he and other constables had been in his pay.

The whole proceeding seems to have been based upon the notion that the only question of importance was whether, in fact, P.C. Deed had made a bet with a bookmaker. It is perfectly true that, under the circumstances, P.C. Deed's conduct in making a bet, whether he did so on his own account or on behalf of a friend, was misconduct of the gravest character; but it does not seem to have occurred to Superintendent Noviss that it was not an offence likely to have been committed unless the relations between him and Platt were already improper, and that it was possibly the culminating incident in a series of corrupt acts.

Let us see what the position was in October, 1903. In that year the employment of men belonging to the C.I.D. for putting down street betting had been discontinued, and the system of sending out constables in plain clothes had been substituted. The four men chosen earlier in the year for this sub-division of the L. Division were P.C. Deed, P.C. Powell, P.C. Soer, and P.C. Gunn, and all four had been employed more or less continuously on the special duty of putting down street bookmaking from May to October. All were trusted men, and chosen because they possessed special qualifications for the task. P.C. Deed was, to use Superintendent Noviss's own words, "a very trusted officer," and his experience of this kind of duty extended over two years. On this October 19th, the Superintendent himself had sent P.C. Deed with another officer to keep observation on a bookmaker at Tyer Street, Lambeth, because the constables belonging to the Kennington Lane Police Station who had been endeavouring to detect him in the act of carrying on his business in the street were so well known that they had been unable to do so; and it was P.C. Deed's duty on leaving Tyer Street to report himself off duty at the Police Station. The moment Platt made his allegation as to P.C. Deed having made a bet with him in Robert Street, between one and two o'clock, the Superintendent must have inferred that if the statement were true, that P.C. Deed had disobeyed orders, and had gone past the Police Station without reporting himself, to make a bet with Platt. His doing so was obviously a very grave breach of duty, and it naturally required immediate investigation. We know what took place. The matter was promptly dealt with, and on October 20th the Superintendent had before him, for making his report to the Chief Constable, the written statement of Platt, the written statement of a witness, Charles Turner, taken before Sub-divisional Inspector Hazelden, and the statement of P.C. Deed, and he and Sub-divisional Inspector Spencer knew that Platt, who had brought this grave breach of discipline to their notice alleged not simply that P.C Deed had Q. 40709. Q. 40667

received 5s. and a drink immediately after handing the "slip," but that he alleged that he had been regularly paying as much as £3 10s. a week to constables in the Division. Here, then, was Platt, who was very angry at being followed about by a constable who had tried to cheat him, though they had been on friendly terms, admitting his own offence, and taking a course which made it practically impossible for him to continue his avocation in the L. Division. One would have thought that instead of treating the matter as if it were a complaint of some one breach of discipline by a particular constable, on one particular occasion, the full significance of Platt's coming forward and making these statements would have been at once apparent to an experienced Superintendent, and yet Superintendent Noviss not only at once refused to believe that the constable had received 5s. and a "drink on Saturday," but totally ignored the general allegations made by Platt simply because, when asked, he refused to produce some book to which he referred as being in his possession, and to give at the moment particulars of his payments. We cannot help observing that Platt was shown to be quite right in saying that P.C. Deed did make a bet with him, though the "slip" was not in his handwriting. Why, if Platt was right as to that, was it to be at once presumed that he was wrong as to the 5s. and a drink, or even as to the general allegation of bribery ?

It is true that Charles Turner made a statement in which he said that he saw a plain clothes officer, whom he knew by the name of "Patsy," hand to Mr. Platt, a bookmaker, a slip of paper with some money, that the officer then walked away, and that he saw no more of him. What was there to make it plain that, if Turner's evidence necessarily justified the inference that Platt was speaking untruthfully in saying that he gave 5s. and a drink to P.C. Deed, he ought to be believed in preference to Platt ? Especially is this the case when Charles Turner's whole statement is looked at. After referring to a conversation between Platt and himself outside the "Hero" public-house, he said :—

> "About 6.45 p.m. the same evening I was in the 'Tankard' public-house, Kennington Road, when the same officer called in and asked me if I had seen Alf., meaning Mr. Platt. I replied 'No,' and he at once left the house."

It did not occur to Superintendent Noviss that it was an odd thing that the "very trusty officer," P.C. Deed, should have been on such terms with Platt and others as to make it seem to one Turner, at any rate, the most natural thing in the world that the former should be looking about for the latter, and asking for him under the name of "Alf.," the name, be it recollected, which appears on John Forbes' card as that of his agent at Waterloo. It seems, too, to us odd that the Superintendent did not, as he had before him the charge-sheets showing the particulars of Platt's arrests, notice that P.C. Deed had been concerned with P.C. Soer on October 13th in arresting him. Surely the fact that though "Patsy" had so unkindly treated "Alf." only four days before, the former should go up seemingly in quite familiar and confident fashion to the latter in order to make a bet for a friend was one worthy of a little reflection.

We should have thought that this incident in itself, and the detailed facts which it brought to light, would have suggested to the Superintendent that it was worth while to inquire into the relations at any rate between Platt and P.C. Deed a good deal further instead of remaining content with the latter's admission of guilt, coupled with his asseveration that it was a single offence committed in a moment of aberration to oblige a friend. It is, however, only fair to the Superintendent to say that he had no ground except Platt's statement for thinking that P.C. Deed was not a man of good character. We have had the advantage of seeing him in the witness box, and of discovering that he is a reckless and unscrupulous liar. Still, we cannot help thinking that Superintendent Noviss ought to have endeavoured to probe the matter further, and not to have contented himself with treating the matter as if it were one in which Platt had complained simply of a breach of discipline on the part of the constable.
Q. 40872. That Superintendent Noviss was not entirely satisfied is shown by the fact that after the dismissal of Deed he did think it necessary to instruct Sub-divisional Inspector Spencer to keep watch on the other three men to see how they conducted themselves. But no explanation seems to be given of the very limited character of the actual inquiry made as a result of Platt's revelations.

Platt, however, did not allow the matter to drop, and, in consequence of the complaint which he made to the Chief Commissioner on November 19th, reports were called for, and Sub-divisional Inspector Spencer made a report on November 23rd,

in which he gave his recollection of Platt's assertion as to the payment of a weekly wage to various Police officers, and so forth. On the same day Superintendent Noviss likewise made a report, in which he stated that Platt had :—

"Made a sweeping allegation against Police generally, stating that it cost him £3 10s. per week to pay them all,"

but that he had refused to mention any case or to produce the pocket-book to which he referred. The Superintendent also said :—

"In his complaint against Deed he stated that he gave him a drink and 5s. at the time he had the bet. He produced a witness, Charles Turner, who saw Police Constable Deed make the bet; but this man said Deed walked away, and did not go into the public-house as Platt alleged. This proved that Platt's statement was false with respect to the drink and the 5s. which he alleged took place inside the 'Hero' public-house."

As to the latter statement that: "This proved that Platt's statement was false with respect to the drink and the 5s.," we are unable to follow the Superintendent, because we can see no ground at all for believing Turner in preference to Platt, and we are not at all satisfied that Turner's evidence, even if true, affords anything like a complete negation of Platt's allegation as to the 5s. and the drink. It should be noted that the statements of Platt and Turner agree that the bet was made outside the public-house, and all that Turner says is that he saw the officer go away, and that he did not see him enter the public-house, but that he (Turner) immediately went in alone, so that it is quite possible that Platt and P.C. Deed may have met again, and that they may have gone into some bar where they were not observed by Turner.

The three constables referred to by Platt in his communication to the Chief Commissioner, namely, P.C. Soer, 204L.; P.C. Gunn, 209L.; and P.C. Powell, 203L., also made reports in which they denied the accusations made against them.

Nothing further was done by way of inquiry by the authorities, and on December 10th Platt was in substance told that he must take any course which he deemed advisable.

The correspondence and the proceedings in reference to the appeal of Chapman to the Newington Sessions, to which reference has been made above, may be passed over.

The renewal of Platt's licence as a cabman having been refused in February, 1904, he, on March 14th, wrote to the Secretary of State for the Home Department, who, as usual, referred the matter to the Chief Commissioner. The latter wrote on March 24th a letter to the former, in which, after referring to the conviction of Platt for street bookmaking as being the reason for the refusal of his licence, he added :

"The man has made several allegations against the Police, which, when investigated, have been proved in most cases to be without foundation. One of the Constables, however, of whom he complained, has been dismissed for improperly leaving his patrol, and making a bet with a bookmaker whilst specially employed in keeping observation to detect street betting The other complaints seem to have been made with a view to intimidating the Police from doing their duty in the matter of keeping watch for street betting, as the officers against whom the allegations were made were men of clear records and good service, and no evidence could be obtained to support the man's statements."

Having regard to the conclusion at which we have arrived as to Platt's statement, no harm has been done to him by the fact that the Home Office, upon receiving the Chief Commissioner's letter, refused to take any action, but, in the light of what we know as to the treatment of the whole matter by Superintendent Noviss, we confess we are somewhat surprised at the terms of the Chief Commissioner's communication. The statement that: "The man has made several allegations against the Police, which, when investigated, have been proved in most cases to be without foundation," strikes us as odd. It is true that on investigation it was proved that P.C. Deed had been guilty of a grave offence, but we can hardly consider that the other complaints that Platt made had been investigated in any real sense of the term; and the last statement of all, that: "No evidence could be obtained to support the man's statements," hardly seems supported by the facts, because, so far as we have been able to learn, no steps had been taken beyond asking for Platt's diary, to obtain any evidence as to his allegations except receiving the statement of Charles Turner, whom Platt himself put forward, and, later on, calling for reports from the three constables incriminated.

We have thought it right to call attention to all the steps taken in consequence of Platt having complained to Superintendent Noviss, because we attach the utmost importance to the manner in which complaints made by members of the public are received and treated by the Police authorities; and while we notice that the terms of the Chief Commissioner's letter show that he is in entire accord with our view, and that

he believed when he wrote it that adequate inquiry had in fact been made into Platt's complaint, we regret to say that we think that the steps taken by Superintendent Noviss to arrive at the truth as to Platt's allegations were inadequate, and that he did not apply his mind with sufficient acuteness to the materials before him.

White Book, p. 5.

The responsibility of a Superintendent is very great. "The Superintendent of a Division is responsible for its discipline and that the Commissioner's Orders and Regulations are strictly complied with." While we recognise that a Superintendent ought *prima facie* to repose the utmost confidence in the members of the Force under him, and we do not in the least blame Superintendent Noviss for having a strong inclination to disbelieve or even to brush aside startling allegations made by men of indifferent character, or who, like Platt, avow that they are carrying on an illegal occupation, yet where, with regard to incidents like that of P.C. Deed, a serious offence occurs, and it is shown that the Superintendent's confidence was misplaced, and it might be reasonably inferred from the facts before him that the relations between the offender and a member of the public had been corrupt for some time, every effort should have been made to ascertain the full facts of the case and discover whether corruption, if it had existed in that case, had spread to other constables as well.

Further, it seems to us strange that this aspect of the matter did not present itself either to the Chief Constable or to the Assistant-Commissioner who dealt with the Deed case. The Assistant-Commissioner in dismissing Deed contented himself with treating it as one of making a bet with a bookmaker, and said :—

"The amount of discredit you have brought on the Force is so incalculable you are unfit to remain."

We do not in the least disagree with that expression of opinion, though, as applied to a single foolish act on one occasion, it may seem to be too severe ; but we should have thought that an Assistant-Commissioner, who presumably had before him the three written statements, would have deemed it his duty to inquire how so grave an offence came to be committed, and whether its commission did not imply a very undue familiarity between the offender and the bookmaker, and push his investigation further than was done by him in this particular matter.

The officers and constables whose names were given to us by Platt as having received bribes from him were (excluding Deed) eight in number : P.C. Powell, 203 (now Sergeant) ; P.C. Soer, 204 ; P.C. Gunn, 209, in the L. Division ; Detective Constable Bex and Detective Constable Hancox (now both Sergeants) in the V. and W. Divisions, and Detective Sergeant Laing, Detective Sergeant Leach and P.C. Cass, 430, in the G. Division.

We propose to consider, first, Platt's allegations against the members of the L. Division.

Case Against Police Constables Powell, Soer, and Gunn.

Platt's allegation, though made in different words at different times before us, comes to this, that he was during the month of May, 1903, and down to the time of his quarrel with P.C. Deed, carrying on his business as a bookmaker at a pitch in Robert Street, near Waterloo Station, just outside the small Ale Stores in that street, that he became acquainted with P.C. Deed and the other three constables, that as a result he made arrangements with them to pay them weekly bribes, and that in consideration thereof, he was to be allowed to pursue his calling without molestation, subject to his submitting, in order to save appearances, to arrest and conviction at convenient times.

Qs. 8775. 8776. 8777.

It is not necessary to go into the details of the various alleged transactions between Platt and the four constables. It is sufficient to say that Platt's evidence is neither clear nor consistent as to the amounts which he paid to each of these men, or as to his various conversations and dealings with them. Whether he is an honest or dishonest witness, he is a loose and inaccurate one ; but, from our point of view, mere inaccuracy on points as to whether the amount was £1 or only 10s. which Platt handed to the constables on a particular occasion, save as a test of credibility is of no importance, and, even as a test of credibility, such uncertainty or inaccuracy is by no means conclusive ; for if Platt had come before us with an absolutely clear and consistent case as to the amounts that he had given the constables, the number of times, and the exact hours at which he had met them and stood them drinks in public-houses, we should have naturally been invited to regard such punctilious certainty as a sure indication that his story was a mere fabrication from end to end.

We do not feel, having considered all the evidence brought before us in connection with our inquiry into Platt's allegations, able to say that he is so dishonest that we, charged as we are with investigating the question whether there is any basis for such allegations, can dismiss the whole matter by saying that there is no reason for believing any of his statements concerning his relations with the Police. We can, however, say that he told us a good many falsehoods, and, unless there is some strong and practically indisputable confirmation of his testimony, it would not be safe to come to the conclusion that any particular member of the Force accused by him has been guilty of any impropriety or misconduct.

Now there are two things, however disposed we may feel to make allowances for mere inaccuracy, for careless misstatement, or for even intentional falsehood as to detail, which shake our confidence in Platt's general trustworthiness.

The first is that during these months while, according to his account, he was paying these very considerable sums to the Police, it is, we think, certain that he was not, as he represented to us, carrying on business on his own account during the whole time. During part, at any rate, of that time he was acting as the agent of a bookmaker named Jack Forbes who was called before us. According to the evidence of this person, he employed Platt for three or four months from May or June, 1903, as a bookmaker at "50s. a week to start with, rising to £3;" and he never gave money to Platt to pay to the Police or authorised him to make such payments. Q. 41093. Q. 41096. Qs. 41108. 41109.

Now if we could regard Forbes as an independent or disinterested witness, and he had been a man of good character, we might have deemed his statement as to his relations with Platt as being true, but we cannot for a moment regard Forbes in that light. He, like the other bookmakers who were called and who gave evidence to discredit Platt, seemed to us to be more untrustworthy than Platt himself. The two Fishers, to whose evidence we have to call attention below, were in our judgment nearly as impudent and unscrupulous as P.C. Deed, and though we cannot use those adjectives with the same degree of certainty about Forbes, still we cannot regard him as one whose word is to be accepted on any relevant matter unless there is some strong corroboration. He contradicted himself before us on the question whether Platt had ever told him anything about payments made by him to the Police. In his examination-in-chief he said that though he had never given money to Platt to pay to the Police, or authorised him to make such payments, he (Platt) had said a few times that he had had to give them money, but in his examination by the Commissioners he denied that Platt had ever said anything to him about payments to the Police. Again, when pressed as to his contradictory answers, he said Platt did complain of having to give money to the Police, but that he (Forbes) did not think he (Platt) stopped any money for that purpose. The impression left upon our minds was very unfavourable to this witness, and, though, assuming that Platt was simply his agent, it is practically certain that Platt could not have been paying £3 10s. a week to the Police, yet we have little doubt that Platt was, at any rate, representing that he was, to some extent, bribing the Police, and that Forbes acquiesced in his so doing. Qs. 41108. 41109. Q. 41320. Qs. 41395. 41396.

Unfortunately for Platt, he produced a card showing the conditions on which John Forbes carried on business, the outside of which we have set out above, and which contains, as will be seen, the information that his agent at Waterloo was "Alf." The card is undated, but as it was not suggested by Forbes nor, so far as we can discover from the evidence by Platt, that the latter had acted for the former in any other year, we feel obliged to infer that this card referred to the business which Platt was carrying on at Robert Street, Waterloo, in the summer months of 1903. That, in our opinion, tells very heavily against Platt, because, apart from the fact that it shows that he was deceiving us when he tried to lead us to believe that he was carrying on business on his own account, it makes it unlikely that he was in a position to pay the very considerable sum, amounting to £3 10s. a week, which he said he was paying to the Police, without getting into serious financial difficulty with his employer.

The other thing that weighs with us adversely to Platt's general credibility is his own conduct in attempting, at least on one occasion, to evade arrest, and in employing "lookers out."

P.C. Soer and P.C. Gunn arrested Platt on August 28th. The account given by the former of the manner in which the apprehension was effected is that he and P.C. Gunn were on that occasion keeping observation on Platt while on his pitch in Robert Street. They posted themselves on the slope or exit from Waterloo Station

which runs at right angles to Robert Street, and is only connected with it by a small door leading to a flight of steps running down into Robert Street opposite the Ale Stores near which Platt was accustomed to stand when engaged in bookmaking. P.C. Soer looked through the door, and saw Platt standing with some men betting with him. He said to P.C. Gunn: "Here he is," and rushed down the steps. Platt, upon seeing him, ran into the doorway of the workshop next to the Ale Stores, and, followed by P.C. Soer, ran up the steps to the first floor, and then jumped from a doorway opening thence into Robert Street. P.C. Soer also made the jump, and fell on the top of Platt. Platt scrambled up, and ran to the "Hero" public-house. P.C. Soer followed, and caught him at the door of the public-house and arrested him, whereupon Platt threatened to strike him.

These facts were not denied by Platt, and they may be taken as substantially proved. Certainly such a determined attempt to escape seems quite inconsistent with the relations which Platt would have us believe existed between him and the two constables. If the resistance had been merely colourable, there would have been nothing in the point. We are satisfied that Platt did really attempt to get away, and, as to this, he has not given us any satisfactory explanation. It should be noted that he had not been arrested since August 1st, and that the period, therefore, at which, according to the alleged arrangements, he might expect to be arrested had arrived. His explanation amounts to this, that he had arranged with Soer to be arrested on August 28th or rather that Soer had told him he would "take" him. In fact he did not keep the appointment by being on his "pitch" as he had to go home because his daughter was ill. Soer arrested the man Platt left on his "pitch," and afterwards he came to arrest Platt himself. The latter considered this "a shabby trick" as it involved two convictions in one day. Still here, amidst all the confusing statements and counter-statements made in the course of the evidence in this case, we have
Q. 15743. something certain from which we may draw the inference that Platt the third time on which he was arrested behaved in a manner inconsistent with that which we should have expected if the arrangement which he suggests had in fact been made.

These two things go very far not simply to shake our confidence in Platt, but tend to disprove allegations very material to his case against these three officers; but, on the other hand, the facts connected with the dismissal of P.C. Deed, the materials collected during the Police Inquiry, and the evidence before us lead us to think that Platt's case as to the bribery of P.C. Deed is substantiated.

We have seen that Superintendent Noviss thought there was nothing in the statement that the dismissed constable had received 5s. and a drink when the bet was made, and that he put aside all other allegations of bribery as not being worth attention. We need not go over the details of the Deed incident, or do more than refer to the written statements that were made in consequence of Platt's complaint. We have heard what P.C. Deed himself had to say before us in answer to Platt's charge that he had been in his pay. No experienced man who heard the whole of his evidence before us, and observed him in the witness box, could help coming to the conclusion that he is a man so regardless of the truth that no reliance whatever can be placed upon anything that he says. We cannot agree with Superintendent Noviss that the bet of October 19th was the first transaction of an improper kind that had taken place between Platt and P.C. Deed. When one really applies one's mind to the consideration of the three written statements together with the oral evidence which we have received, one cannot doubt for a moment that P.C. Deed and Platt, or, to use the nicknames by which they were known at the "Hero" public-house and elsewhere in the neighbourhood of Waterloo, "Patsy" and "Alf," were on very familiar terms before this bet was made on October 19th, and when we reflect that Forbes, though before us he tried to appear shocked at Platt's iniquity, shuffled a good deal, and gave us the impression that he thought some constables or other in all probability had been bribed by him, we feel as certain as it is possible to be in dealing with a matter of this kind that P.C. Deed had in fact been bribed probably more than once. That being so, the existence of corrupt relations between Platt and at any rate one of the four plain clothes men told off to keep special observation on bookmakers is proved to our satisfaction.

That fact, however, is by no means corroboration of Platt's allegations against the three other constables concerned. It is not strictly any evidence at all against them, since there is nothing whatever to connect them with P.C. Deed except the mere fact that they were engaged upon the same kind of duty. The utmost that can

be said is that it ought to have put the Superintendent responsible for the discipline of the Force in the L. Division on his guard and ought to be borne in mind by us in considering analogous charges brought against other constables closely connected with Deed in this special work. One cannot help saying to oneself, if P.C. Deed, who for two years had been engaged in this kind of work, and who was, in the opinion of his superior, "a very trusty officer," could yield to the temptation offered by this book maker, how can one be certain that others, too, may not have been led away? It is almost inevitable that misconduct of this kind by a member of an organised Force should raise a cloud of suspicion over the heads of others, however little they really may deserve such an unfortunate consequence. The only sure safeguard against such unmerited misfortune is to be found in the immediate and vigorous action of the superior officers who are responsible for the discipline and integrity of all the men under them. Still, though we may say at once that the fact that in our opinion P.C. Deed had been in receipt of money from Platt, does not afford sure ground for concluding that the relations between Platt and any one of the other three officers concerned were corrupt, we could not help approaching and scanning the evidence with more searching looks than if Platt had failed to show any bribery at all in the L. Division.

The Defence of Police Constables Soer, Gunn and Powell.

In answer to such case as Platt made against them, P.C. Soer, P.C. Gunn, and P.C. Powell gave, of course, an absolute denial. All three men are constables with excellent records, and their Defaulters' Sheets are clean. They gave their evidence well, and there was nothing disclosed in the course of their examination which tended to throw any doubt upon their word, or to show that their relations with Platt were in any way compromising. The only point which the record of Platt's convictions, and the facts admitted by these three officers, suggest to us is Platt's comparative immunity from May to October from arrest. That he was carrying on business on racing days at or near to some place in Robert Street there is no reason to doubt, and one cannot but ask oneself why it is that he was only arrested on these four occasions; and, in view of Platt's allegations, it is curious to note that, except on the first occasion, when he was arrested shortly before 1.45, the arrests took place towards the close of racing hours.

The answer of the constables is that their duties were not confined to watching Platt, but to watching all the bookmakers in the Sub-division, and they point, in proof of the fact that they were zealously discharging their duties, to a pretty long list of convictions of bookmakers in the Sub-division during these very months, which shows that whereas Platt was arrested four times no other bookmaker was during that time, and in that Sub-division, arrested more than three times. It was also made clear that the arrest of a bookmaker for street betting with a reasonable certainty of obtaining a conviction, that is to say under circumstances which enable the arresting constable to show that two or three or more men were gathered together for betting, was by no means an easy thing, partly because of the requirements of the law, and partly because of the system of "scouts" or "lookers out," and the difficulty of adopting such disguises as would escape the vigilant attention of the clever and adroit persons with whom they had to deal.

Case against Detective Constables Bex and Hancox.

Platt's case against the two Detective Constables Bex and Hancox, who were stationed at Tooting in the V. Division in 1895 and 1896, and who have since been promoted to the ranks of Sergeants, may be very briefly dealt with.

Platt stated that he had carried on business at Tooting from 1897 down to 1902 or 1903, and that he had made payments to detectives there just as he had been in the habit of doing in the L. Division. On being asked to write down the names of the detectives whom he had bribed he wrote down the names "Bex" and "Hancox." He was cross-examined as to his Tooting transactions with a view of showing that he had behaved dishonestly to the punters by making default in paying them their winnings. As we gather, he did not deny that some dispute had arisen in connection with his operations there, and the explanation that he gave was by no means satisfactory. Q. 7072.

We need not, however, express any opinion upon the point because, after what we have said above, matters which in an ordinary case would be of importance as tending to discredit a witness are not crucial in a case like this one. There is nothing to show that Platt is wrong in saying that he carried on his business at Tooting, and therefore had the opportunity of bribing constables on duty in that part of the Metropolis, but Platt has given us no evidence tending to confirm his charge against the two members of the Force named by him.

Detective Sergeant Bex and Detective Sergeant Hancox both appeared before us, and denied all knowledge of Platt, or acquaintanceship with him. Both, however, had been engaged as Detective Constables at Tooting in the V. Division in the years 1895 and 1896, but not afterwards, and, as Platt, according to his statement before us, only commenced his business at Tooting in 1897, it is clear that, if Platt is not post-dating the commencement of his operations at Tooting, he never can have come across either of these two men there. Still, one cannot help feeling that it is a very curious thing that a person in Platt's position should have known that either of these two Sergeants had ever been on duty as detectives employed at a place in the V. Division if they had in fact never met, and Platt's recollection of the dates is, not unnaturally, so uncertain that it is quite possible he may have carried on business at Tooting before 1897.

Platt persisted in saying that he made the acquaintance of both Detective Constables at Tooting, and said that he had played billiards with Sergeant Bex at "The Clock House," near King's Cross, as late as the time of the General Election in January, 1906. Sergeant Bex said he was not a billiard player, and denied that he had played with Platt, but he believed that he had been to "The Clock House" for refreshment when he was following a suspected house-breaker living at Rowton House about two years previously to the time at which he gave evidence before us (*i.e.*, April 12th, 1907).

James Lloyd, a billiard marker, was called in order to support Platt's suggestion that Sergeant Bex had played billiards with him, but his evidence is quite inconclusive.

The Case against Detective Sergeant Laing, Detective Sergeant Leach and Police Constable Cass.

The three members of the Force attached to the G. Division whose names Platt wrote down at the sitting on October 18th were Sergeant Laing and Sergeant Leach, both of the C.I. Department, and P.C. Cass, 430 G., who was employed to deal with street betting in 1906 as a plain clothes officer.

We have shortly stated how Platt came to enter upon a bookmaking venture in the G. Division. Before May, 1906, he appears to have never operated in Clerkenwell. The main facts connected with the business which he carried on there for a few weeks are clearly ascertained. Before May, 1906, he was acquainted with a bookmaker named Joseph William Fisher, commonly called "Bill" Fisher. This Bill Fisher and three brothers, with only one of whom, Christopher Robert Fisher, commonly called "Bob" Fisher, we are concerned, had been carrying on business as bookmakers together or singly in the Finsbury Division for some time. Among the other places or "pitches" at which they had acted as bookmakers was one in Sutton Street, Clerkenwell, near the "Sutton Arms" public-house. Early in May, Bob and Bill Fisher were in difficulties, and unable to meet their liabilities. On May 7th, Platt met Bill Fisher with whom, as we have said, he was previously acquainted, and Bill Fisher took him to meet Bob Fisher. A conversation then took place in which it was suggested that Platt should take over the "pitch," including its liabilities, and pay Bob Fisher and Bill Fisher weekly wages for acting as his agents. Platt was, however, not in a position to make the venture alone, and entered into partnership with Patrick McCarthy, his brother-in-law, who was a general dealer in Lambeth. According to Platt and McCarthy the arrangement ultimately come to was that Platt and McCarthy were to take over the "pitch," discharge the then existing liabilities to punters, and employ Bob Fisher at £2 10s. and Bill Fisher at £2 a week as their agents on the Sutton Street "pitch." That this was substantially the arrangement is not denied by the Fishers, but Bill Fisher alleges that he was to receive a third of the profits in addition to the weekly wage as a partner in the venture with Platt and McCarthy. This last term is, however, denied both by Platt and McCarthy. Whatever was the exact arrangement, the business of the Sutton Street "pitch" was carried on down to June 23rd by Platt and McCarthy, who found the necessary capital, and the two Fishers, who did the actual work on the "pitch."

On that day McCarthy retired, and the business was continued by Platt alone, with the two Fishers as his agents, till June 30th, when the arrangement came to an end by Platt's failing to provide enough money to enable the Fishers to settle with the punters in respect of their winnings on the last day of the joint operations.

The two Fishers both represented that Platt behaved dishonestly and badly towards them. It is not, for our purposes, necessary to settle the question, but it ought to be pointed out that Platt had paid off the liabilities annexed to the "pitch" when he and McCarthy took it over on May 7th, and that no proper account has ever been taken, and it may be that if that were done the balance might be against the Fishers. In any case, the mere fact that Platt's capital was exhausted did not necessarily imply dishonesty on his part but may have been as much due to misfortune as were the financial difficulties in which the Fishers had found themselves on May 7th. The important point, so far as our Inquiry is concerned, is the fact that the Fishers considered themselves greatly aggrieved by Platt, and were, as it seemed to us, actuated by a very unfriendly spirit towards him.

The relevancy of the above facts to our Inquiry will appear in a moment. Platt, in the statement which he originally made to our Secretary alleged that he had been so disgusted with his treatment by the Police in the L. Division in 1903 that he had determined, when he made the arrangement with the Fishers for the business in the G. Division, where he knew, according to his statement, it would be necessary to bribe the Police, to keep an account of all the payments which the Fishers might have to make to him on his and his partner's behalf; and he said that he had kept a book in which there was a full account of such payments. In this connection it is to be noted that "Bob" Fisher in his evidence before us admitted that Platt had referred to the management of the Police. Unfortunately, Platt did not bring this book to our office before he gave evidence, and on our requiring its production he was unable to produce it, and alleged that he had been unable to find it where he had put it at his home; and it then appeared that his wife, with whom he was not on good terms, had destroyed it. Mrs. Platt, his wife, was called and admitted that she had burnt this book after she found that her husband had gone to give evidence before us because she had a brother in the Force who had a large family and had only three years to serve to get his pension; and she thought that her husband's conduct in attacking the Police might affect his chance of getting the pension; but she also admitted that she did so in a passion.

Q. 43010, &c

Q. 8539 to 8542.

Platt seemed to attach very great importance to the book, and for the purpose of refreshing his recollection as to the names or numbers of constables and the amount of money expended in bribery, it might have been of value to him. In our view, however, as the entries in the book were in Platt's handwriting, it would have been of little value to us as affording corroboration of his charges. It is obvious that entries made by Platt in a book kept for his own purpose, which the incriminated constables, of course, were never shown, really could carry Platt's case no further. Strictly speaking, the entries could not be used as evidence, and could only be referred to by Platt for the purpose of refreshing his memory. It becomes unnecessary, therefore, to decide the question whether such a book ever existed, or whether, if it did exist, it really was burnt by Mrs. Platt under the circumstances stated by her or not; but we are inclined to think that Mrs. Platt spoke the truth and that the book, whatever its value, had in fact existed, and that there were entries in it of the kind indicated by Platt.

Though, whatever may be the reason, we have never seen the book by which Platt set so much store, he handed us in a number of books to which considerably more importance must be attached. They are six in number, and that they are books containing genuine entries in the handwriting of Platt, or one of the Fishers made in the course of, and for the purpose of, the business carried on by Platt and McCarthy during the agency of the Fishers on the Sutton Street "pitch" in May and June, 1906, is beyond doubt. To such entries much greater weight must be given than to entries in a private book kept by a man simply to aid his own memory. All these books contain the records of actual transactions made in the ordinary course of business. To understand their significance, it is necessary to state precisely how the Clerkenwell business was carried on.

As we understand it, the arrangement was as follows. On racing days "Bob" Fisher took his stand on the Sutton Street "pitch" and "Bill" Fisher took his stand on another "pitch" about two hundred yards away. They received from the punters the usual slips, together with sums of money for which they backed a horse or horses. The

conditions according to which the business was carried on as between the bookmakers and the punters at these "pitches" were of the usual type, and are for our purposes, immaterial. At the end of the racing hours, Platt, McCarthy and the two Fishers met in some private room for the purpose of settling the accounts of the day, making arrangements for the payment of the winnings of punters at the appointed time and place, and, having regard to the number of the transactions the aid of memorandum books was necessarily invoked. No proper account books however, either of the partnership dealings between Platt and McCarthy, or the transactions between the firm of Platt & McCarthy and the Fishers were ever kept. For the daily settlement the Fishers produced all the "slips" received and all the money that they had taken was placed upon a table; the amounts for which, according to the "slips," various punters had backed various horses were added together, and the amount of money laid upon the table was ascertained. Strictly speaking, the sum total for which, according to the "slips," horses had been backed, and in respect of which the punters had paid their money when handing in the "slip" should have always tallied with the sum total of the money placed upon the table by the two Fishers. But the carrying on of the work by the Fishers involved certain payments for expenses which they had to incur and which they were entitled to debit in account against their employers.

When expenses had been incurred and paid, the sum total of the moneys produced at the settlement was less than the sum total of the amounts which according to the "slips" had been handed to the Fishers. Strictly speaking, any deficiency so disclosed should have been then inquired into, and the amounts which the Fishers were entitled to "stop," that is to say, to credit themselves with, should have been ascertained, and entries relating to them made in a memorandum book; and, as will be seen, to a certain extent this system was followed. After ascertaining the sum total of the amounts paid by punters it became necessary to decide what were the winnings of the punters in order that the Fishers might be put in funds to meet and discharge their liabilities at the time and place appointed. For this purpose the "slips" were handed over, and, in case a punter had won, his name was written down in the memorandum book, and also the amount due to him as a winner. This was done in regard to every "slip," and, the amount of the winnings being thus ascertained, the two Fishers took sufficient money to discharge the liabilities of the firm. Needless to say, the system was not carried out in all its details. Where a man, for instance, well known to the Fishers as a person of credit, had not got the money with him his "slip" was accepted without insisting on his paying the money at the moment (*i.e.*, the transaction was "on the nod"). In one case, as we know, a bet was effected by a telegram directed to the proprietor of a public-house. Sometimes the Fishers appear not to have been ready with their accounts of expenses on a particular day, or had in fact delayed payment in respect of expenses, and the settlement of these small items was deferred to another day, but as a rule, though not always, entries were made in the memoranda book as an aid to memory. The result was that a considerable number of memorandum books containing entries made from day to day during the time this business was being carried on were used for these temporary purposes of daily settlement, and remained in the possession of Platt, as the more active member of the firm who were financing the Fishers. Platt usually came into the neighbourhood at or about mid-day. That being the system Platt produced to us a number of these books which had been used for these daily settlements and alleged that there were entries in those books which showed that the Fishers had in May and June 1906 paid money to Policemen for the purpose of securing immunity from arrest, and he pointed out to us entries which, according to him justified his statement, and implicated by name Sergeant Laing and Sergeant Leach. The entries affected to record, according to Platt's contention, the fact that the Fishers had been allowed certain sums for "Coppers" (that is Policemen) and "Tecs" (that is detectives) and he pointed to an entry of 10s. against a name entered thus "L——g" which he said meant that 10s. had been paid to Sergeant Laing.

We think it well for the sake of clearness to set out the portions of the accounts recorded in the memorandum books in which these entries occur.

1. The entry alleged to refer to Sergeant Laing occurs in the book put in and referred to in the evidence as A.P. 1. As is the case with all or nearly all the pages or accounts in this book no date is placed to any of the entries, but there is no doubt that all the pages in the book refer to transactions in which Platt and McCarthy on the one side and the Fishers on the other were engaged.

The following shows all that appears on the page in which the entry "L——g" is found :—

											£	s.	d.	£	s.	d.
Queries.																	
Stevens	-	-	-	-	-	-	-	-	-	-	-	2	-			
Hoffman	-	-	-	-	-	-	-	-	-	-	-	1	-			
Symes	-	-	-	-	-	-	-	-	-	-	-	1	-			
Expenses.																
Queries	-	-	-	-	-	-	-	-	-	-	-	9	6			
L——g	-	-	-	-	-	-	-	-	-	-	-	10	-			
Spent	-	-	-	-	-	-	-	-	-	-	-	5	6			
											1	9	-			
											-	6	-			
											1	15	-			
														18	-	-
														6	5	-
														24	5	0

The word "queries" is one that occurs a good many times in the books, and appears to have been intended to cover questions raised in consequence of a shortage in the moneys produced by the Fishers. As we gather, the Fishers were asked to account for any deficiencies, and the amounts which they were allowed to "stop" were settled in conversation and entries jotted down in the book as the settlement proceeded or inserted when the total deduction was arranged.

The page containing these entries is unnumbered, and, so far as an inspection of the book shows, has no necessary connection either with the pages that follow or with the pages that immediately precede it, but both the former set of pages and the latter set of pages contain a list of the names which according to the system must be the names of punters who had won.

The page set out above is on the right hand side on opening the book, and on the page opposite to it are various names, seemingly the names of horses, and certain entries which are not easily or at all intelligible. From the position of the page set out above it would appear to refer to the operations of the day to which the names of the punters set out on the succeeding pages had reference.

The figures £18 and £6 5s. and the total £24 5s. seem to have been made afterwards, and their connection with the other figures on the page is not clear.

There is so great a conflict of evidence between Platt and the Fishers as to what the entries mean that we must endeavour to find out the significance of a page like that set out above for ourselves. Forming the best judgment we can, we think that the £18 and the £6 5s. represent the receipts by "Bob" Fisher and "Bill" Fisher amounting in the whole for the day to £24 5s.

2. The second series of entries said to disclose payments to the Police occurs in the same book. The page is as follows :—

											£	s.	d.
Takings	-	-	-	-	-	-	-	-	-	-	12	15	-
Pay	-	-	-	-	-	-	-	-	-	-	5	9	-
Won	-	-	-	-	-	-	-	-	-	-	7	3	-
Chandler	-	-	-	-	-	-	-	-	-	-	-	14	-
Darby	-	-	-	-	-	-	-	-	-	-	-	9	-
Scouts	-	-	-	-	-	-	-	-	-	-	-	2	6
Com	-	-	-	-	-	-	-	-	-	-	-	2	6
Coppers	-	-	-	-	-	-	-	-	-	-	-	4	-
Money	-	-	-	-	-	-	-	-	-	-	19	10	-
											21	1	6

We may disregard as immaterial the three first lines of this page.

The six entries amounting to £21 1s. 6d., seem fairly intelligible. The whole series represents the result of a conversation between the parties concerned by means of which the Fishers were accounting for the takings shown by the "slips."

The entries as to "Scouts" and "Com," (*i.e.*, commission) require no comment.

With regard to "Chandler" we have to remark that the nickname by which Sergeant Laing was known was "Jerry Chandler," but it so happens that the Fishers employed a scout of the same name who played a small part, as will be seen later on, in what took place on Platt's evidence before us becoming known in the G. Division.

As to the entry "Darby," we have no information. The word "Coppers," which *prima facie* refers to Policemen, is the one that attracts our attention in this extract. It was said by the Fishers that "Coppers" when used in the books did not refer to Policemen at all, but referred to the copper coins found among the silver and gold which they produced at their meetings with Platt and McCarthy.

3. In the same book there is an entry in a list of expenses apparently incurred y the Fishers of "Cop. 1s."

4. In the second book which was put in and referred to in the evidence as A.P. 2, and in which the entries bear a general similarity to those in A.P. 1, there are several entries relied upon by Platt as referring to payments made to the Police.

The following is the first extract containing an entry of this kind :—

	£	s.	d.
Darts	–	8	–
Chandler	–	13	–
Coppers	–	4	–
	32	19	6
Queries	–	5	1
A. L.	–	15	–
Jam	–	10	–
	35	14	7
Account	–	5	–

Again, there is little doubt that we have here jotted down figures representing the result of a conversation at a meeting held for the settling of a daily account between Platt and McCarthy and the two Fishers.

5. Later on we have another series of entries in which the word "coppers" occur. It is as follows :—

	£	s.	d.
Queries	–	1	6
Darts	–	8	–
Chandler	–	14	–
Coppers	–	4	–
Com	–	3	–
	1	10	6
	27	10	–
	29	–	6

6. Towards the end of the book (A.P. 2,) at the end of a list of punters we find the following entry :—

Coppers, 4s. Lookers out, 4.

	£	s.	d.	£	s.	d.
S. H.	3	–	–			
Jam	5	–	–			
Major	2	6	–			
Potman	1	6	–			
N. F.	3	6	–			
				–	1	10
				3	10	4
				1	14	6
				2	7	4
				7	14	–

7. In the same book there is a page in which the word "Tecs" (which undoubtedly means detectives) occurs :—

Queries paid.

	£	s.	d.
Vyse	–	2	1
Desmond	–	1	–
N. V.	–	–	7
Hart	–	–	6
Scamp	–	1	–
Barker	–	1	–
	–	6	2

	£	s.	d.
Lookers out	–	4	–
Tecs	–	10	–
Copper	–	1	–
Stevens	–	7	–
Hoffman	–	1	–
Rex 2s. off	–	2	–
	1	11	–
	11	12	–
	13	3	–

£13 6s. 6d.

The words "Queries paid" at the head of this page we understand as meaning questions as to the deficiency or shortage in the moneys produced at the settlement by the Fishers.

8. In a book marked A.P. 7, there occurs another series of entries which Platt relied upon as supporting his allegations against the Police of the G. Division. They occur in a note book kept by Platt himself, and are in his handwriting. They have, therefore, not the same significance as entries made in the course of the business in the handwriting of one of the Fishers, but it appears to us, after examining the book, and considering the place in which the entries are found, that they are genuine entries made on June 7th, and refer to transactions between Platt and the Fishers.

The extract which we give refers to June 7th, and is found on the top half of a page in the note book, across the middle of which a line is drawn. Below the line there are entries relating to transactions on June 8th. The following is a reproduction of what appears on the top half of the page :—

June 7th.

	£	s.	d.		£	s.	d.
Fleet	–	6	–	Bob	16	12	6
Sims	–	1	–	Bill	3	15	6
Stevens				Stevens	–	14	6
Leach							
Crow	–	1	–		21	2	6
Bill							
S. and B.	–	7	6				

9. In Platt's note book, from which the above extract containing the name of "Leach" was taken, was found, as he alleged, a slip of paper which was in the book when it was handed by Platt to the Secretary. Platt, when the book was handed to him by the Secretary in the course of his examination, produced this paper from it, and affected not to have known till then that it was there, but he recognised it as having been written at the time of one of the daily settlements during the period when the Fishers were carrying on business for him and McCarthy in the G. Division. It ought to be mentioned here that various slips of paper of a similar kind relating to various transactions were found in other books. The slip of paper is smaller than the page of the note book in which it was found, and is either a piece of note-paper cut down for the purpose of making memoranda upon it or else a leaf torn out of some other book. It is clearly not a leaf cut out of Platt's note book, because the pages of that book are ruled, and there are no lines upon the piece of paper in question.

The pencil entries upon it are as follows :—

	£	s.	d.
Looker	–	4	6
Yam	–	5	–
Nelham	–	1	1
Major	–	3	–
Lookrs	2	1	–
Bill	1	10	–
Bob	1	10	–
Leech	–	10	–
Police	–	4	–
Ins-and-Outs	–	6	6
	6	15	1

We are satisfied that all these books from which we have made the above extracts are genuine books in the sense that they were used during the time at which the Fishers were acting as Platt's agents in Clerkenwell for the purpose of keeping a record of their dealings and for the settlement of their accounts from day to day. Except Platt's note book, they were books kept by the Fishers. The entries in the books consist for the most part of long lists of the names of punters who had won, and of the amounts which had become due to them. These lists are generally in the handwriting of "Bill" Fisher, but some of the lists are in that of "Bob" Fisher. Besides the list of punters, there is a variety of entries, the exact significance of which only the parties to the transactions can understand, and which were made for some merely temporary purpose. There is, however, throughout the books another class of entries which relate evidently to amounts which had been expended for various purposes in connection with the business, and it is to this last class the entries in Platt's note-book and the account on the slip of paper found in that book belong.

Prima facie, we have no doubt at all that the persons who made the entries, and who were discussing the entries, meant by the term "Tecs" detectives, and by the term "Coppers" Policemen, as Platt alleges. Both the Fishers, however, denied that they made any payments on account of Platt's business to any detectives or to any constables, and they gave us their explanation of the entries; they both attempted to give explanations of the entries which would be consistent with their own honesty towards Platt as agents and at the same time consistent with the fact that no payments had in fact been made to the Police. "Bob" Fisher admitted that there was on all, or on nearly all the occasions of a daily settlement, a deficiency in the sum total of the moneys produced by him and his brother as compared with the sum total of the money which punters had paid to them according to the betting slips, and that such deficiency was not fully accounted for by such legitimate expenses as the payment to "lookers out" or "commission" sometimes paid to persons acting as sub-agents for bringing customers and for necessary refreshment and other petty expenses which might reasonably be asked for from his principals. *Prima facie*, for any surplus deficiency, after such legitimate allowances had been made the two Fishers would be responsible to the principals. "Bob" Fisher, however, did not admit that any such surplus deficiency was ever due to any misapplication of moneys received by him or his brother, but that such shortages were in fact caused either by Platt himself taking the money or directing him (Fisher) to make payments behind the back of, and unknown to, his partner McCarthy. Such surplus deficiencies, he said, were due to the fact that he had paid for drinks by Platt's instructions, that he had made bets for Platt without his handing him over the amounts for which he backed horses, as, in strictness, he ought to have done, and for other payments on Platt's account which the latter desired should be concealed under fictitious terms or names. Accordingly, he explained the appearance of the words "Tecs," "Coppers," and of names such as "L——g" and "Leach" as being entries made at Platt's request in order to deceive his partner McCarthy: in short, that at the settlement he would make up, with Platt's acquiescence, a false account of expenses inserting such terms as "Tecs" which Platt passed and explained to McCarthy as being a necessary bribe to the Police. Such an explanation, having regard to the character of the men concerned, is not absolutely improbable. We have no doubt at all that "Bob" Fisher was quite rogue enough to join Platt, his more active principal, in cheating McCarthy, who was a kind of sleeping partner, though one does not see what possible profit, except an unauthorised drink, "Bob" Fisher was getting out of the matter, nor are we sure that Platt was not wicked enough to so act though we are not prepared to believe that he in fact did so.

The explanation does not strike us as being by any means satisfactory, especially when we consider that " Bill " Fisher said that the real arrangement was that he was to receive a third of the profits of the business in addition to his weekly wages, for, if that were so, then " Bob " Fisher, in manipulating the accounts in accordance with Platt's wishes, was defrauding not only McCarthy but his brother " Bill " as well.

This somewhat forced explanation was not the only one which the Fishers attempted to give of these suspicious entries. Others which, be it noted, were inconsistent with its being the true one, were put forward. It was suggested that the word " Coppers " simply represented the sum of all the copper coins found on the table, but why they should be treated separately and only the silver and gold taken into account, is not made clear to us; nor is it consistent with the use of the word " copper " in the singular in the seventh extract given above. But as to this last point it may be said that that entry is in Platt's handwriting. We could understand that if there were four or five pence left on the table, for the purpose of easy calculation, they might be handed back to the Fishers, and treated as a part of an allowable deficiency as being too inconsiderable to be brought into account, but why so considerable an amount as 4s., for instance, should be treated in that way when such small sums as 1s. were duly accounted for in " expenses," we are at a loss to understand; and be it noted that that explanation does not get rid of the quite unambiguous entry " Tecs."

The suggestion was also made that Laing and Leach were punters who, as we understand the suggestion, had not been paid on the preceding day for some reason or other. The answer to that suggestion is that the word " L——g " appears clearly under the word " expenses," and that the name " Leach " occurs in the middle of a series of entries, also obviously referring to expenses; nor were the Fishers able to satisfy us that they had among their customers any punters named Laing or Leach to whom these entries could be reasonably supposed to refer.

Forming the best judgment we can upon the whole matter, and fully impressed with the untrustworthy character of the two Fishers, and of Platt himself, we think there can be no reasonable doubt, whatever may be the true inference from it, that in the regular course of business between the Fishers on the one side, and Platt and McCarthy on the other, the former were over and over again allowed by McCarthy and Platt to debit them with various sums on account of payments which the Fishers stated they had made to officers and constables in the G. Division.

But while we feel bound to come to that conclusion, we, of course, recognise that it does not necessarily follow that, in fact, any such payments were made, and it may be that the Fishers never made any such payments at all, but simply falsely alleged to Platt and McCarthy that they had in fact been made. Platt, however, told us that on one occasion though he did not see money pass he saw Fisher pass something to Laing in Bury Street or Redding Street. Qs. 31236 to 31242

That may, of course, be an absolute invention, but if Platt did indeed see " Bob " Fisher talking to Sergeant Laing, it would tend to confirm Platt's belief that payments were made to the Police for which allowances were in fact made.

As we do not consider ourselves bound strictly by the rules of evidence, it is not necessary for us to inquire how or in what circumstances these entries might become admissible in proceedings against the members of the Force attacked by Platt. It should be observed, however, that the Fishers were witnesses on the Police side, and came before us to contradict Platt's allegations, and that the entries were put to them in what may be called, without any great impropriety of language, cross-examination. Except the one statement of Platt that he had seen " Bob " Fisher pass money to Laing, there is absolutely no evidence, apart from the entries themselves, to connect either Sergeant Laing or Sergeant Leach with the transactions at all. In a case like the present, knowing that this kind of illegal business has been extensively carried on notwithstanding the efforts made by the superior Police authorities to suppress it, we cannot help allowing the entries to become factors in arriving at an opinion upon the question whether there is any truth in Platt's allegations. Speaking broadly, we ought to look at the facts before us as an employer would look at analogous facts in coming to a conclusion as to whether charges made against persons in his employment were or were not well founded. Looking at these entries from that standpoint, we cannot avoid taking them into consideration though the amount of weight which ought to be attached

to them in coming to a decision on the questions before us must be matter of personal opinion. But whatever weight be given to them, it carries the case against the two Sergeants only a very little way, if at all. P.C. Cass is not implicated by name in these entries, though he was in fact employed at this time in keeping observation on bookmakers in the neighbourhood of Sutton Street, and the fact that though some of the Police had been bribed, the names of Laing and Leach may have been falsely used, makes it impossible for us to regard the introduction of their names as affording evidence of their guilt on which we can rely as against the accused.

Immunity of the Fishers in May and June.

Let us now see how far Platt's suggestion that the Fishers had been lucky in escaping prosecution or arrest during the time they worked for him at Sutton Street and the other "pitch" is well founded.

Q. 43126. According to "Bob" Fisher there were five convictions "between the three of us." The three referred to were himself, "Bill" Fisher, and his brother Thomas Fisher, who seems to have had nothing to do with Platt and McCarthy's business. He also said that there had been twelve convictions against them in the two years during which they had been betting in the Division before the arrangement was made with Platt; but it appears that neither "Bob" Fisher nor "Bill" Fisher were prosecuted or arrested during May and June, that is during the time they were working for Platt and McCarthy.

Q. 43765 to 43769.

P.C. Cass was employed as a plain clothes officer to deal with street betting from June 11th to July 8th, 1906, and, though during that time nine bookmakers were arrested by him, neither of the Fishers was among them, though he admitted that he knew them as bookmakers, and that he and Sergeant Barton had kept observation on them in 1903. He also admitted that he had made arrests of bookmakers within 100 yards of where the Fishers were betting. The explanation that he gave for his not arresting either of the Fishers was:—

Q. 41870, &c.

Q. 41945. "Because they stood in a very peculiar place to get at them, and I was so well known to them and they had some very smart touts; some used to ride bicycles, and there was a large block of buildings close to where they stood."

It must be taken, therefore, as established for what it is worth, that neither "Bob" nor "Bill" Fisher was arrested during the time they were working for Platt and McCarthy.

The Meeting on the City Road Bridge.

We have now referred to all the circumstances put forward by Platt as tending to confirm his allegations.

In the course of our Inquiry, however, the happening of an event which struck us at once as possibly significant was revealed: we mean a meeting that took place between "Bob" Fisher and Sergeant Wright, Sergeant Laing and Sergeant Leach, at midday on Saturday, October 20th. To understand why the meeting has any bearing on Platt's accusations it is necessary to recall what had taken place before us on Thursday, the 18th, which was the day on which Platt made his first statement in public.

Platt, after having given evidence about the Deed incident and his relations with the Police of the L. Division, etc., added in reference to the G. Division:—

Q. 7252. "I have been in the habit of paying 48s. a week there, but I really do not want to come to the front, until I know how the case goes on."

He was then asked to tell the Commission the names of the officers to whom he had been giving 48s. a week, when he replied:—

Q. 7257. "I have not given it to them myself personally, but the men who are in my employment have given it to them. I have to consider those men's future days. I have to consider that they have to get their living in Clerkenwell in future days, but to prove my statement that I am doing such a thing, at the last I will mention the officers' names, to prove that I am speaking the truth, only I have got seven men working for me, they have families to keep, and I do not think I should be doing right unless I let them know in the first instance that I am doing it."

He was thereupon pressed to give the names, and ultimately he wrote down the names on a sheet of paper handed to him for the purpose, and which he handed back to us. We looked at the paper and found the names that he had written were "Lang," "Cass," and "Leach." The paper was then handed to Mr. Leslie and by him locked up.

At that time the only persons in the world, except Platt himself, who could have known of his own knowledge the names he had written down were ourselves and our secretary. In many of the evening newspapers of the 18th, and in the morning newspapers of the 19th, there were fairly full reports of our proceedings, but in none of the reports brought to our notice was there any mention of the names of Laing, Leach or Cass, nor was any one of those three names mentioned in the course of the proceedings before us on the 18th. That being so, it is at first sight a very curious thing that within forty-eight hours of the publication of the fact that Platt had written down the names of certain members of the Force of the G. Division, and handed them to us as being the names of men whom his agents in Clerkenwell had bribed, this notorious bookmaker, "Bob" Fisher, should be having an interview not at a police-station but in a public street with three officers, two of whom bore names which Platt had secretly written down and handed to us. We could not, having regard to the kind of case that we were investigating, fail to look upon that as a very odd circumstance which certainly required explanation. If the names of Laing and Leach had been publicly mentioned on the 18th, the matter would not have struck us in the same light, because, in that case, we should *prima facie* have thought that they had sent for "Bob" Fisher with a view of getting information to be used for their defence, or that some other satisfactory explanation could be easily given. The point that at once impressed us was this—that a man whose name Platt had already given us in his written statement as one of his agents in the G. Division should, almost immediately after Platt had given his evidence, be having a conversation with three officers, two of whom had been secretly designated by Platt as those whom that agent had bribed. For assuming the story of Platt to be true, and that the relations of "Bob" Fisher with Sergeant Laing and Sergeant Leach were in fact corrupt, the meeting in plain clothes of the men so deeply compromised in a public place where they could converse more safely on highly confidential matters than at the police-station, to talk over the matter with the man by whom they had been bribed would be a not unnatural circumstance, because in that case they would be anxious to know if there was any ground for fearing their names were mixed up in the affair and to concoct a plan of action with "Bob" Fisher. In a matter of this kind where so many witnesses are obviously ready to lie, any one having to try to arrive at the truth must attach the very greatest importance to any event which is absolutely proved, and from which inferences may legitimately be drawn in the light of one's experience of life.

Curious as this meeting seems to us to be, and unfavourable to the Police as were the deductions which we *prima facie* felt inclined to draw, even if no explanation had been given by any of the men who met together on the occasion in question, we should not have felt disposed to regard our inferences from this suspicious circumstance as by any means conclusive, but in fact, however, explanations were given both by "Bob" Fisher and by the three officers who were present at the interview.

Let us first see what "Bob" Fisher had to say about it; and here we are assisted as to what took place by letters and circumstances ascertained beyond all doubt.

First of all, we have a letter dated October 18th, and received by us on the 19th, from "Bob" Fisher, addressed to the Secretary. In that letter he says:

"I wish to appear before the Commission to refute the statements made by Alfred Harry Platt, as I know them to be absolutely false. I hope you will kindly allow me to appear, as it is of the greatest public importance that the true statement of affairs should be made known. I will present myself to-morrow morning prepared to give evidence."

On October 19th, "Bob" Fisher wrote to Messrs. Wontner & Sons, saying:—

"In reference to the evidence given before the Commission yesterday by Platt, I am in a position to rebut a great deal of it, as I know as far as I am concerned, that it is absolutely false, also that he absconded with £27 entrusted to me by my customers, likewise that he has not got one agent in this division, that is the G. Division, also I doubt whether he has got one in any part of London. I also have evidence of him absconding with another man's money from Lincoln's Inn district. If it is possible to have an interview with you this afternoon, I think I will be doing a public service. I am employed as a betting agent by Mr. Henry Jones, of 151, Gray's Inn Road."

When examined before us the evidence that he gave as to his movements, after he heard what Platt had said before us, was not at first very clear, and, though he spoke

glibly enough, his first account of the course of affairs was not quite consistent with the letters or with what he ultimately told us. We have already expressed an unfavourable opinion as to the veracity of this witness, and though his answers to questions bearing upon what he did after hearing of Platt's evidence, came trippingly enough from his tongue they were by no means convincing. That some of Platt's statements, as he said, "got on his nerves," may be believed. Though one does not see that he had much to fear from any revelations concerning what had taken place in 1906, the fact that he had quarrelled with Platt and was incensed against him, supplies a motive for his line of action and accounts for the strong feeling against his former employer.

Ultimately the account that he gave showing how the interview came about was as follows :—

Q. 43891. "I will tell you how it exactly occurred. I was going on with my ordinary day's work; I was still betting, when this Commission came on, for my present governor. It was pointed out to me in the papers, and I looked at it and read it over, and what struck me was that Platt made a statement before the Commission that he had (that means he had at present) five representatives in the G. Division, and that he was paying the Police £3 10s. a week. When I saw 'Platt,' I thought surely that must be the Platt that was with me, and I became rather indignant to think that a man who had run away with money, belonging not to me, but to my punters, should dare to come here to make a statement to that effect. I thought to myself, 'I will see into this.' I had to go through my ordinary business, make the papers up, and pay the punters out, and at about quarter or half-past nine that night as I was going, I said to the scout Chandler: 'Who are the head of the Police in this district?' He said: 'I think Wright and Leach, or Hammond.' I think he mentioned the name of Hammond as well. I said: 'You tell them I want to see them to-morrow on the City Road Bridge at twelve o'clock.' I had not seen him any more that night, nor the next day. I went and kept the appointment on the bridge, but previous to doing that I went down to King's Cross Police Station. I did not exactly know where these men came from, I was going to go in there, and I saw a detective. I anticipated he was a detective by his build. I spoke to him, and said: 'Are you a Police officer?' He said: 'Yes.' I said: 'Well, I am a bookmaker, and worked for that man who has been before the Commission,' and I said: 'What he says is false. What is the best thing to do?' He said: 'The best thing to do is to see the Commissioners or the solicitors.' With that I came direct from him to Mr. Muir's chambers, and from there I went to the City Road Bridge to see the officers . . . I accosted them."

Now let us turn to the evidence given by the three officers of Police. We begin with Sergeant Wright, because he is not incriminated by any of Platt's allegations. He said :—

Q. 42866. "As far as I recollect, Sergeant Leach came into the office shortly after nine, and said that a man had stopped him, and said a man named Fisher wished to see him or me at the City Road Bridge about mid-day, about twelve o'clock, I think, was the time."

When Sergeant Leach came in and made this observation Sergeant Laing was also present in the office. He (Sergeant Wright) and Sergeant Leach then agreed that they would see Fisher. Sergeant Wright was then working with Sergeant Leach, and he occupied himself in the office till about eleven o'clock and then he went with Sergeant Leach to the North London Sessions, and Sergeant Leach had a conversation with Sergeant Tomlin, of the D. Division, while he waited some little way away. Then he saw Sergeant Laing come up and they stood talking till Sergeant Leach joined them, and Sergeant Wright said to him: "We are going to the City Road, we are going to meet that Fisher," and then they all walked to the City Road bridge. According to his recollection, when they arrived at the bridge, though his account is not very clear, Fisher spoke to him and to Sergeant Leach, Sergeant Laing having stopped a short distance away, and when "Bob" Fisher began to speak of the information which he wished to give them, Sergeant Wright called out to Sergeant Laing: "Jim, you had better come and listen to this." He then gave an account of the conversation as follows :—

"I remember when Fisher commenced the conversation he said he had asked for Leach and myself, as he thought it was only right; that he had been to the Police solicitors in respect of the information that had been given by Platt before the Royal Commission, that he had seen something in the papers regarding Platt and officers of the G. Division, and that he had worked for Platt, or he and Platt had been connected at some time or another, and whatever Platt had said in connection with our officers or whatever names he had handed in, was entirely untrue, and I think he said something about it was quite possible that the name of Leach and myself might be mentioned, as on one occasion we were somewhere in the vicinity of where he betted, and his tout came running up at the time that Platt was with him, and said: 'Look out'—I do not know whether it was Wright or Leach, but he may have mentioned our names—'Wright and Leach are about,' and it was quite possible, he said, that Platt may have handed in the two names that he remembered hearing. He said at the time that Platt was very much interested as to who Wright and Leach were, and I believe he said he walked away as though he was trying to find out where we had gone to. That was the sort of story he told us."

Sergeant Leach also gave us an account of what took place. After denying in examination by Mr. Muir, and in cross-examination by Platt, that he had ever

taken any bribe from any bookmaker, he said, when examined by the Chairman as to the interview on the bridge :—

"I was going to the office, and just outside the office a man accosted me, and he told me that a man named Fisher wished to see me or Wright at twelve o'clock on the City Road Bridge. I said : 'Fisher ; what do you mean ? ' and he said : 'Fisher, the book-maker.' He then left me, and I went into the office. The other officers were there at the time, and I mentioned to Wright what had taken place, and subsequently we kept the appointment." Q. 42509

In answer to the question what Fisher said he told us :—

"I could not recall word for word, but it was to the effect about these allegations made by a man named Platt about bribing the Police in the neighbourhood of Clerkenwell and he thought it might possibly refer to either Wright or me, because on one occasion we were walking down Little Sutton Street, where he carries on business, and one of the scouts ran down, saying : 'Look out, here is Wright and Leach,' and that is how Platt might have got hold of the names, and he heard the names had been handed up, and our names might have been included amongst them. He also went on further something about that Platt had been making out that he (Platt) had been paying money to the Police, and showing names in the book, but, of course, robbing the man who had been financing him. I cannot exactly recall the words."

Sergeant Laing, after denying the allegations made against him, was examined as to the interview with which we are now dealing, and gave an account of the way in which the interview came about which agreed in substance with that given by Sergeant Wright and Sergeant Leach, but he gave us more information as to the conversation which led to the interview. He said :—

"We thought it advisable that more than one should be there. We never knew what it might lead to. Only two days before the three of us went together, and raided a receiver's place. It often necessitates two or three going together, and sometimes three or four or five or even six, if we could have them sometimes. . . . I did not know what he (Fisher) was going to communicate ; I had not the least idea. It was not till then that I knew he was in any way connected with Platt. That was when I knew it." Q. 42236

He denied that it ever occurred to him that what Fisher wanted was to see him about the evidence which Platt was giving. This seems a little surprising because he admitted that he had read about Platt's evidence in the newspapers, and his Inspector had asked him that very morning whether he knew Platt and he answered that he did not. As to what Fisher said at the interview, he did not give us so full an account as the other two officers, but what he did say is not materially different.

We have to ask ourselves whether this explanation by "Bob" Fisher and the three police officers is satisfactory. On the face of it there is certainly nothing improbable. It might be thought, on first considering it, that the ordinary course that Sergeant Leach would have taken, when spoken to by an unknown man, whom we however know to have been Chandler, one of the scouts referred to in the entry printed above, would have been to send a message to Fisher to the effect that if he had anything to say he had better step up to the station. The answer which the Police suggest is that informers often send messages of that kind, and that if they do not go and meet them at the place indicated valuable clues to some crime or knowledge that might be useful to them in some other way might be lost.

"Bob" Fisher read or learnt otherwise of Platt having given evidence on the Thursday night at about a quarter to nine, and he had a conversation with his employer, one Harry Jones, a bookmaker, on the same evening, in which, according to him, he said—

"This is a nice thing for a man to turn round and say. He says he has now five agents in the G. Division, and he is paying the Police £3 10s. a week."

We know he wrote to us on the 18th (that is if he inserted the right date) a letter which we received on the 19th. His answers do not make it clear what he did on the 19th, but it is an ascertained fact that he wrote to Messrs. Wontner & Sons on that day, and there is nothing in his evidence which amounts to a contradiction of that given by the three Police Sergeants.

We think, therefore, that there is nothing on the face of the story as told to indicate that the evidence as to the way in which this interview came about and as to what passed at it is not substantially true. Of course, as is always the case where an explanation of some incident is required in a case of this kind it is quite an easy matter for the parties concerned to arrange an account of the whole affair which shall be internally consistent and reasonably possible. If we had "Bob" Fisher alone to deal with, we should not feel justified in accepting any explanation vouched for only by his testimony ; but we have here the evidence of three Police Sergeants who have had fairly

lengthy careers in the Force, and have conducted themselves so well as in due course to receive promotion, and who, at the time of these events, enjoyed the confidence of their superior officers. Apart from what Platt has said, and from the entries in the books which we have set out above, there is absolutely nothing before us showing that they were unworthy of that confidence; and, as to Sergeant Wright, neither in Platt's evidence nor in any documents that we have examined is there any thing at all tending to show that he has ever had any connection at all of an improper kind with either of the Fishers or with Platt himself. Whatever suspicion might still be left in our minds with regard to Sergeant Laing and Sergeant Leach, there is nothing at all which ought to induce us to doubt for a moment the complete integrity and veracity of Sergeant Wright. We do not think that we should be acting in accordance with sound discretion if we considered the fact that he, like the other two Sergeants, is an officer of the G. Division, afforded any basis for doubting his truthfulness. On the contrary, his presence at the interview greatly diminishes its significance as a point against the other two Sergeants. Obviously, if the interview had been between "Bob" Fisher and either Sergeant Laing or Sergeant Leach alone, or with them both, a very different complexion might still attach to the incident.

Conclusions.

We have now gone over all the materials upon which we have to form a conclusion as to whether the specific charges made by Platt against the eight members of the Force whose names are given above have been substantiated.

Our conclusions are :—

(i.) We cannot rely upon Platt's unsupported testimony.

(ii.) There is no sufficient corroboration of any of Platt's allegations against the constables accused by him.

(iii.) The members of the Force accused by him all have excellent records and are of good character.

(iv.) The charges made by Platt are not established to our satisfaction.

Summary of Results of Special Complaints.

The results of the findings in the above cases, so far as the conduct of the constables and officers complained of is concerned, may be summarised as follows:—

Gerothwohl and Lavalette's Case.—P.C.'s Isaacson, Wallington, Divers and Wellbelove, and Inspector Berry, were not guilty of the acts of misconduct alleged to have been committed by them respectively. Inspector Berry was wrong in not paying more attention to the protests of Gerothwohl and Lavalette.

The D'Angely Case.—The arrest of Eva D'Angely by P.C. Page was justified, and the conduct of P.C. Page and the other police officers and constables concerned was discreet and correct.

Clinch's Case.—P.C. Gibbard was guilty of misconduct. Inspector Gadd acted improperly in seeking and having an interview with Clinch after the charge had been made before the Inspector as station officer.

Altfuldisch's Case and Maurer's Case.—Neither Inspector Mackay nor any of the officers concerned in these cases was guilty of any misconduct.

Dubery's Case.—P.C. Murray was guilty of misconduct.

Mrs. Braham's Case.—P.C. Atkinson was guilty of misconduct. P.C. Allen's conduct was correct. Inspector Billson was guilty of errors of judgment.

Andrews' Case.—P.C.'s Dawson, Stevenson, Peck and Manning, and Sergeant Hollands, were not guilty of the acts of misconduct alleged to have been committed by them respectively.

Wilson's Case.—P.C. Worsley was guilty of misconduct.

Wells' Case.—P.C. Dunham was guilty of misconduct. Sergeant Hawes was not guilty of any of the acts of misconduct alleged against him.

Mullins' Case.—P.C. Morgan was guilty of misconduct. Inspector Wheeler committed an error of judgment.

Baker's Case.—P.C. Pittuck was guilty of misconduct. Inspector Mason committed an error of judgment.

Harding's Case.—Neither P.C. Cann nor any of the constables concerned in this case were guilty of any misconduct.

Mrs. X.'s Case.—The action of P.C. Cole and the other police officers and constables concerned in this case was correct, and they were none of them guilty of any misconduct.

Emms and Norrey's Case.—Neither P.C. Jeffery nor any of the officers concerned in this case were guilty of any misconduct.

Riley's Case.—P.C. Mizen and P.C. Kemp were not guilty of the acts of misconduct alleged.

Gamble's Case.—P.C. Ashford and Sergeant Sheedy were guilty of the misconduct alleged against them respectively.

Mr. Y.'s Case.—Conduct of the Police concerned was correct. P.C.'s Caladine, Earl, and Wood were not guilty of the acts of misconduct alleged against them respectively.

Platt's Case.—The charges made by Platt against the members of the Force accused by him were not established to our satisfaction.

In eleven of the special complaints into which we inquired we find that the conduct of the Police was correct, and in the remaining eight cases we find that there was misconduct, more or less serious, or errors of judgment on the part of the constables and officers concerned. In inquiring into these nineteen complaints we had to consider the circumstances of twenty-three arrests. It will be seen from the Reports above that in eighteen instances the arrests were justified, and in five not justified. In three out of the five cases in which the arrests were not justified there was conduct on the part of the person arrested which afforded some pretext for Police intervention, and in one case the constable interfered under a mistake. In no case was there misconduct found on the part of an officer of the rank of Inspector, but we found in five cases that an Inspector had committed errors of judgment, and in one case that an Inspector had committed an impropriety. The total number of the men found guilty of misconduct is nine, of whom one only, a serjeant, is of a rank above that of ordinary constable. Short particulars of the above cases, with our findings, are given in the Appendix (Table I.).

All which we humbly submit to your Majesty's gracious consideration.

(Signed) D. BRYNMOR JONES.

RUFUS D. ISAACS.

C. A. WHITMORE.

W. H. DICKINSON.

J. FELIX WALEY (*Secretary*).

19th June, 1908.

APPENDIX TO REPORT.

TABLE OF CONTENTS.

		PAGE
1.	Table I.—Particulars of cases inquired into, with results - - - - - - - - -	iii
2.	Table II.—Table of Returns supplied by the Police - - - - - - - - - -	x
3.	Return 7.—Number of apprehensions—with results—for prostitution (1); drunkenness or drunken and disorderly conduct (2); and disorderly conduct (3) during the years 1883 to 1905 -	xii
4.	Return 21.—Charges (a) by police; (b) by private persons refused at stations during the years 1904, 1905, and the six months ended 30th June, 1906 - - - - - - - -	xiv
5.	Return 22.—Apprehensions by the police in each year 1903, 1904, 1905; and cases in which officers were proceeded against in respect of such arrests, or in which, after inquiry, such arrests were found not justified - - - - - - - - - - - - - - -	xviii
6	Return 26. - Fines for street betting during each of the 10 years ended 31st December, 1905 -	xix
7.	Memorandum of questions submitted for consideration of Police Magistrates giving evidence -	xx
8.	Twelve suggestions sent in by Mr. Timewell, Secretary of the Police and Public Vigilance Association - - - - - - - - - - - - - - - -	xxii
9	Extracts from evidence taken before the Select Committee of 1834 - - - - - -	xxiv

TABLE I.

TABLE GIVING PARTICULARS OF CASES INVESTIGATED WITH RESULTS.

Name of Complainant.	District, Class of Case, and Charge.	Division of Police	Result before Magistrate, &c.	Dates of hearing before Commission in the years 1906 and 1907.	Commissioners' Findings.
Gerothwohl and Lavalette	Piccadilly (Vine Street). Drunkenness and Disorder. Drunk and disorderly on Boat Race night in Piccadilly	C	Dismissed by Mr. Denman. Official inquiry held.	July 23, 25, 30, October 16 — 2nd, 3rd, 4th, and 6th Sittings.	(i.) Gerothwohl and Lavalette were not assaulted and arrested at the entrance to Vine Street Police Station as alleged, but were arrested on the South side of Piccadilly. (ii.) Gerothwohl and Lavalette were not drunk, but were disorderly. They were, therefore, not guilty of the offence of being drunk and disorderly on the 7th April, 1906. The police were honestly under the impression that they were drunk, and, therefore, cannot be blamed for preferring a charge of drunk and disorderly conduct against them. (iii.) The arrest of Timmings was justified and his conviction right. (iv.) P.C. Divers behaved regularly in taking over Timmings from P.C. Isaacson and bringing him to the police station. With regard to the proceedings in the charge room :— (i.) P.C. Isaacson, P.C. Wallington and P.C. Divers were not guilty of any disorder or misconduct in the charge room as alleged. (ii.) Inspector Berry maintained good order in the charge room, but was wrong in not paying more attention to the protests of Gerothwohl and Lavalette and should have sent for the Divisional Surgeon in accordance with the usual practice.
Madame D'Angely.	Regent Street (Great Marlborough Street). Solicitation. As a common prostitute behaving in a riotous and indecent manner in Regent Street.	C	Dismissed by Mr. Denman.	July 30, 31—4th and 5th Sittings.	(i.) Eva D'Angely was guilty of solicitation for the purpose of prostitution on the 24th April, 1906, and her arrest by P.C. Page was justified. (ii.) The conduct of P.C. Page and of the other police officers and constables in the matter was discreet and correct.

Name of Complainant.	District, Class of Case and Charge.	Division of Police.	Result before Magistrate, &c.	Dates of hearing before Commission in the years 1906 and 1907.	Commissioners' Findings.
Clinch	King's Cross (King's Cross Road). Disorder in Street. Summons against Police Constable for assault in John's Mews, Rosebery Avenue.	G	Dismissed by Mr. Bros. Misconduct with woman also charged before Royal Commission.	Oct. 16, 17, 18—6th, 7th and 8th Sittings.	(i.) We accept the account given by Clinch as substantially true except in his description of the violent character of the assault made by P.C. Gibbard, and we do not believe the story told by the latter. (ii.) We think Inspector Gadd did not bring any improper pressure to bear on Clinch in order to induce him not to take proceedings against P.C. Gibbard, but with regard to the interview at the Post Office, seeing that a charge had been made against the constable before him as station officer, it was improper on his part to seek and have that interview with Clinch.
Altfuldisch	Soho (Great Marlborough Street). Disorder in Street. Disorderly conduct and using obscene language in Greek Street.	C	20s. or 14 days by Mr. Denman.	Oct. 16, 17—6th and 7th Sittings.	(i.) Altfuldisch, Maurer, and Ruppert were lawfully arrested by Inspector MacKay. (ii.) Neither Inspector MacKay nor any of the officers or constables concerned in these cases was guilty of any misconduct whatsoever, but on the contrary behaved with commendable promptitude and discretion under difficult circumstances.
Maurer	Soho. Disorder in Street. Disorderly conduct and using obscene language in Greek Street.	C	10s. or 7 days by Mr. Denman.	Nov. 20—14th Sitting.	
Rubery	King's Cross (Hunter Street). Assault on Police Constable in cab yard in Sandwich Street. Counter-charge of assault with truncheon and drunkenness on part of Police Constable.	E	Charge of assault on Police Constable refused at Hunter Street Station. Official Inquiry held and Police Constable ordered to resign from Force for his misconduct by Assistant Commissioner Wodehouse.	Oct. 22—9th Sitting.	We agree with the decision of Assistant Commissioner Wodehouse.

Name of Complainant.	District, Class of Case and Charge.	Division of Police.	Result before Magistrate, &c.	Dates of hearing before Commission in the years 1906 and 1907.	Commissioners' Findings.
Mrs. Braham	Lambeth (Larkhall Lane). Drunkenness and disorder. Drunk and disorderly in South Lambeth Road preferred. Disorderly only taken.	W	Dismissed by Mr. Sheil. Official Inquiry held, and Police Constable and Station Officer ordered to be strictly cautioned.	Oct. 23, 24—10th and 11th Sittings.	1. As to P.C. Atkinson :— (a) We find that he was guilty of misconduct in arresting Mrs. Louise Braham. (b) We find that he did not assault her offensively as she asserted. (c) We think that he, under a mistaken impression as to her character, unnecessarily approached her, and by speech or conduct so frightened her as to make her lose her self-control. (d) Having arrested her he wrongly charged her with being "drunk and disorderly," and when that charge was refused by the Inspector he wrongly charged her with disorderly conduct, knowing that if she had been guilty of any disorder, such disorder was due to his own provocation. (e) At the Police Court, where he appeared and gave evidence as prosecutor, even if he did not make any false statement, still he did not give the magistrate a full and complete disclosure of all the relevant facts. 2. We have no comment to make upon the conduct of P.C. Allen, whose behaviour was correct throughout. 3. As to Inspector Billson :— (a) We think he was guilty of an error of judgment in having a private conversation with P.C. Atkinson. (b) We think he was guilty of an error of judgment in accepting the charge of "behaving in a disorderly manner."
Andrews -	Finsbury (Old Street). Disorder in Street. Disorderly and assaulting the Police in Luke Street. Counter-charges of assault by Police Constables, and summonses granted against Police.	G	Bound over to keep peace by Mr. Cluer. Summonses dismissed by Mr. Biron.	Oct. 24, 25—11th and 12th Sittings.	(i.) P.C. Dawson was justified in arresting Andrews. (ii.) Neither he nor P.C. Stevenson was guilty of ill-treating Andrews on the way to the Station. (iii.) P.C. Dawson rightly preferred the charge against Andrews. (iv.) Neither P.C. Manning, P.C. Dawson, P.C. Peck, nor any other Constable was guilty of assaulting and wounding Andrews at the Police Station as alleged. (v.) Sergeant Hollands rightly accepted the charge against Andrews.

Name of Complainant	District, Class of Case, and Charge.	Division of Police.	Result before Magistrate, &c.	Dates of hearing before Commission, in the years 1906 and 1907.	Commissioners' Findings.
Wilson -	Westbourne Park. Disorder in Street. Attempting to rescue one Mallows from lawful custody, and violently resisting lawful apprehension.	X	Dismissed by Mr. Plowden. County Court judgment for £20 damages against Police Constable for unnecessarily using truncheon.	Nov. 21, Dec. 4—15th and 20th Sittings.	(i.) P.C. Worsley was justified in using the truncheon to defend himself from an assault by George Wilson; and though it was not proved to the satisfaction of the learned Judge that the blow on the head was necessary, yet under the circumstances the difficulty of avoiding excess of force was so great that the Constable ought not to be censured for such excess. (ii.) P.C. Worsley was guilty of serious misconduct in striking G. Wilson while he was on the ground, for which he has been adequately punished.
Wells -	Islington (Upper Street). Disorder in the Street. Disorderly conduct and using obscene language at Highbury Barn.	N	Dismissed by Mr. Fordham.	Nov. 22, 28, Dec. 14—16th, 17th, and 27th Sittings.	(i.) That P.C. Dunham was not justified in arresting Wells; that P.C. Dunham wrongfully preferred a charge of disorderly conduct and making use of obscene language at Kelvin Road against Wells; and that P.C. Dunham at the Police Court gave evidence which tended to exaggerate the case against defendant in such a way that the Magistrate might have been misled. (ii.) That Sergeant Hawes was not guilty of any improper conduct in the charge room. (iii.) That Sergeant Hawes did exercise due and reasonable care in seeing that the cells were clean and fit for the reception of prisoners. (iv.) That Wells was not detained unnecessarily at the Police Station.
Mullins -	Lambeth (Kennington Road). Drunkenness and disorder. Drunk and disorderly and using obscene language in Oakley Street.	L	Dismissed by Mr. Rose.	Nov. 22, 29, Dec. 3—16th, 18th, and 19th Sittings.	(i.) P.C. Morgan, owing to provocation innocently given by Mullins, lost his temper and assaulted him. (ii.) Upon Mullins coming back to P.C. Morgan in Oakley Street and asking for his number, the latter wrongfully arrested the former, and took him to the police station. (iii.) In making the arrest and taking the prisoner to the station, P.C. Morgan used more force than was necessary. (iv.) P.C. Morgan wrongfully assaulted Mullins in the charge room at the police station by striking him a blow in the face, causing him slight injury. (v.) P.C. Morgan gave false evidence in support of the charge at the Police Court. (vi.) Inspector Wheeler was guilty of an error of judgment in accepting the charge of drunkenness

Name of Complainant.	District, Class of Case, and Charge.	Division of Police.	Result before Magistrate, &c.	Date of hearing before Commission in the years 1906 and 1907.	Commissioners' Findings.
Baker	Notting Hill Gate (Notting Hill). Drunkenness and Disorder. Drunk and disorderly in Kensington Place.	F	Dismissed by Mr. Garrett.	Nov. 22, Dec. 4—16th and 20th Sittings.	(i.) P.C. Pittuck was guilty of an error of judgment in demanding Baker's name and address. (ii.) P.C. Pittuck wrongfully arrested Baker. (iii.) P.C. Pittuck falsely preferred a charge of being drunk and disorderly against Baker. (iv.) Inspector Mason committed an error of judgment in accepting the charge preferred. (v.) Inspector Mason did exercise reasonable care in summoning the doctors whose names and addresses were given to him by Baker. (vi.) Inspector Mason did not improperly insist on Baker being examined by Dr. Jackson. (vii.) P.C. Pittuck did not make a full and complete disclosure of all the relevant facts to the Magistrate at the Police Court.
Harding, *alias* Tresadera	Whitechapel (Commercial Street). Disorder in Street. Summons for assaulting Policeman in execution of his duty in Sclater Street.	H	Dismissed by Mr. Cluer.	Dec. 4, 5, 6—20th, 21st, and 23rd Sittings.	All the constables concerned in the arrest of Callaghan, and his conveyance to the Commercial Street Police Station, did their duty remarkably well under very trying circumstances. The accusations made by Harding against Police Constable Cann of having falsely and maliciously instituted proceedings against him wholly fail, and Harding was guilty of the assault and battery for which he was prosecuted.
Mrs. X (heard in camera.)	Regent Street (Great Marlborough Street). Solicitation. Using insulting behaviour whereby a breach of the peace may have been occasioned at Oxford Street.	C	Dismissed by Mr. Denman under Section 16 of Summary Jurisdiction Act.	Dec. 5, 7, 10—22nd, 24th and 25th Sittings.	That the complaint of Mrs. X fails, and that the action of the constables concerned was correct.

Name of Complainant.	District, Class of Case, and Charge.	Division of Police.	Result before Magistrate, &c.	Dates of hearing before Commission, in the years 1906 and 1907.	Commissioners Findings.
Emms and Norrey	Whitechapel (Commercial Street). Disorder in Street. Assaulting Policeman in Brick Lane (Emms was arrested summarily, and Norrey on Warrant.)	H	Dismissed by Mr. Cluer as against both accused.	Dec. 13, 14, 19, Jan. 29, 30—26th, 27th, 28th, 30th, and 31st Sittings.	(1) P.C. Jeffery did not, without provocation or justification, assault and beat Emms with his truncheon; but Emms and Norrey, without justification, assaulted and beat P.C. Jeffery, who used the truncheon in self-defence and without more force than was reasonably necessary to defend himself against his assailants. (2) P.C. Jeffery was justified in arresting Emms and causing him to be conveyed in an ambulance by other constables to the police station. (3) P.C. Jeffery did not make any false charge against Emms, but rightly charged him with being concerned with a man not in custody in assaulting him whilst in the execution of his duty at Brick Lane. (4) Emms, whilst rising from a chair on which he had been placed in the charge room, was compelled by force by P.C. Wood, another constable, to sit down on the chair for the purpose of having his wounds attended to by the divisional surgeon but the force used was not such as to cause any additional pain to Emms, or to injure him in any way. (5) P.C. Jeffery did not give false evidence at the Police Court in support of the charge against either Emms or Norrey (6) P.C. Jeffery did not maliciously, and without reasonable and probable cause, commence and carry on a prosecution against John Norrey, but on the other hand Norrey was jointly guilty with Edward Emms of an assault and battery on that police constable. (7) The complaint of Mrs. Allen and Mrs. Hoy is quite unfounded. (8) The complaint of Emms that he was ill-treated at the police station is quite unfounded.

Name of Complainant.	District, Class of Case, and Charge.	Division of Police.	Result before Magistrate, &c.	Dates of hearing before Commission, in the years 1906 and 1907.	Commissioner's Findings.
Riley	Shadwell. Drunkenness and disorder. Drunk and disorderly and using obscene language in Old Gravel Lane.	H	2s. 6d. or one day by Mr. Dickinson.	Jan. 28, 29—29th and 30th Sittings.	(i.) P.C. Mizen did not, while taking Riley to the police station at the time in question, assault him by striking him in the face with his fist. (ii.) P.C. Mizen and P.C. Kemp did not use any unnecessary violence in taking Riley to the police station on that night. (iii.) P.C. Mizen and P.C. Kemp did not give false evidence at the police court when they denied that P.C. Mizen had struck Riley, as above mentioned.
Gamble or Pearce.	Whitechapel. Disorder in Street. Assault by Police.	H	No proceedings taken.	Feb. 20, 21, 28, March 4, 5—35th, 36th, 37th, 38th and 39th Sittings.	(i.) P.C. Ashford was guilty of the misconduct alleged, but in kicking Gamble did not intend to do him the serious injury which resulted. (ii.) Sergeant Sheedy was guilty of misconduct in that :— (a) He did not intervene between Gamble and the constable, whom he observed in conflict in Osborn Place, and terminate the disturbance, ascertain its cause, and then take the consequential steps which the performance of his duty under the ascertained circumstances required. (b) He omitted to make any report at all to the Inspector or other superior officer.
Mr. Y (Heard in camera.)	Regent Street (Vine Street). Disorder in Street. Attempting to rescue Miss A from lawful custody of Police at Piccadilly.	C	Bound over by Mr. Denman.	June 11, 13, 18—56th, 57th, and 58th Sittings.	That Mr. Y's complaint was unfounded, and that the conduct of the Police concerned in the arrest of Miss A. and Miss B. and Mr. Y was correct.
Platt	Street Betting. Bribery of Policemen by Street Bookmakers in Lambeth, Clerkenwell, Tooting.	L G V & W	——	Oct. 18, 22, 26, Jan. 30, 31, Feb. 1, Mar. 26, April 11, 12, 17, 19, June 21—8th, 9th, 13th, 31st, 32nd, 33rd, 40th, 43rd, 44th, 45th, 46th and 59th Sittings.	(i.) We cannot rely upon Platt's unsupported testimony. (ii.) There is no sufficient corroboration of any of Platt's allegations against the constables accused by him. (iii.) The members of the force accused by him all have excellent records and are of good character. (iv.) The charges made by Platt are not established to our satisfaction.

TABLE II.

TABLE OF RETURNS SUPPLIED BY THE POLICE.

RETURNS put in by *Sir E. R. Henry* at first sitting to take evidence and referred to by him as A, B, C, D, E, F.

As to Solicitation

See Evidence pp. 3, 13.

1. (A) Duties of certain constables of C and D divisions during the six months ended 30th April, 1906, and number of prostitutes arrested by them.

See *Ibid.*

2. (B) Number of prostitutes apprehended by officers of C and D divisions during the six months ended 30th April, 1906 (2 and 3 Vict., c. 47, ss. 54 (11) and 64, 5 Geo. IV., c. 83, s. 3.)

See Evidence, pp. 4, 13

3. (C) Number, etc., of prostitutes charged at each station under s. 3 of Vagrancy Act, 1824, or s. 54 (11) of Police Act; and of females charged with gross indecency, etc., during the three years, 1903, 1904, and 1905; and the result of the charges.

As to Drunkenness.

See Evidence, p. 7.

4. (D) Number of persons charged with drunkenness and drunken and disorderly conduct; the result of the charges; number of cases in which a doctor attended; and number of such charges refused during the year 1905.

General.

See Evidence, pp. 8, 13.

5. (E) The Bail Order, dated 16th June, 1906. (NOTE.—Extract from General Orders, 1899, and Memoranda *re* Bail were subsequently also put in.)

As to Disorder.

See Evidence, p. 9.

6. (F) Number of persons apprehended for disorderly conduct (s. 54 (12) and (13) and s. 64 of Police Act, etc.) during each month of 1905.

OTHER RETURNS.

General.

See Evidence, p. 16.

7. Number of apprehensions—with results—for prostitution (1); drunkenness or drunken and disorderly conduct (2); and disorderly conduct (3) during the years 1883 to 1905.

As to Solicitation.

See Evidence, p. 13.

8. Number of women apprehended by officers of C and D divisions at Regent Street, Piccadilly, and Coventry Street, during the six months ending 30th April, 1906, for solicitation or for indecent behaviour (s. 54 (11) and Vagrancy Act, s. 3).

9. Number and nationality (1) of women charged at stations of A division under Parks Regulation Act, 1872, and result of the charges; (2) of women charged at stations of H and K divisions under s. 54 (13) and result of charges, during the years 1903, 1904, and 1905.

10. Number and nationality of persons charged under s. 1 (a) of the Vagrancy Act, 1898—with the results—during the years 1903, 1904, and 1905.

11. Number and nationality of persons charged under s. 1 (b) of the Vagrancy Act, 1898—with the results—during the years 1903, 1904, and 1905.

12. Number and nationality of persons charged with brothel keeping—with the results—during the years 1903, 1904, and 1905.

As to Bribery and Corruption.

NOTE.—The following Returns down to and including 20 are marked "Not for publication—strictly confidential." See Evidence, pp. 109, 110.

13. Comp'aints against members of the Force for demanding or accepting money or drink from bookmakers during the 10 years ended 30th June, 1906.

14. The like complaints by Superior Officers.

15. Complaints against members of the Force for dema ding or accepting money or drink from prost tutes or brothel-keepers during the 10 years ended 30th June, 1906.

16. The like complaints by Super'or Officers.

17. Complaints against members of the Force for having demanded or accepted money or drink from licensed victuallers during the 10 years ended 30th June, 1906.

18. The like complaints by Superior Officers.

19. Complaints against members of the Force for demanding or accepting money or drink from restaurant keepers, etc., during the 10 years ended 30th June, 1906.

20. The like complaints by superior officers.

As to Charges Refused, Not Justified, Improperly Brought, Etc.

21. Charges (a) by police, (b) by private persons refused at stations during the years 1904, 1905, and the six months ended 30th June, 1906. See Evidence pp. 541, 1238

22. Apprehensions by the police in each year 1903, 1904, 1905; and cases in which officers were proceeded against in respect of such arrests or in which, after inquiry, such arrests were found not justified. (Printed by order of House of Commons.)

23. Cases where, after inquiry, persons appear to have been improperly charged by police and in which officers were dealt with during the years 1903, 1904, and 1905. (NOTE to Return 23.—All the cases in C division were taken at Vine Street.) See Evidence, pp. 1231 1233.

24. Cases in which proceedings were taken against members of the Metropolitan Police Force in respect of arrests made during the year 1906, where, after inquiry, the arrests appear not to have been justified by the facts. (NOTE to Return 24.—Particulars of the cases are given in Appendix A and Appendix B to this Return.)

As to Injuries to Police.

25. Police injured in execution of duty during the years 1903, 1904, 1905, and six months ended 30th June, 1906.

As to Street Betting.

26. Fines for street betting during each of the 10 years ended 31st December, 1905.

NOTE.—A return was also handed in as to arrests of women by P.C. Cole 81 C in connection with Mrs X's case. See Evidence, p. 541.

RETURN 7.

RETURN showing the Number of Apprehensions, with results, for Prostitution, Drunkenness or Drunken and Disorderly Conduct, and Disorderly Conduct only, during the Years 1883 to 1905.

Year.	Prostitution.				Drunkenness or Drunken and Disorderly Conduct.				Disorderly Conduct.				Remarks.
	Apprehended.	Convicted.	Discharged.	Absconded or died while under remand	Apprehended.	Convicted.	Discharged.	Absconded or died while under remand	Apprehended.	Convicted.	Discharged.	Absconded or died while under remand	
1883	4,256	3,738	518	—	26,545	19,002	7,543	—	4,881	3,246	1,635	—	
1884	5,580	4,776	804	—	25,137	18,167	6,970	—	4,473	2,994	1,479	—	
1885	5,238	4,419	819	—	22,568	16,506	6,062	—	4,271	2,901	1,370	—	
1886	5,076	4,209	867	—	24,620	18,578	6,042	—	3,910	2,728	1,182	—	
1887	*3,054	2,448	606	—	20,658	14,886	5,772	—	3,572	2,450	1,122	—	
1888	2,306	1,850	456	—	23,638	17,065	6,573	—	4,424	3,073	1,351	—	
1889	2,923	2,445	478	—	27,358	20,365	6,993	—	5,328	3,675	1,653	—	
1890	3,168	2,684	484	—	31,310	23,212	8,098	—	5,714	3,960	1,754	—	
1891	3,074	2,625	449	—	30,567	22,549	8,018	—	5,834	4,037	1,797	—	
1892	2,795	2,447	348	—	30,657	22,529	8,128	—	6,473	4,573	1,900	—	
1893	†738	573	165	—	32,737	24,747	7,990	—	5,659	‡2,830	‡2,829	—	
1894	903	746	157	—	34,658	26,286	8,371	1	6,864	3,257	3,607	—	
1895	629	498	131	—	34,605	26,083	8,522	—	7,519	3,995	3,524	—	

1896	626	523	103	—	39,427	29,303	10,109	15	7,563	3,684	3,879	—
1897	1,167	968	197	2	46,899	36,176	10,713	10	8,217	4,363	3,853	1
1898	1,519	1,326	193	—	54,476	43,039	11,423	14	10,063	5,838	4,225	—
1899	1,636	1,436	198	2	56,066	45,421	10,633	12	9,216	5,341	3,875	—
1900	1,804	1,542	262	—	50,667	42,189	8,471	7	7,476	4,303	3,169	4
1901	2,409	2,135	274	—	49,685	41,657	8,019	9	7,464	4,606	2,857	1
1902	2,949	2,720	227	2	50,813	43,298	7,505	10	7,588	4,790	2,796	2
1903	3,153	2,907	245	1	59,714	52,958	6,748	8	9,947	6,566	3,377	4
1904	3,625	3,349	272	4	60,899	54,544	6,350	5	11,094	7,638	3,454	2
1905	4,026	3,772	252	2	59,189	53,905	5,276	8	11,375	8,078	3,294	3
Total	62,654	54,136	8,505	13	892,893	712,465	180,329	99	158,925	98,926	59,982	17

* The fall in numbers results from the alteration in procedure subsequent to the Cass case.

† Previous to 1893 charges against prostitutes for drunken and disorderly conduct were included under this heading.

‡ Previous to 1893 persons bound over to keep the peace were regarded as convicted; since that year the large number bailed under the provisions of 34 Edward III., c. i., or the Magistrates' Commission of the Peace, are shown as discharged.

Metropolitan Police Office, New Scotland Yard,
19th July, 1906

T. Moore, Superintendent.

RETURN 21.

RETURN giving particulars with respect to Charges (*a*) preferred by Police (*b*) preferred by Private Persons, refused at Police Stations within the Metropolitan Police District during the years 1904, 1905, and the six months ended 30th June, 1906.

Division.	No. of Charges Refused when Preferred by Police.												No. of Charges Refused when Preferred by Private Persons.												Remarks.
	Prostitution.	Drunkenness against		Drunken and Disorderly Conduct against		Disorderly Conduct against		Assaults of any kind against		For all other Offences against		Total.		Prostitution.	Drunkenness against		Drunken and Disorderly Conduct against		Disorderly Conduct against		Assaults of any kind against		For all other Offences against		Total.		
		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	
1904																											
A.	–	4	–	–	–	3	3	–	–	31	3	38	6	–	–	–	–	–	–	–	28	8	44	16	72	24	
B.	–	7	–	2	–	5	–	1	–	43	5	58	5	–	–	–	–	–	1	–	45	14	72	18	118	32	
C.	–	6	–	–	–	2	1	–		37	–	45	1	–	–	–	–	–	–	–	30	3	91	17	121	20	
D.	1	8	2	1	–	8	2	–	–	92	3	109	8	–	–	–	–	–	–	–	70	13	158	74	228	87	
E.	–	4	–	–	–	–	–	–	–	86	10	90	10	–	–	–	1	–	–	–	40	10	110	35	151	45	
F.	–	4	–	–	1	1	–	–	–	29	2	34	3	–	–	–	–	–	–	–	26	4	32	18	58	22	
G.	–	7	2	3	1	15	1	–	–	124	12	149	16	–	–	–		–	2	–	130	36	211	68	343	104	
H.	–	2	–	2	1	3	–	–	–	86	11	93	12	1	–	–	–	–	–		150	24	325	57	475	82	
J.	–	3	–	1	2	3	3	2	–	102	3	111	8	–	–	–	–	–	–	–	75	16	220	40	295	56	
K.	–	10	–	3	–	11	7	3	–	245	13	272	20	–	–	–	–	–	–	–	155	33	382	77	537	110	
L.	–	4	1	2	–	3	–	–	–	96	6	105	7	–	–	–	–	–	–	–	95	11	127	44	222	55	
M.	–	6	–	3	1	7	1	1	–	49	2	66	4	–	–	–	–	–	–	–	71	8	106	34	177	42	
N.	–	5	1	1	1	6	1	–	–	90	10	102	13	–	1	–	–	–	–	–	79	22	173	30	253	52	
P.	–	1	1	–	1	1	–	–	–	47	3	49	5	–	–	–	–	–	1	–	29	4	98	15	128	19	
R.	–	2	–	1	1	1	–	5	1	84	3	93	5	–	–	–	–	–	–	–	27	9	92	16	119	25	

S.		2	1	–	–	4	2	4	–	76	6	86	9	–	–		–	–	–	–	43	3	119	19	162	22
T.		2	1	1	–	5	–	–	–	95	5	103	6	2	–	–	–	–			82	17	164	42	246	61
V.	–	–	–	1	–	1	–	2	–	79	4	83	4	1	–	–	–	–	2	–	43	3	150	13	195	17
W.	2	4	1		–	2	–	–	–	80	3	86	6	–	–	–	–	–	–	–	52	9	136	28	188	37
X.	–	5	1	–	–	4	–	–	–	88	16	97	17	–	–	–	–	–	–		81	16	149	49	230	65
Y.	–	1	1	–	–	2	3	–	–	87	9	90	13	–	–	–	–	–	–	–	88	21	180	45	268	66
TA.	–	–	–	–	–	–	–	–	–	23	–	23	–	–	–	–	–	–	–	–	1	–	5	–	6	–
Total	3	87	12	21	9	87	24	18	1	1,769	129	1,982	178	4	1	–	1	–	6	–	1,440	284	3,144	755	4,592	1,043

1905.

A.	–	–			–	1	–	–	–	30	3	31	3	–	–	–	–	–	–	–	25	1	39	12	64	13
B.		5	1		–	5	–	1	–	41	4	52	5	–	–	–	–	–	–	–	43	11	86	30	129	41
C.	–	5		1	–	1	3	–	–	25	3	32	6	–	–	–	–	–	–	–	25	5	74	13	99	18
D.	–	3	–	1	–	8	1	1	–	91	2	104	3	1	–	–	–	–	–	–	69	19	139	57	208	77
E.	–	3	1	1	1	1	–	3	–	63	8	71	10	–	–	–	–	–	1	–	42	13	116	28	159	41
F.	–	2	–	2	–	–	–	–	–	31	3	35	3	–	–	–	–	–	–	–	17	3	34	17	51	20
G.		5	5	3	2	13	8	1	–	104	8	126	23	1	–	–	–	–	1	–	126	28	173	59	300	88
H.	–	2	1	4	1	5	1	–	–	107	10	118	13	–	–	–	–	–	–	–	139	31	371	89	510	120
J.	–	4	2	–	–	9	2	–		103	3	116	7	1	–	–	–	–	–	–	74	11	209	34	283	46
K.	3	4	1	1	–	13	1	2	–	214	15	234	20	2	–	–	–	–	–	–	135	26	418	85	553	113
L.	–	10	3	2	–	6	–	1	–	83	4	102	7	–	–	–	–	–	–	–	80	21	136	61	216	82
M.	–	1	1	1	–	3	2	–	–	55	4	60	7	1	–	1	–	–	–	–	48	12	118	35	166	49
N.	–	2	–	2	1	2	4	–	–	101	6	107	11	–	–	–	–	–	–	1	56	5	164	31	220	37
P.	–	1	–	–	–	–	–	–	–	41	8	42	8	2	–	–	–	–	–	–	28	3	95	10	123	15
R.	–	7	–	2	–	1	1	3	–	113	7	126	8	–	–	–	–	–	–	–	50	3	146	19	196	22
Carried forward	3	54	15	20	5	68	23	12	–	1,202	88	1,356	134	8	–	1	–	–	2	1	957	192	2,318	580	1,277	782

RETURN 21—(*continued*).

Division.	No. of Charges Refused when Preferred by Police.													No. of Charges Refused when Preferred by Private Persons.												Remarks.
	Prostitution.	Drunkenness against		Drunken and Disorderly Conduct against		Disorderly Conduct against		Assaults of any kind against		For all other Offences against		Total.		Prostitution.	Drunkenness against		Drunken and Disorderly Conduct against		Disorderly Conduct against		Assaults of any kind against		For all other Offences against		Total.	
		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	
1905—(*continued*).																										
Brought forward	3	54	15	20	5	68	23	12	–	1,202	88	1,356	134	8	–	1	–	–	2	1	957	192	2,215	580	2,277	782	
S	–	5	–	1	–	–	1	4	–	78	5	88	6	1	–	–	–	–	–	–	31	3	105	25	136	29	
T.	–	5	–	1	–	3	1	1	–	95	6	105	7	–	–	–	–	–	1	–	79	10	174	44	254	54	
V.	–	1	1	1	1	2	–	–	–	79	4	83	6	–	–	–	–	–	–	–	51	6	141	20	192	26	
W.	–	6	1	–	–	–	1	–	–	87	11	93	13	1	–	–	–	–	1	–	53	13	151	25	205	39	
X.	–	5	–	–	–	1	–	–	–	98	7	104	7	–	–	–	–	–	–	–	99	13	156	47	255	60	
Y.	–	6	–	1	1	1	–	2	–	92	8	102	9	–	–	–	–	–	–	–	93	13	184	48	277	61	
TA.	–	–	–	–	–	–	–	–	–	25	–	25	–	–	–	–	–	–	–	–	–	1	12	–	12	1	
Total	3	82	17	24	7	75	26	19	–	1,756	129	1,956	182	10	–	1	–	–	4	1	1,363	251	3,241	789	4,608	1,052	
Six Months Ended 30th June, 1906.																										
A.	–	–	–	–	–	1	3	–	–	15	5	16	8	–	–	–	–	–	–	–	10	1	9	7	19	8	
B.	–	–	–	1	–	–	–	–	–	22	–	23	–	–	–	–	–	–	–		23	4	48	18	71	22	
C.	–	1	–	–	–	–	–	–	–	10	1	11	1	–	–	–	–	–	–	–	15	2	30	5	45	7	
D.	–	1	–	–	–	8	3	–	–	41	5	50	8	–	–	–	–	–	1	–	22	5	61	30	84	35	

E.	–	1	–	–	–	–	–	–	–	40	8	41	8	–	–	–	–	–	–	–	18	5	68	16	86	21
F.	–	4	–	–	1	–		–	–	13	–	17	1	–	–	–	–	–	–	–	5	–	25	11	30	11
G.	–	3	–	2	–	5	–	–	–	67	3	77	3	–	–	–	–	–	–	–	53	8	88	32	141	40
H.	–	1	–	1	1	3	2	–	–	60	4	65	7	–	–	–	–	–	–	–	66	13	198	45	264	58
J.	–	2	1	1	1	2	–	1	–	63	7	69	9	–	–	–	–	–	–	–	24	8	112	18	136	26
K.	–	1	–	–	–	4	–	2	–	107	8	114	8	–	–	–	–	–	–	–	74	8	156	34	230	42
L.	–	8	–	2	–	–	–	1	–	57	5	68	5	–	–	–	–	–	–	–	36	4	61	19	97	23
M.	–	–	–	–	–	–	–	2	–	15	–	17	–	–	–	–	–	–	–	–	29	6	40	7	69	13
N.	–	2	–	–	–	–	–	1	–	48	1	51	1	–	–	–	–	–	–	–	16	–	71	12	87	12
P.	–	1	–	–	–	1	1	–	–	31	–	33	1	–	–	–	–	–	–	–	14	–	42	4	56	4
R.	–	1	–	–	–	–	–	–	–	52	1	53	1	–	–	–	–	–	–	–	7	2	57	9	64	11
S.	–	3	–	1	–	1	1	–	–	34	2	39	3	–	–	–	–	–	–	–	17	3	48	6	65	9
T.	–	5	–	–	–	2	2	–	–	55	2	62	4	–	–	–	–	–	–	–	44	3	78	16	122	19
V.	–	–	–	1	–	–	–	–	–	59	5	60	5	–	–	–	–	–	–	–	14	2	64	21	78	23
W.	–	2	–	–	–	–	–	–	–	47	4	49	4	–	–	–	–	–	–	–	22	3	80	14	102	17
X.	–	2	1	1	–	4	2	–	–	42	3	49	6	–	–	–	–	–	–	–	40	7	72	19	112	26
Y.	–	2	–	1	–	1	–	–	–	47	1	51	1	1	–	–	–	–	–	–	44	9	70	22	114	32
TA.	–	–	–	–	–	–	–	–	–	12	–	12	–	–	–	–	1	–	–	–	–	–	4	–	5	–
Total	–	40	2	11	3	32	14	7	–	937	65	1,027	84	1	–	–	1	–	1	–	593	93	1,482	365	2,077	459

I certify this return to be correct,

T. MOORE,

Superintendent Executive Branch.

New Scotland Yard

17th October, 1906.

RETURN 22.

RETURN of the Number of Apprehensions by the Metropolitan Police Force in each of the Years 1903, 1904, 1905, and of the number of Cases in which proceedings were taken against Members of the Force in respect of such Arrests, or in which, after inquiry, they were found not to have been justified by the facts (being the RETURN to an Address to the House of Commons, dated 15th May, 1906).

Year. (1)	Number of Persons Apprehended and Dealt with by Magistrates. (2)	Number of Cases in which Legal Proceedings were taken against Members of the Force in respect of such Arrests. (3)	Number of Cases in which after Inquiry (of a Disciplinary Nature by Superior Officers) the Arrests were found not to have been justified by the facts. (4)
1903	124,554	5	20
1904	126,530	3	34
1905	127,317	4	24
Total	378,401	12	78

Five cases included in column (3) are also included in column (4).

NOTES.—In addition to the numbers in column (2), 836 persons were apprehended during 1903, 1,075 during 1904, and 1,193 during 1905 for various minor offences and liberated on bail by police to appear at Court, but failed to attend at the hearing of the case.

The results of the proceedings in the 12 cases in column (3) were as follows:—

No. of Cases.	Results of Proceedings.
3	Charge dismissed.
2	Charge dismissed with costs against complainant.
1	Complainant failed to appear, the constable having apologised.
1	Case settled by plaintiff paying costs.
1	Jury stopped the case, plaintiff to pay costs.
1	Plaintiff awarded ¼d. damages, each side to pay own costs.
1	Constable ordered by magistrate to pay 21s. towards costs. In subsequent County Court proceedings the constable was ordered to pay 1s. damages, but without costs.
1	Plaintiff awarded £20 damages and costs. The County Court held that the constable was justified in using his truncheon, but used it more than was necessary.
1	Constable fined 40s. or one month's imprisonment.

In 67 of the 78 cases included in column (4), the charge made by the constable against the person arrested was refused at the police station.

E. R. HENRY,
Commissioner of Police of the Metropolis.

New Scotland Yard,
13th June, 1906.

RETURN 26.

RETURN showing the Amount of Fines imposed upon Bookmakers for Betting in Streets situated within the Metropolitan Police District, during each of the ten years ended 31st December, 1905.

Police Division.	1896.	1897.	1898.	1899.	1900.	1901.	1902.	1903.	1904.	1905.	Remarks.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
A	15 0 0	27 5 0	5 0 0	18 0 0	80 0 0	92 17 6	60 0 0	141 10 6	467 4 0	221 0 0	
B	228 15 0	205 15 0	165 10 0	42 10 0	341 5 0	522 14 0	607 5 0	892 12 0	1,020 0 0	1,687 10 0	
C	22 10 0	58 10 0	369 0 0	500 0 0	699 0 0	582 0 0	549 0 0	1,027 0 0	1,641 0 0	1,872 0 0	
D	73 0 0	233 0 0	522 0 0	370 1 0	740 12 0	865 12 0	1,112 0 0	934 0 0	1,709 19 0	1,540 2 0	
E	82 10 0	248 12 0	208 0 0	296 5 0	362 0 0	571 10 0	746 1 0	896 0 0	950 10 0	1,688 0 0	
F	134 5 0	143 10 0	148 10 0	95 0 0	259 0 0	175 6 0	992 14 0	771 5 0	1,051 0 0	1,252 10 0	
G	80 0 0	312 0 0	496 0 0	409 13 0	535 0 0	713 5 0	641 10 0	772 0 0	1,552 0 0	1,378 0 0	
H	110 10 0	75 0 0	168 18 6	87 14 0	145 2 0	429 19 6	786 10 0	535 0 0	946 0 0	888 0 0	
J	129 15 0	159 10 0	124 5 0	89 0 0	49 10 0	105 0 0	189 5 0	223 4 0	379 5 0	507 18 0	
K	168 10 0	464 10 0	1,126 13 6	355 0 0	739 0 6	2,004 11 0	2,694 19 0	2,539 1 0	3,738 14 0	3,964 1 0	
L	264 10 0	161 0 0	174 0 0	129 5 0	1,147 15 0	1,219 14 6	1,129 17 0	1,589 11 0	1,465 10 0	1,451 18 0	
M	105 0 0	358 0 0	382 0 0	354 0 0	388 0 0	837 0 0	591 0 0	1,013 0 0	1,260 0 0	2,252 18 0	
N	10 0 0	67 12 6	121 0 0	170 5 0	168 10 0	226 10 0	442 0 0	672 0 0	1,103 8 0	1,059 0 0	
P	163 0 0	153 0 0	135 6 0	146 16 0	251 18 0	283 7 6	537 10 0	938 0 0	925 2 6	896 0 0	
R	65 0 0	35 0 0	136 14 0	188 15 0	238 17 0	633 18 0	1,864 10 0	961 12 0	897 0 0	504 0 0	
S	26 0 0	52 2 0	90 10 0	77 15 0	299 17 6	278 0 0	165 0 0	620 10 0	565 10 0	1,081 5 0	
T	86 10 0	78 2 0	107 10 0	144 16 6	168 6 0	355 10 0	520 13 6	1,105 16 0	855 5 0	851 0 0	
V	108 0 0	76 0 0	159 17 6	168 10 0	285 10 0	494 2 6	653 19 0	504 9 0	1,001 12 6	1,166 6 0	
W	15 0 0	40 0 0	150 0 0	257 0 0	316 0 0	1,157 5 6	1,280 0 0	1,312 15 0	1,904 15 0	1,491 15 0	
X	26 0 0	102 5 0	158 0 0	125 0 0	248 10 0	201 0 0	193 0 0	824 0 0	1,429 0 0	2,050 0 0	
Y	186 3 0	287 0 0	391 3 0	331 0 0	672 8 0	572 0 0	591 9 6	827 0 0	1,552 8 0	1,902 16 0	
TA	—	—	—	—	—	10 15 0	10 10 0	25 0 0	60 0 0	10 0 0	
TOTAL	2,099 18 0	3,337 13 6	5,339 17 6	4,356 5 6	8,136 1 0	12,331 18 0	16,358 13 0	19,125 5 6	26,475 3 0	29,715 19 0	

Total for 10 years - - - - - - £127,276 14s. 0d.

New Scotland Yard,
16th October, 1906.

I certify this return to be correct.
T. MOORE,
Superintendent,
Executive Branch.

MEMORANDUM AS TO THE EVIDENCE OF MR. ——— ONE OF THE METROPOLITAN POLICE MAGISTRATES.

The Commission have the honour to invite Mr. ——— to give evidence relevant to the inquiry which they are making under the warrant appointing them dated the 28th May, 1906.

They beg leave to state that the terms of reference in that warrant are as follows:—

"To inquire into and report upon the duties of the Metropolitan Police in dealing with cases of drunkenness, disorder, and solicitation in the streets, and the manner in which those duties are discharged, with power to make recommendations thereon."

The Commission request Mr. ———

(*a*) To state what, in his opinion, are the duties of constables in the metropolis in regard to the three above-mentioned classes of cases?

(*b*) Whether, in his opinion, those duties are discharged as a rule with discretion, honesty, and efficiency?

(*c*) To state the recent instances (if any) of misconduct on the part of constables which have come under his notice.

(*d*) To make such comments and criticisms on and such recommendations as to the organisation and work of the Metropolitan Police Force as to the above-mentioned classes of cases as may, in his opinion, assist the Commission in making its Report.

In making this request the Commission beg leave to say that they do not wish to press Mr. ——— to reply in public to any questions the answer to which, or any expression of opinion upon which, publicly made might be detrimental to the public service; but they will be obliged if he will communicate the answers to such questions (if any) to the Commission privately.

For Mr. ———'s assistance the Commission beg leave to call his attention to the following matters upon some or all of which members of the Commission may ask questions:—

I.—Rules and regulations framed for the guidance of the police and issued to constables in the instruction book.

Suggestions for their amendment.

Does he recommend their being made more specific?

II.—Arrest.

Method of effecting arrest.

Taking prisoner to station.

Use of truncheon.

Treatment of prisoner in charge-room and at station.

Have any prisoners recently complained to witness that they have been treated by constables irregularly or with undue violence?

Were any of such complaints, in witness's judgment, well founded?

Has witness any reason for believing that constables use their powers of arrest unjustly or unnecessarily?

Do they summarily arrest persons whose names and addresses are known or might be easily ascertained, and against whom proceedings by summons would be equally efficacious?

Has witness recently tried any cases of alleged assault by constables?

If so, give instances, and state the result in each case.

III.—The charge-room.

Maintenance of order in the charge-room.

Duties of Inspector in command of the charge-room.

Duties of Inspector as to taking or refusing a charge.

Are the regulations as to taking or refusing a charge satisfactory?

Treatment of prisoner in charge-room.

When should he be placed in the dock?

Do Inspectors as a rule exercise a sound discretion in taking or refusing charges?

Does the judgment of the witness in favour of the defendant usually imply or involve an error of judgment or blameworthy conduct on the part of the officer taking the charge?

Does witness recollect any cases in which the Inspector was clearly guilty of wrong or negligent conduct in taking a charge?

If so, give instances.

Does witness's experience lead him to believe that Inspectors are, from professional bias or habit or other causes, unduly prone to take charges that a magistrate or other competent unbiassed person not connected with the police force would, if he were in command of the charge-room, refuse?

In witness's opinion ought the proceedings in the charge-room to be regarded simply as, firstly, a disciplinary check on the action of the constable preferring the charge; and, secondly, as a means of securing the attendance of the person arrested at the police court by making arrangements for his due custody or his release on bail; or should they be regarded as also involving a preliminary investigation into the guilt of the prisoner?

Having regard to the damage to reputation sometimes sustained by innocent persons in consequence of their being publicly put upon their trial for these street offences, is witness of opinion that some reform is desirable in the regulations as to taking and refusing charges?

Witness is respectfully requested to consider whether the question of taking or refusing the charge might in doubtful cases be postponed for further inquiry, and the prisoner in the first instance released upon giving sufficient bail for his appearance at the police station if called for at a later time for the further consideration of the question whether the charge should be taken.

Witness is also requested to consider whether it would be expedient to cast the duty of taking or refusing a charge upon public servants not members of the police force and not appointed by the Chief Commissioner or other police authority.

IV.—The cells.

Taking of prisoner to cells.

Treatment in cells.

V.—Bail.

Are the regulations as to taking bail at police stations satisfactory?

Do prisoners complain that the facilities for obtaining bail are insufficient?

Do they complain that their sureties are kept waiting for too long a time?

To what, if any, extent are such complaints well founded?

VI.—Medical attendance on prisoners.

Are the regulations as to medical assistance satisfactory?

Have any cases recently come under the notice of witness in which there has been an improper neglect to summon medical assistance?

In cases of alleged drunkenness what is the practice of the Court when witness is presiding as to the reception of medical certificates as to the prisoners' condition when charged?

VII.—Under what statutory provisions are cases of drunkenness, disorder, and solicitation in the streets dealt with?

N.B.—The attention of the Commission has been drawn by Sir E. Henry, Chief Commissioner, to the following provisions:—

(*a*) As to drunkenness:—
Police Act, 1839, s. 58.
Licensing Act, 1872, s. 4, s. 12.
Licensing Act, 1902, s. 1, s. 2.

(*b*) As to disorder:—
Police Act, 1829, s. 7.
Police Act, 1839, s. 64, s. 54 (12) and (13), s. 63.

(*c*) As to solicitation:—
Police Act, 1839, s. 54 (11), (12), (13), s. 64.
Vagrancy Act, 1824, ss. 3 and 4.

VIII.—Application of the statutory provisions.

Does witness experience any special difficulty in the application of the statutory provisions to individual cases?

If so, explain the difficulty, and state to what extent, if any, such difficulty is due to the wording of these provisions.

Judging from witness's experience, are the regulations made for the guidance of or the instructions given to constables as to the exercise of their powers of arrest in the three classes of cases above mentioned sufficiently clear?

In solicitation cases what evidence does witness usually require from the prosecutor as *prima-facie* evidence—

(*a*) That the defendant is a common prostitute or night-walker?

(*b*) Loitering or being in a thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers?

Does witness usually require the evidence of a person solicited or annoyed, in addition to that of the prosecuting constable?

In cases where the defendant is charged under the Police Act, s. 54 (13), what evidence does witness accept as sufficient to make out a *prima-facie* case of "insulting words or behaviour?"

Does witness accept mere solicitation by the defendant as some evidence of "insulting behaviour" within the meaning of the section?

What view has witness formed as to the conduct of constables and superior officers in dealing with cases of

(*a*) Drunkenness, and

(*b*) Solicitation?

Has drunkenness in the streets diminished during recent years?

Is the number of charges dealt with by witness decreasing?

Has the action of the police in recent years tended to diminish solicitation in the streets or the number of prostitutes frequenting the streets?

Generally, has the action of the police in regard to the suppression of disorderly houses upon the condition of the streets?

Generally, has the action of the police in that regard and in regard to solicitation tended to the improvement of morals in the Metropolis?

Has witness any recommendations to make as to the conduct of the police in regard to cases of drunkenness and solicitation?

Solicitation of women by men:—

Under what statutory provisions or common law rules does witness deal with charges made by women of solicitation or molestation by men?

Are such charges frequent?

Has witness reason to believe that the powers of the police are insufficient to protect women in the streets from molestation by men?

IX.—Alleged bribery of and blackmailing by constables.

Have any defendants recently complained of being blackmailed by constables, or have any cases of acceptance of bribes by constables come under witness's notice?

If so, give instances.

Has witness any ground for believing that the bribery of constables by prostitutes or street bookmakers is common or widespread?

X.—Duties of constables as to prosecuting charges.

Are prosecutions usually conducted in a satisfactory manner?

Ought the constable preferring the charge to be more frequently represented by counsel or solicitor?

Does witness ever require the evidence of persons other than members of the police force before convicting?

XI.—How does witness deal with complaints made to him by defendants or by members of the public of misconduct on the part of constables or superior officers?

Is it his practice to communicate with the Home Office or the Chief Commissioner as to any such complaints?

Does witness ever of his own motion, as the result of facts coming to his knowledge, communicate with the Home Office or the Chief Commissioner as to the conduct of constables or superior officers?

If so, has witness any comments or criticisms to make on the action or inaction of the Home Office or the Chief Commissioner in regard to his communications?

Dated the . day of , 1907.

TWELVE SUGGESTIONS SENT IN BY MR. TIMEWELL, SECRETARY OF THE POLICE AND PUBLIC VIGILANCE ASSOCIATION.

1. The *first* suggestion is that the Metropolitan Police Force should be placed under the control of the direct representatives of the electors in the Metropolis who would be more amenable to the wishes of the people than the Home Secretary.

2. The *second* suggestion is that the highest appointments should be open to men of the rank and file, so that, as in the legal, medical, and other professions, the Chief of the Police should be fully equipped for his responsible duties by experience gained in the various grades through which he has passed.

3. The *third* suggestion is that in order to ensure that men of integrity should attain to the most responsible positions, the rank and file should be permitted, in certain cases, at any rate, to communicate directly to the Watch Committee, and, supposing they were under a Watch Committee, assured that, whatever their rank, their communications should receive proper attention. If this were done, for instance, by policemen who found themselves unduly pressed by their officers to make arrests, or who were being trained and encouraged to disregard the sanctity of an oath to get convictions it would probably have the threefold effect of assisting those in authority to select the most worthy men for promotion, and of redressing a police and prisoners' grievance at the same time.

4. The *fourth* suggestion is that the age at which men may join the force should be raised to 25 or 30 years. The public would then have the advantage of more matured men as recruits, and the further advantage of retaining their services up to the age of 50 or 55, while the saving in pensions would be very considerable, and the number of pensioners entering the labour market to compete unfairly with the ordinary workers would be materially reduced. He stated that the total expenditure of the Pension Fund for the year ending March 31st, 1906, amounted to £450,485 19s. 10d.

5. The *fifth* suggestion is that recruiting should cease for a time, and the undesirables should be carefully weeded out until the force should be reduced to a size (say, 10,000 or 12,000) that would compare in relation to the population, etc., with provincial towns. It is undoubtedly a mistake to think of the force as having to control (that is how it is often referred to—that the force has to control so many millions of people) seven millions of people. The overwhelming majority of those people are not only law abiding themselves, but they would be ready to assist in preserving the peace among others. With regard to this fifth suggestion I should like to point out to you the difference in the cost of the Metropolitan Police and the cost of the provincial police, and in order to do that I have added the population of 31 of our largest towns together, which make up a population of something over the population of the Metropolitan Police District. The population of the 31 largest towns in England and Wales was 6,606,310. The population of the Metropolitan Police District was 6,554,449. That is a population greater than the population of the Metropolitan Police District by 51,861. The inhabited houses in the 31 towns were 1,298,264, and in the Metropolitan Police District 924,143, being less by 374,121. The strength of the Metropolitan Police Force in fifteen years was 15,565, and for the 31 large towns 10,144, so that the strength of the police of the 31 towns was smaller by 5,421. The salaries and pay of the Metropolitan Police Force were £1,589,966, and for the 31 towns £904,886, so that the amount of salaries and pay of police of the 31 towns was smaller by £685,080. The gross total cost of the Metropolitan Police was for the same years £2,196,321, and for the 31 towns £1,164,279. That shows that the cost of the police of the 31 towns was smaller by £1,032,042. That is taken from the Police Report (County and Borough) for the year ending the 20 h September, 1906. The figures are taken from this report simply for comparison, they probably having been all prepared in the same way and at the same time.

6. The *sixth* suggestion is that it may be well to consider seriously whether the regulations as to the procuring of refreshments by the police while on duty should not be relaxed, and whether policemen who are found drunk on duty should not be more severely dealt with than at present. I think it impossible to really prohibit drinking. It would seem, therefore, to be the wiser course to remove the cause, or one of the causes, of secret drinking which appears to make many policemen servants of publicans and a very real danger to the public. I think if the foregoing suggestions were carried into effect the great bulk of wilful and careless mistakes would be prevented, and if the following suggestions were acted upon many other unavoidable mistakes would doubtless be discovered, and much needless suffering and humiliation would be avoided.

7. The *seventh* suggestion is that persons on being charged at a police station should be immediately handed over to the care of a neutral person not connected with the force, who should be responsible, say, to the Magistrate, for the safe keeping of accused persons, and for the production of the charge sheet, together with a written and signed account of anything the person or the police may say when the charge is taken. This latter would obviate any dispute as to what was actually said at a time when the prisoner is usually without witnesses. The person having charge of prisoners awaiting trial should be empowered to accept bail of one or more persons (I say one or more, because in very poor districts £10 bail from one person may make it impossible for him to get bail at all; whereas if they will take two persons or three persons for a smaller amount they would get it) in suitable cases at a uniform rate, according to the offence with which the prisoners are charged, and as far as possible to arrange for their attendance before the Magistrate at a time when their work would be the least interfered with. At the trial he or an assistant should make any inquiries the Magistrate may require. If a Magistrate wants to verify any statement, either a statement made by the police or by an accused person, I do not think a member of the Police Force is a proper person to send to make those inquiries. Therefore it seems to me that the fairest way would be for the Magistrate to have a certain number of, you might call them police court officials, if you like, to make such inquiries, so that they would be perfectly sure that those inquiries were made fairly.

8. The *eighth* suggestion is that police courts should be really open to the public, so that anyone desiring to hear a case tried, or, say, wishing to give evidence on behalf of a stranger, should have an opportunity of doing so. I think if the people who wanted to give evidence could enter the police court anywhere, say, in a public gallery or in a public place, and a case was brought before the Magistrate which they recognised—they might know a man by name, or know something about it, because they had perhaps seen the arrest the previous night—they would be able to say, "I will go and give evidence on behalf of that man." At the present time it appears to me there is no possibility of getting into a police court.

9. The *ninth* recommendation is that all evidence should be given on oath or affirmation, including evidence of previous convictions, which should be given at the proper time, so as not to embarrass persons with a bad record who might be innocent of the charge on which they are at that time before the court.

10. The *tenth* recommendation is that it should be made less difficult to obtain process against policemen who wilfully commit perjury. No one would desire

that they should be recklessly proceeded against, but there ought to be some limit to a Magistrate's discretion which should preclude him from saying, in effect, "If you lay before me the sworn information of six reliable witnesses I shall refuse to allow the police to be tried."

11. The *eleventh* recommendation is that in cases where official legal assistance is required for the police it would be well for a representative of the Chief Commissioner to personally interview the officers concerned before engaging a solicitor. I mean it should not be left to the local police to decide whether a certain constable should be defended or not.

12. Recommendation *twelve* is with regard to medical men. It may well be worth considering whether it would not be in the interests of all parties concerned to have a number of medical men on the books at each police station who would be willing to visit accused persons at stated fees instead of limiting the work to the divisional police as at present.

NOTE.—These recommendations were made by Mr. Timewell on behalf of the Police and Public Vigilance Society, excepting numbers 6 and 7, which were made by Mr. Timewell in his own name.

EXTRACTS FROM EVIDENCE TAKEN BEFORE THE SELECT COMMITTEE OF 1834.

The following are the extracts from the evidence given before the Select Committee referred to in our report.

(Evidence of Lieutenant-Colonel Rowan and Mr. Richard Mayne.)

Q. 1.—(To Colonel Rowan.) Are you one of the Commissioners that have been appointed to carry into execution the Metropolitan Police Act which passed in 1829?—(A.) I am.

Q. 2.—(To Mr. Mayne.) Are you the other Commissioner?—(A.) I am.

Q. 3.—Under what authority were you appointed to that situation?—(A.) Under sign manual.

Q. 4.—When was the Police first established?—(Colonel Rowan.) In September, 1829, but not all at once; being deemed an experiment, it was thought necessary to enter upon it by degrees, and therefore the district was taken charge of by the police in parts at three different periods, viz., in September, 1829, in February, 1830, and in May following.

Q. 5.—To what extent was it established in 1829?—(A.) Less than one-third; six of the seventeen divisions were established in September, 1829.

Q. 6.—When did the first increase for that establishment take place?—(A.) In February following.

Q. 7.—What was the addition made to the districts over which the police then watched?—(A.) There were seven additional divisions appointed in February, 1830, and the remaining four, making up the seventeen, in the following May.

Q. 8.—Then in May the whole district was completed?—(A.) It was.

Q. 9.—So that from May, 1830, the whole of the Police Force, as it now stands, has been in actual operation?—(A.) Yes, it has been added to since that in a trifling degree in numbers.

Q. 10.—What is the strength of the Police Establishment?—(A.) I will state the strength as it stood upon the completion in May, 1830, and also what it is at present. In May, 1830, after the completion, it stood: 17 superintendents, 68 inspectors, 318 sergeants, and 2,892 police constables. It now stands: 17 superintendents, 70 inspectors (being an increase of two), 342 sergeants (being an increase of twenty-four sergeants), and 2,968 police constables (being an increase of 76 police constables), which were added from time to time by the authority of the Secretary of State.

Q. 11.—The districts remain the same?—(A.) The divisions remain nearly the same, and there is no increase of district.

Q. 12.—What was the gross in 1830, and what is the gross now?—(A.) 3,259 in 1830, and at present 3,397.

Q. 13.—Has there been any alteration in the police force since the 30th of March, 1831?—(A.) Yes, there have been occasional small additions.

Q. 14.—So that the total numbers now are greater than they were on the 30th of March, 1831, when the last return was made to Parliament?—(A.) Yes.

Q. 4181.—It has been stated to the Committee that a practice has lately been introduced of suffering an inspector or sergeant, or even an inferior officer, if he be acting in the place of an inspector, to examine witnesses, and take on him the responsibility of discharging persons given into custody; and it is said to be a new practice, and to have led to inconveniences; and an instance of that inconvenience is represented to have occurred in a case connected with the Mint, in which a child of very tender years had had to give evidence; the child was examined by the magistrates, and asked the usual questions as to the child's knowledge of a future state, and then the oath was administered, and the child examined; and upon her evidence the magistrate was going to commit the man for trial; the individual was a dexterous person, and waited very patiently; and as soon as the examination was over the prisoner said, "Your Worship, that child has given you a very different account from what she did when this was tried before the inspector." The magistrate says he was a little astonished, and said, "What do you mean by 'being tried before?'" The mother stepped forward and said, "Your Worship, the whole case has been investigated at the station house; one of the constables came and took the child out of bed at 2 o'clock in the morning out of its sleep, and examined the child, and asked it a great many questions; and other witnesses were examined at a later hour at night at the station house." The magistrate said he was a good deal astonished at that; but the man proved, by cross-examination of the child and other witnesses, that she had given a different account before the mother explained it. The magistrate had no doubt that the correct account was one given when the child came before him; but there was such a variation in the two accounts given by the child, he did not send the man to trial; and he says he sent for the inspector, and pointed out the impropriety of the conduct pursued. The officer stated to the magistrate he had done it as part of his duty, and the magistrates understand from that it is a part of the system. Now this is given before Mr. Broughton. What the Committee wish to know is, if you have a recollection of any such occurrence as that?—(A.) I have got a report here of the proceedings of a case, which we suppose to be the one in question.

Q. 4182.—Does it appear from that report that the transaction was as represented here, and that the officer had been acting contrary to his duty? (Mr. Mayne read the report.)—(A.) On reference I cannot ascertain that a mint case has occurred with such circumstances, but another case, and which I conceive to be the same, from the circumstance of the child having been examined and taken out of "a warm bed," as stated by the Magistrate, was reported to the Secretary of State for the Home Department, and the course pursued by the police was approved of by the Under Secretary of State. I should say that Mr. Broughton has made representations to us on that and other occasions, and we have told him we acted under the direction of the Secretary of State, and, as we conceived, we were bound by law to do.

Q. 4183.—What is the usual practice with reference to the discharge of persons brought to the station-house?—(A.) There is a mistake made by some of the Magistrates by not attending to the distinction between discharging a case after it has been received and not taking a charge. I think the case is not a regular charge until the person who makes the charge has signed the charge in the charge-book or in the charge-sheet, which goes before the Magistrate. The Superintendent or Inspector, or whoever acts in his place, is not authorised to discharge, nor does he discharge anyone after the person has signed a charge, but the Inspector is authorised to question before he takes the charge the persons who bring it relative to the nature of the case brought to the station; he finds frequently that which the party making the charge calls a felony is no felony at all. The Commissioners for some time past have had weekly returns sent in of the number of cases in which charges have been refused, and the particular reason given for refusing each charge; we find, by looking over those carefully, that in the last two months there have been between 700 and 800 cases brought to the several police-stations which the officer there had refused to receive. I can only say, if I had been sitting at the watch-house that I do not think there were more than one or two cases in the whole 700 or 800 in which I should have taken the charge had it been offered to me, and I conceive great injustice would have been done, from the nature of the cases, had the charge been received and the parties locked up. There are charges of various kinds. One charge of felony was this: Two persons had been drinking in a public-house; they had made a bet of 1s. on some trifling circumstance; the man who lost refused to pay; he was immediately given in charge of the police for felony. That is merely one out of a thousand, which proves the nature of the cases refused at the stations. I should say, generally, if the whole of the charges were taken which are brought to the police and offered to them as charges, sometimes by

constables, sometimes by private individuals, the police service could not be carried on, such an outcry would be raised against the police on the injustice of taking such charges where there is so great a facility in making them. Comparing former periods, when there was not so great a facility for taking charges with the present state, when a police-constable is at every point, and parties have an opportunity at the moment of giving parties in charge, it becomes a different question, and a very serious question, whether every case is to be taken.—(Mr. Mayne.) I have had some conversation with the Secretary of State upon the subject, and pointing out the inconvenience of every charge made being received by the police, mentioned, as an instance, that when we dismissed a police-constable without pay, letters have been written to us that we had robbed the individual of his pay; suppose that charge was made to a police-constable thus against one of the Commissioners, "I charge you with robbing me," the Commissioner is taken down to the station-house; he states who he is; the dismissed constable insists he robbed him, because the Commissioner refused to allow him his pay; are we to be locked up for 12 or 36 hours on that charge? There are also many cases where drunken women and others make charges so foolish and groundless that no police-officer would be justified in receiving the charge and locking the party up, as must be the consequence.

Q. 4184.—Are those charges not received reported to you?—(A.) Yes; and the reasons stated for which they are not received, which we examine into, to see if the discretion has or has not been properly exercised.

Q. 4185.—Have you, ever since the establishment of the police, had reason to doubt the accuracy and truth of the representations made to you of those charges that have not been received?—(A.) No; nor have any complaints been made to us on the subject, and we think complaints would have been made had any ground for them existed.

Q. 4186.—But more particularly with reference to your own Superintendents or Inspectors who may have been entrusted with using that discretion of receiving or otherwise, the charge, have you had reason to doubt their having refused to receive charges, and having neglected or omitted to represent to you that they have had such charges made to them, but they have refused to take them?—(Colonel Rowan.) The order from the Commissioners to keep the account of each case is not of very long standing, but it has been done by the Superintendents of their own accord in a number of divisions from the commencement; the order from us to keep the whole of the cases in which the charges have been refused was given within the last two months. (Mr. Mayne.) I do not think the police officer could make any answer to an action for false imprisonment if he locked up a party upon a wholly groundless or foolish charge, though the charge had been made to him by another.

Q. 4187.—Is there any check you have on them to insure the faithful discharge of duty by these Superintendents or Inspectors?—(A.) I take it we have a very efficient check by the manner in which we communicate on all occasions with them, and all classes in the service, also from the great pains we have taken to make it known that we are ready to hear and attend to every complaint by whomsoever preferred. (Mr. Mayne.) And if any person is improperly discharged, some one is most likely interested in the case who would make complaint. If a party making the charge feels aggrieved by its not being received, he would complain to the Commissioners; nor does the refusal by the Inspector prevent the charge from being made subsequently before a Magistrate. In all the cases brought under our notice, the party discharged was to be found, and might have been taken before a Magistrate subsequently, had there been cause to do so, from the Inspector having improperly refused to receive the charge and detain him at the station.

Q. 4188.—Does it occur frequently that prosecutors do complain to you when persons are improperly discharged?—(A.) I do not recollect a single instance of it; a great number of complaints have been made by Magistrates and the public of charges being too frequently and readily taken. The Inspector is restricted, also, by an order upon the subject, that during the hours a Magistrate is sitting, or at any time in the day, whatever the charge is, if the party is brought into custody to the station, he is to be taken then before a Magistrate; so that when a Magistrate is sitting, if a person is brought in custody he is not discharged at the station, as he would be at night, but is in every case taken before the Magistrate; for being already in custody, no inconvenience arises from taking him directly before a Magistrate to be discharged at once, if the Magistrate thinks fit to do so.

Q. 4189.—The practice is, in criminal cases, where an individual gives a person in charge, if he signs the charge-book, giving his address, and so on, that then in such case that person given in charge is detained until he can be carried before a Magistrate?—(Colonel Rowan.) Invariably. (Mr. Mayne.) When the charge-sheet is signed, the charge is received, and not before. The course pursued by the Inspector on duty at the station, when a party is brought there to be charged, is as follows:—In the first place, the Inspector inquires the nature of the charge, that, if true, he may know it is such as would justify him in locking up the party; having ascertained that, if supported by *primâ facie*, or indeed, any credible evidence, it is received; but if it should appear, as it does sometimes, on a little inquiry, that the alleged felony is such as, for instance, that which Colonel Rowan has already mentioned about the bet in a public-house, and there are many cases of that nature, or if a woman of the town charges a man with robbing her because he had refused to pay her for prostitution, in these, and the very many other cases of that nature, the Inspector refuses to take the charge.

Q. 4190.—What is the mode of proceeding observed at station-houses when a charge is exhibited?—(A.) As I have stated, the complainant is asked the nature of his charge, and if it appears such as would justify the Inspector in locking the party up, the Inspector inquires on what grounds he makes the charge; that is stated in general terms, and unless it appears exceedingly improbable, the Inspector receives the charge, and the party complaining signs his name, and the constable signs also, if there be one in the case; the charge-sheet is the next morning taken before a Magistrate, and each case is then heard and disposed of by him, and the parties produced, or their absence explained, and if out on bail, etc. An account of the charge-sheets delivered out from the Commissioners' office is kept, and the Superintendent of each division is obliged to account for all delivered to him, so that it is not in his power to destroy one, or substitute another, without it being discovered.

Q. 4192.—You are not aware of any practical inconvenience that results from the present mode of taking charges at the station house?—(A.) No, and I take the practice, as I have described it, to be not only according to law and common sense, but so much grievous injury would be done, and such an outcry raised in consequence, if every charge brought to the station was received, and the parties either locked up or held to bail to appear at a police office next day, that it would be impossible for the police to stand against the public feeling that, I think, must necessarily be excited against them; in many cases it would be an intolerable evil to lock females up merely because a charge was made against them, although it appeared at the time wholly groundless; some of the magistrates have found fault with the police for locking up persons, when it turned out that the inspector had not exercised a sound discretion on the case. The Commissioners take every opportunity to instruct the Inspectors and correct them wherever it appeared they had decided wrongly; but that will happen sometimes; it is an unavoidable evil.

Q. 4243.—Is there a person always in attendance to take any complaints that may be brought at your office?—(Colonel Rowan.) Always (Mr. Mayne.) Day and night.

Q. 4244.—And if such complaints are lodged at your office, how soon do they come under the eye of the Commissioners?—(Colonel Rowan.) Either the same day or the following morning. (Mr. Mayne.) The same moment frequently.

Q. 4245.—But never longer than the following day?—(Colonel Rowan.) Never longer than that.

Q. 4246.—How long a time usually elapses after the complaint has come under the eye of the Commissioners before attention is given to it by letter to the party complaining?—(Colonel Rowan.) A letter is sent off generally immediately, to say that the complaint

will be inquired into; probably the same moment the complaint is made; the constant practice is to have that letter prepared immediately, and given into the hand of the person who makes the complaint to the Commissioners, stating "that the complaint will be inquired into immediately," in order that they should feel a satisfaction that the thing should be done, without waiting for the result, which sometimes cannot be got at for several days, as the inquiry may occupy a good deal of time. After the complaint has been inquired into, the result, in some shape or other, is always made known to the person who has made the complaint.

Q. 4247.—Does your means of communicating with your Superintendents, and the other superior officers of the establishment, enable you to judge accurately of the mode in which they discharge their duties when out of your sight?—(Mr. Mayne.) We think so, certainly. (Colonel Rowan.) It is, certainly, as far as we are competent to judge.

Q. 4248.—Have you found anything in the conduct of any of the officers so objectionable as to render it necessary for you to dismiss or to get rid of those officers?—(Mr. Mayne.) I remember the case of two Superintendents whom we found not competent for the situation. (Colonel Rowan.) And who in consequence resigned.

Q. 4249.—How did you get possession of the facts that led you to come to the conclusion of their not being competent?—(Mr. Mayne.) We found the division not in the state that it ought to be, either as to the prevention of crime, the general purposes of police, the good conduct of the men, nor the satisfaction given to the inhabitants, and upon talking with the Superintendents on the daily business of police, and from such other opportunities as we had of forming a judgment, we came to the conclusion that they were not fit for the situation.

Q. 4250.—So that in the cases to which you have alluded there was no specific complaint made against the people, but your own observations induced you to imagine they were not competent to discharge their duties?—(Mr. Mayne.) I do not think there was any specific complaint in either case. Also it has happened with several of the Inspectors; we have been obliged to dismiss some, and some we have told, as we did to the Superintendents I have mentioned, that they must resign. We have daily communications with the superior officers of each division.

Q. 4251.—In reference to the complaints which might be made at your office, is the establishment sufficiently large to admit of a complaint being attended to as soon as it is made, and as soon as the party makes his appearance at the office, or are the parties obliged to wait any considerable time before the complaints can be heard?—(Mr. Mayne.) They are almost immediately heard; generally the arrangement is such that the parties coming in to complain are heard almost immediately; I should say immediately. We always give precedence to them before the other business with our own people; and generally such an hour has been appointed that we see them the moment they come; they name the hour themselves, and as soon as they come we see them. It frequently happens that parties have refused to lay complaints before the Magistrates against the police, and have preferred coming before the Commissioners; but I should here wish to say it is our opinion, after the experience we have had, that it would be preferable to send complaints much more frequently to the Magistrates than to us; we conceive it to be less immediately our duty, and I think it would be more satisfactory to the public to have the cases heard before the Magistrates, who decide in public, and who would not be supposed to have any leaning in favour of the police; at the same time, I really believe that we have decided more strictly against the police than a Magistrate would have done, in some, at least, of the cases.

Q. 4252.—That is in consequence of an apprehension that you might be supposed to lean more favourably to your men?—(Colonel Rowan.) Certainly; that is one reason why we wish to get rid of the responsibility, that the public might see we have no leaning either way. (Mr. Mayne.) We wish that the Magistrates should take cognisance even of acts of misconduct of the police, though the offence is only a breach of discipline, whenever the complaint is made by one of the public; we think it would be satisfactory to the public, and would also prevent any insinuations as to the bias that may be supposed to exist in our minds, or complaints of the difficulty of coming to such a distance as from all parts of the town down to the Commissioners' office.

Q. 4253.—With regard to complaints and information made by various parties that have been examined before the Committee as to the difficulty of finding redress at the hands of the Commissioners, is it the wish of the Commissioners that those parties should come forward with specific charges, in order that they might have the opportunity of meeting them?—(Mr. Mayne.) I am convinced we should be able to meet them all. In every case where a specific charge is made, we have been able to give such an answer as appeared to us satisfactory.

Q. 4254.—It has been stated by some gentleman, who has given evidence before the Committee from the Parish of St. Saviour's that the general feeling is, that if complaints were made to the Commissioners, no redress would be obtained, and that therefore they considered that it would be a loss of time to go to the Commissioners' office to make such complaints, and that opinion was strengthened by the case of a person of the name of Garrod, a leather japanner, in Loman's Pond, who was passing down Kent Street, when he was assaulted by a gang of robbers, attacked and knocked down, and very much injured; that several individuals saw the transaction, the police were called, but they refused to take them into custody; the person who was assaulted was told he might obtain a warrant against them, but he thought it would be a complete waste of time, from the characters of the men; and he is stated to have made several applications to the Commissioners at Scotland Yard, both by letter and by personal attendance, and afterwards he addressed a letter to Lord Melbourne, but that letter only pointed out the evils with regard to assault cases, and did not require a reply; but that from the Police Commissioners he received no redress?—(Mr. Mayne.) I have been looking to that part of the statement, but he does not say what was the result of his communication with the Commissioners. It has been stated that the party made several applications to the Commissioners in Scotland Yard, both by letter and by personal attendance, and afterwards a letter was addressed to Lord Melbourne, merely pointing out the evils with regard to assault cases, and it did not require a reply. The complaint is in truth against the law, and not against the police, who only act in obedience to it; but I should say, that as to the letters, we can produce from the office the proceedings upon them. With regard to what may have passed when he came to the Commissioners, I know I have in some cases, and from the tenor of this I think it very likely that I have done so in it: I have admitted the inconvenience to the public of the practice of the police, telling the party that we were acting according to the law on the subject. I have recommended parties to lay the case before the Secretary of State, mentioning the inconvenience to which the public were exposed from the present state of the law, but that the police could not act differently so long as the law existed. It was one of the subjects upon which we recommended, in a letter to the Secretary of State, more than a year ago, that an alteration should be made in the law.

(Evidence of Sir F. A. Roe, Chief Magistrate.)

Q. 1442.—You spoke of the constitutional connection between the Magistrate and the constable?—(A.) I alluded to the way the law views it; a constable appointed at a court leet by the steward of a manor, or at a quarter sessions, becomes the servant of the Magistrate; the constables at the police offices, though differently appointed, are still more so. I never had a wish to appoint the constables; I think it is better elsewhere, but when appointed they are completely under our control; whereas, if appointed by the Commissioners of Police, they would be removable at their discretion, or on the complaint of the officers of their corps, which certainly would alter the relation towards the Magistrate which the law recognises.

Q. 1443. Are the powers of the Superintendent of the police very large?—(A.) They seem to me to be very great.

Q. 1444. So that he is hardly a person who can be supposed to act subordinate to the Magistrate?—(A.) As far as I at present can recollect he exercises extraordinary powers. I presume they are permitted. My belief is that a Superintendent often takes upon himself, at a station house, to hear evidence, of course not upon oath, to go into the case, and to discharge if he thinks fit, and in that event it is never known to the Magistrate what becomes of it, or that such a charge was ever brought in; the Magistrates receive the charges upon a sheet that ought to be signed by the parties making them; those charges, I should say, ought to be entered as the persons come in in succession; but still, the Magistrate never knows, and cannot know, what charges are brought into the station house, and what are discharged; the whole of it rests with the officers at the station house, so that the Commissioners themselves even may be uninformed; that sheet may or may not be written at the time. I have paid much attention to that particular point, but I cannot now make out when the sheet is written, and for this reason the sheet is numbered, say, 1, 2, 3, 4, 5. I sometimes find No. 1 a charge of felony; No. 2, another charge of felony; No. 3, a person drunk; and then No. 4, a charge of felony, whence I infer it could not be written in at the time of the charges being made, because as the Superintendent has the power of discharging drunken persons, and, as I understand, he comes at a certain time in the morning and lets them go according to his judgment, if the sheet was written as the charges were taken, it could not be known at the time whether the charge that may stand No. 3, drunk, was one destined to come before the Magistrate or to be decided by the Superintendent. This has always puzzled me, but I have felt a delicacy in interfering or asking any questions where they might not be well received, and I have never been able to ascertain how it is, but my strong impression is that the sheet in many instances is not made out when the charges come in. A great many of the charges are nominally only felonies, and which perhaps the inspector would be authorised in discharging, but in many cases I should be of opinion he has exercised too great an authority. I also see he exercises the power of fining his men, although one constable cannot fine another.

Q. 1445.—The Superintendent is only authorised to discharge in cases of drunkenness?—(A.) I never saw the regulations.

Q. 1446.—Have you heard of any cases of felonies or serious offences in which the Superintendent has taken upon himself to discharge?—(A.) I am placed before the Committee in a most unpleasant situation. I hope they feel that I am not a person to come forward to bring charges or make complaints with any ungracious view, and what I state is from its being my duty to communicate what I observe. My impression certainly is that the Superintendents and Inspectors do very extraordinary things.

Q. 1447.—Are you aware whether any representations have been made of those cases to the Secretary of State?—(A.) Though very little communication was made to any of the Police Magistrates at the institution of the corps, and it was established without any intercourse of any sort or kind, I believe none of us would feel it agreeable to make complaints.

Q. 1454.—In the return that the Committee have of the number of persons taken into custody by the Metropolitan Police, it appears that the persons discharged by the Superintendent are drunken persons only?—(A.) I see it so in the printed statement.

Q. 1455.—There is no return of any persons discharged by the Superintendent without the intervention of Magistrates, except drunken persons; is it your impression there are certain persons whose cases are inquired into by the Superintendent and are discharged?—(A.) It is. I apprehend that those persons who are returned as discharged, having been drunk, are within the knowledge of the Commissioners; but my impression is that persons are taken to the station houses that never come to the knowledge of the Commissioners.

Q. 1456.—Here is a return of 77,543 persons apprehended and 22,702 discharged by the Superintendents as drunken persons, and all the remainder appear to have been accounted for as having been carried before a Magistrate and discharged legally; your impression is that a larger number than 77,543 have been apprehended, of which the Commissioners know nothing?—(A.) Yes, it is; that cases have been investigated by the Superintendent or Inspectors, and discharged.

Q. 1457.—Do you imagine that there are a number more persons apprehended than those that the Commissioners are aware of?—(A.) Yes, I do imagine that such things occur.

Q. 1458.—Is not that rather inconsistent with that strictness of discipline you suppose to exist in the police force, that such things should take place as that a man should be apprehended without it being communicated by the Inspector or Superintendent?—(A.) It is my impression that that very system of discipline confirms the possibility of the thing; it is impossible for the Commissioners to see the inferiors of the corps; the Superintendent, I assume, has access to them, and the subordinate officer coming to make such a complaint against a Superintendent, though the Commissioners would, I am sure, be ready to investigate it, has a bad chance, and my impression is, that it would end, in a very few months, in his leaving the corps.

Q. 1545.—Suppose such jealousy hereafter to exist, have you at all turned in your mind what would be the proper and advantageous limits to which to apply the Metropolitan Police; whether to the full extent of the duties that they now take upon themselves, or to assume other duties, or to limit them in the execution of a portion only of the duties that they now undertake?—(A.) I have been speaking without any contemplation of a change being made in the duty performed by the Metropolitan Police; the present question involves so much that, not having prepared any suggestions to that extent, I could only offer a very imperfect outline of what might be considered a very great alteration, but which I should think would be one tending to the safety of the public, and more likely to lead to the detection of offences. I hold it very essential that there should be some person in the different station houses not connected with the Metropolitan Police Force, who should receive the charges brought there; it would operate as a great check to any possibility of misconduct or mischief there; that officer should be under the direction of the Magistrates exclusively, and responsible to them. In order to have such a description of men, a number of constables, say 20, should be attached to each police office, making, with the present numbers, from 28 to 36; the present pay of the constable is 25s. per week; it should be made 35s. per week, which is about £90 a year, and something less than the Inspector of Metropolitan Police, but they would have other advantages; all these men should be selected, and their vacancies filled up from the Metropolitan Police on every ground, and more particularly as it would tend to prevent jealousy on the point I am about to mention respecting the inquiry into robbery, as every man in the corps might hope by his activity and intelligence to be promoted to such an appointment. The duties of these men should be, that one of them in turn should sit night and day at each station house in the district of the office to which they belonged, that he should take all the charges, and attend before the Magistrate at the hearing of them. That it being laid down as a rigid order, that every felony reported at the station house or known by any Metropolitan Police constable, should be immediately reported to the police office of the district. One of them should, immediately on such communication being made, without application by any person, and without reference to condition of life, or means of rewarding, proceed to inquire into it, and use every effort to discover the perpetrator; and whatever might be the result, report what steps were taken to the Magistrate. That he should ask for no remuneration, though there would be no doubt that activity would frequently ensure it from people whose means did not make it an object. The result of this would be, at all events, that every robbery which occurred in the Metropolis, and of which any information was given anywhere, would be attended to, which has never yet been attempted by any system of police. That all other matters of the ordinary duty of constables attached to the Magistrates would be also performed by these men. This plan would enable the Metropolitan Police Force to be more confined to that species of service for which I think so numerous a body, organised as it is, is best calculated, and which they are certainly found to perform exceedingly well, viz., the duties of watching, prevention, preservation of the peace, maintenance of good order in the town, and everything connected with outdoor and street duty, while they would be relieved from following up the more intricate cases and crimes, not falling necessarily into their hands while in the

execution of their duty; which, as I have previously observed, I do not think the organisation of the corps permits their being so well qualified.

Q. 1550.—You think it of great importance that the person who receives the charges at the station house should be independent of the control of the Commissioners?—(A.) Of the greatest, that he should be under the Magistrate.

Q. 1551.—Might it not, then, if that system was adopted, be unnecessary to have the same number of Inspectors for the performance of those duties which you would take from the inspectors and give to the men so appointed under the Magistrates?—(A.) Except that I feel a delicacy in making any suggestion upon a corps that I have no business to meddle with, I should say, I should do away with all the Superintendents, and I should do away with some of the Inspectors.

Q. 1552.—With reference to taking the charges, would not the Inspector then be an unnecessary officer?—(A.) I think there should be somebody to check the officer on the Magistrate's side; I do not like either side being without a check. They have four Inspectors at present; perhaps you might reduce one in a division; the Superintendents I should certainly reduce. I should have in their place four or five migratory Superintendents, who should go about to the different divisions; and I should permit none of that discharging of drunken persons without bringing them before the Magistrates, which I see by the return amounts to 25,700; I think it is a much safer thing to have the person who has been taken up drunk brought before the magistrates than before the constables, where it is possible he may give half-a-crown or 5s. and thus get off.

(Evidence of R. E. Broughton, Esq., Police Magistrate.)

Q. 1660.—Generally speaking, what do you find to be the conduct of the Metropolitan Police, first, with respect to their conduct as individuals?—(A.) As individuals, we find them temperate and their conduct good. I have seen instances where there have been cases of assaults and a great deal of violence, but not many; and in those cases we have always tried the case at once, and disposed of it; and frequently complaints have been made against them, which have proved groundless; but certainly the demeanour of the men individually is satisfactory, and intelligent generally.

Q. 1661.—With regard to their conduct at the station-houses, is the mode in which they carry on their business there such as is satisfactory to you; and do you think that the Superintendents discharge their duties with correctness in those stations?—(A.) I think there is one practice which appears of very considerable importance, upon which I have had some conversation with the Commissioners themselves, and also with the Under Secretary of State; it is a question which appears to me very materially to involve the administration of justice. A practice has lately been introduced among them of suffering an Inspector or sergeant, or even an inferior officer, to examine witnesses and occasionally to take the responsibility of discharging persons given into custody. It being perfectly new, and having led to inconvenience in many instances, I took an opportunity of talking the matter over with the Commissioners, Mr. Mayne and Colonel Rowan, and I learnt from them that they had introduced the practice lately; that when introduced it was objected to by Lord Melbourne and by Mr. Phillips; but they, thinking it was a wholesome practice, persevered, and at last it was consented to by the Secretary of State.

Now, I have seen several instances in which great inconvenience has arisen, and it is a practice, in my opinion, which opens a door to serious consequences, and I stated to the Commissioners. It has always appeared to me that if an inferior officer, such as an Inspector or an acting sergeant, or a Superintendent, a man perhaps raised from the ranks, have any discretionary power, as to discharging a man once taken into custody, without bringing him before a Magistrate, it may lead to very great abuses. I pointed out to the Commissioners, that with such an extended circle as they had to act upon, with such a dense population, pretty nearly equal to the whole Kingdom of Holland, even if they had eyes like Argus, they could not see what is going on in every point, but must depend, in great measure, upon their inferior officers for information. A. and B. may give very fair reports, but other persons may be appointed, who may not do so; therefore it appeared to me that a great door to abuse would be opened, if an officer took upon himself the responsibility of discharging prisoners without going before a Magistrate, because the real ground of discharge may never be known. All cases that come before us are known, and publicly inquired into; but of the persons that are taken into custody and discharged without coming before us, it is otherwise. But it appears to me only one part of the inconvenience. I have always found that another very considerable inconvenience arises from the practice, as connected with the administration of justice, and the subject has been mentioned by some of the authorities of the Mint, who say that they have found men discharged who never ought to have been discharged at all, without being brought before a Magistrate. I will just mention a Mint case, which will throw some little light upon the point. I was examining into a case connected with the Mint, in which a child of very tender years had to give evidence. I examined the child, and asked the usual questions as to the child's knowledge of a future state, and then I administered the oath and examined the child, and upon her evidence I was going to commit the man for trial. He was a very dexterous person, and he waited very patiently. As soon as it was over, he said, "Your Worship, that child has given you a very different account from what she did when this was tried before." I was a little astonished, and I said, "What do you mean by being tried before?" Upon which the mother stepped forward and said, "Your Worship, this whole case has been investigated at the station house." "One of the constables," she said, "came and took the child out of bed at two o'clock in the morning, out of its sleep, and examined the child, and asked the child a great many questions, and other witnesses were examined at a late hour of the night at the station house." I was a good deal astonished at this, but the man proved, by cross-examination of the child and other witnesses, that she had given a different account before. The mother explained it, and I have no doubt that the correct account was the one given when the child came before me, but there was such a variation in the two accounts given by the child that I did not send the man for trial, and I sent for the Inspector (I think it was), and pointed out the impropriety of the conduct pursued.

Q. 1662.—Have you subsequently made any communication of that to the Commissioners?—(A.) I forget whether it was a sergeant or an Inspector that had made the investigation, but I sent for him, and pointed out the impropriety of what he had done; but, as I said, I was bound to give the man the benefit of this variance, because a jury would of course have done so.

Q. 1663.—Did the officer at the station house acknowledge the fact of his having so done?—(A.) He acknowledged that he did so, and he said he had done it as part of his duty; it is now, I understand, a part of the system.

Q. 1664. Did you ascertain whether this person was entered in the book of charges?—(A.) He was entered in the book of charges.

Q. 1665.—Has this case ever come to the knowledge of the Commissioners?—(A.) I mentioned this, amongst other cases, to the Commissioners, but as the Commissioners are distinct from us in a certain degree, one feels some difficulty in doing anything that may savour of a complaint, and therefore I have rather mentioned it to them in the way of a friendly intimation than in the way of complaint.

Q. 1666. How long ago was it that this occurred?—(A.) It occurred some months ago, and I discharged the man, and it was upon mentioning that discharge to one of the authorities of the Mint that he said this is carried to a great extent, and that the Inspectors often discharge cases that ought to be brought before a Magistrate. I told the Commissioners at the time, if you give a sanction to a practice of this description, how can you tell but what men would be corrupt and take a bribe, and say this is not a proper case to bring before a Magistrate?

Q. 1667.—Can you state any case in which a prisoner was discharged by the police without being brought before a Magistrate?—(A.) There was a case, which

was one of those ordinary cases of robberies, in which a prostitute was prowling about the streets, with her man lurking in a corner to be ready to assist her. She meets exactly the very person she wants, which is an old gentleman; she makes up to him, flattering him by making love to him, and doing acts of indecency; and in the midst of all this she snatches his watch from his pocket and attempts to escape. Finding that he was tricked, he seized fast hold of her, and called out, "Police, police!" "Murder!" as loud as he could. She instantly called out, "Jem, Jem!" Jem was close at hand, and instantly stepped in and knocked the old gentleman down upon the ground, upon which the girl and Jem both escaped with the watch, but fortunately he had called "Police" loud enough to bring a police officer and, I think, a watchman to the spot. The girl and the man were both caught, and conducted to the station house, with the usual train of idle people that follow in such cases. At the station house the Inspector, at a late hour of the night, went into an investigation of the matter, as though he had been a Magistrate, hearing evidence upon the subject, and he said that Jem's offence was not a felony, and he discharged him. When it came before me in the morning the old gentleman complained that the man was discharged out of custody. I at once said that it was wrong, and I called upon the Inspector to give some account why he discharged him. He told me that he thought the woman was the person to bring, and not the man. I told him that he had no responsibility in it whatever beyond detaining the prisoners; that the police officers had done extremely well in taking both, and that their duty had ended, beyond that of bringing the case before a Magistrate, and I added that "I must request that you will immediately send out some of your men and let this Jem be retaken." He was a notorious thief, well known; in two or three cases Jem was retaken, and brought before me. I then went into the whole case, and committed them both to Newgate for a highway robbery, and I believe they were both convicted. That case I also mentioned to the Commissioners.

Q. 1668.—Do you conceive that this practice on the part of the police is likely to produce inconvenience, or otherwise?—(A.) The number of cases discharged at the station houses is very great; last year the drunken cases exceed 25,000, which is about 2,000 more than it was the year before. My own opinion is that this practice opens a door to abuse, and my opinion has always been that if a man is really taken into custody, the safe course to prevent abuse is that there shall be no person that shall be considered responsible for discharging him but a Magistrate in a public office, after a public investigation.

Q. 1669.—Do you think that the addition of so great a number as 25,000 cases to the duties discharged by the Magistrates would produce material inconvenience to them?—(A.) I should think of those 25,000 persons a great many must be persons who never could be said to be taken into custody. Now, in cases where they have done nothing, but are merely picked up, to prevent their being injured, then I should say the constable ought to pass them on towards their homes, if they can find them, and not to consider them in custody.

Q. 1670.—Would not the same inconvenience that you have just described, though in a minor degree, attend the release of any persons brought into a station house in a state of drunkenness?—(A.) I think it would; I think if they were actually carried to the station house, and remained there all night, they should be carried before a Magistrate; but I was alluding to cases where persons are picked up drunk, and where they need not be taken to a station house at all, if they can be passed on.

Q. 1671.—Would it not be necessary that every person brought into a station house by the police, should be carried before a Magistrate before he was discharged?—(A.) It was always the practice, and, in my opinion, it is the safest course.

Q. 1672.—By the Act of Parliament have they not the power of bailing persons in custody?—(A.) They have the power of bailing in all petty misdemeanors; but they do not bail when persons are taken very drunk.

(Evidence of W. A. A. White, Esq., Police Magistrate.)

Q. 1812.—Then with reference to the Metropolitan Police, is there any alteration you think desirable as to them?—(A.) No; I really do not know much of the constitution of them, and therefore I cannot point out alterations. I think it is a good police. I think they are a little over-zealous, and there will be some of the individuals among them, as there must be, that will misconduct themselves, as in the old establishment of watchmen, and therefore that observation does not apply to the force, but to the individuals.

Q. 1813.—Do you think these inconveniences are less than under the old system?—(A.) I am sorry to say I do not think they are.

Q. 1814.—Have you heard of instances of misconduct in the police as frequently as under the old system?—(A.) I have heard of them giving way to their own passions, and taking up people who ought to be left at liberty.

Q. 1815.—Have you reported those instances?—(A.) Yes, where the parties required it, I have; but I do not know what has been done upon it, nor do I know what they can do.

Q. 1816.—Have they not the power of discharging the men?—(A.) Yes, they have.

Q. 1817.—Would you recommend a greater power to be given to the Commissioners?—(A.) No, I do not know that I should; they might have a greater power, but it is no compensation to an individual injured that a man is turned away.

Q. 1818.—Are police constables liable to actions from false imprisonment and assaults?—(A.) Yes; but what damages could a police constable give to a man so imprisoned, or what kind of action could a poor labourer, who has been locked up all night and got his head broken, bring against the police?

Q. 1819.—Would not that apply to any system of police?—(A.) I have said so.

Q. 1820.—You are not aware of any system free from that objection?—(A.) No.

Q. 1821.—Do you not think there is more security afforded to person and property than under the old system?—(A.) Yes, I think so.

Q. 1822.—And greater security to persons generally?—(A.) Yes, to some kind of persons, not to all; I think there is no security to the poor, because I think they are very much ill-treated by the police. I have had many cases of ascertaining that; and yesterday morning a man was brought before me, whom it was stated by the police officer that he had taken the night before to the police office at the man's own request. He saw him looking at two girls that were fighting, and he took him to the station house, and was afterwards willing to let him go, but the man insisted upon staying. When I asked the man what he had got to say, he said, "So far from going at my own request, the man fastened my arms behind me, and punched me on with his knee, and compelled me to go; and when I was there, though a housekeeper offered to bail me, they would not let me go."

(Evidence of H. M. Dyer, Esq., Police Magistrate.)

Q. 1917.—Have you had much opportunity of seeing the conduct of the Metropolitan Police since their institution?—(A.) I have.

Q. 1918.—What is your opinion of their general conduct?—(A.) I think it has proved itself a valuable institution for the public service, and that their conduct, taken altogether, has been extremely good; there may be occasional exceptions of individuals, but I have been led to observe that, considering the shortness of time since the corps has been established, it is remarkable how well they have conducted themselves.

Q. 1919.—As compared with the old force of watchmen and street-keepers, do you think it is an improvement upon the police of the metropolis?—(A.) I think that cannot admit of a question; it has been a decided improvement.

Q. 1923.—Have you heard any complaints made against the police for discharging persons from their station-houses, that they ought to have carried before magistrates?—(A.) I have heard such things said, but no authentic complaint has been made. I have heard it spoken of in one or two instances, but without my being aware if it was correct. With regard to persons taken up for drunkenness, it is distinctly avowed that many are discharged at the stations without being brought before the Magistrates. I have some doubt about the legality of this proceeding.

Q. 1924.—Supposing it to be strictly legal that they should do so, do you think it a wholesome power to allow them to exercise?—(A.) No; I disagree as to the advantage of the Inspectors having that power, because, though I admit the selection of them to be exceedingly good in the cases I have seen, I do not think them altogether the class of person to whom such a discretion should be confided.

Q. 1925.—You are aware that the number of persons they avow to have discharged without the intervention of a Magistrate is about 25,000 last year?—(A.) Yes, it is very large.

Q. 1926.—Do you think, if it was necessary they should bring up those persons to the office before a Magistrate, that the increase of business would be attended with inconvenience?—(A.) The increase would be very great, and any increase would, of course, be inconvenient by enlarging our labours; and therefore it is evident I speak from no personal feeling, but upon constitutional grounds.

Q. 1928.—Does not the power of the police to discharge in cases of drunkenness, open a door to the corrupt exercise of such power in the discharge of cases that ought to have been brought before the justices?—(A.) I think there is a chance that it may; but I am quite sure, if it really does not, it at least lays the police open to the imputation of possible corruption.

Q. 1929.—Supposing a policeman to have acted improperly, not criminally, in the execution of his duty, and that fact came to your knowledge, what would be your course, supposing him to have used violence in the apprehension of a person beyond the due degree?—(A.) Our common course has been to represent the misconduct to the Commissioners.

Q. 1930.—Do you frequently do it?—(A.) We have had but few occasions.

Q. 1931.—If the occasion required it, you would invariably do it?—(A.) Certainly; or we may take upon ourselves to apply the law at once; if a policeman commits an assault, he is amenable to the law as another man.

Q. 1932.—Have you ever taken upon yourself so to administer the law?—(A.) At the present moment I have no recollection of having done so, except where the Commissioners have requested us to investigate.

Q. 1933.—Have you had occasion to make representations to the Commissioners of the misconduct of the men?—(A.) Yes, we have.

Q. 1934.—What has been the consequence?—(A.) I think we have commonly found the Commissioners ready to punish the offenders.

Q. 1935.—You have not thought it necessary in such a case to substantiate the representation by sending the parties preferring the charge against the policemen to the Commissioners?—(A.) There are cases in which we have recommended the parties complaining to go before the Commissioners, and we have made a memorandum in the column of the daily paper brought to us, of our doing so.

Q. 1936. In cases where you have not thought it necessary to send the parties to the Commissioners, have you found that they attended to your intimation?—(A.) The cases have been very few, but as far as I have any recollection of such few as have occurred, I think they have commonly done so.

Q. 1937.—Do you find that the making of representations of that sort produces any considerable addition to the labours of your office?—(A.) No; for from the very reason which I have stated, of our having had few occasions to make them, it follows that it has not added much to our labours.

Q. 1938.—In what way do you make the representation?—(A.) If it was anything very serious we should write to the Commissioners; if not, we should send a communication through the principal officer in attendance, and make a memorandum in one of the columns of the charge-sheet, which is left on purpose for the observations of the Magistrates, if they think fit to make any.

ROYAL COMMISSION UPON THE DUTIES OF THE METROPOLITAN POLICE.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

ROYAL COMMISSION UPON THE DUTIES OF THE METROPOLITAN POLICE

TOGETHER WITH

APPENDICES AND INDEX.

Vol. II.

(Qs. 1—31289 and Qs. 1—1973 in Camera.)

Presented to both Houses of Parliament by Command of His Majesty.

LONDON:
PRINTED FOR HIS MAJESTY'S STATIONERY OFFICE,
BY WYMAN AND SONS, LIMITED, 109, FETTER LANE, E.C.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LIMITED, 109, FETTER LANE, FLEET STREET, E.C.; and
32, ABINGDON STREET, WESTMINSTER, S.W.; or
OLIVER AND BOYD, TWEEDDALE COURT, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.

1908.

[Cd. 4260.] *Price* 5*s.* 10*d.*

ROYAL COMMISSION UPON THE DUTIES OF THE METROPOLITAN POLICE.

COPY OF ROYAL WARRANT.

Whitehall, May 28, 1906.

The KING has been pleased to issue a Commission under His Majesty's Royal Sign Manual to the following effect:—

EDWARD, R. & I.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith; To Our Right Trusty and Well-beloved Councillor Alfred Lyttelton, one of Our Counsel Learned in the Law, and Our Trusty and Well-beloved Rufus Daniel Isaacs, Esquire, one of Our Counsel Learned in the Law; David Brynmor Jones, Esquire, one of Our Counsel Learned in the Law; Charles Algernon Whitmore, Esquire, Barrister-at-Law; and Willoughby Hyett Dickinson, Esquire, Barrister-at-Law; Greeting!

Whereas We have deemed it expedient that a Commission should forthwith issue to inquire into and report upon the duties of the Metropolitan Police in dealing with cases of drunkenness, disorder, and solicitation in the streets, and the manner in which those duties are discharged, with power to make recommendations thereon:

Now know Ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these Presents authorize and appoint you, the said Alfred Lyttelton (Chairman); Rufus Daniel Isaacs; David Brynmor Jones; Charles Algernon Whitmore; and Willoughby Hyett Dickinson, to be Our Commissioners for the purpose of the said Inquiry:

And for the better effecting the purpose of this Our Commission, We do by these Presents give and grant unto you, or any three or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon this Our Commission; and also to call for, have access to and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever:

And We do by these Presents will and ordain that this Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment:

334. 1250.—Wt. T.L. 193. 8/08.—Wy. & S. a

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us, under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

Given at Our Court at Saint James's, the Twenty-sixth day of May, One thousand nine hundred and six, in the Sixth Year of Our Reign.

By His Majesty's Command.

H. J. GLADSTONE.

COPY OF ROYAL WARRANT APPOINTING CHAIRMAN.

EDWARD R. & I.

Edward the Seventh by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, To Our Trusty and Well-beloved Sir David Brynmor Jones, Knight, one of Our Counsel Learned in the Law. Greeting!

Whereas by Warrant under our Royal Sign Manuel bearing dates the Twenty-sixth day of May, One thousand nine hundred and six, We were pleased to appoint Commissioners to inquire into and report upon the duties of the Metropolitan Police in dealing with cases of drunkenness, disorder and solicitation in the streets, and to authorise Our Right Trusty and Well-beloved Councillor Alfred Lyttelton, one of Our Counsel Learned in the Law, to act as Chairman of the Commission:

And Whereas the Chairmanship of the Commission is now vacant by the resignation of the said Alfred Lyttelton:

Now Know Ye that We reposing great trust and confidence in your knowledge and ability have authorised and appointed, and by these Presents authorise and appoint you the said Sir David Brynmor Jones to be Chairman of the said Commission in the room of the said Alfred Lyttelton resigned.

Given at Our Court at Saint James's the Sixth day of July, One thousand nine hundred and six, in the Sixth Year of Our Reign.

By His Majesty's Command.

H. J. GLADSTONE.

CHAPTER 6

An Act to facilitate the proceedings of the Commissioners appointed to hold an Inquiry respecting the Duties of the Metropolitan Police in dealing with cases of Drunkenness, Disorder, and Solicitation in the Streets. A.D. 1906

[22nd June, 1906]

WHEREAS a Commission has been issued by His Majesty whereby the Right Honourable Alfred Lyttelton, K.C., Willoughby Hyett Dickinson, Esquire, M.P., Rufus Daniel Isaacs, Esquire, K.C., M.P., David Brynmor Jones, Esquire, K.C., M.P., and Charles Algernon Whitmore, Esquire (herein-after referred to as "the Commissioners"), have been authorised and directed to inquire into and report upon the duties of the Metropolitan Police in dealing with cases of drunkenness, disorder, and solicitation in the streets, and the manner in which those duties are discharged with power to make recommendations thereon:

And whereas it is desirable to make provision for the more effective conduct by the Commissioners of any inquiry which they may be authorised to make:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Powers of Commissioners.

1.—(1) The Commissioners shall have all such powers, rights, and privileges as are vested in the High Court, or in any judge thereof, on the occasion of any action, in respect of the following matters:—

(i) The enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise; and

(ii) The compelling the production of documents; and

(iii) The punishing persons guilty of contempt;

and a summons signed by one or more of the Commissioners may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(2) A warrant of committal to prison issued for the purpose of enforcing the powers conferred by this section shall be signed by one or more of the Commissioners, and shall specify the prison to which the offender is to be committed, but shall not authorise the imprisonment of an offender for a period exceeding three months.

(3) Every person who on examination on oath or affirmation before the Commissioners wilfully gives false evidence shall be liable to the penalties for perjury.

(4) Any person may appear before the Commissioners by counsel or solicitor, if authorised to do so by the Commissioners.

Indemnity to witnesses.

2.—(1) A person examined as a witness by the Commissioners shall not be excused from answering any question put to him, or from producing any document, on the ground that the answer thereto or production thereof may criminate or tend to criminate him.

(2) Every person examined as a witness, who, in the opinion of the Commissioners, makes a full and true disclosure touching all the matters in respect of which he is examined, shall be entitled to receive a certificate signed by the Commissioners, stating that the witness has, on his examination, made a full and true disclosure as aforesaid.

A.D. 1906.

(3) If any criminal proceeding is at any time thereafter instituted against any such witness in respect of any matter touching which he has been so examined, the court having cognizance of the case shall, on his application, and on proof of the certificate, stay the proceeding.

(4) Nothing in this section shall apply to the case of proceedings for having given false evidence before the Commissioners, or of having procured, or attempted or conspired to procure, the giving of such evidence.

Short Title.

3. This Act may be cited as the Metropolitan Police (Commission) Act, 1906.

TABLE OF CONTENTS.

I.—Cases Heard.

	PAGE
Gerothwohl and Lavalette's Case	17–95, 115–120
Madame D'Angely's Case	95–114
Clinch's Case	120–125, 147–151, 160–169, 181–197
Altfuldisch's Case	125–147, 151–160
Platt's Case	176–181, 203–216, 310–321, 698–750, 853–878, 925–1006, 1184–1209
Dubery's Case	198–203
Mrs. Braham's Case	217–256
Andrews' Case	257–309
Maurer's Case	323–347
Wilson's Case	348–357, 456–457
Wells' Case	358–364, 380–405, 593–599
Mullins' Case	364–371, 405–456
Baker's Case	371–379, 457–475
Harding's Case (otherwise Tresadern's Case).	475–501, 545–569
Mrs. X's Case (in camera)	502–544
Emms' and Norrey's Case	570–593, 599–647, 682–698
Riley's Case	648–682
Gamble's Case (otherwise Pearce's Case).	752–852
Mr. Y's Case (in camera)	1139–1150, 1162–1184

II.—Witnesses Giving General Evidence.

	PAGE
Sir Edward Richard Henry	1–16, 1217–1239, 1248–1258
Mr. W. A. Coote	169–174
Major G. Golbourne Tarry	879–893
Mr. L. Dunning	893–903
Mr. J. V. Stevenson	904–917
Miss C. E. Matson	917–919
Mr. W. J. Taylor	919–921
Mr. S. Cohen	921–923
Miss L. Colson	923–924
Sir A. De Rutzen	1007–1018
Mr. A. C. Plowden	1019–1027
Mr. H. Smith	1028–1039
Mr. E. Baggallay	1039–1047
Mr. A. R. Cluer	1047–1053
Sir R. D. M. Littler, C.B., K.C.	1054–1055
Mr. E. C. D'Eyncourt	1055–1063
Mr. H. C. Bennett	1063–1068
Miss E. C. Knight	1068–1069
Staff-Captain Harriett Hillyar	1069–1071
Miss E. MacDougall	1071–1072
Mr. G. P. Taylor	1072–1080
Rev. F. B. Meyer	1080–1081
Col. Sir C. E. H. Vincent, K.C.M.G., C.B., A.D.C., M.P.	1081–1093
Mr. C. J. Vollhardt	1093–1094
Mr. E. N. F. Fenwick	1094–1100
Mr. H. Titterton	1100–1101
Sir F. Fulton, K.C.	1101–1104
Sir M. D. Chalmers, K.C.B., C.S.I.	1104–1115
Mr. C. E. Troup, C.B.	1115–1116, 1128–1136
Captain J. W. N. Bower	1117–1128
Mr. C. T. Dent	1136–1139, 1150–1154
Dr. H. N. Hardy	1154–1160
Right Hon. T. Shaw, K.C., M.P.	1209–1217
Mr. J. Timewell	1240–1248

III.—Appendix.

Page 1 at end of Vol. III.

IV.—Index.

TABLE OF SITTINGS FOR EVIDENCE WITH THE CASES INQUIRED INTO AND WITNESSES EXAMINED.

No. of Sitting for Evidence.	Date.	Case inquired into.	Witness Examined.
1	17th July, 1906	General Evidence	Sir Edward Richard Henry.
2	23rd July, 1906	Gerothwohl and Lavalette's Case.	Dr. M. A. Gerothwohl. Mr. C. H. Denyer. Mr. H. Withrington Mr. E. R. Pearce. Mr. G. L. Denman. Mr. H. Lavalette. Mr. W. S. Sherrington Dr. Ivor Davis. Dr. H G. Walker. P.C. Aveley Isaacson.
3	25th July, 1906	Gerothwohl and Lavalette's Case.	P.C. Aveley Isaacson. P.C. Charles Wallington. P.C. Thomas Divers. Mr. T. D. Bolton. M.P. P.C. Ernest W. Wellbelove Inspector W. Berry.
4	30th July, 1906	Gerothwohl and Lavalette's Case.	Inspector W. Berry. Major E. F. Wodehouse. S.D. Inspector J. Smith. Superintendent Mann. S.D. Inspector F. Mackay. Dr. Alexander Mitchell. Mr. C. E. Timmings.
		Madame D'Angely's Case	Madame M. L. Hardie. Mr. W. Booth. Detective Inspector Sexton Inspector K. Cooper. Sergeant P. McIntyre. Mons. C. U. Beaubé.
5	31st July 1906	Madame D'Angely's Case	P.C. Horace Page. P.C. Nelson Sims. P.C. Frederick Lucas. Inspector K. Cooper. S.D. Inspector F. McKay. Miss H. Blackburn. Mr. Wm. Gaze.
6	16th October, 1906	Gerothwohland Lavalette's Case Clinch's Case	Sir E. R. Henry. Mr. James Clinch. Mr. R. D. Yelverton.
		Altfuldisch's Case	Mr. Ferdinand Altfuldisch. Mr. Ernest Cockle. Mr. Theodore Ruppert. Mr. H. Reuscher. S.D. Inspector F. McKay.

No. of Sitting for Evidence.	Date.	Case inquired into.	Witness Examined.
7	17th October, 1906 -	Altfuldisch's Case - - -	S.D. Inspector F. McKay. Inspector W. Manning.
		Clinch's Case - - -	Mr. F. D'Angelis. Mr. Angelo Delicates.
		Altfuldisch's Case - -	Sergeant Crayfourd. P. C. Allen Miles. Inspector Remfry. Mr. F. Altfuldisch.
		Clinch's Case - - -	Mr. J. Clinch.
8	18th October, 1906 -	General Evidence - -	Mr. W. A. Coote.
		Clinch's Case - - -	Dr. J. Sinclair. Mr. S. J. Sandy.
		Platt's Case - - - -	Mr. A. F. Platt.
		Clinch's Case - - -	Dr. R. L. Caunter. P.C. Walter Gibbard. Miss Freya Lehmann. Sergeant W. Lane. Inspector F. Gadd. S.D. Inspector W. Briggs.
9	22nd October, 1906 -	Dubery's Case - - -	Mr. A. J. Dubery. Mr. H. T. Nicholson. Dr. A. S. Woodwark. Mr. E. H. Line. Superintendent T. Cole.
		Platt's Case - - -	Mr. A. F. Platt. Mrs. K. Platt.
10	23rd October, 1906 -	Mrs. Braham's Case - -	Mrs. Louise Braham. Mr. Philip Braham. P.C. Walter Atkinson. P.C. Albert Allen. Inspector W. Billson.
11	24th October, 1906 -	Mrs. Braham's Case - -	Sergeant W. Childs. P.C. Samuel Gribble. P.C. Harry Varney. Chief Inspector J. Taylor. Superintendent C. Doyle.
		Andrews' Case - -	Mr. W. H Andrews. Mrs. A. Chapman. Mrs. A. Webster. Mr. R. Dobson. Mrs. Eliza Lowis. Mr. G. Obeney. Mr. R. Hughes. Mrs. Ellen Gibbs. Mr. C. Sparkes. Mrs. Susan Withey. Mr. T. Bletcher. Mr. F. J. Lang. Mr. A. Offord. Mr. G. Reynolds. Mr. F. Bassett. Miss Mary Barrett. Mrs. M. E. Bassett. Mr. J. A. Smith.

No. of Sitting for Evidence.	Date.	Case inquired into.	Witness Examined.
12	25th October, 1906 -	Andrews' Case - - -	P.C. Frank Dawson. P.C. Alfred Stevenson. P.C. Wm. Peck. P.C. Alfred Payne. Sergeant Wm. Hollands. Sergeant Wm. Roberts. P.C. Charles Irwin. P.C. John Swait. P.C. Herbert Bartram. P.C. Thomas Williams. P.C. Hugh West. P.C. William Manning. Sergeant Robinson. P.C. John Fraser. P.C. Harry Lane. P.C. Alfred Percival. P.C. Daniel Lynch. Inspector G. Allison.
13	26th October, 1906 -	Platt's Case - - - -	Mr. A. F. Platt
14	20th November, 1906 -	Maurer's Case - -	Mr. W. Maurer. Mr. G Schuhmann. Mr. F. Burton. Mr. A. Brant. S.D. Inspector F. Mackay. Inspector W. Manning. P.C. George Fleet.
15	21st November, 1906 -	Wilson's Case - - -	Mr. G. Wilson. Miss E. Hicks. Mr. C. H. Capp. Mr. Charles Hopkins. Mr. James Cooper.
16	22nd November, 1906 -	Wells' Case - - - -	Mr. Edward Wells. Mr. H. Carter. Mr. R. Hill.
		Mullins' Case - - -	Mr. George Mullins.
		Baker's Case - - - -	Mr. James Baker. Mr. S. Porter.
17	28th November, 1906 -	Wells' Case - - - -	Mr. Edward Wells. Mr. T. W. Young. Mr. G. E. Dawson. S.D.I. Sidney Smith. P. C. Thomas Dunham. Sergeant R. Hawes.
18	29th November, 1906 -	Mullins' Case - - -	Mr. George Mullins. P.C. John Morgan.
		Complaint of P. J. Ryan -	Mr. P. J. Ryan.
		Mullins' Case - - -	Miss K. Mullins. Mrs. Mullins. Dr. G. N. Henry. Inspector T. Wheeler.
19	3rd December, 1906 -	Mullins' Case - - -	Inspector T. Wheeler. P.C. Charles Hunt. P.C. Alfred Saunders. Mr. G. Sims. Mr. F. Sims. S.-D. Inspector Spencer.

No. of Sitting for Evidence.	Date.	Case inquired into.	Witness Examined.
20	4th December, 1906 -	Wilson's Case - - -	Dectective-Sergt. W. Burrell.
		Baker's Case - - - -	P.C. Wm. Pittuck.
			Mr. J. Walton.
			Inspector Mason.
			P.C. John Hillier.
			P.C. Henry Price.
		Harding's Case (also known as Tresadern's Case).	Mr Arthur Tresadern alias Harding.
21	5th December, 1906 -	Harding's Case - - -	Mr. F. Smith.
			Mr. Arthur Tresadern, alias Harding.
			Mr. Wm. Andrews.
			Mr. Wm. Williams.
			Mr. John Miller.
22		Mrs. X.'s Case (in camera) -	Mrs. X.
24*	7th December, 1906 -	Mrs. X.'s Case - - -	P.C. Arthur Cole.
			Sergeant P. Shepherd.
			P.C. Henry Keeble.
25*	10th December, 1906 -	Mrs. X.'s Case - - -	Sergeant H. Mead.
			Inspector J. Remfry.
			S.D. Inspector F. Mackay.
			P.C. Arthur Cole.
23	6th December, 1906 -	Harding's Case, otherwise Tresadern's Case.	Inspector Wensley.
			P.C. Michael Cann.
			Mr. Wm. Southey.
			Mr. H. J. Gellender.
			Mr. F. Rayner.
			P.C. John Filbee.
			P.C. Edwin Ashford.
			P.C. Thomas Deller.
			Inspector A. Wright.
26	13th December, 1906 -	Emms' and Norrey's Case -	Mr. Edward Emms.
			Mr. J. Norrey.
			Mrs. E. Baker.
			Mrs. M. A. Gibbons.
			Mrs. E. Bloom.
			Dr. P. J. Clark.
			P.C. Harry Jeffery.
27	14th December, 1906 -	Wells' Case - - - -	Mr. J. Miller.
			Mr. W. Hume.
			Mr. C. Matley.
			Mr. H. Preston.
		Emms' and Norrey's Case -	Mrs. M. Allen.
			P.C. Harry Jeffery.
28	19th December, 1906 -	Emms' and Norrey's Case -	Mr. J. W. Ward.
			Mr. T. J. Ward.
			Mr. J. Norrey.
			P.C. William Death.
			P.C. Ernest Payne.
			P.C. John Wood.
			Mr. G. Kemp.
			Mrs. M. A. Hoy.

* *Note as to the numbers of the sittings* :—The evidence taken at the 23rd and 24–25th sittings is transposed in the Minutes of Evidence so as to draw the parts of Mrs. X.'s Case together. The result is that between 22 and 26 the proceedings are not printed in strict order of date.

No. of Sitting for Evidence.	Date.	Case inquired into.	Witness Examined.
29	28th January, 1907 -	Riley's Case - - - -	Mr. James Riley. Mr. E. Sweeney. P.C. Alfred Mizen. P.C. Thomas Kemp.
30	29th January, 1907 -	Riley's Case - - - -	P.C. John Stokes. Dr. C. G. Grant. S.D. Inspector Sanders.
		Emms and Norrey's Case -	Mr. G. Measures. P.C. William Clark. P.C. Samuel White. P.C. Thomas Hawker. Inspector McMillan. Sergeant A. Anderson.
31	30th January, 1907 -	Emms and Norrey's Case -	Sergeant A. Anderson. P.C. Arthur Greenfield. P.C. Isaac Penney. P.C. Joseph H. Philips.
		Platt's Case - - - -	Mr. A. F. Platt.
32	31st January, 1907 -	Platt's Case - - - -	Mr. A. F. Platt.
33	1st February, 1907 -	Platt's Case - - - -	Mr. A. F. Platt. Sergeant W. Powell. P.C. Arthur Soer.
34	19th February, 1907 -	Higgs' Complaint - - -	——
35	20th February, 1907 -	Gamble's Case, otherwise Pearce's Case.	Mr. George Gamble. Mrs. E. Griffiths.
36	21st February, 1907 -	Gamble's Case - - -	Mrs. E. Griffiths. Mr. J. Wiltshire. Dr. W. B. Billinghurst.
37	28th February, 1907 -	Gamble's Case - - - -	Mrs. A. Franks. Mr. I. Rubenstein. Mr. J. Hartnett. Mr. G. Brager. Mr. W. Hughes. Mr. George Gamble.
38	4th March, 1907 - -	Gamble's Case - - -	Mr. W. Fewell. Mr. G. Plumb. S.D. Inspector Hewison. Dr. R. S. Woods. Mr. C. Sayers.
39	5th March, 1907 - -	Gamble's Case - - - -	Sergeant A. Anderson. Sergeant C. Duffin. Sergeant T. Sheedy. P.C. Edwin Ashford. Sergeant A. Doyle. Miss Lily James.
40	26th March, 1907 -	Platt's Case - - - -	P.C. Arthur Soer. P.C. Andrew B. Gunn. P.C. William Gale. Inspector F. Knell. S.D. Inspector F. Spencer.
41	27th March, 1907 -	General Evidence - -	Major G. Golbourne Tarry. Mr. L. Dunning.

No. of Sitting for Evidence.	Date.	Case inquired into.	Witness Examined.
42	10th April, 1907	General Evidence	Mr. J. V. Stevenson. Miss C. E. Matson. Mr. W. J. Taylor. Mr. S. Cohen. Miss L. Colson.
43	11th April, 1907	Platt's Case	Superintendent H. Noviss. Inspector J. Dale. Mr. J. Forbes.
44	12th April, 1907	Platt's Case	Sergeant C. Hancox. Sergeant S. Bex. P. C. Henry Cass. Sergeant J. Laing.
45	17th April, 1907	Platt's Case	Detective-Sergeant Leach. S.D. Inspector W. Briggs. Detective-Sergeant G. Wright. Mr. C. R. Fisher.
46	19th April, 1907	Platt's Case	Mr. C. R. Fisher. Mr. J. W. Fisher.
47	1st May, 1907	General Evidence	Sir A. De Rutzen. Mr. A. C. Plowden.
48	4th May, 1907	General Evidence	Mr. H. Smith. Mr. E. Baggallay. Mr. A. R. Cluer. Sir R. D. M. Littler, C.B., K.C.
49	7th May, 1907	General Evidence	Mr. E. C. D'Eyncourt. Mr. H. C. Bennett. Miss E. C. Knight. Staff-Captain Harriett Hillyar. Miss E. MacDougall.
50	8th May, 1907	General Evidence	Mr. G. P. Taylor. Rev. F. B. Meyer.
51	13th May, 1907	General Evidence	Col. Sir C. E. H. Vincent, K.C.M.G., C.B., A.D.C., M.P. Mr. C. J. Vollhardt.
52	31st May, 1907	General Evidence	Mr. E. N. F. Fenwick. Mr. H. Titterton.
53	1st June, 1907	*In camera — evidence not published.*	——
54	4th June, 1907	General Evidence	Sir F. Fulton, K.C. Sir M. D. Chalmers, K.C.B. C.S.I. Mr. C. E. Troup C.B.
55	6th June, 1907	General Evidence	Captain J. W. N. Bower. Mr. C. E. Troup. Mr. C. T. Dent.
56	11th June, 1907	Mr. Y.'s Case (in camera)	Mr. Y. Mr. Z.
57	13th June, 1907	Mr. Y.'s Case General Evidence	Mr. S. Savill. Mr. C. T. Dent. Dr. H. N. Hardy.

No. of Sitting for Evidence.	Date.	Case inquired into.	Witness Examined.
58	18th June, 1907 - -	Mr. Y.'s Case - - -	P.C. Walter J. Earle. P.C. Patrick Caladine. P.C. William H. J. Wood. Sergeant R. Lougton. Inspector A. Bex.
59	21st June, 1907 - -	Platt's Case - - - -	Mr. P. McCarthy. Mr. J. E. Lloyd. Mr. H. Chapman. Mr. H. Jones. Mr. G. Deed.
60	9th July, 1907 - -	*In camera — evidence not published.*	——
61	11th July, 1907 - -	*In camera — evidence not published.*	——
62	26th July, 1907 - -	General Evidence - - -	Right Hon. T. Shaw, K.C., M.P. Sir E. R. Henry.
63	31st July, 1907 - -	General Evidence - - -	Sir E. R. Henry. Mr. J. Timewell.
64	1st August, 1907 -	General Evidence - - -	Sir E. R. Henry.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

ROYAL COMMISSION

UPON THE

DUTIES OF THE METROPOLITAN POLICE

WITH REGARD TO

CASES OF DRUNKENNESS,

DISORDER AND SOLICITATION IN THE STREETS.

FIRST DAY.

Tuesday, 17th July 1906.

PRESENT:

Sir DAVID BRYNMOR JONES, K.C., M.P. (*Chairman*).
RUFUS DANIEL ISAACS, Esq., K.C., M.P.
WILLOUGHBY HYETT DICKINSON, Esq., M.P. (Barrister-at-Law).
CHARLES ALGERNON WHITMORE, Esq. (Barrister-at-Law).
J. W. ST. LAWRANCE LESLIE, Esq. (Barrister-at-Law), *Secretary*.

The Secretary read the Royal Commissions.

(*Chairman.*) The Commission thinks it will be desirable that the following statements as to its method of procedure and conduct of the Inquiry should be made. We have decided for the present to sit and take evidence in public. We feel, however, having regard to the nature of some of the cases into which it may be necessary to inquire, that possibly persons may be reluctant to come forward and give evidence, and accordingly we shall, if, in our opinion, it should become necessary or expedient, take evidence in private. We shall upon application allow any person directly interested in the Inquiry to appear by counsel or solicitor, but as we have to conduct an inquiry and not to decide questions between litigating parties, we shall examine the witnesses ourselves. If, however, as the Inquiry proceeds, there should arise a direct conflict of testimony between two or more witnesses, and it becomes necessary for us to decide which of two or more persons are to be believed, we will consider any application for leave to examine or cross-examine witnesses by counsel or solicitor on its merits when it arises. It will be observed that the scope of our Inquiry is limited to investigating the duties of the police in regard to three classes of cases—namely, cases of drunkeness, cases of disorder, and cases of solicitation in the streets, and the manner in which those duties are discharged. We are anxious to have the fullest information concerning these matters, and shall be glad if any person wishing to give evidence before us or to supply us with information will communicate with Mr. John Leslie, the Secretary of the Commission, at 31, Great George Street, Westminster.

(*Mr. Eldon Bankes, K.C.*) I do not know, Sir, whether I may be allowed to state that I am instructed with my learned friend Mr. Muir on behalf of the Commissioners of Police, and I desire to say at the outset our instructions are to give you and your colleagues any assistance in any matter, and it is the desire of the Commissioners to bring forward any information which you may desire them to bring forward, and which it is within their power to bring forward. May I make this one request that in the event of any charge being made against any member or officer, the Commissioners should have a reasonable opportunity of investigating the circumstances before they should be called upon to deal with it?

(*Chairman.*) You have heard the statement that I have made, and, of course, upon the application, then we shall allow you and Mr. Muir to appear as counsel for the Police Commissioners.

(*Mr. Eldon Bankes, K.C.*) I am much obliged to you, Sir.

(*Chairman.*) And as to any particular charge against any particular constable due notice will be given to the Commissioners of Police of the day upon which we shall take evidence with regard to the cases.

Sir EDWARD RICHARD HENRY sworn.

Sir E. R. Henry.
17 July 1906.

1. (*Chairman.*) You are the Chief Commissioner of the Metropolitan Police?—I am.

2. How long have you occupied that office?—I have been Chief Commissioner for the last three years and four months.

3. I understand that you are willing to give us general evidence to-day as to the duties of the Metropolitan Police in regard to the matters covered by our Inquiry, and as to the manner in which those duties are discharged?—Yes.

4. The classes of cases coming within the scope of the Inquiry are solicitation in the streets, drunkenness in the streets, and disorder in the streets. Take solicitation first. Will you give us information as to

Sir E. R. Henry.

17 July 1906.

what the existing law is as to these cases?—Solicitation is provided for under two statutes. Section 54 of the Metropolitan Police Act of 1839, 2 and 3 Victoria, cap. 47, enacts that: "Every person shall be liable to a penalty not more than forty shillings, who, within the limits of the Metropolitan Police district, shall, in any thoroughfare or public place, commit any of the following offences, that is to say," and then in Clause 11 it is provided "Every common prostitute or night-walker, loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation, to the annoyance of the inhabitants or passengers," and "It shall be lawful for any constable belonging to the Metropolitan Police force to take into custody without warrant any person who shall commit any such offence within view of any such constable." Then the Vagrancy Act of 24 George IV., cap. 83, Sections 3 and 4. Section 3 provides: "Every common prostitute wandering in the public streets or public highways, or in any place of public resort, and behaving in a riotous or indecent manner, shall be deemed an idle and disorderly person within the true meaning and intent of this Act; and it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him by his own view, or by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses) to the house of correction, there to be kept to hard labour for any time not exceeding one calendar month." Then Section 4 recites that: "Every person committing any of the offences hereinbefore mentioned and having been convicted as an idle and disorderly person" shall be deemed a rogue and vagabond within the true intent and meaning of this Act, the punishment being imprisonment with hard labour not exceeding three calendar months. With regard to these sections it will be observed that there is one common feature, the woman amenable to them must be a common prostitute. In addition, the Police Act requires proof of being in a thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers to constitute an offence, while the Vagrancy Act requires that the prostitute must behave in a riotous or indecent manner before she can be charged. Solicitation in the streets by persons not known to be or believed by the police to be prostitutes must, as a rule, be dealt with, if it becomes necessary to take action, under the provisions of Section 64 according to the special provisions—that is to say, they are proceeded against for disorderly conduct.

5. Which Act are you referring to now?—The Police Act of 1839, 2 and 3 Victoria, cap. 47. Clause 13 says: "Every person who shall use any threatening, abusive, or insulting words or behaviour, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned." And Clause 12 says: "Every person who shall sell or distribute or offer for sale or distribution, or exhibit to public view, any profane, indecent, or obscene book, paper, print, drawing, painting, or representation, or sing any profane, indecent or obscene song or ballad or write or draw any indecent or obscene word, figure, or representation, or use any profane, indecent, or obscene language, to the annoyance of the inhabitants or passengers." Section 64 of the same Act recites: "That it shall be lawful for any constable belonging to the Metropolitan Police to take into custody, without a warrant, all loose, idle, and disorderly persons whom he shall find disturbing the public peace or whom he shall have good cause to suspect of having committed or being about to commit any felony, misdemeanour, or breach of the peace, and all persons whom he shall find between sunset and the hour of eight in the morning lying or loitering in the highway, yard, or other place, and not giving a satisfactory account of themselves." Should there be any use of indecent or obscene language there is no difficulty in proceeding under Section 54, Clause 12, but it will be observed that the actual occurrence or the possible occurrence of a breach of the peace must be testified to or assumed under Section 54, Clause 13, or under Section 64; while proceedings under the latter section are further complicated by the introduction of the words "loose, idle, and disorderly persons," particularly when it is sought to apply those words to a person not known to be a prostitute. These, however, are the only statutory powers given to the police with which to undertake the difficult and delicate task of keeping the streets moderately under control in respect of solicitation.

6. Will you give us the law with regard to drunkenness in the streets so far as it affects your duties?—The law with regard to drunkenness in the streets is laid down by the Police Act of 1839, Section 58, which reads: "That every person who shall be found drunk in any street or public thoroughfare within the said district, and who while drunk shall be guilty of any riotous or indecent behaviour, and also every person who shall be guilty of any violent or indecent behaviour in any police station house, shall be liable to a penalty of not more than forty shillings for every such offence, or may be committed, if the magistrate before whom he shall be convicted shall think fit, instead of inflicting on him any pecuniary penalty, to the House of Correction for any time not more than seven days." Secondly, the Licensing Act, 1872, 35 and 36 Victoria, Cap. 94, Section 4, which extends the power of the earlier Act to persons who while not necessarily disorderly are incapable of taking care of themselves, or who may be a source of danger to others. Section 12 is as follows: "Every person found drunk in any highway or other public place, whether a building or not, or on any licensed premises, shall be liable to a penalty not exceeding ten shillings, and on a second conviction within a period of twelve months shall be liable to a penalty not exceeding 20s., and on a third or subsequent conviction within such period of twelve months to be liable to a penalty not exceeding 40s. Every person who in any highway or other public place, whether a building or not, is guilty while drunk of riotous or disorderly behaviour, or who is drunk while in charge on any highway or other public place of any carriage, horse, cattle, or steam engine, or who is drunk when in possession of any loaded firearms, may be apprehended, and shall be liable to a penalty not exceeding 40s., or in the discretion of the Court to imprisonment with or without hard labour for any term not exceeding one month. Where the Court commits any person to prison for non-payment of any penalty under this section the Court may order him to be imprisoned with hard labour." The first quoted section it will be noted gives no power to apprehend any person incapably drunk. It was always the custom, however, for the police to take the charge of him for his own protection, releasing him on his own recognisances when sober. The Licensing Act, 1902, made two changes in respect of drunkenness in the street, since in Section 1 provision is made for the first time for the apprehension of a person drunk and incapable of taking care of himself, and it provides also for the apprehension of a person found drunk while in charge of a child under the age of seven.

(*Mr. Eldon Bankes.*) Sir Edward ought to give the reference to the Act of 1902—2nd Edward VII., Chapter 28—and the sections to which he referred are Section 1 and Section 2.

7. (*Chairman.*) Now as to disorder in the streets?—This heading covers a multitude of offences, all affecting more or less seriously the amenities of life in a great city, and many specific offences are dealt with by special enactments, by bye-laws and rules. The principal Act under which general disorder is dealt with, however, is the Police Act of 1829, 10 George IV., Cap. 44, Section 7:—"It shall be lawful for any man belonging to the said Police Force, during the time of his being on duty, to apprehend all loose, idle, and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs." This section is repeated and expanded by Section 64, of 2 and 3 Victoria, Cap. 47, which is the Police Act of 1839, which provides:—"It shall be lawful for any constable belonging to the Metropolitan Police to take into custody, without a warrant, all loose, idle, and disorderly persons whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed, or being about to commit, any felony, misdemeanour, or breach of the peace, and all persons whom he shall find between sunset and the hour of eight in the morning lying or loitering in any highway, yard, or other place, and not giving a satisfactory account of themselves." That section is to be read with 10 George IV., Cap. 44, Section 7, which it enlarges. The words "loose, idle and disorderly persons" control the words "whom he shall have cause," etc. There is a reported

case of *Bowditch* v. *Balchin* (5 Exchequer, page 378) dealing with that. Section 54, Clauses 12 and 13, previously quoted, give the remaining power possessed by the police for dealing with general disorder, while Section 64 gives a power to apprehend which is not limited by the restriction imposed by Section 63, which reads as follows:—"That it shall be lawful for any constable belonging to the Metropolitan Police district, and for all persons whom he shall call to his assistance, to take into custody, without a warrant, any person who, within view of any such constable, shall offend in any manner against this Act, and whose name and residence shall be unknown to such constable, and cannot be ascertained by such constable." It may be said, however, that the police avail themselves as fully as possible of procedure by summons instead of by apprehension in suitable cases when the name and address of an offender is known.

8. I understand that certain rules and regulations are framed for the guidance of police officers?—That is so.

9. Can you give us some evidence about them?—With regard to the rules and regulations framed for the guidance of the police officers in dealing with cases within the above classes, I have to point out that under the present system regulations have been drawn up and framed from time to time subject to the approval of the Secretary of State for the Home Department. These regulations are being constantly modified in the light of experience gained. They may be said to be always more or less under revision, so as to bring practice up to the requirements of the moment. It may be said here for the information of the Commission with reference to the hours of duty of the police and the variation of beats that, according to the practice of the Metropolitan Police, the day is considered to be from 6 in the morning until 10 at night, and the night from 10 p.m. to 6 in the morning. The constable does eight hours duty in the twenty-four. In the inner area the day duty is done in two four-hour shifts, there being a four-hour rest interval between.

10. What do you mean by the inner area?—The inner area really takes in such divisions as St. James's, Westminster, Bow Street, and that portion of London where the traffic is heavy and the work is rather strenuous, in all some ten or more divisions and portions of outer divisions; in the outer area they are allowed to do it in eight-hour shifts. It is considered where the strain of work is very great that these men could not on a traffic point for instance, continue for eight hours at a stretch.

11. Is the distinction between the inner and the outer area described in any regulation?—No, it is varied from time to time. If the work becomes more strenuous in any portion of what you may describe as the outer area you might probably introduce the four-hour shift and make a change.

12. Then it is you who determine whether an area shall or shall not be considered to be inner or outer?—That is so, so far as length of duty is concerned.

13. Will you please continue?—The reason for dividing the hours of duty in this way is because of the greater strain of duty in the interior districts during the day. Elsewhere the day duty is done in one tour of eight hours. Night duty everywhere is done in one eight-hour tour. In the inner area the constable goes on duty at 6 in the morning and comes off at 10, to go on again from 2 in the afternoon to 6. He keeps these hours for a week, and then does duty between 10 in the morning and 10 in the evening in the same way—four-hour shifts. He does night duty for a month at a time, and invariably at the end of each month his beat is changed, and he comes under another sergeant, so that under no circumstances can the constable be on the same beat for longer than a month, and even when on the same beat his hours during the day are changed from week to week. In addition to active beat duty, he may be employed on a fixed point or traffic point, or sent out as a patrol, or be required to fill a vacancy caused by leave or sickness, all of which makes it unlikely that he will be on the same beat even for so long a time as a month continuously. To illustrate this, I have caused to be shown in the Return which has been marked A the actual variations of duty during the six months ending the 30th April, 1906, of a sergeant and 21 constables from the list of men who arrested prostitutes, particulars of which are given on another Return marked B. I think, sir, you have a copy of those Returns.

14. Returns A and B have been handed to the secretary. Can you explain a little more fully the significance of Return A. You say, "The actual variations of duty during the six months ending April 30th," and so on?—If you turn to Return B and take the first constable, you will see how it is worked out.

15. I think you had better begin with Return A, and take us through one of these instances?—The first-mentioned is a sergeant, so perhaps I had better proceed with the second. The second constable, as you will see, arrested in November two prostitutes, and he arrested in December twelve prostitutes.

16. I am looking at Return A, "Fixed point"?—This is in A. In November there are two arrests, and in December the same constable made twelve arrests, and in March he made six arrests. In November he was on a fixed point in the day time, High Street, junction of Charing Cross Road and Oxford Street. In December he was taken off day duty and put on night duty, and he was in High Street, Denmark Street, and Charing Cross Road, and while on night duty he made twelve arrests. In January he was kept on duty at the station. In February he was on a fixed point at Wardour Street, the junction of Old Compton Street. In March he went on night duty again. He was at Soho Street, Oxford Street, Charing Cross Road, and Soho Square, and while on night duty he arrested six women. Then in April he came on day duty again, and was in Charing Cross Road, Shaftesbury Avenue, High Street, and New Compton Street. There are 21 constables shown in this particular return, with full particulars of their duty for six months, and it is meant to justify what I have said that they are on night duty for a month at a time only.

17. On what principle have you picked out these 21 cases?—I believe they were picked out on the principle that they were specially active in making arrests. If you turn to Return B, and take these men, you will see they have been fairly active. Take No. 55—Mead. He arrested 20 women. Then Gilchrist, a sergeant, arrested 27; Cole arrested 41; Lucas arrested 14; Tilley arrested 23; Page arrested 14; Sawyer arrested 6; Dewsbury arrested 11, and so on. I did not pick them out at all. I told them to prepare a return, and I understand from the Superintendent who prepared it that he picked out men who had been generally most active, because it was thought to be most illustrative.

18. Then Return B had been prepared before Return A?—Yes.

19. I gather Return B is a return showing the number of prostitutes arrested by officers of the C and D Divisions during the six months ending 30th April, 1906?—That is so.

20. Is this an exhaustive return?—This is an exhaustive return of all the apprehensions of women made in those two divisions during the six months.

21. It is exhaustive?—Yes.

22. This return is limited to cases of solicitation?—Yes, prostitutes for being in any thoroughfare for the purpose of prostitution or solicitation, or for wandering in the public streets and behaving in a riotous and indecent manner, or for being loose, idle, disorderly persons disturbing the public peace. It is a return of the number of women who were arrested in those two divisions during the six months ending the 30th April.

23. The total apprehended in the C Division was 761?—761.

24. And the total number of women apprehended in the D Division was 255 for the six months?—Yes.

25. One of the Commissioners would like to know why have you limited it simply to the C and D Divisions?—Because that is the particular area in which this subject gives most trouble; but I have another return for the whole Metropolitan Police area. It is marked C.

26. (*Mr. Rufus Isaacs.*) Could you tell us before you go to that what area are you dealing with when you give us the Returns of the C and D Divisions? Can you delimit it in any way?—Yes, I can tell you roughly the boundaries of the C and D Divisions. The D Division extends on the west down Edgware Road, and it would come along Oxford Street, and be bounded by

Sir E. R. Henry.

17 July 1906.

Oxford Street on the south, and on the east it would be bounded by a line drawn, we will say, through Gordon Square, and on the north it would run round Regent's Park down St. John's Wood Road; on the east it meets another division, the E Division. The C Division runs along Oxford Street to Park Lane, and then it runs down the east side of the Park, along the Green Park, down St. James' Street, along Pall Mall East, then it goes roughly past the National Gallery, and up Wardour Street to Oxford Street. If it will be of any assistance to the Commission, I would put in a map showing it more accurately.

27. (*Chairman.*) Yes, I think we should like a map showing the limits of the C and D Divisions?—I can put in a map showing all the divisions.

28. That would be very convenient?—The only thing I might mention as regards this return is that the Commission will see that a very considerable number of men were employed in enforcing these provisions of the law, and there was no special selection made. There must have been 150 constables dealing with these 1,050 cases.

29. Are you dealing with Return C?—No, with Return B. I have not been able to give you in a return the names of all the constables for the metropolis, because it would be too voluminous, but I give them for a portion of the area in which there is the heaviest incidence of this particular duty, and I have given a list of all the constables who deal with these cases.

30. Would you like now to give us the numbers of the men employed in the C and D divisional areas and the particulars of the force in those areas? Is this a convenient point to have it, or would you prefer to explain the Return C to us before you go to that?—I have given in Return C the numbers and nationalities of prostitutes charged at each station under Section 3 of the Vagrancy Act of 1824, or Section 54, Clause 11, of the Metropolitan Police Act, 1839, and of females, including those not known to be prostitutes, charged with acts of gross indecency in thoroughfares during the same three years with the result of the charge.

31. Have you a Table showing the total number of charges and the total results?—I have a Table showing the total number of charges and the total results year by year. The total number charged in 1903 was 3,756.

32. (*Mr. Rufus Isaacs.*) That is on the last page?—Yes.

33. (*Chairman*). That is for the year 1903?—Yes, 3,756, of whom 964 were sentenced to imprisonment, 2,365 were fined, 264 were bound over, 46 were discharged with a caution, and 113 were discharged without any remarks and without comment.

34. What are the total figures for 1904?—In 1904 4,186 prostitutes were charged; 1,059 were imprisoned and 2,764 were fined; 271 were bound over; 46 were discharged with a caution, and 122 were discharged without any comment by the magistrates. In 1905 the numbers went up. 4,929 prostitutes were charged, of whom 891 were sentenced to imprisonment, 3,622 were fined, 215 were bound over, 60 were discharged with a caution, and 127 were discharged without comment by the magistrates. That is for the whole of the Metropolitan Police districts.

35. I see you also ascertained with regard to these cases the nationalities of the defendants?—Yes.

36. (*Mr. Dickinson.*) I should like to understand this. You have just been telling us about two Acts of Parliament under which these women are proceeded against. If you look at the first page, you will see Vine Street 544 were proceeded against under the first Act of 1824. Then at Tottenham Court Road there is only one under that Act and 437 under the other Act, the Police Act of 1839. Can you explain why one Act seems to be used in one court and the other in another?—It is not the fact that this shows how they were dealt with in court; this only shows how the police charged them. Some magistrates have difficulty in putting a construction upon the Police Act Section, and others have some difficulty about the Vagrancy Act. Many magistrates are not satisfied that solicitation to the annoyance can be proved unless some person comes forward to say he is annoyed, but they are willing to convict under the Vagrancy Act. The magistrates do not show on the charge sheet the particular section under which they convict, and so we have, more or less, to assume that they have been convicted under the section under which the police have brought the prisoner before them.

37. (*Chairman.*) We should like to know, if you will kindly give it to us, the number of officers employed in the area of Division C. Do you call the area the divisional area, or what?—It is the area I have indicated by boundaries.

38. But what name do you give it—do you call it a divisional area?—It is a division.

39. Then divisional area is a good name for it?—Yes, very good.

40. How many men are habitually employed in the divisional area; is this a convenient time for you to give us that evidence?—I can give you the total police force employed in that area, and I could no doubt make out for you a statement showing the number that are employed on beat duty, and fixed point and patrols, but I could not give it to you at once out of my head.

41. Perhaps you can give us now the total number of men employed, and see how they are organised, how many inspectors, sergeants, and so forth?—The area of the C Division is about three-quarters of a square mile. The strength of the force there is one superintendent, 19 inspectors, 51 sergeants, 435 constables, making a total of 506. I am taking these figures for the end of 1904. There may be some slight variation since then, but I have not got the variations here.

42. That is about the number employed now?—Rather more; a few more, probably. The D Division, also known as the Marylebone Division, which is in area something less than a mile and a half square, the strength of the force is one superintendent, 23 inspectors, 54 sergeants, 464 constables, making a total of 542 men all told.

43. You have referred to the force being moved from time to time, and given us the details of their career in regard to some months. Does the variation take place only in the same division or from one division to another?—Only in the same division.

44. That is to say, the officers employed in the C Division continue to be employed in the C Division unless some special order is made in their case?—That is so. They might be promoted out of it, or they might be transferred.

45. What force do you have in attendance at the respective police-courts in the divisions?—There are always inspectors on duty inside the court.

46. Day and night?—Only in the day time when the Court is sitting.

47. In the police station and the court—I wished to include both?—I will give you the particulars of the station duty. For the station duty in Vine Street, that is the C Division, six inspectors, besides the constables who are employed in connection with the telephone and telegraph, and generally for reserve duties. There are six station officers.

48. What officer is at the station to take down any charges made by constables against persons whom they bring up in custody?—The officer in charge at the station. There is a sub-divisional inspector who is in complete charge of the station area, and then each of these station inspectors does a tour of duty. Three are required for the day and three for the night. During half of his tour of duty he is inside the station, and the other half he would be outside the station. If, owing to sickness or absence from any cause it should be necessary to have his place filled, another inspector would be brought in from some other duty and put on to station duty.

49. What are the duties of the inspector when he is on his outside duty?—His business is to see that the men are on their beats and doing their duty properly. He would know whereabouts a man should be at a particular time if he went regularly round his beat, and he would expect to find him somewhere within reasonable distance of that point. That does not apply so much to a station like Vine Street or Bow Street, where the beats are very small, but in the outer area where the beats are larger it is necessary to have some such system, so that the inspecting officer may have a chance of knowing where to find the beat constable.

50. What are the duties of the inside inspector when he is on duty in the station?—He would have to attend to all charges that are brought and he would have to visit the cells; he would have to see persons who come to make inquiries, or it may be to lodge complaints, and he would have to attend, in fact, to any business that may occur during the time he was on duty there.

51. Can you tell us how many beats there are in the C Division; perhaps I ought to ask you first whether each of these areas is divided into beats?—The whole Metropolitan Police district is divided into beats.

52. Will you define a beat for us?—A beat is an area consisting of streets or roads on which there is residential property, along which streets or roads the constable practically patrols.

53. How many beats are there in the C Divisional area?—The beats vary between the day and the night. They are much more numerous at night than in the day time. I will give you the day beats for the C Division first. There are 31 day beats and 109 night beats, but in addition to the day beats there is a considerable number of fixed points where a constable stands—stationary posts, you may say. There are about 33 fixed points in the division.

54. Is one officer allotted to each beat at night, or are two officers allotted to the same beat?—The beat area is divided into sections. There are a certain number of sergeants, known as section sergeants, and under them are a certain number of beat constables. The number of sections for the day on the C Division is five.

55. With a sergeant in each, superintending each?—Superintending the men on each section. The number of sections at night is 10. I can give you the average time that it takes for a man to go round his beat, if that would be of any interest to the Commission.

56. I think not at present. Could you tell us something as to the rules of promotion in the force?—I think it material in this connection that the Commission should be informed as to the rules under which promotion is made. I have often seen it stated that a constable's activity in prosecuting cases affects his promotion. This is quite incorrect. A constable's activity or otherwise with regard to arresting or prosecuting persons is not taken into account at all in considering the question of promotion. Our rule is that no promotion is given except as the result of an examination held at New Scotland Yard, written and oral, by an Examining Board, consisting of a Chief Constable and four superintendents, supplemented by an examination independently held by the Civil Service Commissioners. During the time that I have been Commissioner I know of only two instances in which promotion was given without such examination, and in one of these the candidate passed in his professional examination but failed before the Civil Service Commission. The number of promotions each year, I may add, would aggregate about 400. So that during the time that I have been Commissioner there have probably been about 1,400 promotions made, and I can only call to memory two cases in which the examinational test was foregone.

57. Who are eligible for promotion according to the rules?—Every constable with five years or more blameless service to his credit (formerly it was a little higher, but we have recently promoted men of shorter service) is eligible for promotion and can apply to be promoted to compete at these examinations. I may mention here incidentally that in order to satisfy himself that constables possessed the necessary education the superintendent causes a preliminary examination to be held in the division, and if a man anxious for promotion fails at that preliminary examination he would be told it would be no use his appearing at New Scotland Yard until he had improved his education. I may add that there is no special record kept of the cases in which constables are concerned. If I wanted to know what work in connection with cases any individual member of the force had done, I should have to call for a very lengthy and tedious search to be made amongst the registers in order to arrive at the information. Our rule is well known to all the men engaged in the Police Force, and no inducement of any sort or kind is held out to them to be unduly active in relation to arrests or prosecutions of individuals. On the contrary, it is well recognised that the bringing of charges involves much inconvenience to the officers concerned at the time and subsequently, and frequently entails loss of rest. For instance, if a man arrests a person while he is on night duty he goes off that night duty a little after six in the morning, and he has to be at the police court at 10 o'clock, so he practically loses his rest.

58. I understand that regulations have been framed to give effect to the Statutes to which you have called attention?—I do not know whether it will interest the Commissioners, but I have a note of the average length of service of men who get promotion. I can say from memory that the average period of service of men promoted from constables to sergeants is about 8 years and 3 months. The average service of sergeants promoted to be station sergeants is 14 years and 7 months. The average service of station sergeants promoted to be inspectors is 15 years and 11 months. The average period of service for inspectors promoted to be sub-divisional inspectors is 18 years and 5 months, and the average service of sub-divisional inspectors appointed to be chief inspectors is 20 years and 5 months.

Sir E. R. Henry.
17 July 1906.

59. Now with regard to these regulations framed for the purpose of giving effect to the Statutes?—I now come to the regulations which have been framed to give effect to the law above referred to, relating to solicitation, drunkenness, and disorder in the streets. The general regulations which guide the conduct of police are contained in a rather bulky volume, much of the matter of which would be of no assistance to constables, but for their information an abstract of those portions of the regulations which immediately concern them has been compiled, and is issued to them in what is known as the "Instruction Book," a copy of which every man in the force possesses. I produce a copy. I also produce an abstract of the regulations dealing with these specific offences, referring in the first place to those relating to solicitation, which I will read, if the Commission so desire. (1.) Solicitation in the streets.—The regulations issued for the guidance of the police in respect of solicitation in the streets are as follows:—"117. Prostitutes cannot legally be taken into custody simply because they are prostitutes; to justify their apprehensions, they must commit some distinct act which is an offence against the law."

60. Then you set out the section of 2 and 3 Victoria, Cap. 47, which you have given us?—Yes. Then the regulation goes on: "In a prosecution under this section, there must be some evidence sufficient to satisfy the magistrate that the woman is a prostitute, next there must be evidence as to the actions of the woman, showing she was loitering in a thoroughfare or public place for the purpose of prostitution or solicitation. And, lastly, there must be evidence that her action was to the annoyance of the inhabitants or passengers. In the first instance, the woman should be cautioned by the police on duty, and told to move on and conduct herself properly. Should she refuse, and persist in misconducting herself, she should be taken into custody, and charged with such offence as she may be guilty of, provided some inhabitant or passenger will attend at the police station and testify that he has been annoyed, or the constable himself has witnessed conduct by the woman which was evidently an annoyance to an inhabitant or passenger." Then the next is 119: "In taking the charge against a prostitute, the following regulations will be observed:—(a) Column of charge sheet showing address and occupation. The occupation should be entered as obtained from the person charged; if the person declines to state occupation, the words 'nature of occupation not tendered' should be recorded." That is a material point, because the police would not enter on the charge sheet the woman as a prostitute unless she herself stated that that was her occupation. Then (b) "Column of charge sheet showing nature of charge." When the charge is under 2 and 3 Victoria, Cap. 47, Section 54, Clause 11, the words "any thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers" are to be recorded. Then Regulation 120: "By the 5 George IV., Cap. 83, every common prostitute wandering in the public streets or public highways, or in any place of public resort, and behaving in a riotous and indecent manner is liable to one month's imprisonment. Prostitutes committing an offence against this Act are to be taken into custody and charged by the police." Then Regulation 121: "Care is to be taken that the duty of dealing with prostitutes in the streets is entrusted to experienced and trustworthy men, who can be relied on to use discretion, and at the same time prevent disorder and annoyance to passers by." Then 122: "The police have no power to interfere with men and women talking in the streets so long as they behave themselves properly and are not assembled together in such numbers as actually to cause obstruction of the thoroughfare, but if it is absolutely necessary to interfere, it is then to be done civilly and firmly." 163: "The Vagrancy Act of 1824, 5 George IV., Cap. 83, as amended by later

Sir E. R. Henry.
17 July 1906.

Acts, gives certain powers of apprehension. Some offences are better or more completely mentioned in the Metropolis Police Acts or other Statutes, but the following provision should be borne in mind." Then 164: "Any person may be apprehended who shall be found offending in any of the following ways: (a) Every common prostitute found wandering in the public streets or public highways or any place of public resort and behaving in a riotous or indecent manner." That is under the Vagrancy Act. "It will be necessary to produce evidence that the woman was a common prostitute and also of her behaviour." Regulation 166: "Every constable is expressly required to use his best endeavour to apprehend every person he finds offending against the Vagrancy Act, and express provision is made for the punishment of constables neglecting their duties in this respect by Sections 6 and 11 of the Vagrancy Act of 1824." The material parts of Sections 6 and 11 of the Vagrancy Act of 1824 are as follows: (Section 6) "In case any constable or other police officer refuse or wilfully neglect to take any person offending into his custody and not use his best endeavours to apprehend and convey before some justice any person that he finds offending against this Act it shall be deemed a neglect of duty," and Section 11, "a penalty of £5 is imposed upon any constable neglecting the duty so placed upon him." Then Regulation 169. "The Vagrancy Act, 1898 (61 and 62 Victoria, Cap. 39) provides that: "(1) Every male person who (a) knowingly lives wholly or in part on the earnings of prostitution, or (b) in any public place persistently solicits or importunes for immoral purposes shall be deemed a rogue and vagabond within the meaning of the Vagrancy Act, 1824, and may be dealt with accordingly. (2) If it is made to appear to a Court of Summary Jurisdiction by information on oath that there is reason to suspect that any house or any part of the house is used by a female for the purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the court may issue a warrant authorising any constable to enter and search the house and to arrest that male person. (3) Where a male person is proved to live with or to be habitually in the company of a prostitute and has no visible means of subsistence, he shall, unless he can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution." These orders, which are necessarily of a general character are repeated in the Instruction Book which is held by every public constable. Perhaps it would save the time of the Commission if I referred you to the pages in the book—234, 236, and 338.

61. What books do you hand to the individual officer?—We give him the instruction book.

62. That is the white book, a copy of which you have handed in?—Yes. With reference to the regulations which I have read out to the Commission it will be observed that they direct firstly, that a woman is not to be apprehended because she is a prostitute, but only when she commits some specific offence; secondly, that a woman is to be cautioned before she is taken into custody; and, thirdly, that her occupation is to be entered on the charge sheet for the magistrate's information in accordance with her own account of herself, whether the police know her to be a prostitute or not. It may be added that the charge is, as a rule, formulated in accordance with the known practice at the different courts, which necessarily varies.

63. Do you find that greater difficulty has arisen latterly in regard to these cases of solicitation in the streets than formerly was the case?—Until comparatively recently there was little trouble from this cause except in a limited area in the West End. The tendency to-day is for these women to extend into localities hitherto untouched, possibly owing to the greatly increased facilities of locomotion, but notwithstanding this the trouble is still most acute in an area which may be stated to be bordered on the east by St. Martin's Lane, on the north by the Euston Road, on the west by the Park, and on the south by the River Thames. The greatest difficulty is experienced in the neighbourhood of Piccadilly, Regent Street, Oxford Circus, and the streets in the immediate vicinity.

64. What are the difficulties that the police have to encounter with regard to this class of cases which distinguish them from other cases?—It will be sufficient, perhaps, without labouring this point too much, to proceed to state some of the difficulties. It is well known that a very large number of women frequent this area at night for the purpose of prostitution, and it is also well known that numbers of men frequent or pass through this area at night who would not be annoyed by the solicitation of a woman, or, if annoyed, would be in most cases unwilling to give information to the police on such a matter, or, if they made actual complaint, would on account of the publicity involved, be unwilling to attend the court. Little, if any, assistance, is therefore forthcoming from the persons who are solicited by women frequenting this area. A constable is therefore compelled in the execution of this very difficult and anxious branch of his duties to rely and act mainly upon his own observation. Before acting, he has to satisfy himself that the woman who may come under his observation is (a) A common prostitute or night-walker; (b) that she is, or is loitering in, a thoroughfare or public place for the purpose of prostitution or solicitation, to the annoyance of the inhabitants or passengers; (c) or that she is behaving in a riotous or indecent manner. He can only judge of these matters, in the majority of cases, by what he has heard her say or may hear her say. For instance, if a constable has frequently seen a woman within this area at night, walking up and down the streets or any particular street, and accosting male passers-by either by look or gesture, entering into conversation with them, and occasionally going off with them, he would, I consider, be justified in inferring that she was a prostitute; and if on any particular night he saw her accosting a number of men he would, I consider, be justified in inferring that she was in the thoroughfare for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers, or that she was behaving in an indecent manner. It is, however, a question what evidence would be deemed sufficient to prove annoyance when the person annoyed has not complained, and also as to what constitutes riotous or indecent behaviour, and whether the mere fact of a woman continuing to solicit is in itself riotous or indecent behaviour. These are points upon which Summary Courts of Justice might, and do, take different views. All I need say, in conclusion, is that unless a constable is justified in taking action when honestly convinced upon the points I have indicated above, it would appear that this branch of the law must be a dead letter within the area in question.

65. I think that some remark was made in the Regulations about cautioning a woman. Have you anything further to say upon that point?—One other point in this connection I desire to refer to, and that is with reference to the provision of Regulation 118, that a woman should be cautioned before any action is taken against her. I consider this a wise precaution, owing to the possibility of mistake occurring as to the nature of a single conversation with a man and the serious consequences of any such mistake. At the same time, it is obvious that the Regulation gives practical immunity to large numbers of women who are habitual frequenters of the place for the purpose of prostitution, because if warned they take care to remove themselves from the observation of the particular constable who warned them, and take care not to solicit again whilst in his sight or under his observation.

66. Would you like to give us one or two illustrations of the difficulties that the police are under with regard to these matters?—Many illustrations could be given of these difficulties, but I may perhaps instance one which at the time gave us much anxiety. At the hearing of a charge against a woman for disorderly behaviour, in April, 1901, a solicitor appeared on her behalf, and explained that she was a woman of irreproachable character, who had been married for thirteen years, and who was the daughter-in-law of a well-known local personage. She denied on oath the circumstances alleged against her, asserted that she was married and respectable, and in support of this called her husband as a witness. The man named by her went into the witness-box and swore that he had been married to her for thirteen years. The magistrate upon the evidence felt constrained to dismiss the case, and the constable in consequence was actually being dealt with by the Police Authorities for his assumed improper conduct in the case when it was

ascertained that the supposed husband was in reality a disreputable person, who for years had lived upon the earnings of prostitutes, that the woman herself was a notorious character well known in the north, and that they had never been married, but had lived together. Proceedings were in this instance taken against the man, who was ultimately sentenced to five years' penal servitude for perjury. I may also quote a more recent case. In September last a woman was charged under the Vagrancy Act with being a prostitute, soliciting, etc. In court she contested the charge, asserting herself to be a respectable married woman, and called as a witness a man who on oath stated himself to be in respectable employment and the defendant to be his wife, and in consequence the case was dismissed. Three months afterwards, in December, the same woman sought the aid of the police against this man, whom she charged with assault and living on the earnings of her prostitution. In court she swore she had known the prisoner as a brothel keeper for fifteen years, and had lived with him without being married to him, and had assisted to support him by her immoral earnings. He was convicted on the charge of living upon her immoral earnings, and was sent to prison.

67. There is another class of street cases which do not, perhaps, strictly come under anyone of the heads you have been mentioning, but about which, perhaps, you would like to say something?—There is another class of case which comes under the notice of the police which has to be dealt with in the present state of the law in a somewhat roundabout way. I refer to certain violations of decency of a gross kind, such as sexual intercourse committed in a public place. Police apprehend offenders on the charge of having committed a common law misdemeanour by violating public decency; but they are not dealt with in the court for this offence, the procedure being too cumbersome and lengthy, as they would have to be committed for trial. They are actually dealt with, therefore, under County Council bye-laws, which confer no power on the police of arrest, but only of demanding names and addresses with a view to a summons, an altogether useless power in such cases where wrong names and addresses would invariably be given. As considerably over 1,000 of these cases were successfully prosecuted in the past year, the necessity of having some effective police intervention is indicated.

68. I think that completes what you wish to say in general about solicitation cases?—That is so.

69. Will you now come to cases of drunkenness?—Drunkenness in the streets? Until 1902 the police had no power of apprehending persons who were drunk and incapable, but that power was conferred by the Licensing Act of 1902. The police deal with over 60,000 cases of drunkenness in a year, and as a rule without any special trouble; but there always occur, and will always occur, a certain number of cases in which it may be contended that police action is not justified. This leads me to point out what the difficulties are that an ordinary constable may experience in dealing with a case of drunkenness and disorderly conduct. Apart from incapacity or disorderly conduct, the police cannot arrest for drunkenness. The police, therefore, now have to deal with two classes of offences in connection with drunkenness, namely, cases of persons being found drunk and incapable, and, secondly persons found drunk and disorderly. In respect to the first, difficulty arises owing to the similarity of some of the symptoms which characterise the alcoholic poisoning known as drunkenness and epilepsy and other obscure diseases. Instructions to police in cases where any doubt arises as to the cause of the symptoms observed give them ample discretion as to calling in the divisional surgeon: in fact, they are strictly enjoined to call in medical advice in all cases where there is any suspicion of illness, whether the person complains or not.

70. Is a doctor called in in many cases?—I am putting in a Return marked D which shows that a doctor was called in during 1905 in 4,316 cases. The total is shown on the last page in column 14. That heading, "Number of cases in which a doctor attended the police station at the prisoner's request," is not quite correct, because it should be the number of cases in which the doctor was called in, not only at the prisoner's request, but also at the request of the police.

71. Then the column that is numbered 14 in Return D should be the number of cases in which a doctor was called in?—Yes.

Sir E. R. Henry. 17 July 1906.

72. Whether by the prisoner's request or not?—Yes. The total number of cases dealt with was 62,759, of which 22,205 were cases of simple drunkenness and incapacity, and 37,322 were cases of drunken and disorderly conduct. There were 3,232 cases in which drunkenness was charged in addition to some other distinct offence, such as assault, making a total of 62,759 cases. The results were as follows: 3,289 persons were imprisoned, 52,800 were fined, 955 were bound over, 3,152 were discharged under the Summary Jurisdiction Act, Section 16, Sub-section 1, which, I think, says that the offence is too trivial to necessitate anything more being done. Then 721 were discharged with a caution, and 1,585 were discharged without any comment being made by the court.

73. (*Mr. Dickinson.*) It does not give the number of persons arrested?—The number of persons arrested would be the number of persons charged minus the refused cases. As regards that, I can put in a return if the Commission desires it, but I may say to my knowledge that between six and seven per cent. of the total number of charges taken to a police station by constables are refused, that is to say, the station officer, on the result of his own investigation, declines to take the charge. Many of those are cases in which a person is given into the constable's custody by another private person, but it, of course, also indicates cases in which the constable has arrested of his own accord, and his arrest is considered by the station officer not to be justified. In all cases of drunkenness, whether the charge was that of being drunk and incapable or being drunk and disorderly, when the person is brought to the station the need to summon a doctor may arise, and the instructions as to how such cases should be dealt with are given in the extracts from the Police Regulations, which perhaps you will allow me to read. The following are the Regulations issued for the guidance of the police, both as regards apprehension for drunkenness, medical aid in cases which may be cases of illness, whether arising from drink or otherwise, also the release of prisoners, and instructions as to the constant observation to be maintained over drunken persons in the cells lest illness should supervene. Regulation 195: "Constables are required, on the demand of a person licensed for the sale of intoxicating liquors, or of his agent or servant, to expel, or assist in expelling, from the premises any person who is drunken, violent, quarrelsome, or disorderly, and any person whose presence on his premises would subject the licensed person to a penalty, and who, upon being requested by such licensed person, or his agent or servant, or by any constable, to quit such premises, refuses or fails so to do. (The Licensing Act, 1872, 35 and 36 Victoria, Cap. 94, Section 18)." The note to that is: "The person, although not expelled, is liable to be convicted on summons for any offence involved in his misconduct, and the landlord may be liable for permitting the misconduct, if he has not availed himself of his power to expel the offender." Regulation 196: "Every person found drunk in any highway or other public place, whether a building or not, or on any licensed premises, is guilty of an offence, punishable by fine not exceeding 10s. for the first offence, and if incapable of taking care of himself, he may be apprehended. (35 and 36 Victoria, Cap. 94, Section 12, and 2 Edward VII., Cap. 28, Section 1)." Regulation 194: "Every person who in any highway or other public place, whether a building or not, is guilty, while drunk, of riotous or disorderly behaviour, or who is drunk while in charge on any highway or other public place, of any carriage, horse, cattle, or steam engine, or who is drunk when in possession of any loaded firearms, should be apprehended. (The Licensing Act, 1872, 35 and 36 Victoria, Cap. 94, Section 12)." Regulation 196a: "Every person found drunk in any highway or other public place, whether a building or not, or on any licensed premises, while having the charge of a child apparently under the age of seven years, may be apprehended, and is liable to a penalty not exceeding 40s., or to imprisonment, with or without hard labour, for any period not exceeding one month. (2 Edward VII., Cap. 28, Section 2)." Regulation 197: "A person found drunk in any highway or other public place, or on licensed premises, and incapable of taking care of himself, is to be taken to the station, charged with the offence, and subsequently dealt with in the same manner as a person charged with a bailable

Sir C. R. Henry.

17 July 1906.

offence." Regulation 198: "When police find a drunken person on licensed premises he is to be summoned or charged for the offence as circumstances admit, whether turned out of the premises or not." Regulation 199: "A constable may demand the name and address of any person found on any premises licensed for the sale of intoxicating liquors during the closing period; and if the constable has reasonable grounds to suppose that the name and address given is false, may require evidence of the correctness of such name and address; and may, if such person fail upon such demand to give his name and address, or such evidence, apprehend him (35 and 36 Victoria, Cap. 94, Section 25)." Regulation 295: "If prisoners are insensible, from drink or any other cause, or appear to be ill or injured in any way, although they do not complain, the divisional surgeon is to be sent for immediately. This duty is imperative in all cases where a prisoner appears to be ill, whether or not he has been recently under medical treatment at a hospital or elsewhere." Regulation 296: "It is to be thoroughly understood that in all cases in which persons come into the hands of police, whether as prisoners or in any other manner, and there is any appearance of their being ill or suffering from injury, or it is known or believed that they have hurt themselves by falling down while drunk or otherwise, the divisional or other surgeon is to be invariably sent for to see them, although they may make no complaint. The Commissioner trusts that there will be no neglect in carrying out this order. He desires that a liberal interpretation may be placed on all orders and regulations with respect to the attendance of divisional surgeons in cases of illness, accident, injury, or drunkenness. Each officer who performs station duty is to distinctly understand that he is expected not only to attend to any complaint of illness or injury that may be made to him by a prisoner or other person in his hands, but to make close personal investigation in each case, and to exercise care and discretion with a view to the surgeon being sent for to attend on such persons when there is any appearance or suspicion of illness or injury, whether complaint is made or not." Regulation 297: "When the interference of police becomes necessary a drunken person may be taken into custody and charged at a police station, and under no circumstances is a constable to leave his beat to conduct such a person to his home or elsewhere." Regulation 298: "Persons are frequently found insensible in the streets, and as they may be suffering from apoplexy or other natural causes, the symptoms of which give them much the appearance of persons under the influence of drink, in all such cases the police should first try and arouse them by gentle shaking; if that fails, the neckcloth and collar are to be loosened and the head raised a little, by which means breathing is made easier, and a message is to be sent to the station for the ambulance and further assistance." Regulation 299: "The police are strictly cautioned to be very careful in conveying persons apparently drunk or insensible to the station. When a person in this condition is conveyed on the ambulance, or placed in a cell, the head is to be kept slightly raised by canvas pillows." Regulation 300: "Drunken prisoners are not to be sent to a workhouse unless the surgeon recommends it on the ground that there is reason to apprehend serious danger to health from confinement in a police cell." Regulation 316: "Prisoners are to be visited in the cells at least once every hour, and, if drunk, every half hour. In the latter case they are to be spoken to and aroused on each visit."

74. (*Chairman.*) Have you anything to tell us about the facilities which are given to persons to obtain release upon bail?—I may say that all possible facilities are given to enable persons charged with the commission of any bailable offence, including solicitation, drunkenness and disorder, being released either on their own recognisance, or on the surety of someone else. It is specifically pointed out in our instructions that cells are intended to be places of detention for use only when no other means exist of ensuring the appearance of the incriminated person before the Court.

75. Is there any provision made for the obtaining of refreshments by persons so detained?—Oh, yes, refreshments are either provided free or they can obtain particular refreshments at their own expense.

76. (*Mr. Rufus Isaacs.*) Could you give us a reference, if it is in the White Book, to what you have just said, as to its being specifically pointed out that cells are intended to be places of detention only?—It would be in the Bail Order. If you will allow me, I will read out that paragraph that has reference to the station officers, and not to the constables under Regulation 415: "Police officers must realise that police cells are intended to be places of detention, for use only when no other means exist of ensuring the appearance of the incriminated person before the Court. Their object must be not to confine in cells any persons whose release upon personal recognisance or recognisances by surety can be arranged for, and is under the circumstances of the case an arrangement that may reasonably be adopted." Then, as regards the facilities, I would turn to 419: "Everything possible must be done to assist a person in custody, who desires to send for bail or to communicate with friends. The police telephone or telegraph may be used. If a prisoner is willing to pay for a messenger or postal telegram or cab, the station officer must arrange for this without delay. In short, he is to do all in his power to enable the prisoner to communicate with his friends or to obtain bail, in the most expeditious manner practicable. It often is practicable for a person charged to give corroborative testimony as to the correctness of the name and address he has tendered by producing a letter or letters addressed to himself, a visiting card, or some other paper which he may have about him. Failing this, he can be questioned with the aid of the Post Office or Local Directory, and when the address is situate in another district, verification is to be at once obtained by wire through the station concerned. Post Office Directories are supplied to chief stations, and superintendents are to arrange for the periodical supply of a copy of the local directory to each station, and they are to be kept in the inspector's office. If prisoners have no money, and are desirous of being bailed, the necessary expenses of sending for bail will be allowed by Commissioner." I read that out because I think it indicates that every conceivable facility is by our rules given to persons to get bail. Then, page 260, paragraph 252 deals with refreshments: "Necessary refreshment for prisoners may be purchased out of the money taken from them, provided the charge against them does not relate to the money; the amount expended for refreshment is to be entered in the prisoner's property book. When it is necessary for prisoners to have refreshment, either at their own or the public expense, no beer or spirit is to be given to them or admitted into the cells, but only tea or coffee, with such eatables as are usually given in those cases. When prisoners are provided with refreshment at the cost of the receiver"—that is the officer who has to find the money for all these charges—"the amount is not to exceed 3d. for each meal, except in special cases of destitution. When prisoners receive more than one meal, or other than ordinary refreshment, the cause is to be stated in the proper column of the printed form of voucher. In exterior sub-divisions where necessary refreshment cannot be obtained for less than 4d. for each meal, that amount will be allowed." I will put in the Bail Order, which is marked E.

77. (*Chairman.*) Have you any remark to make about cases where disorder is alleged as well as drunkenness?—I say that our standing orders, as I have already said, are always being revised and modified, and this merely tkes the place of the revised paragraphs 408 to 426, that were previously in force. Where disorder is alleged in addition to drunkenness, an officer would, of course, have to exercise discretion in not at once releasing the person, who might then and there go out again into the streets only to repeat the disorder. We have made the facilities for a person getting away from the police station very great, but a caution is given to officers that if a man is arrested for disorder they must not let him out if he might then and there go and repeat the disorder. A constable has to decide upon his own observation whether the behaviour of any particular person that he sees in the street justifies the opinion that it is due to drunkenness. Drunkenness is always a question of degree, and when the dividing line is approached, it is often impossible to determine when a person ceases to be sober, or when his condition should be described as one of drunkenness. Drink affects people in various ways. In some it causes loss of brain power, in others loss of motive power, in others it produces intense excitability, in others it produces a form of lethargy, and experts say that any great stimulus or shock may suddenly sober a man. The state of drunkenness becomes less and less marked with the lapse of time. The best practical safeguard has been adopted by requiring the station officer who deals

with the case at the station to satisfy himself that the facts warrant his accepting the charge. If he has any doubt, he has authority to fortify himself by calling in a doctor, or he can refuse the charge. Any person brought in on a charge of drunkenness can apply to see his own doctor, or, if he is not accessible, he may see the divisional surgeon, at his own expense. Drunkenness and disorderly conduct are dealt with by Section 58 of the Police Act, 1839.

78. That, I think, completes what you have to say about the charges of drunkenness?—Yes.

79. Now, as to the charges of disorder in the streets apart from drunkenness. Have you any evidence to give about them?—Disorder in the streets (apart from that associated with drunkenness or solicitation for prostitution) requiring Police intervention, arises from many causes. It would be difficult, and it is unnecessary to give an exhaustive list of these; but some of the most obvious may be mentioned. They are: Street trading; rowdyism of young men of the so-called hooligan class, and, occasionally, of young women; loafers and street corner men, the occurrence of special events, such as the University Boat Race. When any act of assault is committed these persons can, of course, be dealt with, or if there is good cause to suspect them of having committed or being about to commit a felony, they can be apprehended under the Larceny Act, the Malicious Injuries (Person) Act, or the Malicious Injuries (Property) Act. If they use profane indecent or obscene language to the annoyance of the inhabitants or passengers, they may be arrested under Clause 12, Section 54 of 2 and 3 Victoria, Cap. 47. When they use threatening abusive or insulting behaviour, whereby a breach of the peace may be occasioned, the procedure will be under Clause 13, Section 54 of 2 and 3 Victoria, Cap. 47. When, however, the disorder arises from some act not expressly coming within one or other of these categories the police are in a difficulty owing to the wording of the sections unless the offenders are known to be loose, idle, and disorderly persons. A legal definition of the term idle and disorderly person given in the Vagrancy Act, 1824, Section 3, includes able-bodied persons neglecting to maintain their families, persons becoming chargeable to a parish after legal removal therefrom, pedlars trading without a license, common prostitutes wandering and behaving in a riotous or indecent manner and beggars. When the disorder is caused by any person known to fulfil these conditions there is no difficulty in deciding that he should properly be arrested under 10 George IV., Cap. 44, Section 7, or under the enlarged powers conferred for dealing with the same class of persons by 2 and 3 Victoria, Cap. 47, Section 64. When, however, young men of the so-called hooligan class, in effect terrorise a locality without committing any act expressly bringing them within the Statute, or when, as on Boat Race nights, other young men of exuberant spirits and labouring under unusual excitement, though not drunk, parade the streets in the West End, it is a debateable point whether the police have power to arrest them. Often such conduct is associated with the use of indecent or obscene language or the use of insulting words and behaviour, and then Clauses 12 or 13 of Section 54 of the Police Act of 1839 apply; but when there is no such Statutory offence and the disorder consists of marching up and down, singing songs, shouting, etc., the question arises can the offenders be legally designated loose, idle, and disorderly persons? They are unquestionably disturbing the public peace in the sense referred to in Section 64 of the Police Act of 1839; but there is some uncertainty as to whether they can be dealt with under this section, the doubt being whether they are loose, idle and disorderly persons within the legal meaning of the section. The actual practice of the police when such offenders are arrested is to charge them with disorderly conduct at a specified place, and to leave the magistrate to decide the section under which they may be convicted. I am not able to give any comparative particulars of the results, the Act under which a conviction is made not being entered up on the charge sheets, but I am informed that the magistrates are occasionally in such difficulty that they have to fall back upon an Act of Edward III. to justify their decisions, and simply bind the offender over to keep the peace. In certain neighbourhoods the presence of loafers at street corners and outside public houses brings about what must be termed disorder of a serious kind, in dealing with which the police have on occasion to resort to force, and are themselves exposed to very rough treatment. Each year, on an average, between 250 and 300 constables are so severely handled by resisting or drunken persons that they have to go on the sick list for a period of over a week, many of them receiving injuries of a grave and permanent nature, while nearly ten times as many receive injuries of a less serious character. As regards that if the Commissioners desire it the Chief Surgeon who deals with these cases will be able to express an opinion.

80. I think it would be very desirable for the chief surgeon to attend and give those particulars if he would be kind enough to do so. Have you any suggestion to make as to the possible alteration of the law with regard to the matters upon which you have given evidence?—If you please I will put in a return of the total number of apprehensions for disorder likely to cause a breach of the peace which I have marked F.

81. This is Return F, "Disorder in streets." Will you explain the Table and give us the totals?—This is a return showing the number of persons apprehended by the police for disorderly conduct, that is to say, for having committed offences under Sub-sections 12 and 13, and also against males and females, the latter not being known prostitutes for acts of gross indecency in the streets. The Table shows how those cases were disposed of. The total number apprehended during the whole of 1905 was 11,375 persons. The results were: Charge dismissed, 2,093; discharged under the Summary Jurisdiction Act of 1879, Section 16, as being somewhat trivial, 1,201; convicted, 8,078. Fourteen of these were sentenced to over fourteen days' imprisonment; sixteen were sentenced to fourteen days' imprisonment or less; 7,302 were fined, and there is a note to this return that it includes such offences as fighting, obscene language, threats, etc.

(*Witness.*) I have a map here and I will show the Commissioners the boundaries of the divisions. (*The Witness explained the map to the Commissioners.*)

82. (*Chairman.*) I think if Sir Edward Henry will lend us this map we will keep it at the office?—I think you have some suggestions to offer to us as to the amendment of the law. Would you like to give them to us now or would you like us to recall you when the Inquiry has proceeded further, and we have had some specific instances as to the actual working of the law put before us from another point of view?—I will do as the Commissioners please.

83. Perhaps you will kindly make what suggestions you have to offer to us now, and then we can recall you if necessary?—I understand I am invited to offer suggestions as to possible alterations in the law and in the Police Regulations to be made with a view to rendering them more applicable to the conditions of the time. As regards the Regulations, inasmuch as they are based on, and are intended to be explanatory of the law, I do not see how they can be amended with advantage until the law is altered. As already stated, they are revised from time to time whenever the occasion seems to demand it. I am responsible for the Regulations, my recommendations regarding them being submitted for the consideration and approval of the Secretary of State for the Home Department. As regards the law I may say that the task of the police in dealing with women in the streets might possibly be rendered easier if the law was so altered as to make persistent solicitation an offence whether by a person known or not known to be a prostitute, and without requiring that annoyance to the residents or passers-by shall be proved. But this would be tantamount to deciding that the woman who offers herself for prostitution does a criminal act, whether she annoys or inconveniences others or not, and public opinion might or might not approve of so drastic an innovation.

84. What do you say as regards disorder?—As regards disorder, I may point out that in Section 54, Sub-section 12, the words "To the annoyance of the inhabitants or passengers," in Sub-section 13 the words "With intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned," and in Section 64 the words "Loose, idle, and disorderly," import an element of difficulty and uncertainty into their application. I put forward these

Sir E. R. Henry.
17 July 1906.

suggestions not as recommendations, because as an executive officer it seems to me that it is not within my province to propose an alteration of the existing law, but as points which might receive consideration if an alteration of the law is held to be required. I have no suggestions to offer as regards the law which deals with drunkenness in the streets. There is one point, perhaps, but I do not know whether the Commissioners would wish me to say anything about it, and that is as regards the allegation that sometimes has been made as to the police receiving money from these women. Would the Commissioners desire me to say something with regard to that?

85. Certainly, we shall be very glad to hear what you have to say on that point?—I have often since I have been Commissioner received letters, sometimes anonymous and sometimes authentic alleging that bookmakers gave money to the police, but I have not received a single letter and no complaint, oral or written, has been made to me during the three and a half years I have been Commissioner charging the Police with levying blackmail from women of the unfortunate class. From what I know of the tone of the men themselves, I am satisfied that if any individual man were to take money from these women it would certainly come to the knowledge of his comrades, and I am also satisfied that his comrades would look upon him as an unmitigated blackguard, and that he could not remain in the Force for long. I do not of course say that individual instances of taking money may not occur, but the whole Force know that any proved misconduct of this sort would be dealt with with severity. I think, too, that the system which I have endeavoured to explain to the Commission makes it quite impossible that there should be any systematised form of blackmailing like this, because the variation in the beats is so great, and in a street like Regent Street, where, I suppose, on either side you would have parts of ten beats, it would not be of the slightest use a woman bribing the first constable she came to, because she would only go a few yards before she came to another beat; and then, besides that, there is continual patrolling by superior officers. Therefore it seems to me that anything like a system of blackmailing these women is more or less impracticable, and certainly it could not exist for many days without becoming known to the authorities. I have had many allegations of the Police being corrupted at times by bookmakers, and I have had to deal with those cases where they have occurred. There have been cases, of course, of men charged with taking money from these women in the past, but they have been extremely rare, and none have come under my personal cognisance.

86. In the cases of drunkenness do persons who are apprehended for drunkenness in the street often attempt to bribe constables, to your knowledge?—It has not come to my knowledge.

87. You have had no letters complaining that the Police have endeavoured to extort money?—I have had no letters. I have had letters complaining that money is paid by bookmakers.

88. The only letters you have received during your term of office have been with regard to the Police being bribed by bookmakers?—As to money taken from bookmakers.

89. (*Mr. Rufus Isaacs.*) You have given us a Return of Convictions and Acquittals. Will you tell us what would happen in this case. Suppose a constable charges various persons, and the result of his charges is that there are a number of acquittals, what would happen in that case?—I should know nothing about it myself. I know nothing about the individual casework of a constable. You mean what would his immediate superior officer know?

90. Yes. Would it be brought to your notice at all?—Not unless the magistrate commented upon it. If the magistrate commented upon it in any way it would be at once brought to my notice, but if the matter was a mere comment by the magistrate and there was no reason to doubt the constable's conduct, I should know nothing about it.

91. Supposing it were proved that a constable arrested persons and brought them before the magistrate, and it turned out that in the cases he brought before the magistrate there was an undue number of acquittals compared with the number of charges?—I think the magistrate would comment upon his conduct.

92. The magistrate would do it?—Certainly.

93. Would there be nothing to direct your attention to it unless the magistrate commented upon it?—No, unless the superintendent brought to my notice that a particular constable had been taking wrong charges, and then his conduct would be inquired into; it would be taken up at once.

94. That is what I want to know. Who would inquire into it?—The superintendent or the sub-divisional inspector.

95. As a result of the inquiry would he report to you?—If it were found that there was any reason for believing that the man had been acting improperly he would be dealt with as a defaulter, he would be entered upon the Defaulter Sheet, and he would be put upon his defence for having taken improper charges.

96. I think I have followed from what you have said that there is a proportion of something like 6 or 7 per cent. of the charges referred to the inspector which he refuses to take?—Yes.

97. Suppose the inspector found that a constable was preferring a number of charges which he was refusing to take, and which therefore would bring to the inspector's mind that the police constable was preferring charges where it was not necessary, what would happen then, and what would be the ordinary course?—He would make an inquiry into one of those charges at once, if he had any reason to suspect that it was not a proper charge, but amongst that 6 or 7 per cent. there are a considerable number of cases in which persons are given into custody by private persons, and then they do not attend at the station, or will not proceed with the charge, and the charge is refused. I could get a return of those cases showing exactly how many were due to that cause and how many were due to the constable's own initiative. Of course he is not responsible when persons are given into his custody. He is obliged to take them to the station.

98. I think it might be useful, if you could, without too much labour, let us know what proportion of that 6 per cent. is represented by private persons refusing to proceed with the charge?—Yes, I will get that information for you.

99. If an inquiry is held, how is it held?—You mean an inquiry in a case where a constable is suspected of having brought an improper charge?

100. I do not mean in the sense of its being false to his knowledge, but a charge which he ought not to have made?—In a case where a station officer was of opinion that the constable had acted indiscreetly or improperly he would make a report to the superintendent, and the superintendent would then proceed to make further inquiries: he would possibly ask the person aggrieved whether they could come to his office and assist him with a statement, or, if they would not come to his office, he would, if necessary, go to their residence and take their statement, and if he found that it was sufficient to justify the opinion that the constable had certainly acted improperly, he would put him upon his defence, and he would then be dealt with according to the gravity of the charge, either by the superintendent himself or by the Chief Constable, or, in serious cases, the papers would be sent on to the Assistant Commissioner. All statements would be reduced to writing, including the statements of the constable and of the person accused, and all questions that might be put would be reduced to writing and filed with the officer who was competent to deal with them. I will give you an extract from the General Orders, if you will allow me to do so.

101. It is rather important to know what does happen?—Perhaps I may read this: "Complaints against Police Officers by private persons are, if possible, to be made and recorded in the presence of the accused officer, who will then have an opportunity of questioning the witnesses, if he desires. The statements made by the complainants and witnesses are to be reduced to writing by the police officer dealing with the case, and the persons complaining are to be required to sign their statements. Any questions the accused may wish to put to witnesses are to be put through the officer conducting the inquiry, and with the answers thereto are to be taken down. When the complainants or the witnesses cannot attend at the police station, their statements must be made or taken down in writing at their residence, or elsewhere, by the officer charged with the inquiry. In those cases where the complainant

prefers a complaint in the first instance in a letter to the Commissioner, the superintendent is, if on investigation satisfied that there are grounds for inquiry, and the accuracy of the complaint is denied, to ascertain if the complainants and witnesses will attend at his office and formally prefer the complaint in the presence of the accused officer. If this is objected to, the superintendent is to arrange for the complainant and the witnesses being seen at their residences, unless there is, in his opinion, some reason for not doing so, in which case he should report to the Commissioner and ask for further directions. The accused officer is to submit his reply to any complaint in writing, and any verbal statement made by him in reply to questions or in addition to his written statement are to be taken down and submitted." That is in paragraphs 56 to 60 of Section 4 of the Regulations.

(*Mr. Eldon Bankes.*) It is in the White Book at page 33. I am not sure that it is verbatim in the White Book, but the substance of it is in the White Book.

102. (*Mr. Rufus Isaacs.*) I am not quite sure that I fully appreciated what you were saying with reference to charges made by a constable that fail. Is it no disadvantage to a constable to make a charge which fails?—No, it might be a disadvantage if it were shown that he had acted indiscreetly or improperly, but otherwise it would not be of any disadvantage to him.

103. Would it in any way affect his promotion or position if it were found that the proportion of convictions to the charges was less than usual?—Some inquiry would be indicated; I certainly think it would be looked upon as a danger signal.

104. You gave us some instances (three, I think altogether) of women arrested?—Two cases of women arrested.

105. Yes, and one, I think, was for something else; for being disorderly or for drunkenness—I do not know which. You gave us two cases, and we know certainly of one other which has given rise to considerable discussion in the House of Commons with regard to the d'Angeley case. First of all, when a case is remanded for inquiry, who would be the officer who would make the inquiry. To whom would it be entrusted?—If the magistrate directed inquiry to be made?

106. Yes. It sometimes happens that a magistrate remands a case for inquiry for a week, or whatever the time may be. Who would be the officer at the particular police station who would make inquiry?—It would probably be the sub-divisional inspector or some other inspector appointed for the purpose, but in an important case, where the sub-divisional inspector is in charge of only one station, for in some areas he is in charge of more than one station, it would probably be made by the sub-divisional inspector, that is to say, if he were there, because he might be away on some other duty or on leave, with a man acting for him.

107. Does he make any report in writing, or does he merely make inquiry and give his evidence at the Police Court of the result?—He would report probably to the superintendent.

108. In writing?—I do not know. It would depend upon the nature of the inquiry. In any particular case a man would make inquiry and report.

109. In such a case as that he would report in writing?—I should think so; but I cannot say. If the magistrate said: "I should like to know something about the history of this person," the sub-divisional inspector would make inquiry and report it verbally to the magistrate. I do not know whether that would be reported in writing to anybody else. I do not quite know what particular papers it could be added to.

110. I do not want to ask you about specific instances to-day, because we shall have to go into that later. I only want to get a general view as to what the practice is.

(*Mr. R. D. Muir.*) There is one Regulation (No. 244) which deals with one particular class of offences, "In all cases where prisoners are charged by the police with unlawful possession inquiry within the Metropolitan Police district is to be made as far as practicable by telegram, and the officer engaged in the case and who charges the prisoner is not to be employed to make such inquiries, unless the circumstances are very exceptional. If he be so employed the reason is in all cases to be fully reported. This order will not interfere with any existing duty of constables to report to their superior officers."

(*Mr. Rufus Isaacs.*) That is limited to a case of unlawful possession?

(*Mr. R. D. Muir.*) It is in that particular regulation, but Sir Edward knows whether that is general or not.

111. (*Mr. Rufus Isaacs.*) That regulation to which Mr. Muir has made reference is one that is limited to unlawful possession?—Quite so.

112. (*Chairman.*) On page 266 there are regulations concerning inquiries as to the antecedents of prisoners, and they appear to apply when prisoners are committed for trial?—Yes.

113. Where are the regulations for making inquiries about persons apprehended for the offences with which we have been dealing this morning?—As a rule there would not be any special inquiry. The person arrested would be brought up the next morning before the magistrate, and it would only be in the event of the magistrate remanding him that further inquiries would be made. I think perhaps what you want as regards evidence in connection with the charge is at page 252 of the White Book—Regulations 199, 200, 201, and 202.

114. (*Mr. Rufus Isaacs.*) That does not deal with the point I am asking about. That would deal with the case itself, and I will ask questions about that later on when the case is before us. What I was seeking to ascertain was what the course would be when a case of this kind arose (and it is better to confine ourselves to a case of this character), say of solicitation, or of a woman being charged with loitering under the Act, and then the magistrate remands the woman for inquiries. What course would then be pursued, and what rank would the officer have who would have charge of the inquiries to be made?—Perhaps I can give you a concrete illustration. In one of these cases the inquiry was made by the Assistant Commissioner, who got together all the different witnesses, took their statements, cross-examined them, and did what he could.

115. What case was that?—That was a case of drunkenness and disorderly conduct. As I say, that is an illustration.

116. Are you quite on the point on which I was putting the question to you, and that is as to inquiries which are made by direction of a magistrate in order to assist him, presumably, in determining whether or not he shall convict. That is the kind of inquiry I am referring to. The answer you made to me is not in relation to that, is it?—No.

117. That is an inquiry which arose after a question had been raised with regard to what had taken place in a particular case?—Quite.

118. I did not want you to tell me that now. What I did want to ascertain was the practice with regard to such inquiries to assist the magistrate in determining whether or not he should convict?—Whether the officer puts down the result of his inquiry in writing?

119. Yes, whether he would report in writing?—To the magistrate?

120. To the magistrate. I presume not. He would give his evidence, would he not?—He would give his evidence, but occasionally I think they merely mention to the magistrate what they have found out. They do not necessarily go into the witness-box and swear to it.

121. Is that so?—I should think so. In cases at the Central Criminal Court, when some information is required regarding an accused person, it might be as to whether he had been trying to lead an honest life or something of that sort; then I think the information is given without the officer going into the witness-box.

122. You do not suggest that at the Central Criminal Court the officer makes statements in connection with inquiries which are referred to him without going into the witness-box?—I think he may state what he has found out without going into the witness-box.

123. Of this character?—Yes; but we have an officer who has more experience as to that, and he will be able to tell you as regards that point. I have no actual personal knowledge of that myself.

124. I am surprised at the statement you make, but I think it would be very desirable that we should know

Sir E. R. Henry.
17 July 1906.

whether that is so. I understand from what you said just now that at the Central Criminal Court a police officer would, as the result of making inquiries, communicate the result of those inquiries without going into the witness-box and giving evidence on oath?—I did not quite put it in that way. I say before sentence is passed it might be ascertained whether a particular person had been doing his best to earn a decent livelihood.

125. (*Mr. Whitmore.*) But not in a case where there is the same sort of charge as there is in this case?—No. It might be ascertained after the verdict had been given, only with a view of determining the sentence.

(*Mr. Rufus Isaacs.*) My experience is that the officer has always gone into the witness-box and given his evidence on oath.

(*Mr. R. D. Muir.*) May I say that at the Central Criminal Court the police invariably go into the box to give evidence, and on oath.

(*Mr. Rufus Isaacs.*) Yes, that is my impression.

(*Mr. R. D. Muir.*) Probably what Sir Edward Henry has in his mind are the Regulations which deal with the compiling of information for the purpose of an officer giving evidence. There, of course, it is all done outside and reduced to writing, and some of it is communicated to the gaoler to be put upon the Calendar. That, of course, is all done privately.

(*Mr. Rufus Isaacs.*) Of course, that we are all familar with.

(*Mr. R. D. Muir.*) So far as evidence is concerned as to character, that is invariably given on oath in the witness-box.

126. (*Mr. Rufus Isaacs.*) The question I was putting to you was rather a different one from that. What I am asking you about is a point which, I think, actually arose in the d'Angeley case. I am not putting that question to you to ascertain what happened in that particular case, which we will deal with later on, but I am putting the question to you to ascertain what is the usual course. If a magistrate remands an accused person for the purpose of inquiry being made then inquiry would be made, I understand, by a sub-inspector, I think you said?—Yes, by some inspector—by an inspector or by the sub-divisional inspector.

(*Mr. R. D. Muir.*) If I might make a suggestion, if you would inquire what the duties of the inspector are as to reporting with regard to any questions asked by the magistrate, that would probably assist you.

(*Mr. Rufus Isaacs.*) I think, if you will forgive me, I prefer to get the information in the way in which I desire it.

(*Chairman.*) We cannot contemplate the interference of counsel, although I do not wish to be discourteous, Mr. Muir.

(*Mr. R. D. Muir.*) I must apologise. I thought I was helping, because I have personal experience of what takes place in police courts.

127. (*Mr. Rufus Isaacs.*) That is what I am trying to ascertain. As I understand, an important matter takes place, and the magistrate remands the accused in order that inquiries may be made, and that is for the purpose of determining whether that person is known or whether it can be ascertained by the police that he is a person either of good or bad character. It is that inquiry that I want to know about, because then there is a report made, a statement is given to the magistrate, and that statement assists the magistrate in determining whether or not there should be a conviction. It is that inquiry to which I am directing attention. What I want to know with regard to that is, if you can tell me, this—if such an inquiry is made—by the sub-divisional inspector, for instance—which you referred to just now, whether he would make his report in writing, and, if so, to whom?—Whether he would make his report in writing in addition to making his statement?

128. Yes?—I should think in an important case he would, but I cannot specify the particular Regulation which requires him to do so.

129. I rather understood, from what you said before, and I am only anxious that we should be quite clear about it, that in a case of any importance what would happen would be that the officer would make a report to some one—to the head superintendent, I suppose, of that particular division—and that then that would go on the file with the rest of the papers in connection with that case. That is what I understood?—Yes, but the case, until the magistrate had disposed of it, would not be under our special consideration at all. Once the magistrate had disposed of it it might come again under our special consideration.

130. Certainly. But if that report were made it would be filed with the papers?—Yes. There would not necessarily be any papers in the case, because the person might have been arrested at night and charged in the morning, and the only paper before the magistrate would be the charge sheet, so that there would be no papers, probably, in the case. We should deal with the case again when once the magistrate had finished with it, if we had to deal with it at all.

131. In the case I refer to, merely for the purpose of bringing your attention to the point—the d'Angely case—a considerable amount of discussion took place with regard to that very shortly after the event. In such a case as that a report would be made, presumably in writing, would it not?—Yes. Probably afterwards the officer would be called upon to report as to any inquiries he had made in the case, but the statement he gave to the magistrate he probably would not have reported to us.

132. When you say "to us" whom do you mean?—To his superiors. If he made inquiry at the instance of, and by direction of, the magistrate, I do not know whether he would or would not report it to us. It did not come before me at all at that time.

133. (*Mr. Whitmore.*) That is before the case leaves the magistrate's court?—That is before the case leaves the magistrate's court. When it leaves the magistrate's court then any inquiry made would, of course, be reduced to writing and forwarded to the police authorities.

134. (*Mr. Rufus Isaacs.*) But before the case leaves the magistrate's court if he has made a report in writing I suppose it would be in court?—If he made a report in writing to the superintendent it would be there, and it would be forwarded and we should have it, I suppose.

135. I am anxious to know whether a report which was made by Inspector McKay was made in writing, and, if so, whether it is in existence?—That I do not know.

136. I will tell you why I am asking the question. Inspector McKay did make a report, or rather, to use a more neutral term, he made a communication as to the result of his inquiries. What I am anxious to know is whether in connection with those inquiries, he made a report in writing, and, if so, whether it is in existence?—I do not know, but I can find out. The superintendent is here, and he can tell you, I think.

137. I think, perhaps, we will deal with it when we come to the specific case. I only mention it in order that you may clearly understand what it is I am referring to. Now, will you tell me one other matter with regard to what you have described as the general course of conduct by the police. You said they give a warning to a woman. Would that be so in every case before a woman is arrested—that on that particular night or on that particular day she would receive a warning?—No, I think it would be at some previous time. I should think so, certainly.

138. She might have had a warning a month ago?—Quite. Of course, the magistrate when he is dealing with the case has to satisfy himself upon that as upon every other point.

139. Upon the question of "disorder," if I understand correctly what you have told us, magistrates have taken different views with regard to what it is necessary to prove in order to come under that particular section of 2 and 3 Victoria?—Quite so.

140. Then when a charge is made you do not always know whether the magistrate has convicted under that Statute or under another Statute, do you?—No, I do not.

141. That I want to be clear about?—I do not think the magistrate makes a return in the charge sheet showing under which Statute he has convicted.

142. Perhaps it makes no difference?—I think none whatever.

143. Otherwise, it is rather difficult to understand why you get so many convictions under one Statute at

one police court and comparatively none at another, whereas there are a large number of convictions for the offence under another Statute. That is the explanation, is it?—Yes, that is the explanation.

144. And this is, so far as you can gather, the surmise of your officials as to what the magistrate intended to do when dealing with the case?—That is so.

145. You have given us Returns A and B. I want to be clear as to those. Piccadilly and Regent Street would be places in which this class of offence would be most likely to occur, would they not?—Yes, I should think so.

146. I gather that from what you said before. Have you ascertained what is the number of charges that were made for offences committed of this character in Regent Street and Piccadilly? I am not sure that we can get it from the return?—No, but I can get it from the charge sheets.

147. I have not examined it in detail, but it occurs to me on running through it that most of these offences were at other places?—Are you speaking of Return B?

148. Returns A and B?—They are the same thing, perhaps.

149. The only difficulty in taking Return B is that B does not show where the offence was committed, but Return A does. Return B is only, I gather, a summary of what we find in greater detail in Return A.

(*Mr. Eldon Bankes.*) Return A has reference to a certain number of constables. Return B is the full return.

(*Mr. Rufus Isaacs.*) We have much greater detail in Return A than we have in Return B.

(*Mr. Eldon Bankes.*) Because it is the history of where the particular offence was committed.

(*Witness.*) If you take the first Return (A) you will see it deals with cases in Regent Street, Beak Street, Oxford Street, Wardour Street, Broad Street, Poland Street, and Argyll Street.

150. (*Mr. Rufus Isaacs.*) I will tell you what I was going to suggest that you should do. You might supply us, if you see your way to do it, with the number of offences of this character in respect of which charges have been made during this period in Piccadilly and Regent Street?—Yes.

151. (*Mr. Dickinson.*) The Tables give the total under A Division and the total under B Division. Can you give us the Tables for all the divisions?—If you wish it.

(*Mr. Rufus Isaacs.*) I think it only applies to C and D.

(*Witness.*) C gives it to you, I think.

(*Mr. Dickinson.*) No, it does not give the divisions. C gives the total.

(*Mr. R. D. Muir.*) In the very first column it shows the stations.

(*Mr. Eldon Bankes.*) You have the full information there.

152. (*Mr. Rufus Isaacs.*) If you would let us have that information which I have asked for I will not trouble you about other streets, but I should like particularly to know about Piccadilly and Regent Street, and to know what the particular number of charges were?—For six months?

153. Yes, for six months, if you will kindly do so. There is a question about the Bail Order I wish to ask to clear up something which otherwise is not quite plain. This Bail Order which you put in is dated June 16th, 1906, and you refer in particular to Sections 415 and 419 of that Bail Order. Had there been any change during the preceding two years, before June 16th, 1906, of those Orders?—Those are the original ones.

154. You will see why I am asking you the question. Those two sections would only enable us to deal with what has happened since June 16th, 1906. It may be the Orders were exactly the same, in which case we have the materials before us. If not we should like to know what the change is.

(*Mr. Eldon Bankes.*) We will check that for you.

155. (*Mr. Rufus Isaacs.*) I suggest, as a simple way of doing it, that it should be checked, and if you would tell us any changes that have been made, tracing back from this date for the last two years, and limiting it to the two years, that would be of assistance to us?—Yes.

156. There is one other matter I want to ask you about in connection with payments. First of all, during the time that you have been Chief Commissioner, with the exception of those instances which you have given us of bookmakers, have there been any instances which have been brought to your notice of members of the Force receiving money?—No cases have actually come before me. I am quite prepared to say that there may have been a few cases in which the Assistant Commissioner may have thought the men may have taken money. As to that I cannot say; but the Assistant Commissioner who deals with those cases will be able to give you specific instances.

157. He knows more about that?—Yes. It has not come to my knowledge. The point I wish to make is this. I did not think that such a thing as a system with respect to it existed. I think the administrative arrangements are such that you could not have a system existing.

158. I quite understand that; but, apart from a system, as to which you have told us your view, suppose such a thing does happen, an isolated case, what I desire to know is, how would it be brought to the notice either of the Assistant Commissioner or of the Superintendent?—It might come by way of an anonymous letter.

159. Then would it be inquired into?—Certainly.

160. Presumably if such a state of things existed at all (I do not mean systematically), and if a woman were in fear of a particular constable or constables on a particular beat, of course she would be the last person to make a complaint?—She could complain anonymously.

161. Then you do get anonymous notes?—Yes, and we invariably take notice of anonymous letters.

162. Do you make the same inquiry into it, so far as you know, as you would in any other case?—I should certainly say so. It would go out to the Superintendent, and he would make an inquiry, and report to the Commissioner. The report would come to me.

163. Suppose such a letter went to the Superintendent of a division, would he communicate with you or would he hold an inquiry?—He would probably hold an inquiry and submit the papers to me.

164. If, in the result, he thought it was necessary?—Yes, if he thought it was necessary.

165. But suppose he came to the conclusion that there was no foundation for it, I suppose he would not communicate with you then, would he?—I certainly should not get the papers if he thought there was no foundation for it, but the result of his inquiry would be sent to the Assistant Commissioner.

166. During your time, during the last three and a half years, there have been such cases of anonymous complaints in connection with matters of this character, apart from bookmakers?—They have not come to me.

167. No; but have you heard of them?—I do not know that I have heard of them, but I understand that there have been some cases in which men have been got rid of for that or suspected of that, but very few; and they are so few that I really cannot remember when I last heard of one.

168. It is important to the Force and to the public generally that one should know how many of such cases there have been?—I can get you a return at once.

169. I think it is important. If you could get us a return, such as you have been kind enough to give us in connection with the other matters, of the complaints that have been made, and of the complaints that have been inquired into, and the result of the complaint in each case, throughout the metropolitan area, I think it would be desirable?—Certainly, we can get it out easily within a few days.

170. I think it would be of very great assistance?—For two years or for one year?

171. I should suggest for the last two years. I do not know whether I mentioned it. I think I did, but we want the result of the inquiry, that is, as to the judgment that was formed on it, and what happened to the particular constable with reference to whom we

Sir E. R. Henry. 17 July 1906.

will assume for the moment that the charge was found to be true, or, at least, he was so seriously suspected of it that it led to some change in his situation?—Yes, I can get that information for you.

172. I do not wish to press you unduly upon this, but I gather from what you say you are naturally as anxious to give as we are to get the information?—Yes; but we were not told of this beforehand, so we have not got it ready. We have put in those returns because we thought they might be of use. We shall be only too glad to get any indication from the Commissioners of any information they want, and to get it as quickly as possible.

173. There may be cases in which constables have been so strongly suspected without proof being actually brought home that there has been some change made in their position?—I cannot call it to memory, and I think I would rather leave it until the return comes in.

174. Quite so. We will inquire into it then.

175. (*Mr. Dickinson.*) You said just now in answer to Mr. Isaacs that you thought there might be cases in which men have been got rid of. Can men be got rid of without your knowledge?—They could not have been got rid of without my knowledge. Every man who has had more than fifteen years' service cannot be got rid of without my special permission. Men with less than fifteen years' service can be dealt with by the Assistant Commissioner, whose proceedings I would subsequently see. With regard to men after fifteen years' service my approval would have to be obtained for them to be got rid of. They would always have a right to appeal; but my permission has to be obtained for the removal of a man.

176. Men with less than fifteen years' service can be dismissed by your subordinate?—By the Assistant Commissioner.

177. But not by anybody below him?—A superintendent has only power to impose punishment of two days' pay, and the Chief Constable can impose punishment of four days' pay, except in cases of drunkenness. The Assistant Commissioners have full powers of punishment subject to obtaining my sanction in certain cases.

178. Will you inform me what is the process that is gone through when a person is brought up? Take the case of a prostitute who is brought into a police station. Of course the constable is with her. That is the first process. What is the next process? What kind of inquiry is gone into?—The constable makes a statement and the station officer, who is responsible for refusing or accepting the charge, puts the questions to him which he thinks necessary in order to test his veracity in the matter. He then asks the person accused what he or she has to say, and upon that the station officer either takes or refuses the charge.

179. Who takes the charge?—Generally it is an inspector. It depends on the station.

180. That kind of inquiry takes place at once?—Then and there.

181. Can a person charged with drunkenness give an explanation?—Yes, except when he is in the cell.

182. Can he do so afterwards?—I do not think they invite him to do so.

183. What happens the next morning? The case of course has to be prepared in some way for the magistrate. Who does that?—I do not think there is any preparation of the case. The Charge Sheet is placed before the magistrate, and the constable gives his evidence.

184. The constable who arrests the accused person?—Yes.

185. Is there no organised arrangement?—No.

186. Is there no inquiry of any formal character at all as to how the case should be put?—No, it is put in that form. There is no time. The accused person is arrested at night, and comes before the magistrate at 10 o'clock in the morning.

187. The magistrate at that time has only the story of the two individuals—the policeman and the prostitute?—Unless a man at the station has made inquiry.

188. If the accused person is remanded, who is the man who investigates and formulates the case the next time it comes before the magistrate?—It is quite a new departure, but if it is likely to be a contentious case the superintendent now is instructed to get legal aid. Before there was no such arrangement.

189. You do in certain cases get legal assistance?—We are doing so now, but we have not done so in the past; or very seldom. There was no system, and the superintendent did not understand that he was authorised to apply.

190. The question of system has not been considered, except by the individual Commissioner?—Once the case is before the magistrate it is out of our hands. You cannot withdraw from the case then.

191. No case is considered by yourself or by the Assistant Commissioner at all?—Not with reference to the night charges.

192. Are any charges considered by you at all?—It would depend. In the case of a summons that would be considered, because a report has to be made, and the Assistant Commissioner would consider on reading the report whether he ought to apply for a summons.

193. In these cases you have an independent person who inquires into the case?—Yes.

194. Now, I want to ask you about the change of beat. You say that your system is that a constable should have a different beat every month. That does not mean that they move out of their particular area?—No, not one of the Divisional area.

195. For how long a time do constables remain in the division?—There is no rule as to that.

196. Is your principle rather to keep them in the same division or to move them about?—I think, as a rule, it is to keep them very much in the same division, unless a man gets promoted or is transferred or otherwise, on account of the expense.

197. Do you think that is a wise system?—Yes, as long as they are not brought back on to the same beat. I suppose it would take a man a couple of years before he would get back on to the same beat, even if he was always in the same division.

198. I understand that the beats in the division are so small that a man's round may be from one end of the street to another?—Some are like that. I suppose there are twenty beats, or something like that, next to each other, or portions of beats.

199. Are they changed on promotion?—Yes, they are changed on promotion.

200. Have they sections?—Yes.

201. Do they change their sections?—They are changed.

202. The inspectors are practically fixed?—No. They are transferred in the interests of the Service.

203. If the beats are changed about like this, how do the police get to be in a position to say that a particular individual is a prostitute. I understand that you have to prove, first of all, that a woman is a prostitute?—Yes.

204. That can only be done, I suppose, on the knowledge of the police constable?—You cannot say it is knowledge, because, if put to the proof, he might find it extremely difficult to prove: you can only infer.

205. But I suppose you can have proof?—The way he proves it, I suppose, is by noticing the woman's conduct. I do not know how you can give proof except by giving some sort of description of what they do.

206. In the case we have before us, the d'Angely case, was any proof given?—I suppose the officer said he had cautioned her before. I suppose he said he had seen her walking up and down Regent Street accosting people, and that he had cautioned her before.

207. And that is all the proof?—That is all the proof you can give absolutely.

208. With regard to the police stations, have you women attendants in all of them?—Yes.

(*Mr. Eldon Bankes.*) There are regulations about that.

209. (*Mr. Whitmore.*) I want to be quite clear as to the system of promotion, because it seems to work out in the end that there are hardly any officers except those who have been originally constables. Are you quite clear that all officers are promoted from the ranks?—Yes.

210. Would you mind describing the system of pro-

motion?—From being a constable his first promotion would be to section sergeant, and he would get that in a little over eight years; and from being section sergeant he would be promoted to be a station sergeant, and from being a station sergeant he would be promoted to inspector.

211. All inspectors have originally been sergeants?—Yes. Then, being an inspector, he might be promoted to be a sub-divisional inspector, and from being a sub-divisional inspector, he would be promoted to chief inspector, and from being chief inspector he would be promoted to be a superintendent.

212. Every superintendent has risen from the ranks?—Yes, then there is the Commissioner, the Assistant Commissioners and Chief Constable.

213. Under the Chief Constable a Superintendent is the highest position?—Yes.

214. Is every superintendent a man who has started from the rank of constable?—Yes.

215. And the only men who have not been in that position are the Commissioner, the Assistant Commissioner, and the chief constable?—Yes.

216. I do not wish to express any opinion upon the matter, but do you think it would be desirable that there should be additional officers imported from outside to fill the office of the superintendent or other offices?—No.

217. The matter seems to have been one deserving of consideration, and by-and-bye I shall certainly try to find out which would be best. I have no opinion of my own about it, but I should like to know sooner or later whether it would not be well that there should be a large number of superior officers who have not risen from the ranks?—I have had experience of police elsewhere where officers such as you contemplate have been brought in, and what I found there to some extent was that they had not the same actual knowledge, and they did not gain the same knowledge (I cannot tell why) as the men who had themselves been constables and had worked right up from the ranks, and, in consequence of their not having the same knowledge, they were not so effective in preventing abuses as the men who were in the know with regard to what was going on. To that extent there is a great advantage in having a man who has been right through the mill, and if 20 or 22 men come right through their horses and become superintendents they must be exceptional men and have strong qualities, and, of course, they have great knowledge and experience. They have seen police work in all its phases, and they know how a constable in the street ought to behave if he behaves properly. If it is a question of shirking duty or anything else they are much more skilful and experienced in detecting that than any man who could be brought from outside, or however cute he might be. Those are all advantages.

218. Then I gather you are really distinctly of opinion that the present system works well?—If I were a dictator I should not be prepared from my knowledge at the present moment to change it.

219. As the system is worked does promotion go according to the Division? Is the Superintendent of Division A probably a man who has been a sergeant in Division A?—No. For instance, if there was a vacancy to-morrow I should look through the list of chief inspectors, and I should select the officer who by service and by merit in my opinion was the most qualified for promotion, and he might or might not come from that division, I could not say, or he might come from any other division. He might never have served in that division.

220. Do you think it would be an advantage that a superintendent should have had experience in the lower grade in that particular district?—No; his experience would have been so remote if he had been there as a constable, and he would have spent so many years in the higher grade as inspector, and so on that I do not think it would matter very much. The Force changes very rapidly, and after five years' service there is continual change.

221. As regards not shifting constables from one division to another I suppose the reason for that is because of the fact that many of the men are married men and householders?—Yes.

222. And they would have to move?—Yes; perhaps they may have taken leases. It is a very difficult matter to move them about.

223. (*Chairman.*) I have only one or two questions to ask you, and the first is with regard to solicitation in the streets. The evidence you have given to us only deals with solicitation by women and men. Are there any cases brought to your notice in which women are molested by men?—No, it does not take that form. There are cases in which men solicit men for immorality.

224. That I follow, but the case I was thinking of was the case in which this may be taken as a type. A woman walking up Regent Street, a man follows her and talks to her several times; would a constable noticing that kind of conduct, and noticing that the lady was visibly embarrased take any action?—He might.

225. Under what Statute would he act in that case?—He would act under the Vagrancy Act of 1898, I think. It is an amendment of the regular Vagrancy Act.

226. The words are "(1) Every male person who (a) knowingly lives wholly or in part on the earnings of prostitution, or (b) in any public place persistently solicits or importunes for immoral purposes"?—I do not know the history of that amendment, but I think it was really framed to deal with such cases as you refer to. As a matter of practice, it is used for the other class of cases.

227. Then if a constable simply saw a man speaking to a lady under the circumstances I have taken as typical, unless he knows that the man is persistently doing it, he sees no duty cast upon him to apprehend the man?—No, unless he is persistently doing it, I suppose.

228. You mean the adverb "persistently" there refers to some particular occasion, or some particular day, time, and place?—Yes. I do not know what interpretation the particular court would put upon the word persistently.

229. The words are "Every male person who (a) knowingly lives wholly or in part on the earnings of prostitution, or (b) in any public place persistently solicits or importunes for immoral purposes." That may indicate persistent solicitation by a man who habitually frequents the thoroughfare for that purpose. It may be limited to that class of case?—As far as I know, that particular section is hardly used at all for the purpose for which it was framed, but it comes in very useful to deal with the other class of cases. It is summary procedure.

230. What happens in a case if someone goes to a police station and complains that a constable has been inactive, or that a constable has been discourteous to him or to her? Suppose, for instance, in the case I have indicated, a lady goes up to a constable and says, "Observe that man. He has been following me; he has been talking to me," and the constable refuses to take any action, and the lady then goes to the police station. Would any formal notice be taken of her complaint. I assume she would be received with courtesy?—Yes, certainly. I know of cases where ladies have complained of a constable being discourteous. We have made inquiry, and we have punished the constable.

231. Such cases have, in fact, arisen?—Yes.

232. Is the complaint by the person coming to the police station taken down in writing?—Yes.

233. The complaint by the person complaining?—Yes.

234. Then an inquiry is made by the station inspector?—Yes.

235. And, if need be, the complainant is not called upon to come there again. That is all I will ask you about that topic. Now, supposing a person has been apprehended for drunkenness and is taken to a police station and put into a cell, supposing he asked for a doctor, or that his own doctor might be sent for, what does happen according to the Regulations?—His doctor would be sent for.

236. In that case, of course, he would pay his own doctor?—Yes.

237. But supposing that course is not taken, and that the divisional surgeon is called in to inspect the

Sir E. R. Henry. 17 July 1906.

prisoner and form an opinion as to whether he is then or has been drunk, who has to pay the doctor?—If the private person asks to have the divisional surgeon called in he would pay for him.

238. What is his fee?—I think it is 7s. 6d. for a night and 3s. 6d. for a day visit.

239. Then there is a regular fee?—Yes; there is a regular scale fee.

240. The doctor cannot charge what he likes?—No.

241. There is one matter which I think we did not exhaust, and that is the question of the discipline exercised over police constables. What are the grades of punishment? Supposing no punishable offence has been committed at common law, but a constable has been found guilty of impropriety as a constable, and is no longer a fit man to remain in the Force, I suppose the ultimate penalty is dismissal from the Force?—Yes.

242. Is there any other punishment?—He might be punished by fine, or by stoppage of leave, or he might be transferred, which would entail a certain amount of expense.

243. (*Mr. Dickinson.*) Could we have a Table prepared showing the total number of persons who have been accused over the last twenty years, with a certain amount of detail?—Yes.

244. Table C shows an enormous increase during the last four years?—You want a Table over a period of twenty years?

245. Yes, and for drunkenness, too?—Yes.

(*Mr. Eldon Bankes.*) Do you want the whole of the information, or only the totals?

246. (*Mr. Dickinson.*) The totals?—The totals for the Metropolitan Police District.

(*Chairman.*) If convenient to you, Sir Edward, we shall now adjourn to Monday, at 12 o'clock, when the case which has been referred to by Mr. Rufus Isaacs, the d'Angely case, will be heard. I mean we shall issue summonses to all such persons as we think can throw light upon the case that was heard before Mr. Denman. Perhaps the surgeon might be able to give us evidence as to the actual injury sustained. Perhaps he might come on Monday.

(*Witness.*) Very good.

(*Mr. Eldon Bankes.*) There are two questions I am asked to mention. One is with reference to the case you will hear on Monday. Do you wish that the Police should supply you with the names of persons in this country who they think might possibly throw light upon it? We can supply you with the names, if you wish it.

(*Chairman.*) I think the course to be adopted is that the Police should send the names of those persons to Mr. Leslie, and of course it will be of assistance to him and to us if a short statement is made as to what the persons whose names are given are prepared to prove.

(*Mr. Eldon Bankes.*) If you please. There is another matter I might mention, and that is this. We have information outside this country which we are desirous of placing before you, if you desire it to be placed before you.

(*Chairman.*) I think it had better be communicated to Mr. Leslie. Then we shall hear of it and will come to a decision with regard to it.

(*Mr. Eldon Bankes.*) Some gentleman has asked to be supplied with a copy of the Commissioner's Statement and Returns. I do not like allowing that to be done without your sanction. A statement has been given here.

(*Chairman.*) All the evidence to-day has been taken in public, and any document handed in is open to the public.

(*Mr. Eldon Bankes.*) If you please.

SECOND DAY.

Monday, 23rd July 1906.

PRESENT:

Sir DAVID BRYNMOR JONES, K.C., M.P. (*Chairman*).

RUFUS DANIEL ISAACS, Esq., K.C., M.P.

WILLOUGHBY HYETT DICKINSON, Esq., M.P. (Barrister-at-Law).

CHARLES ALGERNON WHITMORE, Esq. (Barrister-at-Law).

J. W. ST. LAWRANCE LESLIE, Esq. (Barrister-at-Law), (*Secretary*).

(*Chairman.*) Mr. Eldon Bankes, I believe your clients have been informed that Mr. Booth, the Clerk of the Commission, delivered to Mme. D'Angely and M. D'Angely on Thursday night, the 19th inst., in Paris a letter requesting them to attend here to-day as witnesses, and they said they could not do so to-day, but they would do so later in the month. Under those circumstances the Commissioners have determined not to proceed with the D'Angely case to-day, but we understand Dr. Gerothwohl and Mr. Lavalette, who also have a complaint to make against the Police are here, and I am informed by the Secretary that your clients are ready to take that case to-day.

(*Mr. Eldon Bankes.*) Yes, that is so, Sir.

(*Chairman.*) Is Dr. Gerothwohl here?

(*Dr. Gerothwohl.*) Yes, Sir.

(*Chairman.*) Is Mr. Lavalette here?

(*Mr. Lavalette.*) Yes, Sir.

(*Chairman.*) Are you prepared to go on with your complaint against the Police?

(*Dr. Gerothwohl.*) We are, Sir.

(*Chairman.*) I may say for your information, Mr. Bankes, and for the information of the Police, that we have asked M. and Mme. D'Angely to come here on Monday next. They told Mr. Booth, the Clerk, that they were ready to come later in the month, and Monday next will be the 30th.

(*Mr. Eldon Bankes.*) Very well, Sir.

(*Chairman.*) Are Messrs. Gerothwohl and Lavalette represented by counsel or solicitor?

(*Dr. Gerothwohl.*) We have a solicitor, Mr. Paice, assisting us, but we are not represented by counsel.

(*Mr. Eldon Bankes.*) On the last occasion, Sir, you asked for some returns with reference to injuries to police, and Dr. Dent, the Chief Surgeon, is here, who prepared the returns. I do not know whether you would propose to deal with that first.

(*Chairman.*) No, we do not propose to take that general evidence at present. We shall be very glad if the Chief Surgeon will attend later, at a date to be fixed by us, to give us the general evidence that we indicated.

Dr. MAURICE ALFRED GEROTHWOHL, sworn.

247. (*Chairman.*) Where do you live now?—I am residing for the present at 8, Alma Terrace, Kensington.

248. Where do you ordinarily reside?—I divide my time between Dublin and London. I reside about six months in Dublin.

249. You are a lecturer in French?—I am honours lecturer in French at Trinity College, Dublin.

250. Are you a member of the Royal Society of Literature?—I am.

251. And an examiner in French to the Welsh Educational Board?—I am.

252. You are staying at 8, Alma Terrace with Mr. Lavalette?—Yes.

253. Were you staying with him there in April last?—I was.

254. On Saturday, the 7th April, you went into Piccadilly in the evening?—Yes.

255. And a few minutes past midnight you were arrested?—We were arrested about midnight, or five minutes past.

256. Would you kindly tell us your story in your own way?—Shall I tell it from the very beginning of the evening or from midnight?

257. You had better start a little earlier than that?—On coming out of 8, Alma Terrace at about 7.30 that evening I intended to go to dine in town as I usually did. I met Mr. Lavalette, who was coming from his office. I asked Mr. Lavalette to join me, as I had nothing to do that evening, and we took a 'bus in Cromwell Road to Knightsbridge, and then another to Piccadilly, and we went to dine at the Monico. In the course of that dinner we had one glass of lager beer each; that was all the drink we had. I produced the bill at Marlborough Street.

258. Showing what you had in the place there?—I handed the bill to Mr. Denman at Marlborough Police Court. We remained at the Monico slightly over an hour, and shortly after 9 o'clock we left and proceeded towards Soho. On Saturday evening the Soho Market takes place, a most interesting cosmopolitan sight. I told that to Mr. Lavalette, and suggested that we should visit it. Before going there we passed through Dean Street, and stopped at a little Greek coffee-house, and there we had a cup of coffee, and later on a lemonade or syrup. We remained there between thirty and forty minutes, and then we walked through the Soho Market.

259. Before that had you been into a café where you got the coffee, or where did you go to get that?—In Dean Street at the Greek coffee-house. On leaving that coffee-house we went through Soho Market, and when we got to the end of the market in a sort of square there was a temperance missioner, who was preaching, and we remained there for half an hour, very nearly three-quarters of an hour, listening to his speech. It was rather an amusing scene. I remember one man was complaining of toothache, and there was quite a scene, the poor temperance missioner trying to get away from this individual. On leaving this temperance meeting we came back towards Piccadilly, and about 10.45 under the Regent Street arcades we met Mr. Sherrington, a barrister, a friend of Mr. Lavalette. I had met Mr. Sherrington before. We talked under the arcades for about ten minutes or a quarter of an hour, and then Mr. Sherrington suggested that he had left his bag at the Trocadero, where, I believe, he had dined, so we all proceeded to the Trocadero, and there we remained about another half an hour. Mr. Sherrington happened to mention that he had a friend, or had had a friend, living with him who was a Trinity man, and so we started discussing the question of Trinity with very great detail, about the various men at the University, and so forth, and we also got on to a wider sphere of educational questions. I remember very well discussing the question of compulsory Greek, and telling him that I owed my appointment at Trinity to the abolition of compulsory Greek, and that nevertheless I was against that abolition. Also, I remember Mr. Lavalette discussing the question of a commercial university in connection with a technological institute which it was proposed to erect in London. That is the kind of topic we discussed till about 11.30, and then Mr. Sherrington parted company from us to take his 'bus, and we then walked down Coventry Street to Leicester Square, and about. Then we went down Lower Regent Street, keeping in the middle of the road as the pavement was very rowdy. There were a great many people coming out of the theatres who also were walking down in the same way to have a look at the students, who were rather rowdy, as is usual on that night. On coming back towards Piccadilly we came back on the pavement, and then proceeded down Piccadilly in order to take our 'bus home. That was about midnight. Just shortly before reaching St. James's Church, although people were very rowdy behind, there was no crowding just around us. There was a crowding a good many yards ahead, some young men in a ring, and between that crowd and ourselves there was a youth walking very quietly by the side of the kerb. At that moment a police constable, whom we found afterwards was 43 C R, pushed past us this way—(*describing*)—and pushed the young man forward, and then shoved him this way—(*describing*)—and the youth fell against a hansom cab which was standing there. Then he pulled him up and took him in charge and crossed the road with him. I then said to Mr. Lavalette: "This is really too bad, let us go and give our cards to the inspector." I said that or its equivalent to him in French. We together crossed the road a good way behind them, and we noticed at the corner of Swallow Street and Piccadilly another constable, who was coming from the Sackville Street direction take hold of young Timmings on the other side. *There* was Police Constable No. 43 C, *there* was Timmings, and *there* was the other constable, and they all went up Swallow Street. We followed, gradually gaining on them, and towards the middle of Swallow Street we were nearly abreast, when Mr. Lavalette stooped forward to look at No. 43, who was on the extreme left, to take his number. We then turned the corner of Swallow Street and Vine Street, and just as we were turning I just glanced round like that—(*describing*)—and I saw a man in blue—of course it was a policeman in his blue uniform. I did not stop to look at him, but I saw there was a policeman standing there. Then we proceeded behind them very closely towards Vine Street Police Station. Just before we reached the station I noticed there were two policemen standing one on each side of the entrance. *There* was No. 43, *there* was Timmings, and the police constable, who turned out to be No. 427 C, all in front, we following. Just as I put my foot on the first or second step I was seized from behind, shoved forward up the steps, and on the staircase Police Constable 43 let go of Timmings, turned round, and facing me this way he seized me, twisted me round, and flung me on to another constable. That constable flung me back. I was again seized by No. 43, and twisted into the dock. As I was twisted into the dock I saw Mr. Lavalette following, spinning round from one policeman to another. It reminded me rather of a game of skittles with human nine-pins, in which, I am afraid, the ball suffered more than the nine-pins. Timmings was already in the dock when I came. I immediately protested.

Dr. M. A. Gerothwohl.
23 July 1906.

260. What did you say when you protested?—I did not protest then; I protested about half a minute afterwards, when the inspector came in. The inspector came in walking from the room in front of Vine Street Police Station. The charge-room is *here*, and there is a room *here* (*describing*). I saw Inspector Berry emerge from that room, and walk to the desk, which is there. About half-way between the opening leading to that room and the desk he stopped a minute, and just turned round and looked at us, and then he sat down at the desk. Then I immediately began protesting and flourishing my card. I said, "I want it to be given to the inspector." It was dealt with in this sort of way: "We do not want your card." I remember even the inspector said that himself. I went on flourishing my card, and mentioned that I should write to the Provost of my University, and of course I was in a great fury. At that moment I was holding the rail of the dock, and with my stick alongside. I was flourishing my card with the other hand. Police Constable C.R. 43 pulled my stick away, and broke it deliberately across his knee. The pieces were pro-

Dr. M. A. Gerothwohl.

23 July 1906.

duced at Marlborough Street. Then my card was eventually taken. I was asked my name and address, and so forth.

261. That was by the inspector, I presume?—Yes.

262. Had a charge been made against you then? Had any one of the policemen spoken to the inspector?—The policeman spoke to the inspector, but there was such a row at the station that I really did not hear what he said.

263. What did the inspector say to you?—I do not remember him saying anything to us. He read the charge to us.

264. Had he been writing in the book then?—I do not think so. The charge was read out. I heard something about drunk and disorderly.

265. When you were in the dock, before the stick had been taken away from you, I understand that you protested?—Very strongly.

266. What did you say?—I said we had come about this third man, Timmings.

267. Then that stick was taken away from you?—Yes. The thing went on. While I was protesting like this, the policeman pulled my stick away and broke it, and I turned round and saw him break it.

268. Then the inspector read from the book?—The inspector read from the book the charge.

269. That you were drunk and disorderly?—Yes. I did not hear where, because there was an uproar in the place. There were a great many police constables in the station, and a great deal of chattering going on.

270. Had the inspector said anything before he spoke to you or charged you?—I do not remember that he did.

271. Did he charge you before he charged Mr. Lavalette?—No; we were charged together, as far as I remember. We were in the dock together, the three of us.

272. He did not speak to you separately?—He did not speak to me separately, although I insisted on my card being taken, and although I thought when he took it he might have noted who I was, and asked for an explanation which I offered to give.

273. Is that all that took place while you were in the dock?—I think that is all, except that as soon as we were in the dock, just before the inspector came in, I took out a piece of paper and wanted to take the numbers of the constables, and Mr. Lavalette did the same.

274. What happened next?—When the charge had been read out, the bar of the dock was raised, and I walked up straight to the desk where Inspector Berry was sitting, and said to him, "Do you really think we are drunk?" He replied, "Yes." Then we were searched. I was searched by Policeman C.R. 43, somewhat roughly. I do not want to emphasise that point, but I remember him saying to me, when he was putting his hands into my trousers pockets, "I am not going to rob you." Then we were marched off to the cells—that is to say, shoved off at the beginning by these police. The warders were quite different; I beg to say that.

275. Were you taken to separate cells?—No; we were placed in the same cell, and two other men were afterwards brought into that cell. There was another point I forgot to mention. When I was still in the dock I asked to communicate with my friends, and said, "I wish to write to my friends," and I was told that I should certainly have that opportunity. I asked that again when we were led off by the police, and a young constable promised to bring pens and paper, but it was never brought. Then we were left in the cell for something between 20 minutes and half an hour, and then a warder came along with a man in civilian clothes. I imagined that man might be possibly a superintendent, and wishing to appeal to him I said to the warder, "Who is that?" He said, "Never mind that gentleman." Then he asked me if I wanted to send for a friend, and I said I wanted to send for a friend of mine who was a doctor—Dr. Stewart—and he seemed very averse to send for the doctor. He said private doctors do not like coming, but I insisted. He also wanted to know why I wanted to send for Mr. Charles Graves. I said I wished to send to him for private reasons, because he knew the people at my University. He again called it excessive, but still he promised to send for them. I wanted to write, but he said the police would send the message themselves. Then we were left over an hour.

276. Did you give Dr. Stewart's address?—Yes.

277. And Mr. Graves' address?—Yes.

278. Verbally?—Yes, they were taken down on a slate—either a piece of paper or a slate, but I am almost sure it was a slate. The warder had a slate. Then we were left for an hour or an hour and ten minutes, and about 2.15 Inspector Berry came and informed us that Dr. Stewart had declined to attend, and they had not sent for the other gentleman. Then he suggested we should see the Divisional Surgeon, to which I and Mr. Lavalette readily assented.

279. Was that almost immediately after the names had been written on the slate? How long elapsed between the writing the names on the slate and the next conversation with the warder?—As I say, from an hour to an hour and a quarter.

280. Then after about an hour you saw the warder again?—No; Inspector Berry came himself.

281. Did he say anything about Dr. Stewart?—Yes; he said Dr. Stewart had declined to attend. He would not come.

282. Then it was this inspector who suggested the Divisional Surgeon?—It was this inspector who suggested the Divisional Surgeon.

283. And you assented?—We assented readily. Then we were brought into the charge-room again, and I was brought back into the corridor leading to the cells by Dr. Mitchell, who was there, and Police Constable C.R. 43 and a young warder—the one, I believe, who had promised to bring us pens and papers. Then Dr. Mitchell examined me, and looked at my eyes with an instrument. I said, "Surely you cannot say I look drunk," to which he said, "Well, perhaps; but you may have had time to recover by now." Then he examined my eyes with an instrument, and asked me what I had had to drink. I said I had had one lager beer at dinner and a whisky and soda later. Then he called Police Constable C.R. 43, and asked him what was the charge, and then for the first time I heard Police Constable C.R. 43 say, "Brawling in Piccadilly, and shoving people off the pavement," and two or three other sentences which I cannot recollect textually. Dr. Mitchell after that made me walk to and fro in the corridor. After the examination was ended I noticed one thing. Just after the examination was closed, Police Constable C.R. 43 made a sort of movement as if to lead me back to the cells. I stood just between the doctor and the warder, and proceeded towards the charge-room, and went towards the inspector's desk when I saw the inspector nodding to me to come along. Then Mr. Lavalette was called in for his examination. While he was being examined I had a talk with another inspector, who had not been there, I presume, when the affair occurred, and I related to him the affair. I told him about this poor youth, Timmings, who was weeping in the other cell and apologising to the police—I do not know for what offence—and so forth; and the inspector said to me, "Why interfere?" He said, "Of course, I was not there."

284. Then Mr. Lavalette was examined?—Yes.

285. Were you present?—No.

286. Then Mr. Lavalette joined you?—Yes, and Dr. Mitchell went and said a few words to the inspector, and then we were asked, "Can you prove to us where you live?" and I produced my British Museum card and various other papers, and then we were made to sign a book, which turned out to be a recognisance in £2 to appear, and then we were let out.

287. You went to Alma Terrace?—No, we went immediately down Piccadilly, and a little before reaching Hyde Park Corner we took a cab to Dr. Ivor Davis, of 3, Drayton Terrace, who made a very, very thorough examination of us, and kept us at his house three-quarters of an hour or forty minutes talking to us after his examination. Then after that we left and went to another doctor, Dr. Walker, of 5, Marloes Road, whom we reached about 4 o'clock. He also saw us for some time, and made us talk, and so forth, and then we went off to Alma Terrace, and appeared on Monday at Marlborough Street.

288. The case was remanded, I think?—The case was remanded for two days.

289. It came on on Wednesday, April 11th?—Yes.

290. And the magistrate discharged you?—The magistrate discharged us.

291. That is your story?—That is my story.

(*Chairman.*) Do you wish to cross-examine, Mr. Eldon Bankes?

(*Mr. Eldon Bankes.*) I should like to ask some questions, if you will allow me.

(*Chairman.*) Certainly.

Cross-examined by Mr. Eldon Bankes.

292. I understand you do not live in London?—I do not now; I divide my time between Dublin and London.

293. On the occasion when this happened you were staying with Mr. Lavalette?—Yes, for six weeks on my Easter vacation.

294. When did you come to London?—About the 23rd March.

295. You had been in London from the 23rd March up to this day, the 7th April?—Yes.

296. Had you been to the boat-race?—No, I do not take much interest in the boat-race.

297. How had you been occupying yourself during the day?—In the morning I was working, probably at my editorial work that I have to do.

298. Do you remember what you were doing in the morning?—I cannot absolutely guarantee, but that was my most likely occupation that morning. I do not know.

299. Did you lunch at home or out, do you remember?—I lunched at home, I should say.

300. Do you remember?—I could not swear, but it is very likely. I generally lunched at home and dined out.

301. Do you remember what you did between lunch time and 7 o'clock?—Yes, I had a friend to tea.

302. Were you in the whole afternoon?—I was in the whole afternoon after 4 o'clock, at any rate.

303. What were you doing between lunch and 4?—I believe I was over at my mother's house.

304. Do you remember or not—I am only testing your recollection. Do you remember what you were doing?—No, I could not tell you exactly.

305. Then I understand about 7 o'clock you went with Mr. Lavalette, intending to dine somewhere in the West End?—That is so.

306. Had you been in London on a previous occasion on boat-race night?—I have been in London on several boat-race nights, but I never pay any attention to the fact. I have never been out on a boat-race night.

307. I think you know there is considerable disorder in the neighbourhood of Piccadilly Circus on boat-race nights?—Yes, I have been told so, but I did not go to see the boat-race night.

308. At the time you went to dine with your friend you knew?—I did not. I never thought of the thing in that way.

309. When did you first become aware it was boat-race night?—Just as we were coming back from Soho, when we saw the crowd beginning to be rowdy.

310. You have told the Commissioners what you did, and what you had to drink. You were represented by counsel, were you not, on the first occasion of the hearing before the magistrate?—We were.

311. Did you go to a solicitor early on the Monday morning that you appeared before the magistrate?—No, we wired on Sunday to our friend Mr. Paice to be present. He was in the country.

312. (*Mr. Rufus Isaacs.*) You said you were represented by counsel on the first occasion. Was it only on the first occasion?—No, we were represented by counsel on the second occasion, too.

313. (*Mr. Eldon Bankes.*) You saw your solicitor about this matter on Sunday?—Yes.

314. Did you tell him the whole story of what had happened?—Yes.

315. And what you had to drink?—And what we had to drink.

316. I suppose he instructed your counsel?—Yes.

317. The reason I ask you is this: do you remember your counsel cross-examining Dr. Mitchell?—Yes, on the second day.

318. Your counsel asked this question of Dr. Mitchell: "I asked Dr. Gerothwohl what liquor he had had. He said he had had one beer and one whisky. I do not remember his saying he had it at dinner. I do not remember his saying he had a brandy and soda about 11." Did your counsel ask Dr. Mitchell whether or not you told him that you had had beer and whisky at dinner and a brandy and soda about 11?—Would you mind repeating that question?

319. I will read it to you. This is the cross-examination of your counsel on the second occasion: "I asked Dr. Gerothwohl what liquor he had had"—that is in answer to your counsel's question. "He said he had had one beer and one whisky. I do not remember him saying he had it at dinner." That was in answer to your counsel's question whether you had not told him that you had had beer and whisky at dinner—"I do not remember his saying he had had a brandy and soda about 11"?—I know Dr. Mitchell said that.

320. That was in answer to your counsel's question. Your counsel asked him: "Did Dr. Gerothwohl tell you that he had had beer and whisky at dinner"?—No, pardon me, I do not find that in my notes, and I have a verbatim note.

(*Chairman.*) What are you reading?

(*Mr. Eldon Bankes.*) From the cross-examination of Dr. Mitchell.

(*Chairman.*) But from what are you reading?

(*Mr. Eldon Bankes.*) From the depositions—the magistrate's clerk's notes is the correct name really.

(*Witness.*) I have here a verbatim report. "(Q.) Did he tell you he had one glass of beer at dinner?—(A.) I forget whether at dinner; I did not take a note of that at the time."

321. (*Chairman.*) What do you say to that?—I do not know how the brandy came in.

322. (*Mr. Eldon Bankes.*) Did you hear your counsel ask Dr. Mitchell whether you had not told him you had a brandy as well as whisky?—I do not remember the brandy as well as whisky, and I cannot find it on my verbatim notes.

323. You say you have a verbatim report. What is that taken from?—The shorthand notes. The shorthand writer is here, and he will swear to it.

324. (*Chairman.*) You say that what Mr. Eldon Bankes has read to you is not in the shorthand note?—It is not in the shorthand note that we are going to prove.

325. (*Mr. Eldon Bankes.*) We will see the shorthand note when it comes. I can only deal with such materials as I have got. I understand you went up to Soho?—Yes.

326. Did you take any note of the time at which you left the Cafe Monico or the time you went to Soho?—Yes, we left the Cafe Monico between 9.10 and 9.15. I looked at the clock, and I remembered that.

327. Did you take any note of the time at all between that time and the time you met your friend in Regent Street?—I do not remember doing so.

328. With regard to the time, you are speaking to the best of your recollection?—Yes.

329. Before you met your friend in Regent Street did you see the crowds collected in Piccadilly Circus?—Yes, when we went down Coventry Street.

330. Was that before or after you left your friend?—That was after.

331. And before you met him did you see the crowds there?—No, I noticed the crowd when we were with him at the Trocadero—just about there.

332. You noticed the crowd there?—Yes.

333. You realised what crowd it was, I suppose?—Yes.

334. A crowd collected on Boat Race night, and from your previous experience you knew that it was a dis-

Dr. M. A. Gerothwohl.

23 July 1906.

orderly crowd?—I beg your pardon, I said I had no previous experience of Boat Race nights.

335. Perhaps "previous experience" is the wrong phrase. Let me say previous knowledge. You knew that disorderly crowds did collect there?—No, not worse than at the C.I.V.'s or on most Saturdays—or on some Saturdays.

336. Realising that, you walked down Coventry Street in the first place?—I did.

337. Was there a crowd proceeding in that direction?—There was rather a crowd coming down as we were coming up.

338. Were they shouting and booing, and behaving generally in a disorderly way?—The crowd was not very bad at that spot.

339. Then you came back down Coventry Street and went down Regent Street?—Yes.

340. Was there a very considerable disorderly crowd there?—There was a disorderly crowd as the people emerged from the Continental Hotel.

341. Did you walk with the crowd down Regent Street?—We did not. We were in the middle of the road looking at the crowd emerging. There were a number of people, respectable elderly people, looking at these young men coming out.

342. Did you go down to the bottom of Regent Street?—We went as far as Charles Street.

343. And then you turned back and came back again?—We stood for a short while with these other people, who were in the middle of the road.

344. And then you walked up again towards Piccadilly Circus?—Yes.

345. Was there a considerable crowd then at Piccadilly Circus?—Yes, there was.

346. Did you see the Police endeavouring to move them on?—Yes, as usual—that crowd approaching from that restaurant.

347. Were the Police endeavouring to get them to pass on down Piccadilly out of Piccadilly Circus?—I did not notice it to be so bad once we were in Piccadilly. I did notice it at the Circus, but once we had passed the Circus and went down Piccadilly it was not so bad. We went down on the pavement.

348. I think you said this to the magistrate—I am speaking again from the magistrate's clerk's notes: "There was a great deal of rowdyism"?—I was speaking generally, of course.

349. You mean a great deal of rowdyism in Piccadilly Circus and the adjoining streets?—In the adjoining streets. As I have said, all down Regent Street it was very bad.

350. Then you and your friend proceeded to walk down Piccadilly westward?—Yes, where we wanted to take our 'bus.

351. Was there a considerable crowd all round you—both behind you and in front of you?—There was a crowd behind us in the beginning of Piccadilly, and then the crowd lessened and when we got towards St. James's Church we were almost alone for say, ten, fifteen, or twenty yards.

352. Was there a considerable crowd coming behind you westward down Piccadilly?—Yes.

353. Were they booing and shouting?—A little I should say.

354. Were you and your friend and this young man Timmings at the head of that crowd?—We were not at the head in any way. What do you mean by "at the head"?

355. In front of it?—Simply in front?

356. Yes?—Yes, we were in front, but I do not think they were just behind us. I did not turn round to see.

357. Just when you got to about St. James' Church did some police come and first of all ask the crowd generally and yourselves and everybody there to desist from making a noise?—They did not ask us, and I did not notice whether they asked anyone else.

358. Did you hear them ask?—I did not—not just at that spot.

359. Did you notice two constables?—You are speaking, of course, of the crowd behind us.

360. I am now speaking of the place opposite St James' Church. Did two constables then come and stand in front of the crowd, and in the first place ask them to stop making a noise?—Do you mean behind us?

361. No, in front of you?—I stated in my evidence that in front of us about ten yards ahead at the further side of St. James' Church there was a crowd of young men collected.

362. Do you mean in front of you?—Yes.

363. Westward of you?—Yes.

364. Were those men arm in arm?—Yes, they formed a circle, and they seemed to be arm in arm entirely—in fact, I am sure they were.

365. How many were there should you say?—Not more than ten, I should say.

366. Were they booing and shouting and yelling?—They were.

367. Did you see or hear any police in front of them?—How could I see? They would have been between the police and myself.

368. Could you not see if there had been any police in front of them?—Do you mean the front towards the south?

369. No, further westward, and there standing facing them?—I could not see through them.

370. You do not suggest to the Commission that if there had been police there you could not have seen them because of these men in front of you?—I was not attaching great importance to these men at all.

371. I suggest to you that there were a number of men arm in arm across the pavement on the west side, that is to say, next the church?—I do not recollect it.

372. And that you were one of those men?—I deny that absolutely.

373. And the two constables got in front of you, faced you, and asked you to desist from making a noise?—I deny that absolutely.

374. Was the man Timmings arrested there and then on the pavement opposite St. James's Church?—Yes.

375. Which constable do you say arrested him?—Constable C.R. 43.

376. His name is Isaacson, is it not?—Yes.

377. Let him stand forward. (*A police constable stood forward.*) Do you recognise him?—I do.

378. Is that the man who arrested Timmings?—That is the man who arrested Timmings.

379. When he arrested him, what did he do with him?—When do you make him arrest him? Do you mean after he had been thrown down, or as soon as he pushed him?

380. I asked you whether you saw him arrested, and you said "Yes"?—I saw the constable pull him up, after he had shoved him, and drag him away.

381. Do you suggest that Timmings was thrown down?—I do—thrown against a hansom cab.

382. And thrown to the ground?—Yes, like this (*describing*)—in a slanting way. He could not fall completely to the ground because the wheel of the cab was there.

383. Did Timmings ever make any complaint of the way in which the police had treated him?—Timmings was weeping and apologising to the police very much

384. That is not an answer to my question. Did Timmings ever in your hearing make any complaint about the way the police had treated him?—Yes. He said when he was put into the cell that he felt very ill because he had been thrown. He was ill before, but that made him worse—something to that effect; I cannot tell you the textual words.

385. When do you say that took place?—In the cell.

386. Who did he say that to?—I think he said that to us generally. We asked him how he felt, and he said he was ill.

387. There was no doubt that he was the worse for drink?—I am not of that opinion at all.

388. You do not think so?—No, I do not think so.

389. Timmings has never himself suggested that he was not?—I suggest that in a police court a poor un-

defended fellow of that age, who is uneducated, is in a very difficult position.

390. You do not require much education to know whether you are drunk or not?—I fancy in the notes I have here that he said it was more illness than drunkenness. I have the reporter who took that note down, and who will come and swear to it.

391. I only ask you whether or not you ever heard Timmings ever make any complaint of the way in which the police had treated him, because, of course, I shall call evidence about this?—I heard him simply say that he had been hurt by his fall. I heard him say something to that effect in the cell.

392. (*Chairman.*) Did Timmings complain in your hearing of any of the police constables?—No; he was weeping all the time, and I heard him apologise.

393. (*Mr. Eldon Bankes.*) Who did he apologise to?—He was apologising to the police constables.

394. (*Chairman.*) Have you got Timmings here to-day?—No, I do not know where he is. I think Mr. Lavalette has his address.

395. I dare say we can find him, if necessary?—Yes, they must know it at the police station.

396. (*Mr. Eldon Bankes.*) I was asking you what happened after Timmings was arrested, and you interposed by saying he had been thrown against the cab?—Police Constable 43 took him in charge.

397. That is Isaacson?—Yes, and crossed Piccadilly with him.

398. Do you say that Isaacson took Timmings across the road?—I do.

399. Himself?—I do.

400. That is your recollection of what happened?—That is my recollection of what happened.

401. Was there anybody else holding Timmings besides Isaacson?—When he was crossing the road, do you mean?

402. Yes?—No.

403. You are quite sure of that?—My recollection is pretty distinct.

404. I accept your recollection. That is your recollection?—It is pretty distinct.

405. Will Police Constable Divers stand forward? (*Police Constable 427 C. stood forward.*) When Timmings was arrested was he then and there on the west pavement of Piccadilly handed over by the man who arrested him to Police Constable Divers?—What do you call the west pavement?

406. The south side?—I have never seen this Police Constable 427 on the south pavement myself.

407. Your recollection is that Isaacson took him across the road?—Yes.

408. Let us pursue your recollection. Then you say Isaacson took this man from the pavement across the street?—I do.

409. Was he joined by any other constable?—He was joined by another constable on the north pavement.

410. Do you know who that was, or would you recognise him?—I could not recognise him, because he had his back turned to me, but I conclude naturally after the evidence that was called that it was Police Constable 427 C.

411. You conclude that it was 427 C.?—Yes.

412. That is Divers?—Yes.

413. Do you know of your own knowledge, or are you merely concluding this? Did you see him?—At that moment, do you mean?

414. At any time?—I saw a policeman.

415. You are not able to identify who it was?—No.

416. Is it your recollection that the two policemen walked up Swallow Street, one on either side of Timmings?—It is.

417. And is it your recollection that, the policemen being on either side of him, they turned up Swallow Street into Vine Street?—Yes, it is.

418. And they did so proceed up to Vine Street Station?—They did.

419. A man on each side of Timmings, and Isaacson being one of them?—Yes, Isaacson being one of them.

420. Did they turn afterwards into the police station in that way?—They did.

421. A man on each side of Timmings?—A man on each side.

422. And Isaacson being one of them?—Yes.

423. Do you say that there were two policemen standing at the door of Vine Street Station?—I recollect just before reaching it that I saw two policemen standing one on each side.

424. That, again, is your recollection. You pledge your recollection to that?—Yes.

425. Should you recognise either of them?—I am afraid not.

426. But your distinct recollection is that there were two, one on each side?—Yes.

427. We have now got, so far as you recollect, Timmings up the steps into the station, with Isaacson on one side and a policeman whom you did not recognise on the other?—We have got them on to the staircase.

428. Now let me deal with yourself and your friend. Do I understand you to say that your recollection is that you were following behind these two policemen and Timmings?—Yes.

429. You were not personally known to any of the policemen, so far as you knew?—So far as I knew.

430. You cannot suggest that any of the policemen had got a personal spite against you?—No.

431. And you had not said anything that would indicate to any policemen that you were going to take Timmings's part?—I had not said anything to any policeman, because I consider that in a crowd like that it is very unwise to interfere with the police in the execution on the spot of their duties.

432. There was nothing to lead the police to suppose that you were going to the station for the purpose of taking Timming's part?—Except seeing us follow so closely.

433. I will deal with that in a moment. There was a very considerable number of persons going in the direction of the station as well as yourselves, was there not?—No, I do not recollect that there were many; there may have been a solitary person here and there; but, on the contrary, I noticed that the street was very empty.

434. On the first occasion, when you were represented by counsel, did you hear your counsel tell the magistrate that a bonâ-fide mistake had been made by the police?—I did, and I was rather sorry for it.

435. You heard your counsel say that?—I heard my counsel say that.

436. Did you also say that to the magistrate yourself?—No, I did not.

437. The statement you have now made to the Commissioners is entirely inconsistent with the police having made a bonâ-fide mistake, is it not?—I do not judge, but I am afraid it is difficult to reconcile it.

438. In spite of that, on the very first occasion your counsel appeared that was what he said to the magistrate?—That is what my counsel said to the magistrate.

439. And you did not contradict it or interfere in any way?—I cannot contradict my counsel in open Court, can I, even if I do not agree with him?

440. This is the first occasion before the magistrate. Then on the second occasion you gave evidence yourself, did you not?—Yes.

441. You said this: "As I put my foot on the steps I was caught from behind and pushed in by 43 C., who shoved me about till I found myself in the dock"?—I have here in my copy of the notes: "Just as I was putting my foot on the first step at the police station I was seized from behind and shoved forward, when I was caught by Police Constable 43 C., who twisted me round."

442. I am now reading from the note that I have. Do you suggest that note is wrong? I will read the note to you again. "As I put my foot on the step I was caught from behind and pushed in by 43 C., who shoved me about till I found myself in the dock." Did

Dr. M. A. Gerothwohl.

23 July 1906

you say that or not?—I certainly did not say I was caught from behind by 43 C.R.

443. According to your present case that would not have been possible, because 43 C.R. was already in the station. So that if that note, taken by the magistrate's clerk, is right, that is quite inconsistent with the story you have just told the Commissioners?—If the note is right. I have the shorthand note here.

(*Chairman.*) The note I have got is this: "I was caught from behind and pushed in by Police Constable 43 C., who shoved me about till I found myself in the dock." Somebody else may have pushed him from behind, so far as that goes.

(*Mr. Eldon Bankes.*) No. "I was shoved in by 43 C."

444. (*Chairman.*) "Caught from behind." Then supposing you put a full stop there?—I have the notes from the Home Office, in which I find this: "As I put my foot on the steps I was caught from behind and pushed in by Police Constable 43, who shoved me about till I found myself in the dock."

445. (*Mr. Eldon Bankes.*) That is what I have got?—You did not say I was caught from behind by Police Constable 43.

446. Yes, I did. I will read it again. Just follow it. "As I put my foot on the steps I was caught from behind and pushed in by 43 C., who shoved me about till I found myself in the dock"?—It is not in the verbatim note that I was caught from behind. It does not mean that I was caught by Police Constable 43 and pushed in by Police Constable 43. It is a quibble on a sentence. I have the verbatim report here.

447. I do not want to discuss with you whether this is accurate for the moment, because we shall have the verbatim report no doubt proved in due course, but if this is read in the sense in which I thought it ought to be read that is inconsistent with your present story?—It is, but you should remember these are not verbatim notes.

448. Your story is that Timmings was taken into the station by Police Constable 43, who you were following, and that you were pushed into the station by some constable whom you do not know, but who was not Police Constable 43?—No, but whom I presume to be one who was at the door.

449. That is your present suggestion to the Commissioners?—That is my present suggestion to the Commissioners.

450. Why they should have pushed you into the station at all, not knowing why you were going to the station, or whether you were going there at all, you cannot conceive?—Unless, on going in, Police Constable 43 should have nodded to them.

451. But he had gone into the station, had he not?—But before he went in he passed them, and knew we were following behind.

452. Your present suggestion is that Police Constable 43 indicated to these men that if you came you were to be pushed in?—I do not make that as a suggestion, but that is one explanation that suggests itself to me. There may be others.

453. You had given no indication to Police Constable 43 that you had either got any complaint to make or that you were going to follow?—He must have seen us when he shoved Timmings and took him up, and, seeing us follow all the way up, he must have guessed, and coming towards the police station he may very well have guessed why we were coming if he knew he had made a mistake.

454. Your present suggestion is that he by some sign indicated to the men at the door that when you came you were to be pushed into the station?—You asked me for an explanation, and I have given one that suggests itself to me naturally.

455. Now you got into the station. I am bound to suggest to you this, that you were in fact arrested on the south pavement of Piccadilly by Police Constable Wallington?—I know that is what they said before.

456. (*Chairman.*) You say you were not arrested?—I say distinctly I was not arrested on the south pavement in Piccadilly.

(*Chairman.*) You mention some police constable.

457. (*Mr. Eldon Bankes.*) Police Constable Wallington 6 C.R. You have seen Wallington?—Yes, I have seen Wallington.

458. A word about what happened when you got in the station. There is no doubt when you got into the station you were very excited?—No doubt whatever.

459. After you got into the station did you sit down anywhere, or were you put straight into the dock?—We were put—that is a mild term—straight into the dock.

460. You and Timmings and Lavalette?—Timmings was in there long before us, I presume. I found him there. I did not see him put there, because I was probably on the staircase.

461. Immediately you were put in the dock did the inspector come in?—Almost immediately; not immediately.

462. Had you got a stick in your hand?—I had.

463. And had Mr. Lavalette got a stick in his hand?—That I could not remember. I think he had a stick or an umbrella.

464. Was Mr. Lavalette asked for his stick by the constable?—I do not remember that, but it is very possible.

465. Did he give it up?—If I do not recollect whether he was asked I should not recollect that.

466. Were you asked for your stick by the constable?—I do not remember being asked.

467. Did he ask you twice, and did you refuse to give it up?—I certainly did not refuse, and I never heard him ask. I explained the position.

468. After the police constable had asked you twice, and you refused, did the inspector ask you to give it up?—I do not admit the constable asked me twice—not in my hearing.

469. Do you remember the inspector asking you?—No, I certainly do not.

470. You do not recollect anything about that?—No, except that as I was flourishing my card asking that it should be given to the inspector, the stick was pulled away.

471. Had you got your card and your stick in the same hand?—How would that be possible? I should have been prodding my stick in the air.

472. That is what you were doing according to our suggestion that you refused to give up your stick, and were flourishing it in the air?—It would be very extraordinary, flourishing the card and the stick. How was the card seen if I had the stick?

473. Was the stick taken from you?—The stick was taken from me; it was pulled from me.

474. Which constable do you say did that?—I say that C.R. 43 did that, although his comrade has sworn the contrary.

475. That is Isaacson?—Yes.

476. Your recollection is that Isaacson did that?—My recollection is pretty distinct that Isaacson did it.

477. You have given as your recollection to the Commission that Isaacson took it from you and broke it across his knee?—Yes.

478. That is your present recollection?—Yes.

479. I suggest to you that what really happened was that you refused to give it up when you were asked three times, that you flourished it about, and that it was Wallington who endeavoured to take it from you, and it was broken in the course of the struggle?—My recollection is distinctly opposite, as I have said.

480. You took your stick to the police court?—Yes.

481. The pieces were given to you when you left?—Yes.

482. Have you got it still?—No, they were left at Marlborough Street, and I remember a remark I made to the magistrate that for a stick of a very fibrous nature it was snapped clean, which would hardly be the case in a struggle when it would be snapped in lengths.

483. It depends upon the struggle?—That is a matter of opinion.

484. It was a thin walking cane, was it not?—It is the same type of stick as this. *(Producing a walking stick.)*

485. (*Chairman.*) What kind of wood is it?—It is a cane, I think.

486. (*Mr. Eldon Bankes.*) After the stick incident you were protesting, were you not?—Oh, yes, very warmly.

487. And protesting that you had not been disorderly, but that you had come to the station of your own accord to give information about Timmings?—Yes.

488. That was the substance of your protest?—That was the substance of my protest.

489. I suggest to you that the only ground of your protest was that you had not been disorderly in Piccadilly, and that you had come to the station of your own accord to assist Timmings?—I did not put it at such length. I said we had come about this third man. I had not heard the constable's charge of being drunk and disorderly in Piccadilly at that time.

490. When you said that, did the inspector turn to the constables and ask them as to where they had arrested you?—It is very possible that he did. I would not swear that he did turn to them, but I think it is possible. He did say something to them—I do not know whether it was at that moment.

491. Did they say in your hearing you had been arrested on the pavement by St. James's Church in Piccadilly?—I could not hear owing to the uproar there was.

492. Who was creating the uproar?—I was trying to flourish my card and give it to the inspector, and there were four policemen round this dock, and so on.

493. There was nobody there creating an uproar except yourself?—Possibly, perhaps, I had some ground.

494. I am only trying to find out what the uproar was?—They joined in.

495. You really suggest that to the Commission that the policemen joined in the uproar?—I am putting it strongly, but when I was giving my card they talked as loud as I did.

496. You say you did not hear what the constable said?—No, because I was in such a state wanting my card to be given to the inspector.

497. After the inspector had questioned the constable about this point about which you were protesting, did he sit down then and take the charge down in writing?—I could not say that; I do not know; I do not remember; very possibly he did

498. After he had taken something down on the charge sheet did he read it out to you?—He read out the charge. I confess that in all this turmoil I did not hear much of it.

499. You repeat again that there was a turmoil, but I suggest to you there was nobody making any turmoil there at all except yourself. This is what he wrote down at the time as the charge. He first of all gives your name. Had he taken the name from you?—Yes, he asked us our name and addresses.

500. Then he said: "All drunk and disorderly in Piccadilly, Parish of St. James's"?—I only heard the words "drunk and disorderly."

501. Is it not the fact that when he read that out to you you said nothing?—I should think if I had I should have been howled down.

502. Who by?—By their refusing to take my card and pooh-poohing, and saying "we do not want your card." I am trying to give you an impression of the sort of uproar I mean to imply. I saw it was useless.

503. The fact is that when the Inspector read that out to you you said nothing?—I said nothing then because I thought it was absolutely useless from the way they had been treating us.

504. Up to that time you had not been charged by anybody with being drunk. That was the first time the charge had been formulated against you?—That is the first time I had heard anything.

505. When that was done you said nothing?—Oh yes, when it was read out I looked at the inspector and challenged his statement as I said before. I said: "Do you really think me drunk?" I said that with great emphasis.

506. Did you say anything about that before the magistrate?—Yes, I have got all this in my notes that I challenged the inspector, and I have it here in the notes of evidence sent me by the Home Office.

507. (*Chairman.*) When you say the notes sent you by the Home Office I understand that is the copy of the depositions taken by the clerk of the court?—Yes, which Mr. Gladstone very kindly requested the magistrate to send to me.

508. (*Mr. Eldon Bankes.*) Let me deal with one thing at a time. Can you find anything of that sort in the copy of the notes taken by the magistrate's clerk? You said just now that that appeared in the notes forwarded by the Home Office. Can you find anything of the kind?—Yes, in my depositions.

509. I mean confining yourself to the notes sent to you by the Home Office?—"I challenged the inspector's decision that I was drunk." It is there.

510. Yes, you are quite right about it. The note says, "I was excited and furious, and offered my card. I was charged with being drunk and disorderly. I challenged the inspector's decision that I was drunk." Then I think you were taken to the cells?—Yes.

511. And at about 12.45 I think it was Inspector Smith on his round asked whether anybody had any complaints to make?—I do not know if it was Inspector Smith, but it was the inspector in charge of the cells.

512. Let Inspector Smith stand forward. (*Inspector Smith stood forward.*) Is that the person who spoke to you?—I think so. I remember speaking to this inspector.

513. There were other persons in the place besides yourself and Timmings and Mr. Lavalette, were there not?—Yes; I do not know whether there were at that time—whether they were brought in after or before—but there were two other people.

514. The inspector asked you generally, and everybody there, whether they had any complaints to make?—I do not remember that. It is quite possible.

515. Then it was that you went up and spoke to him?—Yes.

516. You asked that a certain doctor in Chelsea should be sent for?—In South Kensington.

517. Did the inspector say, in his experience, that private doctors objected to come?—He did.

518. He said that perfectly civilly?—He was most courteous. I made that remark in court.

519. In spite of that, you asked for that gentleman to be sent for, and you know now that he was sent for?—He was sent for, and he wrote a letter to the magistrate explaining why he did not come. I have that letter in my pocket.

520. So far as that is concerned, the police carried out your request?—As far as that gentleman is concerned.

521. There is another point about which there is a difference of opinion. Do you say you mentioned to Inspector Smith anybody else's name, except this doctor, who you desired?—I mentioned the name of Mr. C. L. Graves, of 50, Iverna Gardens, Kensington.

522. We know he was not sent for?—He was not sent for.

523. Did you ever make any complaint to the police that they had not sent for him?—I made a complaint in court.

524. But at the time?—I do not recollect making a complaint at the time when the inspector came to release us, but I asked whether he had been sent for.

525. Then, when it was known that the doctor whom you desired to come would not come, they offered you to see the Divisional Surgeon, who they told you was there?—I do not know whether they told me that he was there, but they said the Divisional Surgeon, and I afterwards found it was Dr. Mitchell.

526. Then you were seen by Dr. Mitchell?—Yes.

527. You say that you gave the inspector the name of Graves. That is in dispute?—I absolutely swear to that.

528. But you did not suggest to them that he was a doctor?—No. I find he is put down as a doctor in the notes further on, but I never suggested anything of that kind. I was asked why I wanted him, and I said for private reasons, and I am almost sure I added, "Because he knows the people connected with my University," or something of that kind.

529. Dr. Mitchell came and examined you?—Yes.

530. Have you any complaint to make of the nature

Dr. M. A. Gerothwohl.

23 July 1906.

of the examination?—Do you mean that it was objectionable—no.

531. Or that it was not complete?—I do not think it was very complete, to tell the truth.

532. What do you suggest he ought to have done that he did not do?—I am not a medical expert.

533. Are you complaining without knowing whether he ought to have done anything more than he did do?—I think he might have made us talk a little more than he did. I did not notice him approach very near to smell my breath.

534. It may not be necessary if it is perceptible at some distance?—Of course.

535. Is there any other suggestion you can make?—I will make a suggestion as to his certificate.

536. I am now asking as to whether he omitted to do anything which, in your judgment, he ought to have done?—I think there are several other tests he might have applied afterwards. He might have made us hold a sheet of paper at some length to see if the hand was very shaky; that is one thing he might have done. He might have felt our pulses, and there are various other things which, although I am not a medical expert, I suggest he might have done.

537. Now you say you complain of his certificate. What is the matter with his certificate?—There are two points on which I complain of his certificate.

538. (*Chairman.*) What certificate? Did he give you any document?—No, but the certificate I have heard of.

539. Are you referring to the doctor's evidence, or did he enter in a book something, or give you a certificate?

(*Mr. Eldon Bankes.*) He gives what he calls a certificate.

(*Chairman.*) What I have got is an extract from a book.

540. (*Mr. Eldon Bankes.*) That is what it is. Dr. Mitchell enters in the book the result of his examination, and that, I believe, at the police court was called a certificate. You heard it read there?—Yes.

541. And you now desire to make some complaint about it?—Some remarks. One strange thing, I think, is that when you find two people absolutely sober, and you find no symptoms of anything, it is natural that you should say they are both sober, and give one certificate; but when you find that the symptoms are symptoms of such a subtle nature as Dr. Mitchell found ours were, then it is very extraordinary that when you have exactly the same symptoms, especially symptoms, as I say, of so subtle a nature that they should be exactly the same with men of very different temperaments, and that a doctor should be content to say one was like that, and the other's condition was exactly similar, I contend that that is a very extraordinary coincidence.

542. Is there anything else you have to say about it?—I think that the words "Not drunk, but apparently recovering from the effects of excessive drinking," require a little explanation as to where drunkenness ends and where it begins.

543. You do not expect the Divisional Surgeon to give that upon his certificate, do you?—I think when he cannot find anything definite he should refrain from damaging people's characters.

544. (*Chairman.*) Your point is that the words "excessive drinking" are wholly ambiguous?—Yes, wholly ambiguous, and that the whole thing is ambiguous.

545. He does not say you are recovering from drunkenness?—No; but what is the difference between "excessive drinking" and "drunkenness"? It is very ambiguous.

546. It is a mere matter of degree, I suppose?—Yes.

(*Mr. Eldon Bankes.*) It is my desire that we should know all the matters about which this gentleman has to complain, in order that we should deal with them when our turn comes.

547. (*Mr. Rufus Isaacs.*) You object to the certificate saying that you had been guilty of excessive drinking?—Yes; and I think, from a public point of view, when a man is certified to be not drunk that the Divisional Surgeon should abstain from further comment.

548. (*Chairman.*) What I meant by referring to ambiguity was this—that there might have been symptoms that you had been excessively drinking a year ago, or three months ago, or a week ago. The whole thing is ambiguous, and that is your complaint?—Yes, that is my complaint. As Mr. Bankes has had permission to cross-examine us, may I ask that we should be at liberty to put a few questions later on to the Police witnesses?

(*Chairman.*) Certainly, as Mr. Bankes has done it to you, you will have liberty to cross-examine the Police witnesses in the same way.

Mr. Charles Henry Denyer sworn.

Mr. C. H. Denyer.

549. (*Chairman.*) Are you Clerk at the Marlborough Street Police Court?—Yes.

550. Did you take down notes of the evidence given by the witnesses in the case against Dr. Gerothwohl and Mr. Lavalette?—On the first day only—on the 9th April.

551. Do you produce the notes you took?—Yes.

552. Were they signed by the respective witnesses?—No.

553. Is not that the usual custom?—No. Depositions in cases for trial are signed, but not the notes in summary cases.

554. Will you hand in the notes?—May I hand in a corrected copy. The notes are involved in a number of other things, and the book is in somewhat constant use. I have corrected a copy this morning, and perhaps you will take that copy.

(*Chairman.*) Mr. Bankes, have you any objection?

(*Mr. Eldon Bankes.*) Not at all.

555. (*Chairman.*) What are the corrections?—I do not mean that there were any corrections.

556. If they are material corrections it might be necessary to leave the book?—There are no corrections. I mean I compared the copy which was made with the original notes this morning to see that it was correct.

557. And the copy you are going to hand in is an exact reproduction or copy of what you took down?—Yes, except that words which are abbreviated are written out in full.

558. You swear that that is a true copy?—Yes.

559. Will you hand that copy in?—Yes—(*handing*)—I also produce the register. I do not know whether the Commission wish to see the Magistrate's register which is signed by him.

560. The charge is taken from the charge sheet?—The charge is copied into this from the charge sheet, and the Magistrate puts his decision on the register and signs it.

561. I suppose he writes "Discharged," or whatever it may be?—Yes.

562. What is the exact entry in this case?—The final entry on the second day?

563. Yes. On the first day they were remanded?—The entry is simply "Remanded seven days." The second entry is "Discharged—Discharged—10s. or seven days."

564. Do you mean discharged as against Dr. Gerothwohl?—Yes, against Dr. Gerothwohl discharged; against Mr. Lavalette discharged; and against Mr. Timmings 10s. or seven days.

565. Are we to understand that Timmings in this case was remanded as well?—Yes.

566. In fact, the cases against the three defendants were taken together?—They were taken together.

MR. HENRY WITHRINGTON sworn.

567. (*Chairman.*) Are you second Clerk at Marylebone Police Court?—Yes, but I sometimes sit temporarily at Marlborough Street to oblige a colleague.

568. On which day did you sit at Marlborough Street?—On the second hearing, on the 11th April.

569. Did you take down in the usual manner notes of the evidence given by the witnesses on that day?—Yes.

570. In the cases of these two gentlemen whose names we have heard this morning and Mr. Timmings?—Quite so.

Mr. H. Withrington.

23 July 1906.

571. Do you produce the notes?—Yes; I produce my original notes, and this is a certified copy of my notes—(*handing*).

572. Is that an accurate copy?—Absolutely.

DR. MAURICE ALFRED GEROTHWOHL, recalled.

573. (*Mr. Rufus Isaacs.*) Are you clear in your recollection that you did not have anything to drink from the time that Mr. Sherrington left you?—I am certain.

574. You did not have anything —Nothing.

575. Were you then simply walking about in the streets?—Yes.

576. For about 40 minutes?—I was speaking with Mr. Lavalette. I said: "Look how the English people enjoy themselves," and so forth.

577. But you did not go into any place?—We did not go into any place whatever.

578. When you saw this crowd that you have told us of, were you at any time arm in arm with Timmings?—Never.

579. Were you at any time arm in arm with Mr. Lavalette?—I might have been once or twice. I believe going down Coventry Street we walked arm in arm.

580. You are quite sure you were not walking arm in arm with Timmings?—Never.

581. Had you seen anything of him at all until you saw him, as you say, just a few yards off?—Just before reaching St. James's Church.

582. You did not know anything of him at all?—I had not seen his face when I saw him pushed.

583. What attracted your attention to Timmings?—He was the only person between us and the crowd standing a little distance in front.

584. What was he doing?—He was walking quietly along the pavement.

585. As a sober man?—Yes, to my mind. He was not tottering or doing anything of that kind. Then I saw a policeman charge him.

586. From where?—From behind.

587. From the east?—Yes, from the east.

588. You saw which policeman charge him?—C.R. 43—Isaacson.

589. You have told us what you saw of the push?—Yes. A push like *this* first, and then very sharp sideways (*illustrating*).

590. If that were the case it would be towards the west, would it not?—Yes, towards the west.

591. And then he shoved him towards the kerb, where there was a hansom, and he fell against the wheel?—Yes.

592. At any time did you see Timmings arm in arm with anybody?—No, I had not seen him, of course, before we were walking towards St. James's Church.

593. You did see a great many people arm in arm?—Yes, a great many all the way, and in Coventry Street.

594. It seems to be plain that the police had a position of considerable difficulty to deal with that night?—No doubt.

595. There was a good deal of disorder?—There was a fair amount or a good deal.

596. They had a good deal of trouble, I suppose, in order to keep people quiet?—Yes. Coming up from the "Continental" they had a good deal of trouble up to the Circus.

597. Did they appear to be patient?—They appeared to be very patient.

598. And doing what they could to restrain the people?—Yes, they were smiling; they had the genial smile which is characteristic of the London bobby.

599. They were taking it very indulgently so far as they could?—Yes.

600. You say you saw them push Timmings against the wheel. What happened next?—He fell against the wheel sideways, and then he was dragged off, and they took him across the road.

Dr. M. A. Gerothwohl.

601. Across the road to the corner of Swallow Street?—Yes.

602. Up to that time, if I understand correctly, Isaacson was alone?—Isaacson was alone.

603. Then you followed with Mr. Lavalette?—Then I followed with Mr. Lavalette.

604. Did you cross over to the same side of the street?—Yes.

605. Did you follow along on the same side of the street?—We crossed Piccadilly.

606. Then if I follow correctly what you have told us, Isaacson, with Timmings, walked up Swallow Street?—He had already been joined by another constable.

607. Divers?—Divers. Of course, I could not see Divers' face to identify him.

608. Did they walk on either side of Timmings?—Yes. Isaacson was *here*, Timmings was *here*, and the other constable *there* (*illustrating*).

609. Then you followed up Swallow Street?—We followed up Swallow Street.

610. I do not know whether you can tell us, but do you remember where you walked into Swallow Street; what I mean is, did you walk on the same side of the road as the constable, or on the other side of the road or where?—It would be difficult to say. I know the side of the road we walked on, but whether we walked on the pavement or in the middle of the road I do not know. The position was this. Isaacson was *here*, Timmings was *here*, and the other constable was *there* (*illustrating*). And then there was myself and Mr. Lavalette.

611. Walking up Swallow Street?—Not all the way. We caught them up, and in the middle of Swallow Street we were almost abreast.

612. You mean in the middle of the length?—In the middle of the length, between Piccadilly and Vine Street.

613. Vine Street is the turning to the right in Swallow Street?—Yes.

614. Had you caught them up before you got to Vine Street?—Yes, we had—shortly before reaching Vine Street.

615. As they turned into Vine Street you followed immediately behind. Is that it?—A little way behind.

616. Now it is said that you were arrested at St. James's Church?—I was not.

617. Can you in any way account for that statement?—I cannot.

618. Is there any possibility of a mistake about that?—There is no possibility of a mistake. It could not have been at that point.

619. It is said that at St. James's Church you were arrested, and were taken hold of, I think, by the right arm?—By Wallington.

620. Yes?—Yes. I can absolutely contradict that statement.

621. Did he say anything to you about his intention to arrest you?—I never saw him; I never noticed him.

622. When was it you first knew you were to be arrested?—I never knew that I was to be arrested. I was arrested at the entrance to the station.

623. Why I am putting this to you is because it has

Dr. M. A. Gerothwohl.
23 July 1906.

been said by Wallington that he took hold of your right arm, and that he told you what he was arresting you for?—Yes.

624. What do you say as to that?—I absolutely contradict it. I will not use another noun.

625. Up to the time when you got to Vine Street (correct me if I am wrong), I understand you to say you had said nothing at all to the Police?—Nothing whatever.

626. You had not intimated what you were going there for?—No.

627. So far as your version is concerned, there was nothing to intimate to the Police that you were going to give evidence, or to complain in any way?—Excepting the fact that we were following them, and, to my mind, Isaacson knew the mistake he had made of throwing Timmings about in that way.

628. Do you mean Isaacson thought he had made a mistake in pushing Timmings against the wheel?—I do not think that is exactly the thing to do.

629. I do not quite follow the mistake you say you think Isaacson had made?—Isaacson seized this boy, who was very harmless, and flung him about in that way. That was the reason for my interference. I thought it was too bad.

630. But Isaacson apparently was very busy at this time. He had a crowd on the side coming from the west, and he had got this young fellow Timmings?—But there was no crowd in Swallow Street.

631. Before you got to Swallow Street. As I understand, your suggestion is that Isaacson knew he had done something wrong and thought you were following up to complain of that something wrong?—But he may have noticed us only in Swallow Street.

632. How would he know that you had seen anything at all?—Because he came from behind. He must have seen us. We were *here* and Timmings was *there* (*illustrating*), and he probably saw us when we came forward, especially as he says he had been all the way following up from Piccadilly Circus and had cautioned us, as he says, at Church Street.

633. I understand from the story you have told us that it is quite wrong to say that any caution had been given to you; it may have been given to others for rowdyism, but not to you?—Not to us. Of course, he may have made a mistake.

634. I do not understand. How do you suggest that Isaacson knew or thought that you had seen what had happened to Timmings?—Because being behind us he probably knew us by sight. We were the only people near at that time.

635. Do you think Isaacson in that time would have had an opportunity of noticing that you and Mr. Lavalette were close to Timmings when he was occupied in what he was doing at the time?—I do not see why not. We being the only people he might have thought, those are the people coming after me, and if he knew that he had made a mistake he might have guessed why.

636. That is a suggestion of yours?—Yes.

637. It is your explanation of what happened?—Yes; just as I suggest he might have nodded to the other constables in going into the station.

638. That is your attempt to explain what happened?—That is my explanation.

639. It is conjecture on your part?—Of course.

640. You have no other means of accounting for what happened?—I have no other means of accounting for it.

641. When you got up Swallow Street?—He must have noticed us then.

642. He noticed you following up. You mean in Vine Street?—Yes, also. Then Mr. Lavalette stooped forward to take his number.

643. He had his back to you?—That was in Swallow Street, but on nearing Vine Street we had caught him up, and Mr. Lavalette stooped forward to catch the number on his collar.

644. At that time had Isaacson his back to you?—No, he was in a horizontal position. Mr. Lavalette was with his head just bending a little forward.

645. Do you mean that according to your view Isaacson saw Mr. Lavalette looking at his number, and then guessed that some complaint was going to be made?—He may have guessed it then or he may have guessed it later.

646. Then when you got to Vine Street Station you have told us your recollection is very definite that there was a constable on either side of the doorway, and that there were steps leading up to the station. You saw that quite distinctly?—Yes.

647. So far as your observation goes, you saw nothing which would account for your having been pushed from behind into the station?—Nothing whatever.

648. You were following up, I presume, at the back?—At the back.

649. You saw no signal of any kind given by him?—No.

650. Then you were pushed from behind (correct this if it is wrong) by one of the constables outside Vine Street?—I presume so, because I was *here* at the door, and constable Isaacson then was *here*. Who else could have pushed me in that way?

651. However, you were pushed by somebody at the back?—I was pushed by somebody at the back.

652. In the meanwhile Isaacson had gone in with Divers?—They were at the top of the staircase.

653. They were ahead of you?—They were ahead of me.

654. Then it cannot have been either Isaacson or Divers?—No.

655. Therefore, it must have been one or other of the constables at the door?—Yes, I should say it was the one on my side.

656. When you were pushed you say you came to another constable?—I was pushed on to another constable.

657. Do you remember to whom he pushed you?—No, he shook me in this way; he shook me like *this* (*illustrating*). My collar was almost torn off. He twisted me round and shoved me on to another constable. I was absolutely dazed.

658. Then you say you found yourself in the dock?—Yes, I remember him also putting me in the dock.

659. At the time you were put in the dock was an inspector at the seat. Was there anyone there?—At the desk, do you mean?

660. Yes?—No.

661. There is a desk a few yards away from the dock?—No, there was no one there. Then Inspector Berry walked in.

662. He came in after you were in the dock?—Yes, that is my impression

663. When he came in did you at once tell him why it was that you were there?—Yes; I protested very loudly. I said: "We came about this man."

664. Indicating Timmings?—Yes, I said I wished my card to be passed to him. He said he did not want it. He pooh-poohed the idea.

665. Apparently you were under considerable excitement at this time?—Very great, indeed.

666. Do you remember with any precision what happened about it?—I do with a fair amount of precision. I was, as I was saying, flourishing my card with one hand, and I was clutching the rail like that (*illustrating*), and my stick was alongside of me. I was looking towards the inspector's desk. Then the constable tore my stick away, and I turned round, and I saw him break it across his knee.

667. You have no doubt as to who it was who broke the stick?—I have no doubt; I can almost remember the expression on his face.

668. That was Isaacson?—Yes.

669. Did Inspector Berry come to help you?—No, I do not remember him doing anything at all.

670. Then the charge was read over to you. Did you notice what the charge was when it was read?—Yes; I heard them read something, and I heard "drunk and disorderly." I did not hear the rest of the sentence.

671. A good deal is made of the fact that you did not make any denial of that?—As I was saying, I do not like to use strong expressions, but I mean we were being howled down in everything we said. I attempted to say something, and I was not allowed to say it. I

was in the attitude of a man who was being howled down. What could I do?

672. I do not know whether you can explain to us what this "howling down" means. You were in the police station, Inspector Berry was at this time at the desk, there were several constables in the room, and there were yourself, Mr. Lavalette, and Timmings in the dock. Was there any noise outside?—No, I do not recollect any noise outside at that moment, but when I say I was howled down I was using a rather strong expression. When I presented my card there was a sort of general chorus: "We do not want it; we do not want it."

673. There was a general chorus from whom?—From the Police standing next to the dock.

674. Do you mean from constables as well as from the inspector?—Yes. There were a few constables between the inspector and myself, and when I wanted one of the constables to take my card to the inspector they pooh-poohed it.

675. How many constables do you think there were in the room where the dock was. There is a room where there is a dock and a desk?—I should think altogether there were quite fifteen constables.

676. And nobody else but yourselves?—No. I noticed some men in evening dress sitting on benches behind on the other side—probably prisoners.

677. Let me understand it, because I visited the place this morning—Inspector Berry would be sitting at the desk, and the dock would be on his right?—Yes.

678. And on the left there is a bench?—Yes.

679. On that bench, as I understand you, there were some people in evening dress?—Yes, I noticed one in evening dress.

680. Except those people there would be nobody but policemen in the room?—No.

681. It is said that Inspector Berry came to the three of you and smelled your breath. Is that correct?—No, I do not recollect him coming to me.

682. You do not recollect it?—I do not recollect it. I recollect seeing him walk from a sort of opening leading to the outer room to the left and just stopping between the opening and the desk, and looking at us like that (*illustrating*).

683. Between what opening and the desk?—From the room.

684. From the room in which he enters to take his place at the desk?—Yes.

685. Then he would not be any nearer to you than he would be at the desk?—No.

686. The dock would be some few yards to the right of the desk, and that would be a position in which according to you he would close to you?—Yes. I never saw him come round and look at each of us.

687. Supposing *this* is the dock, *here* would be his desk. He came out of this room *here*. I saw him walk like *that* to his desk and just saw him hesitate *here* and look round at us from *there*—(*illustrating*).

688. He did not know up to that time, I suppose, what the charge was?—No, I presume he did not.

689. After this had taken place as you have told us in the station room you went to the cell?—Yes. It was a sort of public cell.

690. It was not a cell in which you were alone?—No, there were three of us, and two other men were brought in afterwards.

691. Before you went there, when you were in the dock, do you remember which of you was closest to Inspector Berry?—There was a double position. When Inspector Berry came in Timmings was closest, then Mr. Lavalette, and then myself, but, to give my card, after that I passed behind them and went to the other end.

692. When you went to the cell you were there for some time. What were you doing whilst you were there?—I was walking about like a lion in a cage.

693. You were in a state of great excitement?—I was, I can assure you.

694. Afterwards, when you were liberated, you went to two doctors, Dr. Davis and Dr. Walker. I do not know whether you can tell us, but are they coming before us?—They are here to-day. *Dr. M. A. Gerothwohl.*

695. (*Mr. Dickinson.*) When you walked up Swallow Street can you tell us approximately how many people there were in the street. There was no crowd, you say?—There was no crowd whatever. I cannot say I noticed any people. I believe further up Swallow Street I noticed either two men or a man and a woman talking. 23 July 1906.

696. That is all you saw in the street?—That is all I saw in the street. There may have been others.

697. There were also the five—yourself, Mr. Lavalette, Timmings, and two policemen?—Yes.

698. Were the two policemen holding Timmings?—I do not know whether the two policemen were holding him at the time, but he was between the two, and certainly I think they were holding him.

699. I am not quite sure whether you told us who the two policemen were?—One was Isaacson on the extreme left, and the other was Divers according to his own evidence.

700. When did you first see Wallington?—I never saw Wallington myself—I mean not to recognise his face—until I was in the dock; but on turning from Swallow Street into Vine Street I saw a policeman following us. I did not recognise his face as Wallington, but I concluded (and we put a query on the diagram) it was Wallington. I did not see Wallington to identify him until I was in the Police Station.

701. That was when he was in the Police Station?—Yes.

702. And you were charged?—Yes.

703. Did he do anything at all in the Police Station?—To whom?

704. To you?—I do not remember his touching me or ever laying his hand on me.

705. At any rate, you say he never arrested you?—He never arrested me; he never touched me as a matter of fact.

706. When you were in the cell I understand that you asked to be allowed to communicate with Dr. Stewart and Mr. Graves?—Yes.

707. Who was it who first told you you could not see Dr. Stewart?—Do you mean when he said he could not come?

708. Yes?—That must have been Inspector Berry, when he came to have the cell opened for our delivery.

709. Did you say anything about Mr. Graves?—I would not swear to it, but I almost remember asking whether Mr. Graves had been sent for. I do not remember his answer.

710. You had already asked for Dr. Stewart?—Yes, I had already asked for Dr. Stewart. The warder asked why I wanted another gentleman. I said I wanted him for private reasons, and I am quite sure I added because he knew people connected with my University.

711. You did not press for Mr. Graves at all?—No, I did not press for him afterwards. I pressed for him on the warder, but subsequently, when it was said we could see the Divisional Surgeon, and Dr. Stewart did not come, then I do not remember pressing for him, but I think I asked Inspector Berry whether he had been sent for.

712. (*Chairman.*) Can you fix the time approximately at which Timmings was thrown against the cab?—I should say about 12.5 or 12.10.

713. At what time did you leave Mr. Sherrington or Mr. Sherrington leave you?—About 11.30 or 11.35.

714. When you observed the constable push Timmings forward and throw him against the cab was Timmings in the road or on the pavement?—He was on the pavement.

715. On the south side?—On the south side.

716. How far were you from Timmings?—Like from *here* to the end of your desk.

717. In approaching Timmings did the constable come from the direction of the north side, or did he pass you?—He passed us.

718. Did you notice whether he turned to look at you as he passed?—No, I did not.

719. Did he pass hurriedly?—Yes.

Dr. M. A. Gerothwohl.

23 July 1906.

720. Did he seem to be making for Timmings, so to speak?—It is very difficult to say, but he did seem to be rather making for Timmings.

721. He passed you hurriedly?—Hurriedly. It was more violently than hurriedly. He seemed to be rather in a state of excitement.

722. By "more violently than hurriedly" do you mean he was throwing his arms about?—No, but in a jerky sort of way.

723. Did he approach Timmings?—He approached Timmings.

724. You were just behind him, and you saw him seize Timmings or push him forward?—Yes.

725. Did you stop?—I stopped walking when they crossed the road.

726. Did you say anything?—Nothing whatever. I have already said that I consider it is wrong to interfere.

727. Did the constable who had thrown Timmings against the cab turn and look at you?—That I could not say. He must have seen us passing behind.

728. He must have seen you, but you are not prepared to say that he turned and looked at you?—No, I could not swear to that.

729. And then he took Timmings across the road, I understand, to Swallow Street?—Yes.

730. Did you follow at once?—We followed at once. We were a good way behind him then. We were half across the road when they were already on the pavement.

731. What do you mean by a good way?—We were in the middle of the road at Piccadilly, when they were already on the pavement and Constable Divers came and joined them.

732. Was there any policeman following you, so far as you know, at that time?—Not at that time. I had not noticed any.

733. When did you first notice that there were some policemen following you?—Myself?

734. Yes, following you was Mr. Lavalette?—I noticed it myself on turning Vine Street corner.

735. At the other end of Swallow Street from Piccadilly?—Yes.

736. You did notice one then?—I did.

737. Was he walking fast?—I could not say. I think he was walking at a good pace. I did not pay any attention to him except that I saw a man in blue, because I was sideways.

738. Did you speak to Isaacson or Timmings?—I never said a word to Isaacson.

739. Did he say anything to you?—Not a word.

740. Did you see him turn when his back was towards you in Swallow Street?—I think I saw him turn once.

741. Can you mention any act on your part, or on Mr. Lavalette's part which would have been likely to attract the attention of Isaacson?—Nothing, except the fact that we followed. He might have asked himself why we were going there.

742. You passed between two policemen at the foot of the steps leading into the Police Station, and as I understand your story, you were seized from behind with very considerable violence?—I was seized from behind with very considerable violence.

743. You were seized?—I was thrown forward.

744. You were thrown forward by the first constable, and twisted by the second?—Yes.

745. Did any third constable touch you?—No. Then I was thrown back to Isaacson.

746. How many constables do you think touched you from the time you were first assaulted?—The one at the door, Isaacson, another one, and Isaacson again.

747. This was entirely sudden?—Absolutely.

748. And from behind?—I have never in my life had such a sensation. I was dazed with the shaking.

749. There was a sudden violent assault you say, and from behind?—Yes.

750. And the first thing you recollect when you were comparatively quiet was when you were in the dock?—Yes. I recollect seeing Isaacson at the top of the stairs turning round.

751. About howling down, you say in that room there were about 15 constables and other people, and one man, at any rate, in evening dress. Were they all talking?—The people?

752. Were the five constables near the talking that you have mentioned?—They practically said together: "We do not want your card." I cannot recollect the exact words.

Mr. Edwin Rudge Pearce, sworn.

Mr. F. R. Pearce.

753. (*Chairman.*) Were you in attendance at Marlborough Street Police Court on April 11th?—Yes.

754. Were you there for the purpose of taking a shorthand note?—Yes.

755. Who instructed you?—Messrs. Paice and Cross.

756. Did you take a shorthand note?—Yes.

757. Have you got the shorthand notes you took here?—Yes.

758. Are they a correct report of what took place at the Police Court?—Yes.

759. Have you made a transcript from those shorthand notes?—Yes.

760. Is the transcript correct?—Yes.

761. Do you produce the original transcript?—Yes (*producing*); but the pencil notes on it have been made since.

762. It is your transcript and it is correct?—Yes.

Mr. George Lewis Denman, called.

Mr. G. L. Denman.

763. (*Chairman.*) You were the Magistrate at Marlborough Street Police Court on April 9th, and April 11th, I think?—I was.

764. And among other cases you tried a case in which one Timmings, Mr. Lavalette, and Dr. Gerothwohl were charged with having been drunk and disorderly in the early morning of Saturday, the 8th April?—Yes.

765. Did you make any special notes of the case?—Yes, I always take a rough private note of my own but I do not for one moment intend it to be complete, because the Clerk's note serves all usual purposes.

766. The note you made was simply for your own use?—I always take a note of any particular point that occurs to me as being important contemporaneously with the Clerk's note.

767. You mean important to you in giving your decision in the case?—For that purpose.

768. You did hear the case, and you gave your decision. I think the decision was 10s. or seven days against Timmings, and you discharged the case as against the other two defendants?—Quite correct.

769. Now I will read your decision from the shorthand note, and perhaps you will follow me, and correct anything you think is wrong, if anything strikes you as being wrong. "The Magistrate:—I do not think I need put you to the necessity of calling further evidence. This is one of the cases which illustrates a good many things, amongst other things, the very great difficulty that the police have in this neighbourhood especially on occasions such as that as everybody knows which occurred last Saturday"?—Might I just interpolate there that it was the night of the University Boat Race. That is what is alluded to.

770. "There are thousands and thousands of people all bent on amusing themselves, and they throw an intolerable amount of work on the shoulders of the police. I have listened very carefully to the evidence given by the two defendants, Dr. Gerothwohl and Mr. Lavalette and their friend who has been here, who is not likely to mislead me in a matter of this sort. I feel

I must accept their statements, and I am glad to do so. They had not had any amount of drink which would cause them to be in a state of intoxication without some more exciting cause than is accounted for. I must remember what the circumstances were on this special night with all these great disorders occurring. They chose that occasion for amusing themselves by perambulating this thickly-crowded and noisy neighbourhood on the last night of the week. I think that two educated Englishmen in the same position as themselves would have been specially careful, if they remembered the particular night it was, to keep out of such rowdy scenes which, unfortunately, as they conceded, occurred on that occasion. They themselves have stated there was a great scene of riot, and that the police were under great provocation. It seems to me they would have been wiser, therefore, to have kept entirely aloof from that, or, at any rate, to have left the police entirely to manage their own affairs, but they seem to have taken upon themselves to more or less interfere by following up one of these cases in which a constable was obliged to arrest a person for disorderly conduct, when they themselves had seen only a portion of what had occurred. They identified themselves more or less with the person who was being charged. That person has not disputed the fact that he was drunk in any way, nor did he at the time. He does not dispute that he was behaving in a drunken and disorderly manner. It was identifying themselves in that manner with him and the scenes that were taking place that got them into the trouble in which they are. I have said already, if they had been wise they would have kept out of it altogether. In that sense they have only themselves to thank for having got mixed up with it. They have behaved so handsomely in stating the difficulties under which, in their opinion, the police were placed that I am only too glad to be able to accept their account of the matter so far as that goes. It certainly strikes me as most agreeable that though in difficulties themselves they have paid a tribute really to the behaviour of the police in the matter. It is unfortunate that they should in any way have got mixed up in this matter. I feel bound now to discharge them. Timmings will be fined 10s. or seven days." Is that an accurate report of your judgment in the case?—As far as I can remember it is quite accurate.

771. Is there anything you would like to add to it here?—I do not think there is anything.

772. (*Mr. Rufus Isaacs.*) Did Timmings put forward any defence of any sort?—None, whatever. I was very careful to ascertain that, because I thought it had a great bearing on the case, and I was very careful, as he was not defended by counsel, to see that he had in every way the same advantages as the others had who were defended by counsel. I pointed out to him, as each witness was called (I remember that perfectly well) that he was entitled to ask as many questions as he liked, and I rather encouraged him to do so, because I thought, unless I was satisfied about that, I had not got to the bottom of the case. I gave him every opportunity, and I asked him at the end of the case whether he wished to say anything or to deny in any way the case against him. I can only repeat what I said in my decision that I was quite satisfied he had no defence of any kind, and that he did not desire to make any.

773. Are you quite satisfied that he understood if he had a defence he could put it forward?—Quite. That is one of the points. I make it my business to see that every prisoner who is not defended by counsel has the opportunity.

Cross-examined by Mr. Eldon Bankes.

774. Did Timmings make any complaint before you with reference to the way in which the Police had treated him?—No, I have already said none at all. I might also add this. According to my note, which I have here, one of these two gentlemen (I think it was not Dr. Gerothwohl, but Mr. Lavalette) himself said: "The thing that attracted our attention was that Timmings had been thrown against the wheel of a cab," but he went on to say that he made no complaint against the Police in respect of that at all. Neither Timmings nor he made any complaint.

775. (*Mr. Whitmore.*) You think it was Mr. Lavalette?—Yes, I think it was Mr. Lavalette. They described that they had met Mr. Sherrington, and that there was a great scene of riot in Piccadilly, and they said: "We saw the police constable push Timmings along, and he fell against the wheel of a cab. We throw no blame on the police constable for that." Neither Timmings nor Mr. Lavalette complained of that.

776. (*Mr. Eldon Bankes.*) One other point. I have a note here from the "Daily Telegraph" of what counsel is alleged to have said at the first hearing. It says that counsel said a *bonâ fide* mistake had been made by the Police?—I remember that quite well.

777. What I want to know is this. Did Mr. Lavalette or Dr. Gerothwohl say anything in your presence in the Police Court with reference to that matter?—Yes. Mr. Scott was counsel, and I have a note here of what his defence put forward was. After Mr. Sherrington had been called and had retired, my note (it is only a short one, and it is really all the means I have of refreshing my recollection of this, because no note would be taken of it by the Clerk) goes on to say: "Mr. Scott—Great disorder, great confusion—I ask you to say this led to a mistake." That is all I have about it.

778. Do you remember whether Dr. Gerothwohl said anything in his evidence about its having been a mistake?—Yes, quite well. Counsel put the question to him: "Do you invite the Magistrate to say there was a mistake?" or words to that effect. I think he showed a little reluctance about adopting that; he hesitated for a moment, as if he did not understand it. Then Mr. Scott put it to him, so that he could not fail to understand it: "What I wish to put to you is, do you now invite the Magistrate to say that the disorder in the street led to a mistake being made?" and then he said: "Yes, I do." The whole defence put forward was to that effect. If it had not been, I think I should have thought that the case perhaps had not been run upon the proper lines. That was the defence put forward, and I considered whether I was justified in discharging them or not. Counsel enlarged very much upon the very great amount of disorder in the streets owing to its being the night of the University Boat Race.

779. Do you remember whether they said anything about there being a crowd in Swallow Street or in Vine Street?—I think I have some notes about that: "We went along Piccadilly about 12. There was a great deal of rowdyism outside St. James' Church." That is from my note of Dr. Gerothwohl's evidence.

780. It does not carry the question as to whether or not there was a crowd of people in Swallow Street?—Swallow Street leads into Piccadilly, just opposite St. James' Church. I do not find any mention of Swallow Street. "A lot of young men arm in arm; Timmings was walking quite close to me," and so on.

(*Chairman.*) Do you, Dr. Gerothwohl, wish to ask Mr. Denman any questions?

(*Dr. Gerothwohl.*) I have a few questions to ask Mr Denman. May I have the verbatim report?

(*Chairman.*) Yes.

(*Dr. Gerothwohl.*) I have already stated, I think, that I disagreed entirely with the line of defence adopted by counsel. I believe he did put the question to me, but not exactly as Mr. Denman put it.

(*Chairman.*) Will you put any question you wish to Mr. Denman, suggesting any alteration of his evidence?

(*Dr. Gerothwohl.*) If you please.

Cross-examined by Dr. Gerothwohl.

781. Did you think a *bonâ fide* mistake at the place of arrest was possible?—I am afraid I cannot answer that question. I cannot go beyond stating the facts that occurred.

782. From the legal conclusion which you drew towards me may I ask whether you meant to imply that on festive occasions people who do not remain indoors are seriously to blame?—I must take the Commissioners' opinion as to how far I can go beyond saying what I have said.

(*Chairman.*) I do not think the Magistrate can be cross-examined upon his judgment, but if you wish to suggest now that he has not recollected rightly what was said by your counsel you can do that.

(*Witness.*) I shall be only too glad to say that I never

Mr. G. L. Denman.

3 July 1906.

meant to imply any such thing as that, but I think I am bound to take the objection, not from any disinclination to answer the question, but having regard to the position which a Magistrate occupies who has to decide cases judicially, of course there must be a limit to the extent to which he ought to be asked questions about a case after he has decided the point.

783. (*Dr. Gerothwohl.*) A question as to a mistake was put to me. In the verbatim report I see this: "There was a considerable amount of rowdyism going on, and the Police were keeping order," and I answer "Yes, they were under great provocation." I do not find myself saying anything with regard to a mistake. I find counsel saying to you what you have said, but I do not find myself admitting a mistake?—No. All I point out is that when counsel's turn came to make his speech for the defence, that was the ground on which he put it.

784. May I ask you whether you remember on the 9th April that Timmings, when he was first asked a question, made the following statement: "It was more illness than drunkenness. I do not know those gentlemen"?—I do not remember that question being asked.

785. Do you remember his saying: "I do not know those gentlemen." It appeared in all the papers?—I do not find that in the depositions.

786. I can. I do not think you find your conclusions there?—I cannot remember whether that was said or not at this period.

787. You do not remember after that either you or the inspector telling him: "You can make a statement later: put questions"?—Are you not referring to something that took place at the Police Station?

788. In Court?—I cannot remember.

789. (*Mr. Eldon Bankes.*) You never had an opportunity of looking at that verbatim report?—No.

790. (*Mr. Dickinson.*) Just to clear up what might be a misapprehension, I have a note here of the two days' proceedings, and I notice it was on the first day that Mr. Scott seems to have argued the case as being a *bonâ fide* mistake. Would you mind referring to your notes and seeing whether that is not the case. It was on the 9th April?—No, it was after the evidence had all been given.

791. (*Chairman.*) That is to say after Dr. Gerothwohl and Mr. Lavalette had both given their evidence?—Yes.

792. (*Mr. Dickinson.*) I do not find in the notes we have that counsel's speech was addressed to a mistake?—I remember his reminding me of this: "You remember the evidence that was given about the enormous size of the crowd and the great confusion that existed and the terrible riot," and words to that effect, impressing upon me, after all that had taken place, how difficult it was for people to be certain about what happened under such circumstances.

793. When you stated in the words you have read that they had behaved so handsomely in facing the difficulties in which, in their position, the Police were placed, you were referring to the words that their counsel must have said, and to nothing that they themselves had said?—Very likely. Of course they were responsible for their counsel's defence. I am quite clear in my recollection, and in fact I do not think anybody disputes it, that they did both make use of the expression that there was a great crowd and a great disturbance, and that the Police were under great provocation from the people, not including themselves. I think they both gave their evidence very fairly and very openly, and I had no reason to doubt that they did do their best to give an honest account of the matter.

794. (*Chairman.*) I have a shorthand note of the first day's proceedings, and it does appear that Timmings did say in answer to you: "It was more illness than drunkenness with me. I do not know these prisoners"?—That is quite likely. It is quite possible that he may have said that it was more illness than drunkenness. I did my very best to see whether he really meant to say that anything wrong had been done to him, and I was quite satisfied that he had no such complaint.

795. The note also says: "Counsel defending said Dr. Gerothwohl and Mr. Lavalette followed to the Station when Timmings was arrested to give evidence, and they themselves were then arrested. I have a doctor here who will say that when he examined them they were not drunk. He examined them as soon as they could get to him after they were released. I shall call the doctor and the defendants, and after their evidence I shall ask you to believe that there has been a *bona fide* mistake on the part of the police, and ask you to discharge the defendants." Is that in substance what counsel said?—Exactly. There was nothing to alter that so far as I remember throughout. According to this note you are reported to have then said: "As that is the line the defence takes I shall adjourn the case for the attendance of the inspector who took the charge and Dr. Mitchell, who examined two of the prisoners."

796. Is that an accurate report?—Quite accurate. I thought the importance of that was this. One of the prisoners was charged with being drunk, and inasmuch as this doctor, according to the evidence, had not been called upon until two hours afterwards it became an important question which it had not been before whether they were or not. On the second day I think the evidence rather directed itself to that.

797. (*Mr. Rufus Isaacs.*) I should like to refresh your recollection about this so that we may get the evidence. The Chairman has now read what took place on the first day, which would be on Monday, the 9th, when the defence was set up of there having been a *bona fide* mistake, and then there was an adjournment according to your direction for the purpose of enabling the surgeon to attend, and then that you might decide after hearing his evidence?—Not only on that account, but there were more than a hundred prisoners into custody as a result of that Saturday night, and there really was not time to go further with it.

798. All I want to do is to refresh your recollection about it. Mr. Scott suggested that the evidence was a *bona fide* mistake. That appears to have been on the first day from what has now been read.

(*Mr. Eldon Bankes.*) And on the second.

799. (*Mr. Rufus Isaacs.*) It appears to have been on the first day that Mr. Scott made this definite defence. The line of defence indicated a *bona fide* mistake on the part of the police, and then came an adjournment according to your direction. On the next day, the 11th, I find this in the note: After the evidence for the prosecution had closed Mr. Scott said: "I do not know, sir, whether you would allow me to state shortly what I propose to prove before calling my witnesses, or whether I should call my witnesses and address your Worship afterwards. I propose to call Dr. Gerothwohl, Mr. Lavalette, Mr. Sherrington, a barrister, who saw them shortly before, and I propose to call two doctors." And then you said: "In a case like this I think you had better defer your remarks." Then Mr. Scott says: "I shall call substantive evidence." Then, apparently, the evidence was called, and I find this at the end of Mr. Sherrington's evidence. If you would look at page 30 of the note, Dr. Gerothwohl, Mr. Lavalette, and Mr. Sherrington having been called, you apparently, as I read here, came to the conclusion that there was no necessity to go further, and you were satisfied, and, as I read from the note, no further observations were made by Mr. Scott, because I see as soon as Mr. Sherrington's evidence was at an end you said this: "I do not think I need put you to the necessity of calling further evidence," which would show that Mr. Scott could not have addressed you again. You said you had heard the two defendants and you had heard Mr. Sherrington, a member of the Bar, whose evidence had evidently impressed you, and then you said there was no necessity to call the other evidence, because they said they had the doctors there?—I cannot say exactly when it was. My recollection was very distinct that it was impressed upon me, but at what time I cannot say.

800. I call your attention to that for the purpose of showing what had happened. What I did want to put to you is this. From first to last was there ever any defence put forward to you, either on the first or on the second day, other than that there was a *bona fide* mistake on the part of the police?—No, I cannot remember anything.

801. (*Chairman.*) But there was a direct conflict of evidence before you, was there not?—Distinctly.

802. (*Mr. Eldon Bankes.*) May I ask you to look a little further into that point. I am not sure that this shorthand note is complete. We do not know.

You did read from your note just now a statement as though Mr. Scott had addressed you after the defendants had given their evidence?—Yes, that is so; but, as I say, I do not wish to set this note up against the other note.

803. (*Mr. Rufus Isaacs.*) Have you any objection to the Commissioners seeing your notes?—Not in the slightest.

804. (*Chairman.*) Perhaps you might leave these notes?—Certainly. Those are merely loose sheets of foolscap paper which were lying on the table. Very often I take no note at all in a case, but at other times I take a very full one.

(*Mr. Eldon Bankes.*) Of course, it is accurate, as far as it goes, but I do not know whether it is complete.

805. (*Mr. Rufus Isaacs.*) This note is made, I suppose, in order of time as things happen?—That I could not say. What I do it for is merely to take the exact expressions. In some cases it is not necessary to take any note, and sometimes I do not take any note, but when I see that there is going to be a case in which it is important to have the time, the date, and the exact expressions I do it as I go on.

806. Will you look at the penultimate statement on the last page—(*handing*). Is that evidence, or is that your note of what your view was?—That is merely my note before I disposed of the case, made whilst I was listening, I think, to Mr. Scott's remarks. It is merely a note of how the matter struck me. The other, of course, is the actual decision. *Mr. G. L. Denman.* 23 July 1906.

(*Chairman.*) I do not think we need keep these notes.

807. (*Mr. Rufus Isaacs.*) Can you, Dr. Gerothwohl, tell me this. On the second day, I understand, there was a shorthand note taken by your instructions?

(*Dr. Gerothwohl.*) Yes, verbatim.

808. (*Mr. Rufus. Isaacs.*) We have had that proved. On the first day you had no shorthand writer there?—No, but I got a very full report from a reporter, Mr. A. C. Dean, of the "Daily Telegraph."

(*Chairman.*) Is he here now?

(*Dr. Gerothwohl.*) I do not know.

(*Chairman.*) Is Mr. A. C. Dean here?

(*Dr. Gerothwohl.*) Apparently he is not.

(*Mr. Rufus Isaacs.*) Perhaps, Mr. Bankes, you will look at that and see whether you want that proved.

Mr. Henri Lavalette, sworn

809. (*Chairman.*) You live at 8, Alma Terrace?—Yes. *Mr. H. Lavalette.*

810. You have heard what Dr. Gerothwohl has said as to his relations with you, and as to his living with you?—Yes.

811. Do you confirm his statement?—Yes.

812. You are a journalist?—Yes.

812.* Do you remember the 7th April last?—Yes, I do.

813. Would you like now to tell your own story. I think you met your friend shortly before dinner?—I met him at Alma Terrace.

814. You went out after dinner?—Yes. We took an omnibus at Cromwell Road to Knightsbridge, and then we changed at Knightsbridge and took another omnibus to Piccadilly. Then we went to dine at the Monico, where we had one glass of lager beer each.

815. With your dinner?—Yes. On leaving the Monico, just after 9 o'clock, Dr. Gerothwohl suggested that we should go and see the Soho quarter, and it being Saturday it was market day. Then later we went to look at the shops and see the people, and we waited about three quarters of an hour listening to a temperance lecturer.

816. Was that after you had been to the café?—I beg your pardon. On leaving the Monico we went to Shaftesbury Avenue and on to Dean Street to a little place where they sell coffee, and we had some coffee and one glass of lemonade. On leaving that café we went to the Soho quarter, as I have stated.

817. What did you do after listening to the temperance lecturer?—We looked at various shops and listened to the salesmen selling their wares. Then we came back to Shaftesbury Avenue, and went on to Piccadilly Circus, and under the Regent Street Arcade we met Mr. Sherrington, a friend of mine.

818. You had known Mr. Sherrington before?—Yes. I had met him at a friend's house. We talked together about ten minutes, and then we proposed to go to the Trocadero, where Mr. Sherrington said he had left his bag, so we decided to go to the Trocadero. We went, and there we had one glass of whisky each. I had whisky and water, and the others had whisky and soda.

819. How long did you remain at the Trocadero?—About half an hour. We left about 11.30.

820. What became of Mr. Sherrington?—Mr. Sherrington took an omnibus to go home. We left him and walked down Coventry Street to Leicester Square and back, and then we walked down Lower Regent Street. We had seen the crowd in Regent Street, and we walked in the middle of the road, so as not to become mixed with the crowd, which was thrown out of the "Continental." We stopped there, and then we went to Piccadilly Circus to take an omnibus home.

821. Did you walk in the direction of St. James' Church?—We walked in Piccadilly in the direction of St. James' Church.

822. Now, will you tell us in your own way what occurred and what you saw?—Yes. When we were nearing St. James' Church, I noticed we were alone. There was a little crowd of people in front and a little knot of people behind. We were quite alone. We saw Timmings walking along with his hands in his pockets. Then we heard a noise in front and we saw a constable, Isaacson, pass behind a cab standing there, and push Timmings, and Timmings fell against the wheel of the cab. Then Timmings was taken in charge. Dr. Gerothwohl wished to give his card on behalf of Timmings, who was being taken in charge. In the meantime, Timmings was lifted up by Isaacson and brought across to the west corner of Swallow Street. We followed, and we went straight to Swallow Street towards the east corner of Swallow Street. They crossed to Swallow Street from the west to the east, and we went on to the east side, and therefore in the middle of Swallow Street we joined them. At that time we were all five quite alone. I stooped over to look at Isaacson's number, as I thought he had been treating Timmings wrongly. I have forgotten to say that at the corner of Swallow Street the constable Isaacson was joined by another constable from the other side, and Timmings was marched off between the two to Vine Street.

823. Then you got to the top of Vine Street?—Then looking over for his number I noticed a man walking behind about 10 ft.

824. You noticed a man?—A constable.

825. Was that a third constable?—That was a third constable in the street. We then crossed to Vine Street, and in the middle of Vine Street we may have fallen back a few paces. I was walking along, but it was rather dark, and I wanted to make my charge founded before I charged him. Just as I was doing that the policeman who had been following us seized me by the arm and pushed me against the wall, then another policeman took hold of me and I was pushed against another policeman on the steps, and finally I found myself in the dock. I was absolutely dazed. In the dock I found Timmings and Dr. Gerothwohl. I was in the middle, between the two. Then I heard Dr. Gerothwohl say "Allow me to explain," and he took his card and he passed me and he took hold of the railing like this—(*illustrating*)—and held it as he passed. He was rather nervous, naturally. I saw constable 43 get near the dock, and he took the stick and broke it across his knee. I tried to explain why we had come, and that at the door of the Police Station we had been set upon by the police. I said that at the station. I was so excited that I may not have heard what was said, but I know there was some noise in the Court. There were about eight to twelve policemen there. We heard Constable 43 say something and we saw Inspector Berry taking down notes. Finally Inspector Berry said: "Mr. Lavalette, Dr. Gerothwohl, and Timmings, you are charged with being drunk and disorderly." Dr.

Mr. H. Lavalette.

3 July 1906.

Gerothwohl said: "Do you really think me drunk?" and the reply was "Yes." I spoke French at the time. We were then put out of the dock. I may say that the idea of taking a card was not very favourably looked upon by the Inspector, who said: "We do not want the card—All right—Who are you—what is your name?" and so on; in fact, we were not treated as we should have been. Then we left the dock. Dr. Gerothwohl then said to the constable: "I want to see a doctor." Then I heard him say something, but there was very great excitement at the time, and I cannot say exactly what he said. Then I went first with CR 6; he took my knife and he took my matches and threw them into the fire, saying: "We do not allow matches here." Then we were again shoved. We said we were walking quite quietly. After about half an hour a young warder came along with a man in civilian clothes, and Dr. Gerothwohl said we wanted pens and paper in order to communicate with our friends, and said that we wanted to see a doctor. I cannot say whether the two men in evening dress were in the cells when we came in, but I think they came in immediately after. Then we were left for about half an hour, and then the inspector came (I think he is in the room now), opened the door and said: "Do you want to see somebody?" We said: "Yes, we want to see Dr. Stewart and Mr. Graves." The paper was not brought and the door was closed. Timmings was complaining of pain in the side owing to the fall, and we advised him to ring the bell; he rang and I rang too, but apparently the bell did not work. Afterwards Inspector Berry came and said Dr. Stewart would not come, and upon Dr. Gerothwohl asking him whether he had asked Mr. Graves to come he said "No." No explanation was asked, as we were too excited at the time and too eager to get out of this cell. After that the inspector asked us if we would see the Police Surgeon, and we accepted it as we could not get anyone else. I spoke to Inspector Berry and said: "Surely you are not going to say that we are drunk," and Inspector Berry said: "Well, you ought not to interfere with the police." In the meantime we went back to the Charge room, Dr. Gerothwohl going with me, and in the Charge room we saw Dr. Mitchell. Dr. Mitchell took Dr. Gerothwohl alone, and he saw him in the passage and examined him there. I was alone with Dr. Mitchell when I was examined. The doctor asked me my name. I told him my name. He said: "What have you had to drink?" I said "I have had a whisky and water." I forgot at the time to say that I had had a glass of beer—it was a long time ago, and I had forgotten it. I said I had a whisky and water. Then he said: "I thought you had had a lot of beer." I said: "No, I had one glass of lager beer at dinner, and that is all I have had besides a cup of coffee and a glass of lemonade." He made me walk down the passage, and he made me spell my name, but in the excitement I spelt my name according to the French pronunciation. On hearing this CR 6 spelt it in the English way. We were then led back to the Charge room, where they made me sign a book. I wanted to read it first, but I could not read it, because it was such small print. Then I signed it. After I had signed it I was told: "You have to appear at Marlborough Street on Monday." Then we were let off. I may say that when I complained to the inspector of my matches being thrown into the fire he gave me two or three. Then we left. That would be about 2.30. We then walked to Hyde Park Corner, where we took a cab to Dr. Davis, who made a very thorough examination of me which lasted at least half an hour, and he is prepared to say, after his careful examination, that we could not have been intoxicated. Then we went to Dr. Walker, who examined us. Then we went home.

826. You attended and gave evidence at Marlborough Street?—Yes, I did, and the charge was dismissed.

Cross-Examined by MR. ELDON BANKES.

827. Had you lived in London for some time?—I have lived here for six years.

828. Did you know that scenes of disorder take place in this neighbourhood on boat race night?—I did not.

829. So that when you went with your friend, Dr. Gerothwohl, to dinner you did not know that anything of the kind takes place on that night?—No.

830. Then you dined and you went to Soho?—We dined and we went to Soho.

831. Coming back from Soho you saw these crowds in Piccadilly Circus?—We saw some crowds, but not in Piccadilly Circus—it was more or less right along.

832. It was before you met your barrister friend that you saw these crowds?—Yes, we saw people going along.

833. And shouting?—There was no crowd where we were.

834. You were on the north side and you saw crowds passing and re-passing below you who were shouting?—Yes.

835. And there was considerable noise and disorder going on even then?—Not at that time.

836. There was a good deal of shouting?—I did not notice it.

837. What were the crowds doing then?—They were walking along. It did not strike me very particularly because I did not remember it was Boat race night. I did not pay any attention to the fact that there were people going down.

938. Then you had this conversation with your barrister friend and he left you, I understand, some time after 11 o'clock?—About 11 o'clock, I suppose.

839. Do you know the time precisely?—No, but it is fair to state that it was about 11.30.

840. Then you and your friend, Dr. Gerothwohl were free to go home if you had wanted to, but instead of going home you walked up Coventry Street?—Yes. I had never seen the sight. He spoke of Boat Race night quite incidentally.

841. Then you went up to Soho to see what was going on in that neighbourhood?—Naturally. I was curious.

842. So you deliberately stood to see what was likely to happen in that neighbourhood?—Yes.

843. And you very soon realised that there was considerable disorder going on?—Not in Coventry Street. Young men were coming out of the Empire.

844. That was not lively enough for you, so you turned back into Regent Street?—We did not want life.

845. You found plenty of disorder in Regent Street, did you not?—The only real disorder we saw afterwards was when people were pushed out of the "Continental."

846. That was in Regent Street?—That was in Regent Street.

847. There were very considerable crowds in Regent Street booing and making a noise?—There were crowds in Regent Street. I think I have said in my statement that we kept to the middle of the road.

848. Instead of going down Pall Mall and getting out of it, as you might have done, you turned into Regent Street, and then went down Piccadilly?—Yes, and looked out for a 'bus.

849. No doubt considerable disorder was going on then, and the Police were endeavouring to disperse the crowds?—We did not go into Piccadilly Circus. We walked on the pavement across Piccadilly.

850. You skirted the Circus?—We skirted the Circus.

851 Then you say the Police were endeavouring to disperse the crowds and to preserve order?—Yes.

852. I understand from what has been told us by your friend that your opinion then was that the Police were doing their work well and patiently?—Yes.

853. Then you passed down Piccadilly until you got to St. James' Church. I have now the verbatim statement of what took place before the Magistrate, and what your counsel asked was this: "Opposite St. James' Church in Piccadilly was there a scene of considerable rowdyism"?—There was great noise. We will call it rowdyism.

854. You answered: "There was a great scene and much shouting." Was that taking place in front of St. James' Church when you were there?—That was taking place in front of St. James' Church—in front of us.

855. How far from you would that be, do you say?—About five to six yards.

856. As far as from me to you?—Perhaps a little further, but about that.

857. So that a scene of rowdyism and of great disorder was taking place about as far off as from me to you?—Yes, but they seemed to all congregate together. There were no people between.

858. According to your account, was Timmings between you and the people who were making the noise?—We saw Timmings pass us, and then he was between the crowd and ourselves .

859. Then you say: "We saw a few people arrested"?—Yes.

860. Was that behind you?—Yes.

861. Immediately behind you?—About five yards.

862. So that there were people five yards in front of you making great disorder, and people five yards behind you making great disorder and being arrested?—Yes.

863. Then you say: "We saw a few people arrested, in fact there was a little knot of people in front of St. James' Church. There we saw Timmings walking towards the railings of the church." Was he walking towards the railings of the church?—Yes.

864. That means that he would be crossing the foot pavement. If he was walking towards the railings of the church he would be crossing the foot pavement, would he not?—More or less. We were on the pavement. I expect he passed us between the wall and ourselves.

865. Then you say: "We saw Constable CR 43 push him." You are not throwing any blame on the constable. Had you discussed the matter with your counsel before the hearing took place as to whether or not you attribute blame to the constable?—No, we did not say that.

866. Did you discuss it with your solicitor?—No, we did not say we were going to follow the line of conduct not to throw blame on the Police.

867. (*Mr. Rufus Isaacs.*) You have put that question to him, but there is one other thing which follows immediately. I do not think because you have got that answer that it is an answer to the question you put. You mean he was not throwing any blame on the Constable?

(*Mr. Eldon Bankes.*) There was a great row going on.

868. The question I asked you was whether you discussed with your solicitor and counsel the line you were going to take up with reference to your defence?—No, we did not discuss the line of conduct that we should not throw blame on the Police; in fact we had no time. We were arrested at 12 o'clock on Saturday and we saw the counsel on the Monday, and we had no time.

869. You had plenty of time between the time you were arrested and the second hearing?—We saw him for about an hour and a half, or an hour.

870. Had you arranged that you were going to take the line of defence that you were not going to throw any blame on the Police?—No, we had not been committing any disorder, but when the Police made the statement they did make, then we changed our opinion.

871. And elected and decided not to throw any blame on the Police?—No. It was after the hearing of the case on the second day. We did not know what the line of conduct was of the Police, and therefore we could not arrange our own.

872. The Police had given their statement on the first day?—Yes.

873. Then you saw your solicitor for an hour and a half between the first and the second occasion?—Yes.

874. Did you make any arrangement with him as to the line of defence you were going to adopt?—No, we did not.

875. Not any line?—No. The important thing for us to prove was that we were not drunk, and not committing any disorder.

876. This was a question put by your counsel: "You are not throwing any blame on the constable? There was considerable rowdyism going on? (A.) Yes. We thought he had been rather unjustly treated." That was Timmings?—Yes.

877. I understand you to suggest that Isaacson took Timmings right across the street?—Yes.

878. And that he was then joined by another constable?—Yes.

879. Up to that point you do not suggest that you had said or done anything which would lead the Police to think that you were going to take any part in the matter?—Not at that time.

880. Then you went up Swallow Street?—Yes.

881. Did anybody else turn up Swallow Street?—One constable, and I looked at his number, and from the fact of my looking at his number he concluded, perhaps, that we intended giving in our cards.

882. Do you know who the constable was who was following behind?—I think the constable who pushed me into the Station was the constable who followed me.

883. Did you recognise him before he pushed you into the Station?—In the gaslight I recognised him. I thought he had rather a light complexion.

884. Is that Wallington?—Yes.

885. You recognised him?—I recognised him when I was pushed right into the Police Station.

886. Do you say there were two constables standing at the door at Vine Street Police Station?—Yes.

887. One on each side?—One on each side.

888. Not any of the constables whose names have been mentioned here?—No.

889. It was not Isaacson, and it was not Wallington?—They were in Piccadilly.

890. Your recollection is that there were two men standing there, one on each side of the door?—Yes.

891. Is it your suggestion that it was Wallington who pushed you into the Police Station?—It is.

892. He had had no opportunity of having any communication with Isaacson at all, had he?—No. He was behind me.

893. And Isaacson was walking in front of you, and walking straight, as you say, with Timmings through Vine Street into the Station, and this other man was, according to your account, behind him?—Yes.

894. Could Isaacson have given any signal to this man?—He may have without my seeing it. I told you just now that at one time I was in a line with the three of them. Therefore I could not see what Isaacson was doing.

895. If you were in a line with them, you were by his side, and quite close to him?—In a line. *There* was Timmings, *there* was the other constable, *there* was Dr. Gerothwohl, and *there* was myself. I was to the extreme right, and Isaacson was to the extreme left. I looked over naturally like that (*illustrating*).

896. Do you tell the Commissioners that you think at that moment Isaacson took the opportunity to tell the constable who was following you to arrest you?—I do not want to make any suggestion. I tell you that on my entering the station I was seized and very roughly handled.

897. And by a man who, so far as you know, had had no opportunity of communicating with Isaacson?—I do not say that. The man who was following me got hold of me and pushed me into the station.

898. When you got into the station we have heard there was a good deal of uproar, and so forth. How many constables do you say there were in that room?—I dare say there were about 10.

899. Is that your recollection?—Yes, between 10 and 12.

900. That was in the charge room?—Yes.

901. Did one of them ask you for your stick?—No. I lost my stick. I do not know where my stick went. In the struggle the stick disappeared.

902. You had a stick when you went in?—Yes, I had a stick.

903. You do not recollect being asked for it?—I was seized so suddenly.

904. When you were in the dock do you recollect being asked for it?—No. The stick was on the table when I got into the dock.

905. It was in the station. Did you see it there?—I did.

Mr. H. Lavalette.

23 July 1906.

906. If you were asked to give up your stick, and you handed it to the constable when you were in the dock, you may have forgotten all about it. You do not remember being asked to give up your stick, and you do not remember giving it up?—No, I was not asked. It was not in my hand when I got into the dock.

907. Were you also very excited when you were in the room?—Very.

908. With regard to the incident about the card, there was nothing on your card more than your name and address?—And my title as the London correspondent of a Belgian paper. My address was not on that card.

909. (*Chairman.*) What is the name of the paper?—"La Libre Critique."

910. (*Mr. Eldon Bankes.*) The inspector asked you for your name and address and description, did he not?—I offered my card, as he could not catch my name.

911. There was nothing more on the card than what you had already given?—On the card was my name as the London correspondent of the "La Libre Critique."

912. Do you think that would have been of any importance to the inspector?—It was the only card I had.

913. If you had already given all the necessary information to the inspector as to your name, your address, your occupation, and your nationality, do you think it at all extraordinary that he would have said he did not want your card?—May I tell you this? When he asked me my name I certainly pronounced my name with a foreign pronunciation, but they never understood it here. Then he asked me for my card.

914. They did take your card?—They took my card. Inspector Berry at the station would not take it although I passed my card.

915. Then is your complaint merely that he took Dr. Gerothwohl's card?—I passed my card after Dr. Gerothwohl had given in his card.

916. Did they take Dr. Gerothwohl's card?—They took it after he had insisted on giving it.

917. So they took both your cards?—They did, but they did not take them at once, as Dr. Gerothwohl has said.

(*Mr. Eldon Bankes.*) I do not wish to put a direct conflict. You know what the position is.

918. (*Mr. Dickinson.*) I want to understand exactly what happened when you went into the station. You were walking five in a row up to the corner of Vine Street?—We were five in a row in the middle of Swallow Street, and on turning the corner of Vine Street we may have fallen back two or three paces.

919. You, as you told us, were on the right?—On the right.

920. And the turning into Vine Street is to the right?—Yes.

921. Do I understand that you and Dr. Gerothwohl being on the right dropped back and allowed the others to come round you?—As they were going very fast we dropped back for a yard or a yard and a half in the middle of Vine Street.

922. It is a very short distance from the corner of Vine Street to the Police station?—Yes.

923. Then you had got into Vine Street, and you were still walking in a row?—When we got into Vine Street we were walking in a row.

924. Then before you got to the Police station the other three went on and you dropped behind?—Yes.

925. I noticed you said that when you went into the Police station you did not know what had happened to Dr. Gerothwohl at all?—No. I said I did not know what had become of Dr. Gerothwohl at all when I was seized.

926. I think you said, "At the time we walked along towards the station we may have fallen back a little, and at the time we entered the Police station I was abreast of the three"?—Yes.

927. Does that mean that Dr. Gerothwohl had fallen behind?—Yes, he was behind.

928. Then you said, "I did not know what had happened to Dr. Gerothwohl at all"?—Perhaps I did not put that rightly. I should have said I did not know what had happened to Dr. Gerothwohl after I was seized.

929. At that moment he was behind you?—At the moment I stooped to make quite sure of Isaacson's number Dr. Gerothwohl fell behind, and I suppose we could not be five in a row.

930. As you were turning into the door you went forword to look at the number on the policeman's collar?—Yes.

931. Then I understood you to say Dr. Gerothwohl went into the dock before you did?—Yes.

932. Can you explain how that happened. He was behind you as he was going into the door, but he was in the dock before you got there?—It was a very short distance, and you must remember the thing was done so quickly—in a moment.

933. Have you any idea what policeman had hold of you when you were put into the dock?—No, I could not say.

934. Was it another policeman?—Yes.

935. Not one of those three?—Not either Isaacson, nor Wallington. It was not one of those two.

936. You have just told us that when you got into the dock you said you had come to speak on behalf of Timmings?—Yes.

937. I do not notice that you mentioned that before?—No.

938. As to Dr. Gerothwohl, I find something to that effect on the notes. At page 31 you will find this: "Finally I found myself in the dock; Mr. Timmings and Dr. Gerothwohl were there. We protested, and Dr. Gerothwohl wanted to send in his card." I want to know what you said. Dr. Gerothwohl has told us he said he had come to speak on behalf of Timmings. What did you say?—I said, "I have come here to give my name in favour of this fellow, when I was seized by that gentleman," meaning Wallington. "Then I found myself here, and I designated Wallington as that gentleman who pushed me into the Police station as he got hold of or set upon me. I said to Inspector Berry that I had been assaulted at the door of the station.

939. (*Mr. Rufus Isaacs.*) I want you to direct your mind to one very important point in this matter. First of all when you saw Timmings, when Timmings was arrested, in your view was he drunk or sober?—He was sober, in my opinion.

940. Quite sober?—Yes.

941. No indication of drink of any kind?—I could not say. In my opinion he was sober.

942. Did it ever occur to you when he said, apparently in the cell, that he was more ill than drunk?—He said: "I am not drunk."

943. Did he say that?—He said that to me.

944. That is the first time we have heard of that. Had he ever said that before?—No.

945. You say he said to you he was not drunk. Just think a minute?—I think he said something to that effect. I would not swear it, but I think he said something to that effect. He complained of being dazed.

946. Of feeling bad?—From the fall. Then I went next him, but I did not notice that he was intoxicated.

947. You saw him in the Police Court, of course?—Yes.

948. You then had an opportunity of asking him questions?—We did not ask questions.

949. I say you had an opportunity given to you to ask questions?—No.

950. You have heard what Mr. Denman told us happened?—Yes, but we had counsel.

951. Of course you had your counsel representing you and Dr. Gerothwohl, but Timmings was not represented?—He was not represented.

952. Is it your view now, after the evidence you have heard, and do you wish to convey to us, that Timmings was perfectly sober?—In my view he was not drunk.

953. That is not quite the question I am putting to you. Is it your view that Timmings was perfectly sober when he was arrested?—I think he was.

954. After the evidence, and after all that we have heard, you still think that?—I do.

955. Have you ever had any communication at all with Timmings since. Do you know where he is still?—No, I may have his address at home.

956. What I want to understand from you is this: Was not your view that what Timmings had to complain of was being pushed against the wheel?—If he had a complaint I should have thought he would have complained of that.

957. Then he would not have had a complaint of being arrested, but his complaint would be of being pushed against the wheel. Of course the complaint that you and Dr. Gerothwohl were going to make was not of Timmings being arrested, but of the way he was treated when he was pushed or shoved against the wheel?—Yes.

958. That is what you meant when you said at the Police Court that you and Dr. Gerothwohl thought that he, Timmings, had been rather unjustly treated?—Yes.

959. And you went on to say that the constable pushed him, and that he fell against the wheel of a cab, and then Dr. Gerothwohl said that was rather unjust, and that he was going to stand as a witness for Timmings, and you accompanied him?—Yes. In following the constable our intention was to go and protest against the brutality that he showed to Timmings.

960. You mean your complaint was to be not about the arrest, but about the brutality?—Yes.

961. When you crossed over to Piccadilly and walked up Swallow Street do you remember at all on which side of the road you walked?—On the right side, the east side.

962. Do you mean the east side of Swallow Street?—Yes.

963. Where did you, the constable, and Timmings walk?—At the time Isaacson was joined by the other constable they were on the west side of Swallow Street.

964. That would be on the left-hand side going up?—Yes.

965. You were on the right?—We were on the right. We started behind the cab and walked straight across to Piccadilly, and kept to the right of Swallow Street.

966. They were going up on the left, and you were going up on the right. What was the next thing that happened to bring them together?—They crossed to the right of Swallow Street. *This* is Vine Street, and *this* is Swallow Street; they were *here*; to come *here* they would have to cross the street; we were coming *here* (*illustrating*).

967. They joined you while you were on the right side?—Yes.

968. It is said that when the charge was read over to you, neither you nor Dr. Gerothwohl demurred to it. You have told us of the protest which you and Dr. Gerothwohl made. What I want to know is this: Could anybody have thought you were admitting the charge by your not denying it, so far as your view goes?—No, they could not have thought we admitted the charge by our behaviour. Of course we did not. We had not been in a Police Court before—at least I had not, and I did not deny it. We had already explained the reason why we were going to the Police Court. *Mr. H. Lavalette.* 23 July 1906.

969. (*Chairman.*) When you first saw Timmings, how far was he from you?—Two or three paces.

970. Had he passed you?—He had passed us.

971. Walking?—Walking.

972. Alone?—Alone.

973. You are perfectly sure he was not arm in arm with anybody?—No, he had his hands in his overcoat pockets.

974. Was he shouting out?—No.

975. Was he walking erect?—He was walking erect.

976. Not swaying at all?—No.

977. Did you notice the constable, P.C. 43, as you found out afterwards, assist him?—The first time I saw P.C. 43 was when he pushed Timmings.

978. Did he pass you?—Yes, he passed us.

979. On which side of you did he pass you—on the wall side of the street or on the street side?—On the wall side, I should say.

980. Was he going fast?—Yes, he walked fast.

981. He caught Timmings up?—Yes.

982. Did he speak to Timmings?—No, he did not speak to Timmings. We saw him push Timmings. I may say that Timmings is an absolutely helpless sort of man; he is very weak; he was crying and apologising, and he did not dare say anything.

983. He was not speaking, crying and apologising before he was thrown against the cab, was he?—No.

984. He was saying nothing?—No.

985. He was walking quietly with his hands in his pockets?—Yes.

986. And then the constable passed you hurriedly?—Yes, at a fair pace.

987. Then he pushed Timmings, and threw him against the cab?—Yes. We all went at a good pace, and the constable went at the same pace that we did. Of course Timmings is a very short man.

988. Can you suggest any reason for the constable picking out Timmings for that treatment from among so many men?—I cannot. I have no reason to suggest.

989. You think the conduct of the police-constable was absolutely unjustifiable?—Absolutely.

990. You think Timmings ought not to have been arrested?—He should not have been pushed as he was. The Police arrested him. He had said nothing.

991. For aught you know there might have been some reason other than drunkenness?—There might have been, but we did not think of that at the time. We thought there was no reason for pushing him or throwing him against the wheel of the cab. He might have been killed. We did not go to speak about the arrest, but about the brutality of the constable.

Mr. William S. Sherrington, sworn.

992. (*Chairman.*) What is your address, if you please?—I live at Hampstead Heath.

993. And you are a barrister-at-law?—Yes.

994. Are you acquainted with Mr. Lavalette and Dr. Gerothwohl?—Dr. Gerothwohl I had never seen previously to this evening.

995. That is the 7th April?—The 7th April. But Mr. Lavalette I had met altogether on about five or six occasions. I had met him dining at the house of a friend of mine on two occasions, and I was staying in a country house last autumn where he was a visitor, and we were there together for two or three days.

996. It appears from the evidence given to us that you met these gentlemen on that Saturday evening?—Yes.

997. Will you give your account, if you please, of the meeting, and tell us about the time and the place? Perhaps I might begin a little earlier as to how I came to be out.

998. Yes?—I left my chambers in Lincoln's Inn soon after seven o'clock, carrying a brief bag with papers inside. I walked down intending to dine at the Trocadero and then to go back home to Hampstead. I had to wait; I found the Trocadero was very full, and I left my bag in the cloak room there. Then I went in to dinner. The place was very full, and I was rather a long time dining there. I left soon after 10 o'clock. I came out and walked down to my club in Pall Mall, and then I wrote a letter. Having done that, I walked back to pick up my bag at the Trocadero and then to go to Hampstead. I know the time I left my club was about a quarter to 11, and not later. The streets were comparatively empty, as far as I can recollect; that is to say, I remember the people had not come out of the theatres, and I remember I had a question in my mind as to whether I should catch the 11.9 train at Camden Town Station, which is a train I sometimes catch, and I remember thinking that I should not do it. The next train was at 11.39. I walked up towards Piccadilly, and then near the Café Monico, as I was crossing on the north side of Piccadilly Circus to get round to the Trocadero I met Mr. Lavalette and a *Mr. W. S. Sherrington.*

Mr. W. S. Sherrington.

23 July 1906.

friend. Mr. Lavalette greeted me. I had not seen him since the previous September, and he introduced me to his friend, Dr. Gerothwohl. One of them said: "We have just been looking at the French Market in Soho." Then I passed some remarks to them as to how London had altered, and so on. I said it was an interesting sight, or something of that sort. Then Mr. Lavalette told me that Dr. Gerothwohl was a professor at Trinity College. I rather pricked up my ears at that, because I was interested in the college in a certain way; and we proceeded to talk about the college. I asked after various people there, and I remember I asked him how they liked Mr. Bryce's new Commission, what the effect of it would be, and how it was received there; and he went into a longish discussion as to who approved of it, and who did not approve of it, and what the feeling was generally. I stayed talking, I should think generally, ten minutes. I remember I asked him whether he knew anyone at Cambridge, and he told me he knew a gentleman who happened to be at my own college there, and that rather interested me. We stood talking together, I should think, ten minutes, then I think I made a move rather to go towards the Trocadero. Mr. Lavalette then turned to me and said, in a foreign way rather: "Shall we not have a whisky together before we part?" I think I hesitated a little because it is not customary, but I thought he, being a foreign gentleman, would not like it if I demurred at all, and as there was no time to go to my club, or to his house, I said: "I am going into the Trocadero to fetch my bag," and we moved across the street, and went into the Trocadero. There Mr. Lavalette ordered three whiskies and soda. I think it was, or rather I think one of the three was whisky and water, but I had whisky and soda, one of the others had a whisky and soda, and one of them, I think, had whisky and water. We stood talking, we again spoke of university matters. We got talking about the abolition of compulsory Greek. Then Dr. Gerothwohl said that he owed his appointment at Dublin to the fact that they had abolished compulsory Greek, and substituted some form of modern language instead. Then he said although that was so he was in favour of compulsory Greek, and I remember saying I thoroughly agreed with him. Then I remember Mr. Lavalette asked whether we had Commercial Universities in England, and I said I thought we were attempting to have them in the present day. He then asked me what was the training for the Consular service, because he said he had a relative in Belgium who was in the Consular service, and that there was a special course of training at a Belgian university for the purpose of training people for the Consular service. He asked me whether it was the same in England, and I said no. He then asked me how the Consular service was appointed, and I said I really could not say, but I thought perhaps it was rather a haphazard affair. Then I asked Dr. Gerothwohl, I remember, whether the journal "Kottabos" was still published in Dublin, because when I was at the University I always used to read it with great interest, as it had some very witty and amusing classical jokes. Then I proceeded to tell him one, I remembered, and he told me one or two amusing examination stories. We stood talking, I should think, some long time, and I think I remember hearing some cheering outside, and I think I said to them, "This is Boat Race night," or something of that sort. I remember distinctly hearing the cheering of some noisy people outside. Then I said "I must be off," and Mr. Lavalette said: "Perhaps we shall meet next autumn. I said, "Perhaps we shall" or something of that sort, and then I left them inside there standing. I went to get my bag, and I do not know what became of them afterwards.

999. When you left them were they both sober?—Absolutely. I have not a shadow of doubt about it.

1000. Did they appear to you to have been taking any drink beyond drink in the most strict moderation?—No, they had no sign of drink at all; in fact, the trend of the conversation was such that they could not have been in drink.

1001. What was the time?—I can fix the time pretty accurately when I left them, because I remember thinking it was just too late to catch the 11.39 at Camden Town, and I took a cab. That would mean that it was certainly over twenty minutes past eleven. I can also remember that there were people still coming into the Trocadero, and I met them as I went out.

1002. Still coming in?—Still coming in, I think the place closes at 12 o'clock. As I went out the place was just full of everybody coming out of the theatres. I should say as nearly as possible it was half-past 11.

Examined by Dr. Gerothwohl.

1003. May I ask you whether, quite apart from the question of drunkenness, you considered that we were out for a hilarious evening?—I have told all I know, and there was no sign of anything of the kind as far as I saw.

1004. There was no mention of high jinks, and that sort of thing?—No.

Dr. Ivor Davis, sworn.

Dr. I. Davis.

1005. (*Chairman.*) What are your qualifications?—I am a doctor of medicine.

1006. What is your address?—3, Drayton Terrace, South Kensington.

1007. (*Chairman.*) Dr. Gerothwohl, I think you had better ask any questions you have to ask of this witness, if you please, as I have no proof?

(*Dr. Gerothwohl.*) If you please.

1008. Do you remember my waking you up at your house?—Yes.

1009. About what time would that be?—About ten minutes to three.

1010. You spoke to us through the speaking-tube?—Yes.

1011. And then you came down and saw us?—Yes.

1012. (*Chairman.*) On what day was this?—This was on the Sunday morning following Boat Race day.

1013. (*Dr. Gerothwohl.*) Do you remember our general attitude as we came?—Yes.

1014. What was it?—These two gentlemen knocked me up at about ten minutes to three on Sunday morning, and I saw them first of all in my consulting-room. After giving me a description of their arrest, and so forth, they asked me if I would give them a certificate as to whether they were drunk or as to whether they were not drunk. The first thing that struck me when I saw these two gentlemen was this, and I explained to them at the time: "You do not look to me drunk, in fact I see nothing the matter with you, but if you have been arrested on a charge of drunkenness the charge is a serious one for you, and you must undergo an examination." I made a very exhaustive examination of both these gentlemen. I came to the conclusion that they were not drunk, and I gave them a certificate to that effect before they left the house.

1015. Will you tell us what examination you made?—I made a very exhaustive examination. I commenced with the eyes. I saw there was nothing unusual in the eyes. They acted to light and they were not dilated. There was a little congestion of the mucous membrane of conjunctiva, but you may have that at any time. You may take a dozen men in this room and you would see a little congestion in the whites of their eyes.

1016. (*Mr. Rufus Isaacs.*) Was this in both or in only one?—A little in both.

1017. Was it in both eyes of both Dr. Gerothwohl and Mr. Lavalette?—Shall I give you the examination I made of the two together, or of both separately?

1018. (*Chairman.*) You had better give the examination of them both separately. Whom did you examine first?—I examined Dr. Gerothwohl first.

1019. Will you give us the result?—I examined the eyes, and I found them quite normal and also the pupils, in fact the whole eye was normal—both eyes. Then I examined the breath, and I could detect no fumes of whisky or of any spirits. I inquired if he had been sick or if he had been feeling sick, and he told me no. I then examined his hands with a paper held between the fingers, to see whether there was any tremor of the hand or of the arm. There was none. I also got him to put his two feet together, then close his eyes and then turn round in a circle as on a pivot. He did that perfectly. I then got him to walk, and

he walked perfectly straight. His pulse was normal. I think it was said in the Police Court that he lisped, but that is likely to occur to anyone at any time who is excited. Again, there is a most important point, and that is this. I got him to repeat sentences after me, and also to pronounce very difficult words, which he did perfectly. All through I had conversational remarks with him, and I came to the conclusion that he was not under the influence of drink.

1020. (*Dr. Gerothwohl.*) With regard to the question of the breath-smelling, generally, do you consider that is of importance?—Of no importance at all. It is most fallacious.

1021. For instance, a man who has had a glass of whisky may smell of that for some time?—Yes.

1022. But that, of course, does not show that he is drunk?—No.

1023. I ask you this question from the point of view of the public. The Police apparently regard people as drunk because they smell of drink which they may have had a quarter of an hour previously. May I ask you another question with regard to the certificate of not drunk, but recovering from the effects of excessive drinking. May I ask you if it is possible to say anything definite about such a subtle question?—The certificate is very indefinite, and if there is any doubt whatsoever as regards a man being drunk, I think it ought to be given in favour of the man charged, naturally.

(*Chairman.*) I think you must confine yourself to asking questions, Dr. Gerothwohl.

(*Dr. Gerothwohl.*) Do you think, according to your examination, we might have been drunk two or three hours before?

(*Chairman.*) I suppose you are examining for Mr. Lavalette and for yourself?

(*Dr. Gerothwohl.*) Yes.

(*Chairman.*) Then in the natural order of examination we should expect you to ask Dr. Davis with regard to Mr. Lavalette.

1024. (*Dr. Gerothwohl.*) Will you tell us whether the result was just the same with regard to Mr. Lavalette?—I found no symptoms of drunkenness. I applied the same tests to Mr. Lavalette and found nothing.

1025. (*Chairman.*) You applied the same tests with the same result?—Yes, in fact I was nearly half an hour going through the tests.

1026. (*Dr. Gerothwohl.*) I have only one question to put to you, and that is whether, in your opinion, we might have been drunk two hours before?—No, it is impossible.

Cross-examined by Mr. Eldon Bankes.

1027. Can you fix the time when these gentlemen came to you?—I think I was rung up about ten minutes to three.

1028. About 3 o'clock?—Yes.

1029. Whereabouts do you live?—At Drayton Terrace, South Kensington.

1030. Some considerable distance away from Vine Street?—Not very far from Queen's Gate.

1031. Do you know how they came. Did they come in a hansom?—I have no idea how they came.

1032. Supposing they had driven to your house in a hansom, would that tend to remove any traces of drink if they had been taking drink? Would exposure to the air for such a distance as that remove any traces of it?—It is only about a quarter of an hour's drive.

1033. Does exposure to fresh air tend to take away the smell of drink from a person?—Yes, it would have a tendency to do so. *Dr. I. Davis* 23 July 1906.

1034. (*Mr. Rufus Isaacs.*) The evidence is that they walked to Hyde Park Corner and took a cab.

1035. (*Mr. Bankes.*) I did not hear that. If they were bailed out at 2.45 they could not have got there by ten minutes to three?—I think that is so. They were there, I know, before three o'clock.

1036. It does not very much matter. Just a question about testing a person's breath. Nobody would say that was conclusive, would they, unless there was an entire absence of smell. If there was an entire absence of smell you would then say that the man had not been drunk?—Yes.

1037. So that it is useful from the police point of view to test a man's breath?—No, not at all—not as a test. It may be of slight assistance, but I think if you tested the breath of all the people present here this afternoon you might have a considerable majority whose breath would smell.

1038. It is a very useful test, because if you find an entire absence of smell of drink you would come to the conclusion that the man is sober?—Yes.

1039. To that extent it is a useful test?—Yes.

1040. As has been pointed out by Dr. Gerothwohl, if a man had had a glass of whisky at half-past eleven his breath would smell at 12.10, would it not?—No, not necessarily.

1041. 11.30 and 12.10?—I could not detect it in these cases.

1042. Assuming a man had a glass of whisky from 11 to 11.30, would his breath be likely to smell at 12.10?—Yes, it may.

1043. An examination of the eye is one of the usual tests for drunkenness, is it not?—Yes.

1044. Are you in the habit of examining people for drunkenness?—No; I examine people for other things.

1045. It is only occasionally, I suppose, that anybody would ask you to examine a person for drink?—Yes, I have had to do it on several occasions—in three or four cases.

1046. (*Mr. Rufus Isaacs.*) You told us that there was no indication of their having been drunk two hours before. Take the time we have in this case, namely, from 11.30 to 12.10. Was it possible at the time you saw either of those gentlemen that they could have been drunk between 11.30 and 12.10?—They could not possibly have been.

1047. Was it possible that they might have been not drunk, but under the influence of drink?—No, I do not think so.

1048. If they had been under the influence of drink during that time, would you have been able to detect it by the examination you made at three o'clock?—I think so; in fact, the odour would have been distinct if they had been drinking steadily, but if they had had one drink I should very likely not detect the odour of that at all. I tested particularly for the odour that night, but unless I got quite close to them I could not detect it.

1049. (*Mr. Dickinson.*) Did you know either of these gentleman before?—I had never seen Mr. Lavalette before, but I had met Dr. Gerothwohl on one or two occasions.

1050. Did you attend him?—I attended him once before.

Dr. Henry George Walker, sworn.

1051. (*Chairman.*) What are your qualifications?—I am an M.D. and Licentiate of the Royal College of Physicians. *Dr. H. G. Walker.*

1052. What is your address?—5, Marloes Road.

(*Chairman.*) Now will you, Dr. Gerothwohl, examine the witness?

(*Dr. Gerothwohl.*) If you please.

Examined by Dr. Gerothwohl.

1053. Dr. Walker, do you remember my calling you up on Sunday morning the 8th April?—Yes.

1054. Do you remember about what time it was?—4 o'clock.

1055. Do you remember our general attitude?—Yes. Shall I describe it?

1056. If you please?—They came in and they told me that they had been examined by a surgeon at Vine Street, and also by another doctor in South Kensington; I do not think they told me the name then; and they said they simply wanted me to see them and confirm his opinion as to whether I thought they were under the influence of liquor at the time.

1057. (*Chairman.*) Did you examine them?—I ex-

Dr. H. G. Walker.

3 July 1906.

amined them so far as to notice the way in which they were speaking.

1058. Did you examine each of them separately?—They were taken separately. I noticed the way in which they walked into the room, and I noticed there was no smell of spirits in their breath. They told me that they had had Lager beer in the evening and one whisky and soda.

1059. (*Dr. Gerothwohl.*) You did not detect any signs of drink?—None at all.

1060. Nor any sign of having been under the influence of drink?—No.

1061. Do you agree with Dr. Davis that if we had been under the influence of drink some two or three hours before probably some symptoms would have been noticeable?—Yes, certainly.

1062. (*Chairman.*) You had better put to him the exact time, as Mr Rufus Isaacs put it. Supposing they had been drunk or under the influence of liquor between 11.30 and 12.10, would their condition have been the condition that it was when you saw them?—No, I think not.

1063. (*Dr. Gerothwohl.*) You live near to us, do you not?—Yes.

1064. I think as far as I am personally concerned you have on some occasions met me on my way home?—Yes.

1065. I ask you whether on such occasions you have noticed the slightest symptom or sign of being under the influence of drink?—No, none whatever.

(*Chairman.*) As to Mr. Lavalette, was his condition the same as that of Dr. Gerothwohl?

1066 (*Dr. Gerothwohl.*) You found us both perfectly sober?—Yes, in my opinion.

1067. In talking to us you got very near to us, did you not?—Yes.

1068. That would give you the best opportunity for smelling our breath?—Yes.

1069. You were quite satisfied with regard to that were you not?—Yes.

Cross-examined by Mr. Eldon Bankes.

1070. Something has been said about testing a man's breath. That is a course you would always take, would you not? If you were asked to examine whether a man was drunk or sober you would always test his breath?—Yes.

1071. That is one thing amongst others?—Yes.

1072. (*Mr. Rufus Isaacs.*) What would be the symptoms you would have detected supposing these gentlemen had been under the influence of drink, say at midnight, and they had come to see you at 4 o'clock in the morning. What should you have detected?—I should have detected some thickness in their speech, or some hesitation, and from the clear way in which they spoke to me and from the way in which they walked into the room it struck me that they were perfectly sober.

1073. (*Dr. Gerothwohl.*) Did you detect anything unusual about our clothes. That is very often a sign with regard to the person who has been under the influence of drink?—No.

1074. (*Chairman.*) Did you notice the damaged collar that we have heard of already?—No.

(*Dr. Gerothwohl.*) I had put that right. I have no more technical witnesses to call as to sobriety, but I can if necessary call a number of witnesses as to character. In my interview with the Secretary on Friday morning I understood that the police were dropping entirely the charge of drunkenness, and that they would not argue the question as to sobriety in any way. Of course, if the Commissioners would like to hear evidence as to character I should ask them to allow the witnesses to be called.

(*Chairman.*) What do you say, Mr. Bankes, to Dr. Gerothwohl's suggestion that you are giving up the charge of drunkenness against him?

(*Mr. Eldon Bankes.*) I did not know that any communication had been made. Of course, as you will have gathered from my attitude these gentlemen have been acquitted, and I do not desire in the least to go behind that. But the police here are charged with an offence, and I desire that the facts should be brought before the court so far as they can be consistent with the acquittal which has been given. So far as this gentleman's general character is concerned, I do not in the least desire to put you, or him, to the trouble of calling evidence as to general character.

(*Chairman.*) Will that satisfy you, Dr. Gerothwohl?

(*Dr. Gerothwohl.*) It is a question which I leave entirely to the Commissioners.

(*Chairman.*) As far as general character is concerned it is quite unnecessary for you to give any further evidence.

(*Dr. Gerothwohl.*) If the learned Counsel wishes to argue the question of impropriety of action I would rather call the witnesses.

(*Chairman.*) I do not think we can press Mr. Bankes to make any statement beyond the statement he has made. There is no attack whatsoever on your general character for sobriety. That is what I gather from Mr. Bankes' cross-examination, and he hardly suggested that you were drunk on that occasion.

(*Dr. Gerothwohl.*) If necessary I will reserve the right to call witnesses as to character.

(*Chairman.*) Mr. Bankes, which witness will you call first?

(*Mr. Eldon Bankes.*) I am entirely in your hands. I will take them in the order in which they appeared before the magistrate if that will suit you?

(*Chairman.*) Very well.

(*Mr. Eldon Bankes.*) Do you require me to address you?

(*Chairman.*) No, I do not think so at present.

(*Mr. Eldon Bankes.*) Do you desire to examine the witness, or do you desire that I should do so?

(*Chairman.*) You had better examine him.

(*Mr. Eldon Bankes.*) If you please.

P.C. Aveley Isaacson (C.R. 43) sworn; Examined by Mr. Eldon Bankes.

P.C. Isaacson.

1075. I think you are stationed at Vine Street Police Station?—Quite right.

1076. Have you been nineteen years in the force?—Nineteen years last February.

1077. On the night of Saturday, the 7th April, were you on duty in Regent Street?—I was.

1078. Were you on a beat or at a point?—I was on patrol duty from the Circus to Air Street on the south side of Regent Street.

1079. Were you alone, or was there any constable with you?—I had another constable with me at the time from 11.15.

1080. What was his name?—P.C. Wallington (CR 6).

1081. Was there a considerable crowd in the neighbourhood of your beat that night?—Yes, in Piccadilly, shortly after 12, midnight.

1082. Was there a good deal of booing and noise?—A great noise.

1083. Did you see the crowd proceeding down Piccadilly?—I did.

1084. When you saw that what did you do?—In company with P.C. Wallington I went to Piccadilly.

1085. Which way did you go?—Through Air Street.

1086. When you got into Piccadilly where did you go?—We crossed over just by the Cafe Popular to Church Place on the right side.

1087. That brought you on to the south pavement?—On to the south pavement.

1088. What was the condition of things with regard to Piccadilly when you got there?—There was a great noise, shouting and booing by a great crowd of people, and there were a number of persons arm in arm leading the crowd. I spoke to them and cautioned them to conduct themselves in a gentlemanly manner. They took no notice of me, but they passed on. I got in front of them again at St. James's Church, and I spoke to them again.

1089. You say that you crossed to the south pavement. Did you then face the crowd with your face to the East?—Yes.

1090. Was P.C. Wallington with you?—Yes.

1091. I understand you spoke to the persons then and asked them to be quiet?—Quite right.

1092. And as they did not pass on you faced them again at St. James's Church?—Yes.

1093. You are speaking of the crowd?—Yes.

1094. When you got to St. James's Church did you notice anybody in particular there?—Yes, I saw a man named Timmings, Gerothwohl, Lavalette, and two others. There may have been a third, but I will not be certain as to a third one. There were five people walking arm in arm, causing people to go off the footway going east. After speaking to Timmings, and when he refused, I arrested him. He was drunk.

1095. Was Timmings walking arm in arm with anybody?—He had hold of Gerothwohl's right arm.

1096. Which of them was next to the kerb?—Timmings.

1097. Where was Mr. Lavalette?—Third from the kerb.

1098. When you spoke to Timmings what did you say to him?—"Why don't you be quiet and behave yourself?" He took no notice.

1099. What did you do then?—I arrested him at once.

1100. When you arrested him what did you do with him?—P.C. Divers appeared on the scene, and I said "Take this man to the Station." I immediately turned round and arrested Lavalette.

1101. Did you hand Timmings over to Divers on the south pavement of Piccadily by the Church?—Yes, within a foot from the place where I arrested him.

1102. Did Divers take Timmings off by himself across the road towards Swallow Street?—He did as far as I know. I did not go with him.

1103. After arresting Timmings in that way, and handing him to Divers, what did you do?—I immediately arrested Lavalette.

1104. What did you do with him?—I took Lavalette to the Station. At the same time P.C. Wallington arrested Gerothwohl.

1105. Were they both arrested on the south pavement of Piccadilly, close to the Church?—On the south pavement, almost a yard from where Timmings was arrested.

1106. Which way did you go?—I went up in the centre of the road to Swallow Street with Lavalette.

1107. Did you go straight up to the Station?—I did.

1108. Did you see Divers go into the Station?—I saw him when he turned round in Swallow Street. There was traffic going east and west, and we had to stop before we could get over on account of the traffic with cabs and omnibuses.

1109. How far were you behind Divers when he turned into the Station?—When I got across the road, and into Swallow Street, Divers had just turned the corner into Vine Street—it might have been half a minute after.

1110. Where was Timmings when you got Lavalette into the Station?—In the dock.

1111. Did you place Lavalette in the dock?—I did.

1112. Was he the second man to come into the Station?—He was the second to come into the Station.

1113. Then was Dr. Gerothwohl brought in immediately after?—Following almost immediately on my heels.

1114. When they were all in the dock together did the inspector come in?—He was in the Charge room at the time, I think.

1115. What was the first thing that happened after they got into the dock?—The inspector asked what the charge was. I told him "Drunk and disorderly in Piccadilly, walking arm in arm, sweeping the footway, and causing passengers to get off the footway into the road."

1116. Did you hear any of them say anything?—I did. The inspector asked me where they were arrested, and I told him. They could both hear it. All three could hear it. *P.C. Isaacson.* 23 July 1906.

1117. But before that had Dr. Gerothwohl said anything as to how they had come to the station?—Not before that.

1118. Did you hear Dr. Gerothwohl say anything to the inspector?—He spoke to the inspector about coming on behalf of Timmings.

1119. I want you to tell the Commissioners the incident about the stick. At what stage did that happen?—Just before they were charged Gerothwohl was asked for his stick, but he refused to give it up, and raised it like *that* (*illustrating*).

1120. Who asked him?—P.C. Wallington.

1121. Did Dr. Gerothwohl give it up?—No. There was a struggle, and it was broken in the struggle by Wallington.

1122. Dr. Gerothwohl did not give it up?—No.

1123. What did he do?—There was a struggle to get it away, and in the struggle between the police-constable and the prisoner it was broken.

1124. Did you touch the stick at all?—Yes.

1125. When was that?—When the pieces were handed to me by P.C. Wallington so that they might be tied up as his property.

1126. Did you take the stick from Dr. Gerothwohl and break it over your knee?—No, I did not touch it.

1127. Did the inspector write the charge down?—Yes.

1128. Did you hear him read the charge over to them?—He read it over in a plain and distinct manner.

1129. Did any of them say anything to it?—There was no reply.

1130. I think then they were taken off to the cell, and you had nothing further to do with the matter. Is that so?—They were taken to the cell.

1131. Did you have anything further to do with them after that?—I heard as I was going home about half-past two that a doctor was going to be called in.

1132. You had nothing to do with them in the cell?—No.

1133. I just want to go back with reference to one or two incidents that they have spoken to. It was said that Timmings was walking just by the church, and that you rushed at Timmings and pushed him against a cab?—Nothing of the kind.

1134. Did you come up behind Timmings, or did you go round in front of him?—I came along the roadway, and came in front of them near the church, and I was not on the footway at all until I stepped on it off the road.

1135. Were there any members of the crowd in front of Timmings and these gentlemen, or were they leading?—Timmings was the leading person in front of the crowd. The crowd was following on.

1136. Is that the reason why you spoke to them?—Naturally, if you speak to the leading one you stop it in the bud, and if they refuse you generally arrest the leaders if they are committing themselves.

1137. It is said that you led Timmings across the road, and were joined on the other side of the road by Divers. Is that true?—False.

1138. Was any attempt made by any of them to get your number so far as you were aware before you got to the station?—Not that I was aware of, because I had Lavalette in custody, and he could have seen my number if he had looked over my shoulder.

1139. How many constables did you see standing at the door of Vine Street Police Station?—One policeman.

1140. Do you know his name. Is he here?—Yes. I think his number is 333.

1141. Is that the man standing up?—That is the man.

1142. How many constables were there in the charge room while these three men were in the dock?—The three police-constables were there and another police-

P.C. Isaacson. constable on reserve duty. One police-constable was attending to the telegraph.

23 July 1906. 1143. How many were there in the charge room?—Four police-constables.

1144. And the inspector?—And the inspector.

1145. A suggestion has come from one of these gentlemen that there were fifteen there, and the other says that there were ten?—A short time afterwards an inspector and another sergeant came in with a prisoner. That would make seven.

1146. Was that after the charge had been taken against them?—While they were in the dock.

1147. Was their charge discussed before the other charge was taken?—Yes.

(*Chairman.*) Would you, Dr. Gerothwohl, like to ask P.C. Isaacson any questions?

(*Dr. Gerothwohl.*) I should like to put a few questions to him.

Cross-examined by Dr. Gerothwohl.

1148. You did not mention just now that you were present at the medical examination?—I was told a doctor was there. I was not asked the question or I should have answered it.

1149. Were you present?—Yes, I was there.

1150. You say you cautioned us. Where?—At Church Place, and also in front of the church.

1151. Whom did you caution specially?—Not one person in particular, but I cautioned all those in front to behave like gentlemen.

1152. I am not asking your opinion——.

(*Chairman.*) He said, "I cautioned all to behave like gentlemen."

1153. (*Dr. Gerothwohl.*) I beg your pardon. I am sorry. You said in Court that I was the ringleader?—I did not say you alone, but the whole five in front.

1154. Who was the ringleader?—You were all as bad as one another. I do not say that I made any distinction between the five of you, if five of you were leading.

1155. If we were all ringleaders, why, instead of taking hold of Timmings first, did you not seize upon me. I think I am rather bigger?—The nearest one to me was Timmings, and I handed him over to P.C. 427, and he was taken into custody momentarily.

1156. You say the police-constable was there?—I do say so.

1157. Are you aware that he was stationed at the corner of Sackville Street?—He was, but he crossed over the road to the church where I was, and as soon as he came on the scene I handed him over to him.

1158. Where did you let go of Timmings?—I suppose a yard would cover the distance from the time I arrested Timmings to Lavalette.

1159. Are you sure you did not take him?—Positive. I took Lavalette.

1160. You do not remember seeing me on the stairs?—I never saw you after I left Piccadilly until you came into the charge room with Wallington.

1161. You took part in taking my stick?—I never touched your stick until the pieces were handed to me, and as I was senior officer I tied them up.

1162. Why did you take those pieces?—Because it is the duty of a police-officer to tie them up.

1163. But they were not tied up?—They should have been tied up. I tied them up when I left them.

1164. I did not find them tied up?—They must have been. When I left them they were tied up.

1165. Did you tie them up afterwards?—No, I did not.

1166. Constable Wallington was with you in Piccadilly?—Yes.

1167. Therefore he saw all that occurred?—Yes. He arrested you.

1168. You saw all that occurred according to your statement?—Yes.

1169. In your statement to the Court you did not say that we mentioned anything; in fact, I believe you denied that we said anything about coming on behalf of Timmings once we were in the charge room?—I did.

1170. I think in the verbatim report there is something to that effect?—You may have said so.

1171. At the Court you say "Decidedly drunk"?—You were all three drunk.

1172. Will you kindly tell us how you distinguish between people who are drunk and people when they are not particularly drunk?—There is one stage of drunkenness when a man is entirely incapable of taking care of himself and he loses the use of his legs. Another stage of drunkenness is when a man is very drunk in his head and he gets it over like *that* (*illustrating*), but he can walk without assistance. There is a third stage of drunkenness when a man gets more than he should take, which makes him become quarrelsome, and wishes to kick up a row with everyone he meets, and that is the stage you were in.

1173. How do you know it was the third stage?—There are several stages. By your appearance, by your manner, your speech, your eyes, and how you walked.

1174. Did I speak to you?—When in the station you did.

1175. But before that I mean?—I spoke to you.

1176. We said nothing?—No, you did not speak a bit.

1177. Then how could you tell by my speech?—By your appearance, by your general behaviour, and by your general conduct in the street. A gentleman dressed as you were, in his sober senses would not behave in the manner in which you did.

1178. Do you remember anything about the other two who you say were arm in arm with us?—Yes.

1179. What became of them?—If I had had more assistance they would have been in the dock too along with you. You being only one man I could only arrest one.

1180. I thought you had Wallington with you?—Yes, but he had you in custody.

1181. And Divers?—He had the other man in custody.

1182. Could not you manage to take two. You were a big man?—I could if I had you, and another man; but you were a big man, too.

1183. (*Mr. Dickinson.*) I understand from you that when you were in the Police Station these gentlemen were very noisy?—Excited. They were violent in the dock.

1184. Was Lavalette excited?—He was very excited. He threw himself about, and was very excited.

1185. You took him into custody?—I did.

1186. Was he violent and excited the whole time you had him in custody?—He went quietly to the Station. I never spoke to him after I told him I should take him to the Station for acting in a disorderly manner.

1187. You took him up on the south side of Piccadilly?—Opposite the Church gates.

1188. I suppose you had to hold him?—I took him with my right hand, and I took hold of his left arm up to the elbow, which is the usual way to take them if they go quietly.

1189. Why did you say you were unable to take another man?—It is always the case with police officers, one man to one man. He has to be a very strong man to take two.

1190. This man, you say, went quietly?—Yes, but I could not go after the others. If they had seen me coming they would have got away.

1191. Do you say, as a policeman, he did not make any objection to going to the Station—not until he was in the Station?—Not until he was placed in the dock.

1192. I understand from you that Timmings did not fall against the cab?—No, neither did he fall on the ground, as alleged, and he made no complaint.

1193. You took Timmings up?—I arrested Timmings, and then P.C. 427 appeared on the scene immediately, and I handed Timmings over to him. Then I arrested Lavalette.

1194. You sent Divers across the road?—He went of his own accord.

1195. How is it you did not follow Divers?—Divers had just got across the road when the traffic was going west with cabs and omnibuses, and we waited until the traffic going east again.

1196. Had you got hold of Lavalette before Divers went to Timmings?—I turned round to meet him, and as soon as I handed Timmings over to him he moved off and I took the other man.

1197. I understand Divers in his evidence to say that he did not see you with Lavalette?—I do not think he did see me.

1198. Was Swallow Street full of people or not?—A number of people followed us to the Station. There was no one in Swallow Street, only P.C. Divers with Timmings going along, and they went from my view when they went round the corner.

1199. (*Mr. Rufus Isaacs.*) When you saw the prisoners for the first time did you think they were drunk?—I did not at first. I think I saw them a second time and cautioned them, and then I knew there was something by the way they were behaving, and by their general conduct in the streets.

1200. When was the first time you saw them?—In Church Place.

1201. There was a great crowd there?—There were a thousand or 1,500 people.

1202. Is it possible that you made a mistake between the first time you saw them and the second time?—No.

1203. Are you sure?—They were leading when they passed me at Church Place, and they were leading when I got in front of them again.

1204. Could you identify them all?—I saw them all. They were all arm in arm.

1205. How long elapsed from the first time to the second time?—Not a minute.

1206. Was there much light?—There was plenty of light. There was electric light in the centre of the street.

1207. When you saw them the first time was there a great crowd?—Yes, a great crowd, the same as there was the second time.

1208. Did you turn round at all between handing over Timmings and arresting Lavalette?—After I took Timmings, P.C. Divers came on my left. I held him like *that*, and I turned round and took hold of Lavalette.

1209. What was Lavalette doing?—He was arm in arm with Gerothwohl, and another one on the left-hand side. When I arrested Timmings they broke arms.

1210. What was Lavalette doing when you arrested him?—He was shouting and booing. He was arm in arm with the other four. I cautioned him once at Church Place, and I cautioned him again at the front of the Church.

1211. When did you form the opinion that they were drunk?—When I saw them behaving in that manner, after I had cautioned them a second time.

1212. There was not much time?—I thought they were the worse for drink. I do not say they were rolling drunk, or beastly drunk. *P.C. Isaacson.* 23 July 1906

1213. Why did you think they were the worse for drink?—From the appearance of their eyes, and from the appearance of their faces—the colour of their faces—and the way in which they were acting.

1214. Do you say their faces were coloured?—Their faces were red and flushed.

1215. Both of them?—Yes, as though they had been drinking.

1216. You would expect that they would have been drinking a good deal before their faces became flushed, would you not?—They were all sufficiently drunk and under the influence of drink to make them quarrelsome, and when men are in the state of drunkenness that they were in they are inclined to be quarrelsome.

1217. It depends entirely on the condition they are in. I understand when you and the other constable arrested them they were making a noise, and you thought their faces were so flushed that they must be under the influence of drink?—That was my opinion at the time I arrested them—that they were drunk.

1218. When you got them to the Station did you think they were drunk?—I still think it now.

1219. Not under the influence of drink, but drunk?—Drunk. There is no doubt whatever in my mind about it.

1220. When you got them to the Station you found them very excited, no doubt?—They were very excited.

1221. I suppose that would to a great extent account for their flushed faces, would it not?—Yes, it might do. Some people get more excited than others.

1222. What made you think they had been drinking was the way in which they acted, shouted, and made a noise?—A sober man, if he had been asked for his stick, would have given it up.

1223. Sometimes men get very excited. Is what you have told us the whole reason you have for saying they were drunk?—In my opinion they were drunk. I say they were drunk, and creating a disturbance, and I arrested them

1224. You formed the opinion that they were drunk, and you took them to the Station. When you got there you found plenty to account for the only condition you had noticed, and that was their flushed faces?—Their general appearance, and their actions, would have convinced me that the men were drunk.

1225. But what action was it that made you think they were drunk?—The noise, and the way in which they behaved.

1226. They could speak all right, could they not?—They could speak, but not the same as they can now.

1227. Do you mean to say their speech was affected by drink?—Their speech was affected that night.

1228. In what way?—Their speech was thick.

(*Chairman.*) The Commission will now adjourn until 2 o'clock on Wednesday afternoon, when it will sit at the Middlesex Sessions House, Westminster.

THIRD DAY.

Wednesday, 25th July 1906.

PRESENT:

Sir DAVID BRYNMOR JONES, K.C., M.P. (*Chairman*).
RUFUS DANIEL ISAACS, Esq., K.C., M.P.
WILLOUGHBY HYETT DICKINSON, Esq., M.P. (Barrister-at-Law).
CHARLES ALGERNON WHITMORE, Esq. (Barrister-at-Law).
J. W. ST. LAWRANCE LESLIE, Esq. (Barrister-at-Law), (*Secretary*).

(*Earl Russell.*) I have an application to make to the Commissioners. I understand that at the first meeting an intimation was given that persons interested would be allowed to be represented by counsel. I am instructed to appear for the Police and Public Vigilance Society, and I presume that when the cases they present are taken the same latitude will be allowed to counsel on their behalf of cross-examining or otherwise

eliciting the facts. I ask to be allowed to appear for them.

(*Chairman.*) Do you appear as counsel, do I understand?

(*Earl Russell.*) Yes, as counsel.

(*Chairman.*) For this society?

(*Earl Russell.*) For the Police and Public Vigilance Society.

(*Chairman.*) I understand that you simply wish to appear here on behalf of that society as a society of persons interested in our investigation?

(*Earl Russell.*) Yes, Sir, but I suppose when we present our cases I shall be allowed the same latitude as to cross-examination of the witnesses as is allowed to counsel for the Police. That is all I ask.

(*Chairman.*) We will decide that matter when it arises in each particular case on its merits then.

(*Earl Russell.*) If you please.

(*Dr. Gerothwohl.*) May I make an application as to one of our witnesses as to character, Mr. Thomas Dolling Bolton, M.P., that he be heard as soon as possible, because he wishes to get away to attend to his Parliamentary duties.

(*Chairman.*) Does Mr. Bolton only speak as to character?

(*Dr. Gerothwohl.*) As to veracity, and he has also a certain importance from the point of view that he was at the second hearing before the magistrate.

(*Chairman.*) We will hear what Mr. Bolton has to say when we have finished with the witness who is at present under examination.

Police-constable ISAACSON recalled.

P.C. Isaacson.

25 July 1906.

1229. (*Mr. Rufus Isaacs.*) When you saw Dr. Gerothwohl and Mr. Lavalette at the police station, and you heard what they had to say, I think you told us last time that Dr. Gerothwohl said that he wished to speak on behalf of Timmings, or something to that effect. Did you understand from what he said that he was disputing the charge of being drunk and disorderly?—No; I was busy writing down the names at the time. I heard him say something, but I did not notice what it was. I was busy writing down the names of the three men.

1230. Then at the end of it were you under the impression when they were taken to the cells that they were not disputing the charge?—They did not make any reply to the charge at all.

1231. I understand that when it was read over to them, but they may not have made a reply to the charge for various reasons. What I wanted to know was whether when they went to the cells you thought they were not disputing the charge?—That is quite right. I did think they did not dispute the charge.

1232. Why I called your attention to it was that you made a report to one of your superiors, and in your report what you said was that they made no reply to the charge when read over to them?—Quite right, they did not make any reply.

1233. But you did not say anything about the protest or observation that Dr. Gerothwohl had made?—I did not know exactly the words that were used. I was busy writing down at the time. I heard him say something, but I did not know what it was.

1234. Did you not understand that the effect of what he was saying—I do not mean the words, but the effect—was that he had come to the station to speak on behalf of somebody?—No, I did not. I did not know the meaning of it. I was busy writing the names down.

1235. I want to ask you about another matter not connected with this case of Dr. Gerothwohl and Mr. Lavalette. How long have you been in the C Division?—Nineteen years the 7th February. I joined the service on the 7th February, 1887.

1236. I want you to tell us from your experience have you ever heard during the whole time you have been in the Force of any of the Police Force taking money from women?—Never in my life.

1237. Never heard of such a thing taking place?—I have heard rumours such as reports, but never among the men that any such thing occurred.

1238. Did you ever hear of them taking money from betting men?—No, I do not know that I have ever heard of such a thing mentioned.

1239. (*Chairman.*) What time did you begin your duty on Saturday the 7th April?—At 6.45 we paraded.

1240. 6.45 in the evening?—Yes.

1241. Where did you go then?—We were paraded and we went out of the station about 7 p.m., as near as I can say to a minute.

1242. You say "We were paraded." Do you mean all the men in the C Division who were going on duty for that night?—At that particular time.

1243. When the parade was over where did you go—I was posted from Air Street to Piccadilly Circus on the south side.

1244. At what time did you begin?—At 7 p.m. as near as I can say to a minute.

1245. Were you on duty continuously from 7 until the time that you arrested Timmings?—Yes.

1246. That was for five hours?—Yes.

1247. You had been walking about continuously?—Yes.

1248. Had any additional constables been told off for Regent Street and Piccadilly Circus and St. James' Street on that evening?—There were a number of men posted out at 7 p.m. as usual.

1249. No addition made to the Force for that evening?—I could not say whether there was any addition. There may have been. I certainly could not say. I know there were a number of men paraded at 6.45 on that particular parade.

1250. You were there on that evening in the ordinary discharge of your duty?—No, I had a shorter patrol than I should have on an ordinary night.

1251. And you, as I understand, continuously paraded those streets from 7 o'clock till the time of these occurrences?—On that side of the street from 7 p.m. till the time of the occurrence.

1252. When did anything unusual attract your attention?—Shortly before I made the arrest, when I heard the noise of the crowd coming from all parts. It passed up along Coventry Street from off Shaftesbury Avenue, and so on, to the Haymarket, and a number of persons meeting, who were going west after the public-houses closed.

1253. When you heard that where did you go first of all?—To the corner of Air Street and Regent Street.

1254. Did you look about Regent Street first down towards the Circus?—We could see them and hear the noise coming from Piccadilly.

1255. Then you walked down Air Street?—Down Air Street.

1256. Into Piccadilly?—Yes.

1257. When you got into Piccadilly what did you first see?—A large crowd of people booing and shouting.

1258. Was the crowd standing still for the most part?—It was moving slowly on the south side of Piccadilly, going westwards.

1259. When did you first see the five men arm in arm?—When I got in front of the crowd at Church Passage.

1260. Were the five men singing anything?—They were shooting and booing. I spoke to them.

1261. Did you gather from the shouting and the booing whether they had any purpose in doing so. Were they booing at someone?—They were simply booing for the sake of booing I should say; creating a noise and making this noise which was not necessary.

1262. Did the five form part of a very much larger number of persons booing and shouting going in the same direction?—I never saw any in front.

1263. Then the road was fairly clear in front?—Only the persons who were coming southwards.

1264. When you first saw the five arm in arm were you on the Air Street side of Piccadilly?—I crossed over to the crowd and got in front of the crowd, and that is when I saw them at Church Place.

1265. Were there many people behind the first five who were arm in arm?—There was a great crowd following on.

1266. Did you gather there was any purpose in it at all?—I could not see but they were making a great disturbance, and I thought it was not necessary, and I cautioned them about their behaviour, and they took no notice.

1267. Were they booing at anybody?—They were simply making a booing noise, the same as you generally hear when there are a number of persons booing in the streets. There is nothing that they are booing at, but they are doing it for pastime, or something else. There was no one to boo at.

1268. Did you make any note at all after you got to the police station?—I only took their names and addresses as they gave them to the inspector.

1269. That is what you meant when you told Mr. Rufus Isaacs that you were busy writing down?—Yes.

1270. Why were you writing down?—I was writing the names down so that I should know their names.

1271. In a book?—I had it on a piece of paper.

1272. Had you your note book with you?—Yes, I put it in the book almost the same time.

1273. Where is the bit of paper?—I have the book here. (*Producing book.*)

1274. Where is the bit of paper?—I have not got it. I destroyed it as soon as I entered it in the book.

1275. When did you make the entry in the book?—Before I left the station; almost as soon as I put it on the paper.

1276. Who supplied you with those books?—I suppose the Commissioners supply them.

1277. Did you arrest any other person on that night?—No.

1278. Neither before or after the arrest of Timmings?—Only Timmings and Lavalette.

1279. Were you in Court when Inspector Walter Berry gave his evidence?—Yes.

1280. Did you hear him say that prisoner No. 1, that is Dr. Gerothwohl, said he and his friend were on their way to the station to give in their cards when the constable arrested them?—I heard Inspector Berry say that in Court.

1281. Did you not hear Dr. Gerothwohl say that when he was in the dock?—No, I did not. That was while I was writing.

1282. Did you hear Timmings say anything?—No.

1283. Did you hear him at the Police Court say anything?—No, I do not think he made any reply whatever.

1284. Did you hear Mr. Denman say to Timmings "Have you any question to ask the witness"?—The magistrate asked him.

1285. What did Timmings say?—I think he said no or shook his head; I could not say.

1286. Did he not say "It was more illness than drunkenness with me; I do not know these gentlemen"?—I did not notice it. He may have said that, but I did not notice it.

1287. (*Mr. Rufus Isaacs.*) Before you arrested these two men you had seen them, and cautioned them a little while before?—At Church Place.

1288. Did you notice how they were dressed?—No, I did not take that notice. I think they had bowler hats on.

1289. So had a number of other people. That would not help you to identify them?—No, I could not say how they were dressed.

1290. Then when you saw them again, as you say, half a minute or so afterwards, there was nothing to identify them so far as the dress was concerned?—But I knew the men by the appearance. They were all five together, and they had not time to get out of my sight.

1291. You recognised them by their faces?—By their appearance and their faces. It is only a few yards from Church Place.

1292. Just tell me about this book that you have handed up. This is not a book which continues from day to day?—That book is kept by me for any occurrence that occurs in the street.

1293. Is it the book that you had with you on that night?—Yes, I always carry that book.

1294. Is it the book which you had been carrying from day to day before?—Yes. I have had it since it was served out to me. I could not say what date it was served out to me, but when that is full I have another one.

1295. You make the entries from day to day as they occur in the book?—Yes.

1296. Are these the entries which you say you made in the police station?—Yes, except the word I have written since—"Discharged."

1297. That would be after the Police Court?—Yes.

1298. Are you quite clear that you made this entry?—Quite clear, within a minute from when they were put back in the cells. We always do that in case anything occurs a few minutes after, and then we would not be able to put it in.

1299. I notice the entry on the page before is the 24th February?—The 24th February.

1299*. 24/2/06—I suppose that is the 24th February?—Probably I had nothing that occurred from that time until then.

1300. From the 24th February to the 8th April?—It is quite probable I had nothing occur. If I had anything occur between then I should have put it in.

1301. Did you arrest anybody else on that day?—Not to my knowledge.

1302. Will you look at this book a moment for yourself, and you will see what I mean. First of all you tell me whenever you arrest anybody you make a note in your book?—I generally put their names in the book.

1303. I suppose there are things you enter in the book which are not arrests?—Such as a collision or anyone being called anywhere—just to make a note.

1304. Were you on duty from the 24th February till the 8th April?—Yes, except the days when I was on leave.

1305. Do you mean that nothing occurred of the character as you have described from the 24th February to the 8th April?—It is quite probable I never had anything during that time. If I had I should have put it in the book.

1306. Are you able to pledge yourself as to that?—No, I could not swear that nothing took place.

1307. It seems a long time?—If anything had occurred I should have put it in the book.

1308. Just think for a moment. That is six weeks?—Yes.

1309. Have you got another book?—No.

1310. The next entry that you have is on the 20th April?

(*Mr. Eldon Bankes.*) Does the book show when it was issued to him?

(*Mr. Rufus Isaacs.*) I do not think it does, but it is 1906.

(*Mr. Eldon Bankes.*) You will see over what period of months and weeks the book lasts?

(*Mr. Rufus Isaacs.*) I have an entry here which begins in 1903.

(*Mr. Eldon Bankes.*) Yes, those entries are very, very occasional.

1311. (*Mr. Rufus Isaacs.*) 1903 it starts, but then there is no entry from the 11th March, 1903, till the 20th April, 1905?—It is quite probable I never had anything to put in.

1312. From the 11th March, 1903, to the 20th April, 1905?—Quite right; that is very likely.

1313. No collisions?—It is quite probable I had not.

1314. No disturbance of any kind to enter?—No, if I had I should have put it in.

1315. No arrest made?—Probably I should have had an arrest and not put it in, but I was a divisional police constable and I did not come in contact with the public so much.

1316. Were you on duty the year before on Boat-race night?—No, sir, not on street duty. I was on special duty.

1317. You would not be in the streets?—I was on special duty at the Empire Theatre, inside.

1318. I see such an entry as this: "20th April, Hansom cab, No. so-and-so, badge No. so-and-so"?—Yes, I may have taken that just for my own information when I happened to speak to a driver, and I put

P.C. Isaacson.

25 July 1906.

it down for my own information in case that man committed himself after being cautioned.

1319. You never made such an entry even as that between the 11th March, 1903, and the 20th April, 1905?—I had no occasion, or else it would have been put in.

1320. Does it not occur to you that you must have had another book?—No. I had another book, but it was filled up and it was given in, and I had this one put out.

1321. I notice looking at it on the 20th April, 1905, there are two or three entries and then the next entry is on the 22nd April. There are several entries, and on the 22nd April there is a whole page. On the 22nd May there are entries, and again on the 27th May. On the 29th May there are several entries. I suppose when you write and make an entry in this book it is after the event has occurred and after the arrest has been made, for example, after an arrest. What I want to know is how long after it would you make it?—As soon as it is possible for a man to put it down. That is just to think of the name.

1322. Look, for example, at this entry, which begins on the 29th of May and goes over to the other page. There is quite a long story written there. How long after the occurrence would that have been written?—That was done almost at the time when the gentleman was standing there. The gentleman's name and address were given to me, and I wrote it out as soon as it was possible for me to write it out.

1323. Do you mean that was written in the street?—That was written in the street and handed to the inspector, and he signed it.

1324. And the next two pages?—That is my report, that I was spoken to by this gentleman, and I took the name and address of the proprietor of the place, and I reported what it was and his answer to me.

1325. Then it goes on to June. It does not seem to be kept in order of date?—There may be a space that we leave out, and anything that is not particular we might put in if there are a few lines left. There may be half a side.

1326. There are a great many notes continuing right the way through July and August and October and November and December of 1905?

(*Mr. Eldon Bankes.*) Is the constable's number stamped on the face of that book?

1327. (*Mr. Rufus Isaacs.*) C R. 43. That is on the cover. Taking the months of June and July of this year, I find a number of entries one after the other in connection with your work. Just look again at the book and tell me, do not you think, on looking at it, when your attention is drawn to it, that the book had been laid aside from February, 1903, or March, 1903, until you took it up again some time after?—No, it has never been laid on one side. It has always been in my possession except when I left it at the station to be signed by the inspector.

1328. Look at it for yourself. Do you mean us to understand from you, when your attention has been called to it, that that book has been kept by you from day to day from March, 1903, to 1905, when there is not a single entry in it of any kind from March, 1903, to sometime in March, 1905?—In those two dates there may have been a mistake in putting a 3 instead of a 5. There are only those two, and it may be I put down 3 instead of a 5 by mistake. If you look at it, there are only those two, and it is quite possible I may have made a mistake in putting the figure 3 down instead of the 5. I think you will only find those two figures.

1329. (*Chairman.*) Mr. Whitmore would like to know when the book was issued to you?—I could not say the date. I am not certain what date it was.

1330. It is not stamped with any date?—No.

(*Mr. Whitmore.*) Would not that be known to somebody else?

(*Mr. Eldon Bankes.*) I was just asking, and we will make inquiries. The witness's inspector would probably know something about it, but as to whether a record is kept showing the actual date of the issue to each constable of these books, I am making inquiries. I am not able to say at the moment. I am told what happens is that the constable always keeps the cover and he is given what is called a refill. That would be fresh pages to put in.

(*Mr. Rufus Isaacs.*) What we are dealing with is the refill.

(*Mr. Eldon Bankes.*) Yes. Any information I can get for you you shall have.

1331. (*Mr. Rufus Isaacs.*) Just think of the explanation you have given. You notice these two dates which I have called your attention to in 1903. Look at the first page. One of them is the 3rd of March. It is 3/3/03, is it not?—I think it is 14. I cannot exactly make it out.

1332. It is not 3, certainly. It is the month of March, 1903, at all events, but what the figure is I cannot quite tell. It says "At 12.20 p.m." Then on the next page there is the other entry 11/3/03?—Then the other would not be 14.

1333. They may relate to the same incident—yes, they do. There can be no difficulty about that. It appears that both these dates relate to the same incident, although they are on different pages, but apparently they are put in afterwards, are they not?—After the first copy is taken down. This would be the number and the name. Then I should have to write it on there again.

1334. There can be no difficulty in checking whether that is a mistake or not in that entry of yours of the 11th of March, 1903, because I suppose we should find some corresponding entry of the occurence?—Yes, there would no doubt be an entry somewhere, because it is signed by the inspector.

1335. Where would the inspector enter it?—In the "Occurence Book."

1336. We can tell if we look at the Occurence Book whether that is correct, that it happened on the 11th of March, 1903, or whether it is a mistake for 1905, could we not?—That would be the answer I have given you, that it is the wrong figure, and that the figure 3 is put in instead of 5.

(*Mr. Eldon Bankes.*) We can trace it by the Occurence Book, I have no doubt.

1337. That will be very easily seen.

(*Mr. Muir.*) Does the day of the week happen to be mentioned in the entry?

(*Mr. Rufus Isaacs.*) I am afraid it is not.

1338. (*Mr. Dickinson.*) Which is the order in this White Book about constables entering the things in their note books?—It is an order to enter a thing in the street as soon as it occurs almost—as quick as it possibly can be done.

(*Mr. Eldon Bankes.*) I will have the reference to the order found.

(*Chairman.*) While you are looking for the order I should like to ask you why were you out so long as five hours this evening? I understood from the Chief Commissioner that four hours at one time is the length of time the constables are on duty.

(*Mr. Eldon Bankes.*) Not at night. The Commissioner's evidence was that they had two shifts, if I may use the word, of four hours in the daytime with four hours between, but at night it was not so.

1339. (*Chairman.*) Supposing this occurence had not taken place, and that you had not found it necessary to go to Vine Street with Timmings and afterwards with Dr. Gerothwohl, how long would you have been out? What was the length of time that you would have served on this beat?—We should have been going off at one o'clock that morning, the extra duty being done previously.

1340. At what time is the night duty supposed to commence?—They parade at 9.45.

1341. How was it that you were paraded at 7 o'clock on this occasion?—It is different duty.

1342. What do you mean by that? Is yours a special duty?—We paraded at 7 o'clock till 3 on the relief that I belong to.

1343. What does that mean?—That is the eight hours of night duty.

1344. I undersood the night duty commenced at 10 o'clock?—That is the ordinary night duty.

1345. What was your night duty?—Our reserve duty is from 7 o'clock in the evening until 3 in the morning.

1346. You were on reserve duty?—Yes.

(*Mr. Eldon Bankes.*) The witness is one of the Reserves.

1347. (*Chairman.*) But I do not remember it being told us by Sir Edward Henry that the word "Reserve" there necessarily led to this consequence of different hours of service. Is not six hours at one time rather ordinary tour of duty?

1348. Without any refreshment whatever?—If you are on night duty you have a can of tea, if you like to take it out.

1349. With you?—Yes, you are allowed to take a can of tea or coffee, as the case may be, but on our duty we do not take any.

1350. You had had no food or tea, or any other thing?—Yes, I had had a glass or cup of water at the fountain, which we always go to.

1351. You had been, when this took place, five hours and ten minutes on duty?—Yes.

(*Mr. Eldon Bankes.*) The order for which the reference was asked is at page 16 of the White Book.

1352. (*Mr. Rufus Isaacs.*) It is plain to you, is it not, that if that entry is correct as entered there as occurring on the 11th of March, 1903, that the book must have been lying by unused by you for some time?—No, it is a mistake evidently, in a figure.

1353. I understand that. You say you made a mistake by putting down 1903 instead of 1905?—That is the only explanation I can give. I should certainly have had something occurring between that date and 1905.

1354. It is quite plain that something must have occurred between that date of the 11th March, 1903, and some time in the beginning of 1905, is it not?—Oh yes, I am quite certain of that. It is a mistake I made in putting that one figure down.

1355. Why did you tell me before when I asked you about it that you thought it was quite likely there was nothing to enter during that period?—I could see, as soon as I saw the following dates that it must have been a mistake.

1356. I called your attention to that. However, when I call your attention to the book again you say in your view the only explanation is that that is a mistake in putting down 1903 instead of 1905?—It must be a mistake in the book.

1357. (*Mr. Dickinson.*) What do those words that are written across the entries mean. For instance, in this particular case you have "Discharged" written across the entry about Dr. Gerothwohl. Did you write that?—Yes.

1358. Who wrote those other entries. They are rather illegible?—It is all my writing in this book, except the initials of the inspector at the end of the report.

1359. How often does the inspector see this?—Whenever we have a report to give, such as a collision or an occurrence that occurred in the street, except those that we put down for our own advantage, to think of the names and the results of the case. We just mark it up.

1360. When you write an entry like this: "14th September, 1905; Isaacson reports at 4.50 p.m., 14th inst., being called by Dr. So-and-so, etc. Did you write that?—Yes, that is my writing in there, whatever is in the books, except the initials of the inspector.

1361. Why do you put it in that form: "Isaacson reports at 4.50 p.m." ?—"P.C. 43" you will find there.

1362. Yes?—That is the way we make the report.

1363. Whenever you report you put that in?—Yes. "P.C. 43 reports so-and-so."

1364. That, of course, is written after the event?—Yes, that would be the name and address of the person who calls us, then the name and address of the sick person would be taken as soon as we possibly could get it, and also the doctor who saw him.

(*Chairman.*) I suppose there is no reason why this book should not be left with the Commission?

(*Mr. Eldon Bankes.*) Not the slightest reason.

(*Mr. Muir.*) We should like a copy of the first entry, so that we may compare it with the Occurrence Book.

(*Chairman.*) We will hand it down, and you can hand the book to the Secretary later on.

(*Mr. Rufus Isaacs.*) You said you would verify the reference in the Occurrence Book. You can easily see whether it is a mistake in the entry of 1903 by referring to the Occurrence Book?

(*Mr. Eldon Bankes.*) Yes. If the Commissioners have no objection, I was going to ask leave to put one or two questions.

(*Chairman.*) Certainly.

1365. (*Mr. Eldon Bankes.*) What date were you appointed to the Reserve. Perhaps you do not remember exactly, but was it in December, 1904?—Yes, I think so, but I would not be certain what the date was.

1366. Would that book be issued to you as a fresh cover, or would it be passed on?—The cover would be issued, but I should keep my book.

1367. It may have been passed on from somebody before. With regard to the form of the entry, are you familiar with the rule in the White Book about making entries. What it says is this: "A book is provided for you to enter at the time dates and other particulars respecting incidents or occurrences, and to which they can always refer"?—Yes.

1368. And a report of such particulars is to be made as early as practicable, and will be entered in the Occurrence Book for information and reference?—That is quite right.

1369. And therefore in your book you wrote it in the form of a report—"P.C. Isaacson reports," and so on?—Yes.

1370. And you show that to the officer at the station?—Yes.

1371. And then from that he makes an entry in the Occurrence Book?—Yes.

1372. Does he initial your book?—Yes.

1373. (*Mr. Eldon Bankes.*) Page 16, Order 90. Have you had previous experience of similar crowds in the street to the one that you saw and heard that night?—I have had similar experience during my service of great crowds in the West End at different times.

1374. Have you heard them making similar noises before?—Yes.

1375. Is booing the kind of noise that a crowd like that indulges in?—Yes, that is quite true. You see four or five gentlemen in a cab who will start booing and shouting.

1376. It is a peculiar kind of noise that people congregated in that sort of neighbourhood make without any apparent reason?—Yes.

1377. For the purpose of making a noise?—Yes.

1378. It is not booing at the police or any individual or booing at anything?—No, I do not think so.

1379. Was it part of your duty to take the names of those persons when they were in the dock?—Oh no, it is not part of my duty, but you take them down so that you know the names of the persons.

1380. You would have to give evidence the next day before the magistrate, and it is for that purpose of informing yourself that you were taking the names down?—For my own information.

1381. You were occupied in doing that and you did not overhear what Dr. Gerothwohl said?—I was occupied in taking those names and addresses down, as I have said.

1382. (*Mr. Rufus Isaacs.*) Do not you usually listen to the explanation that is given by a prisoner whom you have arrested?—Oh, yes, we generally listen to that.

1383. I do not understand how you came to be writing down when the prisoner is put into the dock, whom you have arrested, and who is giving his explanation of the occurrence?—I was writing these three names down as the inspector was taking the names and addresses down at the time.

(*Mr. Eldon Bankes.*) He was taking them down at the same time as they were giving them to the inspector.

1384. (*Mr. Rufus Isaacs.*) So I understand, but that was not the point of the question I was putting. When the names are given I quite understand that

P.C. Isaacson.
25 July 1906

you may be taking them down in your book at the same time as Inspector Berry is taking them down. That I understand; but that does not account for your answer to the question that I put to you before, because, what I want to know is, when Dr. Gerothwohl was in the dock, we have got it in evidence that he protested by saying some such words as these, that he had come to the station to speak about this man, indicating Timmings. What I want to know is, Did you not hear him say that?—He said something, but I did not catch all, because I was writing the names down.

1385. The names had been written down?—I only heard him mention Timming's name, and I was busy writing the names down. That is all I heard.

1386. (*Mr. Whitmore.*) Was the inspector listening to what he was saying at that time?—I suppose he was.

1387. Was it his business or yours?—His business. The inspector's business was to look after it and mine too.

1388. (*Mr. Rufus Isaacs.*) What occurs to me is, you are the man who arrested, and on whose evidence he is being charged, and what I do not quite follow is that you say when he is giving his explanation in the dock, you did not hear what it was?—I heard him say something, but I was busy writing the names and addresses, as I have said.

1389. (*Chairman.*) Does it not strike you that before that final step is taken of entering the name of Dr. Gerothwohl, in this case, on the charge sheet, that you should listen to what he is saying in the dock. Observe the circumstances: you have arrested this man; he is in the dock, there being still time to withdraw, then comes the time for the entry to be made on the charge sheet. Was it not your duty to listen carefully to what he is saying?—It may have been my duty to notice that, but I did not hear it, as I was writing down the names when the names were given. Had he said it after the inspector asked him, probably I should have heard it.

1390. That is exactly what, according to his evidence, he did?—His name was given, and I was taking it down.

1391. There had been nothing beyond the arrest that had taken place then. There had been no formal entry on the charge sheet up to that moment?—Only he was taken to the charge room.

1392. I am talking of when he is in the dock. There was the time, when Inspector Berry was at the desk, when he was about to enter something on what is called the charge sheet. Was it not your duty to listen carefully to what the man you had arrested was saying?—The inspector was speaking to him and I was there, but I did not hear what he said.

1393. You are the constable who had arrested the person in the dock?——

(*Mr. Eldon Bankes.*) One of them.

1394. (*Chairman.*) One of them?—I cannot account for that at all.

1395. (*Mr. Rufus Isaacs.*) Just let me read to you what Inspector Berry says about this: "In the dock Dr. Gerothwohl said that he and Mr. Lavalette were on their way to the station to hand in their card on behalf of Timmings, and that they were arrested on their way to the station." Did you hear that?—I did not hear that. I heard him say something about Timmings, but I did not hear what it was.

1396. Do you wish us to understand that this man was sent to the cells, and that the charge was taken against him without you, who had arrested him, ever having known of the explanation which he gave of how he came to be at the station?—The inspector asked me what the charge was, and my explanation, and where he was arrested, and I told the inspector he was arrested in Piccadilly for being arm-in-arm with a number of other persons drunk in Piccadilly in front of St. James's Church.

1397. That we understand. Just follow this series of events for a moment. He is arrested and he is put in the dock, and you are the man who took him to the station. When he is in the dock he makes this statement which I have just read. What I am asking you is, you are the man upon whose evidence he is going to be charged and arrested and detained at the station. As far as I understand, you do not seem to have heard what he had to say in his defence?—I cannot account for that at all. I cannot remember that at all. I only heard him say something about Timmings as I was writing the names down.

1398. Do you mean that Inspector Berry, if you did not hear it, would not have asked if that was true?—He asked me where I arrested those men, and I told him I arrested them in Piccadilly in front of St. James's Church, where there were five or six men arm-in-arm—I would not say whether there were six or not, but I know there were five—and I cautioned them at Church Place. I also cautioned them in front of the church, but they took no notice, and I made the arrest. Inspector Berry said to him: "You have heard what the constable said," and the charge is taken.

1399. This is what Inspector Berry said about it. "Upon this statement being made by Dr. Gerothwohl, I closely questioned the two officers before I reduced the charge to writing"?—Yes, he questioned me as to where they were arrested, but I told the inspector what I have said now, that it was in front of St. James's Church, and after being cautioned in Church Place, and they took no notice, and they were arm-in-arm, and on that the inspector told them what the charge was and it was taken.

1400. When the inspector put the question to you, did the inspector convey to you and make you understand that what Dr. Gerothwohl was saying was that he and Mr. Lavalette were on their way to the station to hand in their cards on behalf of Timmings. Did you understand that?—I did not understand that. I only heard him say something about Timmings, and that is all I can remember about it. I cannot remember anything else.

1401. Did you not hear the inspector say of either Dr. Gerothwohl or of Mr. Lavalette that they were on their way to the station to hand in their cards on behalf of Timmings?—I did not hear that then.

1402. Where did you first hear that?—At the police court.

1403. On the Monday?—Yes.

Police Constable CHARLES WALLINGTON, C. R. 6; sworn.

P.C. Wallington.

1404. (*Mr. Muir.*) Are you a police constable No. 6 Reserve of the C Division?—Yes.

1405. Were you on duty on the night of the 7th April with the last witness?—At 11.15.

1406. Did you hear a noise coming from Piccadilly?—I saw a crowd and heard shouting and booing.

1407. Where were you when you first saw the crowd?—At the corner of Air Street, Regent Street.

1408. Which corner?—The south corner.

1409. Had you heard any noise before you got to the south corner?—Yes, there was more or less noise during the evening, but nothing to take much notice of.

1410. You walked down Air Street to Piccadilly. Is that what you mean by the south corner?—The south side of Regent Street.

1411. That is not the south corner of Air Street. You heard the noise and saw the crowd from the Regent Street corner of Air Street?—That is so.

1412. You walked down with Police Constable Isaacson?—Yes.

1413. Where did you go?—I went down Piccadilly in the roadway.

1414. How far down did you go—in which direction, east or west, of Air Street?—West of Air Street.

1415. In the roadway with Isaacson?—Yes.

1416. Will you tell the Commission what you saw?—I saw several lots of men arm-in-arm together. I did not think it was necessary to go into the centre of them, so we went ahead of them, and there I saw Dr. Gerothwohl, Mr. Lavalette, and Timmings, and two others not in custody, and they were arm-in-arm together, pushing people off the footway. They were spoken to and cautioned, and they still persisted, and at St. James's Church I saw Isaacson arrest

Timmings, and he handed him over to Police Constable 427 C. He then arrested Mr. Lavalette, and I arrested Dr. Gerothwohl and took him to the station.

1417. Where was Dr. Gerothwohl when you arrested him?—On the pavement.

1418. Which pavement?—The south side of Piccadilly, by the church.

1419. How did you arrest him?—I took hold of his arm.

1420. Did you say anything to him?—Yes, I told him I should arrest him for being drunk and disorderly.

1421. What did he do upon that?—He went to the station with me.

1422. At the times those arrests were made was there any crowd westward of the persons who were arrested?—There were several people about, but not to say a crowd. There was a large crowd the east side of where we were.

1423. But not to say a crowd westward?—No.

1424. Several people, but not a crowd?—Several people, but not a crowd.

1425. Was anything said between you and Dr. Gerothwohl on the way to the station?—Yes, he wanted to know what I was arresting him for, and I told him I had told him once and I should have no conversation with him; he must see the inspector.

1426. Where did that take place?—Crossing Piccadilly, and also we kept in conversation up Swallow Street.

1427. Is that all the conversation that took place on the way to the station?—That is all I said to him there.

1428. Was it all he said to you?—No, he did say one or two other things—that I should lose my coat, and so on.

1429. (*Mr. Rufus Isaacs.*) Why?—He did not give any explanation. We often hear that if we arrest anyone.

1430. (*Mr. R. D. Muir.*) Does it mean being unfrocked?—It means that you are going to be dismissed

1430*. It means that you are to be unfrocked as a policeman?—Yes.

(*Mr. Whitmore.*) Did Dr. Gerothwohl say that?

1431. (*Mr. R. D. Muir.*) He said you would lose your coat?—Yes.

1432. You had no conversation with him yourself; you offered no observation?—No.

1433. Is there anything else that you remember that Dr. Gerothwohl said on the way?—No, I do not. I know he was charged.

1434. At the station, when you got to the door of the station what took place as to going to the station?—I went up with Dr. Gerothwohl.

1435. How did he go in through the door?—A bit excited, but quietly.

1436. Did anybody throw him in or push him in?—Not that I am aware of. I was the only one who had hold of him.

1437. Did you push him in?—No.

1438. Did you have hold of him at that time?—I did.

1439. Did anybody push him in?—No.

1440. Who was standing at the door?—P.C. 333; I do not know his name, but there he is—(*pointing to a police constable*).

1441. That is the man?—Yes, he was standing at the bottom of the steps.

1442. Was any other constable standing there?—I did not see one. I should have seen if there had been.

1443. How did Dr. Gerothwohl go into the station?—Quietly, but he was very excited.

1444. Did anyone throw him about from one constable to another?—No, they did not. I did not leave go of Dr. Gerothwohl until he was in the dock, and no one touched him to my knowledge.

1445. You had hold of him until he was in the dock?—Yes.

1446. When he got into the dock was the inspector there?—Yes, Mr. Berry was in the charge room.

1447. Who went into the dock first of the three?—Timmings.

1448. And then?—Mr. Lavalette and then Dr. Gerothwohl.

1449. In the dock did you hear Dr. Gerothwohl say anything?—Yes.

1450. What did you hear him say?—He told the inspector that he had got his card and wanted him to take it, and he also wanted to complain of the police—the brutality of the police, I believe he used that expression.

1451. Did he say he wanted to complain of the brutality of the police towards whom?—He did not say.

1452. Did Dr. Gerothwohl have a stick?—Yes.

1453. What happened with regard to that?—I asked him for it twice; he refused to give it up, and I took hold of the stick, and in the struggle between Dr. Gerothwohl and myself the stick was broken.

1454. What did you do with the pieces?—Put them on the table. Isaacson bound them up and put them away.

1455. Did Isaacson have anything to do with taking the stick from Dr. Gerothwohl?—He never touched that stick until he had it in two pieces.

1456. How long have you been in the Force?—Nineteen years and five months.

1457. Where have you served your time?—Vine Street.

1458. The whole of your service?—Yes.

1459. (*Dr. Gerothwohl.*) Where did you first see Mr. Lavalette and myself?—At Church Place or Church Passage, I would not say which.

1460. Were you on the south pavement of Piccadilly?—No, I was in the roadway.

1461. Did you see we were five arm in arm?—I saw you and four others; Mr. Lavalette was one, Trimmings was another, and two others who were not in custody.

1462. Who did you see first?—Timmings was the side of the kerb and then came yourself and then Mr. Lavalette.

1463. Could you see were we pretty straight across the pavement in a straight line?—No, I would not say it was a straight line. I would not say that.

1464. When you saw us, what did you do?—I heard Isaacson speak to you and I said "Why don't you take good advice?"

1465. Did you hear Isaacson speak to us?—I did.

1466. From where?—From the pavement when he got in front of you.

1467. You did not tell us you crossed the road?—No, but I was close to the kerb, though in the road.

1468 You were not on the south corner of Air Street?—I was previous to that. I could not see you from there.

1469. I thought you said you saw us from there?—From Piccadilly.

1470. How long had you seen us before the arrest of Timmings took place?—I saw you at Church Place. I do not suppose it would be more than a minute.

1471. What was the condition of light at Church Place?—Fairly good, unless you got in the passage.

1472. What time was it?—12.10.

1473. Would not the Popular Café lights be out?—Yes, they would.

1474. The light was very good?—Fairly, because there is a light at the corner of Swallow Street.

1475. Did you see Timmings pushed against the cab?—No; I did not.

1476. When you crossed Piccadilly, did you put your foot on the south pavement of Piccadilly behind us or in front of us?—I do not know that I did until I got on the footway at St. James's Church.

1477. You walked alongside?—Yes.

1478. Behind us or in front of us?—No, I think of the two it was in front, if there was any difference.

1479. It was then that you heard Isaacson, according to his statement, caution us?—I heard him opposite Church Place.

1480. You did not caution us?—I said, "Why don't

P.C. Wallington. 25 July 1906.

you take good advice when it is given to you," or words to that effect.

1481. Did you see Timmings pushed against the cab?—No.

1482. You did not?—I did not.

1483. You saw no cab standing there?—No, I did not.

1484. Where was C R. 43 just at Church Passage?—He was on the footway when he spoke to you.

1485. On which spot of the footway?—Near the centre.

1486. He was facing us?—Yes, he did face you there.

1487. You were also in front?—I was there in the roadway—of the two, I was in front, but there was not many inches difference, at all events.

1488. Did you see C R. 43 arrest Timmings?—I did.

1489. Did you see him hand him over to Police Constable 427?—Yes.

1490. You saw him arrest Mr. Lavelette?—I saw him arrest Mr. Lavelette.

1491. What did you do?—I took you, Sir.

1492. After Timmings had been arrested by C R. 43 or before that?—After, when I arrested you.

1493. Immediately after?—I do not suppose there was half a minute had elapsed.

1494. Half a minute is a good time?—I do not suppose there was that.

1495. What did you do as soon as you arrested me?—I took you to the station.

1496. At once?—Yes.

1497. And did you see C R. 43 pass Timmings on to Police Constable 427?—I did.

1498. You had time to see that?—Yes.

1499. You had already marched me off to the station?—No, I had not arrested you. I told you before that Isaacson arrested Timmings and handed him over to Police Constable 427 and then arrested Lavalette, and I arrested you.

1500. Did I resist?—No, not what we should call resist.

1501. You are accustomed to pretty hard work?—I do not know about that. We do not take much notice of a crack now and again unless it does us much injury.

1502. You had heard a shrieking?—Yes, I heard booing and shouting.

1503. Could you possibly say who was booing specially?—No, there were scores.

1504. Behind us two?—Yes; in fact, there were hundreds behind you.

1505. All booing?—I would not say all.

1506. The majority?—Yes, I daresay it was the majority.

1507. Why did you arrest us specially?—You were the leaders of the gang, a rowdy mob; that was my opinion.

1508. In what way were we different from the others?—I say you were the leaders, and you were arm-in-arm together, and no one else could pass up the footway.

1509. Was there anyone between you and us?—I do not quite understand.

1510. You were in the roadway?—I was.

1511. Was there anyone between you and us?—I was not on the roadway when I arrested you; I was on the footway.

1512. Behind us or in front of us?—In front of you.

1513. Did you walk in front of us for some time?—It was not very long; I do not suppose it took us half a minute.

1514. But you did turn your back on us, or did you walk backwards?—No, I walked down the side of the kerb.

1515. I thought you said you were on the pavement? I was on the pavement when I arrested you, and that was the first time I had been on the footway.

1516. You say I went quietly?—Yes, I should term it quietly.

1517. Did I pull?—You did a bit, but it was not much good, sir.

1518. But I thought Isaacson said, the other day, I was a big man?—I do not dispute that fact, sir.

1519. You say I went quietly, comparatively?—Yes.

1520. I did not try to pick a quarrel with you?—No, not what I should call a quarrel—certainly not.

1521. Did you hear Isaacson say on Monday that I was in that state of drunkenness when a man is inclined to pick a quarrel with a constable?—I heard that.

1522. You do not quite agree with him on that point?—We may have our opinions, but I can certainly say this, that my opinion was then that you were inclined to be somewhat unpleasant and to make yourself obnoxious. I do not say anything more than that.

1523. Did you notice the remaining two of the five?—Not after I arrested you.

1524. But before?—I saw the two.

1525. Could you describe them?—No, I could not.

1526. They were not arrested?—They were not.

1527. Did you see where they went?—Yes, they went down Piccadilly, and very quickly, when they saw what was taking place.

1528. Were they all five ringleaders?—You were all five together.

1529. I am asking you whether they were all five ringleaders?—What five do you mean?

1530. The five who, according to you, contained three of us?—I consider that you were the ringleader.

1531. But we were all five ringleaders?—There were many more, but I think you were the ringleaders there.

1532. How did you distinguish me from the remainder?—You and Mr. Lavalette were dressed differently to the others.

1533. Do you remember how I was dressed?—Similar to what you are now—a collar and so on.

1534. I had a collar?—Yes.

1535. Do you remember what hat I had?—No, I could not say that.

1536. Do you remember what form of hat Mr. Lavalette had?—No, I could not say that.

1537. You said something about a coat a moment ago, which I did not quite understand. You said I said something about your coat?—Yes.

1538. What was that?—I think you were referring to this serge that we are wearing at present.

1539. You call that a coat?—Serge it is termed, I believe.

1540. You say I called it a coat?—Yes.

1541. What did I say?—You said that I would lose my coat.

1542. Is that a term in use in the service?—It is a term that is often used by the public.

1543. Is it a term that is used by the police?—I have not heard of it—not from our own men.

1544. You do not remember what sort of hat I had?—No.

1545. Do you mean to say that you did not notice it even in the station?—No, I was looking at your countenance; we go by that more than anything else. We do not look at the other matters in a drunk and disorderly case.

1546. You marched me, therefore, from Piccadilly to the station without seeing what form of hat I wore?—Yes, I did not trouble about the hat.

1547. In what order did we cross Piccadilly?—P.C. Divers 427, went first; then came P.C. Isaacson; and then you and I.

1548. We brought up the rear, according to you?—Yes, if you will have it in that way.

1549. What was the traffic like at that time?—There was a little traffic about, but not very much, at that time.

1550. Was there any stop in the middle of the road?—Yes, we waited there.

1551. Who?—You and I.

1552. Only?—Isaacson as well, with Lavalette. We might have waited there six or seven seconds, I did not time it.

1553. Did you try to catch up afterwards?—I do not understand your question.

1554. With Timmings and Divers?—No, I did not run to the station with you.

1555. Therefore you were at some considerable distance behind Divers?—I suppose we might have been 20 yards behind Divers.

1556. How far were Isaacson and Lavalette behind us?—They were in front, and you and I were five or ten yards behind them.

1557. What was the order of entrance into the police station?—Divers first, with Timmings.

1558. You were there when he brought in Timmings?—No, I was not; I was coming up Swallow Street with you.

1559. What was the order in which we were placed in the dock?—Timmings first, then Lavalette, and then yourself.

1560. You are quite sure that the order was Timmings, Lavalette, and myself?—Yes.

1561. Where was Timmings?—In the corner.

1562. Which corner?—In the west corner of the dock.

1563. Where was Lavalette?—In the centre.

1564. And where was I?—In the east corner.

1565. How is the bar of the dock in Vine Street? Would you explain that to me?—Supposing the dock is here, the bar lifts up from here (*describing*).

1566. The door is in the middle?—Yes.

1567. And you say that the man who came in second was in the middle?—In the centre.

1568. Therefore how did I get into the east corner?—There is quite room to put another one there.

1569. But how did I get in the east corner?—Because you were put there, in the east corner, I said.

1570. Therefore Lavalette was pushed aside?—I do not know about being pushed aside. There is plenty of room there.

1571. Why was he not put in the south corner?—I did not say anything about the south corner. I do not know why.

1572. Is not it extraordinary that a man brought in second should be in the middle just where the bar opens?—No.

1573. You see nothing extraordinary in that?—No, nothing whatever.

1574. Do you remember throwing Mr. Lavalette's matches into the fire-place?—No, I did not do that. I never touched Mr. Lavalette.

1575. You did not search him?—I did not.

1576. You swear you did not search him?—I did not.

1577. You searched me?—I do not know that I searched you. I asked you if you had a knife or matches.

1578. You do not know whether you searched me or not?—As a rule we do not search gentlemen when they are dressed as you were. We give them the privilege of turning out their knives or matches if they have them.

1579. Therefore you did not search me?—Not to the best of my recollection.

1580. Did I give up anything to you?—No.

1581. (*Mr. Rufus Isaacs.*) What was it you said about asking people to give up?—We ask them if they have a knife or matches, and if they have, we say, "Will you kindly give them up." That is to prevent smoking. We do not say that in the case of a poor man or beggar who is likely to conceal anything.

1582. (*Dr. Gerothwohl.*) Mr. Lavalette delivered up his matches to you?—He did not. I did not ask Mr. Lavalette for anything.

1583. His knife?—No.

1584. You are quite sure you did not search him?—I am positive

1585. Was Mr. Lavalette searched?—That I could not say. I did not search him.

1586. Was I searched?—I did not search you, as far as I know. I believe I asked you whether you had got a knife or matches.

1587. You asked me?—Yes

1588. Did I give up any matches?—No, I do not believe you did.

1589. Did I give up anything?—Not that I am aware of; only the stick.

1590. I gave the stick up?—The stick you parted with.

1591. For your profit?—Not for my profit.

1592. How was the stick when it was broken?—In two pieces.

1593. How was I holding it?—You had it up that way (*describing*).

1594. You put your hand up?—I asked you for it twice, and when you did not give it up, I took hold of it like *that*, and at the bottom, and in the struggle between you and I, the stick was broken.

1595. Would you explain again how the stick was broken?—I put my right hand up like *that*, and the left like *that*, and in the struggle to get the stick, it was broken.

1596. It was twisted that way?—It was broken.

1597. Did I raise the stick?—Yes, you did.

1598. Did I menace you? You remember that question was asked you in the police court?—You looked to me as if you might use it.

1599. But did I menace you?—I will not say that you did.

1600. How do you account for my stick being in the air. Can you account for it?—I tell you my opinion was that you might use it. I have had one before, and I am very careful about a stick now, and shall be for the future. I can feel the effects of one that I had years ago.

1601. As I did not menace you, why did you take it—according to you—because I put no responsibility on you for breaking my stick; you did not break it. I was not holding it along the railings?—No, it was up in the air.

1602. I have been questioning you on your own story. Will you admit for a moment my story. From what you have said, you were in such a position that you saw Timmings arrested?—Yes.

1603. And would have seen us following when he was taken in charge?—I do not know about following. I could not answer that question.

1604. But, admitting my story for a moment, you would have seen us following?—But I did not see you following.

1605. I am asking you to admit my story for a for a moment, as I have admitted yours.

1606. (*Mr. Eldon Bankes.*) Have you admitted his?

(*Dr. Gerothwohl.*) No, but I am cross-examining on that basis. Are you a great pal of Constable Isaacson's?—I do not know that I am a great pal of his. I have a great many comrades, pals, I must admit. I cannot say more than that.

1607. You know him well, though?—I have known him just over nineteen years.

1608. Is his a resonant voice? Does he generally speak as loud as he spoke on Monday?—Yes. I have heard him speak louder.

1609. He is quite capable of howling down four people together?—I do not know about that. I could not say.

1610. Have you heard him speak like that at the station?—Yes.

1611. (*Chairman.*) You say that you arrested Dr. Gerothwohl?—Yes.

1612. What did you do actually to him?—I only took him by the arm and told him what I was arresting him for and took him to the station.

1613. What arm did you take him by?—His right arm.

1614. With your right arm?—No, with my left

P.C. Wallington.

25 July 1906.

1615. Did he offer any resistance at all?—No, not to say resistance.

1616. Did he walk quietly with you to the station?—Yes. He was somewhat excited, but nothing that we would take much notice of.

1617. He had got the stick with him in one of his hands all the time?—Yes.

1618. And, in fact, there was no kind of incident at all on the way to the station?—No, not of any note.

1619. When did he first become excited?—He was excited when I first saw him at Church Place, and after he had been spoken to he was more excited.

1620. Then I put it in this way, that he was excited, but still without any resistance he walked quietly with you to Vine Street and went through the door and into the dock?—Yes.

1621. Quite quietly?—Yes.

1622. And he had the stick all the time?—Yes.

1623. When did he first begin to flourish the stick?—When in the dock.

1624. It was rather suddenly, then?—It was.

1625. Did he seem surprised to find himself in the dock?—I do not know that he did.

1626. At any rate, he began to flourish the stick?—He did.

1627. You tried to take it from him?—Yes, I asked him for it twice.

1628. And then tried to take it from him?—Yes.

1629. You say it broke in the struggle?—Yes.

1630. After it had broken had you got both pieces in your hand?—Yes, one in each.

1631. He had not got one piece and you another piece?—No.

1632. How did it happen?—He had the stick up like *that*—(*describing*)—and he was flourishing the stick. I asked him twice for it, and he would not give it up. I took the stick like *that*, the top portion of the stick above his hand, and took it away.

1633. You found after the struggle you had one piece in your hand and then took the other from him?—No, I had the two. It is always a rule to take sticks and that kind of thing from men when they are brought into the station.

1634. (*Mr. Whitmore.*) The stick broke at that moment, you say?—Yes.

1635. (*Chairman.*) At the time the struggle for the stick took place had Inspector Berry come in?—Mr. Berry was in the charge room at the time.

1636. Was he sitting at his desk?—Yes—I am not sure whether he was sitting down or standing up at that moment. I would not be sure on that. He was in the charge room.

1637. Did you hear Inspector Berry address Dr. Gerothwohl?—I do not quite follow the question.

1638. After the stick had been broken who spoke first. Did Inspector Berry speak first or did Dr. Gerothwohl speak first?—I know Dr. Gerothwohl complained, and before the charge was taken Inspector Berry made inquiries into that charge.

1639. What did he say when he complained?—He said he was on the way to the station to complain of the brutality of the police when he was arrested and pushed up the steps.

1640. Was that all he said?—Yes, I do not know that there was anything else.

1641. Did he not mention Timmings?—No, I did not hear him.

1642. You heard Inspector Berry at the police court say that he did say he was coming to speak for Timmings?—He might have done, but I did not hear it.

1643. You heard Inspector Berry say that at the police court?—Yes, I did hear it in the evidence.

1644. Are you prepared to contradict him, or do you wish us simply to understand you do not recollect his saying so?—I do not recollect it. He might have said so, but I did not notice it.

1645. Had Inspector Berry asked you any questions?—Yes.

1646. What did he ask you?—Inspector Berry asked me where he was arrested, and what he was doing. Mr. Berry was told by Police Constable Isaacson, and he said "What did you see, Wallington?" and I said "I saw them arm in arm together, and they were clearing the footway," and he said "Then you arrested him." I said "Yes, I took Dr. Gerothwohl."

1647. You had no difficulty in hearing what was being said in the dock?—No.

1648. Have you got a note book like the one that Police Constable Isaacson has?—I have one, but there is nothing in it referring to this case, because I did not charge, and therefore I did not see anything done. We do not do so unless we charge.

1649. Then it was Isaacson who gave them in charge formally to the inspector?—He preferred the charge.

1650. And therefore you made no note at all?—Nothing more than to attend at the police court.

1651. Did Timmings say anything in the dock at all?—No, I never heard him. I did hear him make a statement in the police court.

1652. That he did not know the other prisoners?—Yes, he said that he was more drunk than ill, and he did not know the others. I would not say word for word, but that was the substance of it.

1653. (*Mr. Eldon Bankes.*) Do you mean more drunk than ill or more ill than drunk?—More ill than drunk.

1654. (*Mr. Rufus Isaacs.*) I did not understand this expression that you mentioned which you say Dr. Gerothwohl used to you—"You will lose your coat." What did you understand it to mean?—I can tell you what it means generally.

1655. That is what I want to know?—It means that we might have occasion to arrest someone in the street, and as soon as you take them into custody and you are on the way to the station, they will threaten you, and they will say, "This is the last charge you will ever take to the station, you will get the sack; I mean seeing this right through," and the next morning probably they have nothing to say in court at all.

1656. Do you mean it is a kind of slang expression which is used by those who are accustomed to be taken to the police station?—Yes, and also those who are not.

1657. Do you mean to say that Dr. Gerothwohl used an expression to you meaning that?—I do not know what his meaning was, but that was his expression.

1658. Is there any other possible meaning that you can give to it if he used it?—No, I do not know that there is.

1659. If I understand you, what you mean is that he used an expression which you often hear used by people whom you take up which meant that you would get into trouble over this job, and that you would lose your position. Is that what you mean?—Yes; we often hear it.

1660. Is that what you mean that he said to you? Yes, but what his meaning was I do not know, or whether he knew the meaning of it, or whether he might have heard it casually.

1661. Have you ever said before that he said that to you?—No.

1662. You never said it at the police station or the police court?—No.

1663. Do you know at the police court the question was whether you had arrested him in Piccadilly, or whether he had been arrested at the police station?—The question was asked me.

1664. Did you realise there was a considerable importance as to whether any conversation had taken place between you and him between Piccadilly and the police station?—There might have been.

1665. You mean you recollected this, and never said a word about it?—No, we do not say anything unless it is really drawn from us, as it were.

1666. What do you mean by "unless it is really drawn from you, as it were"?—We do not say the statement the prisoner makes until he has been charged—not as a general rule.

1667. Do you mean in a case of this kind, when one question is whether he has been arrested in Piccadilly or whether he has been arrested at the police station, that you would not state to the magistrate a conversation that had taken place between you and

him on the road, according to you, from Piccadilly to the police station?—No.

1668. Would you not tell the magistrate that he had spoken to you?—No. It is quite possible the magistrate might say, "I want to know the facts of the case, and not what took place on the way to the station." We simply state what a man was doing and leave the rest to the magistrate.

1669. Did he say anything else to you?—No, nothing that I can recollect clearly.

1670. I want to understand what you are saying. The impression that he made on you was that it was not the first time he had been in difficulties of this character. Is that what you mean?—I would not say that as far as Dr. Gerothwohl is concerned, but we hear it often. If we only take a poor man in for begging, we can hear it. We have heard it at times from an unfortunate who has been arrested. We may have heard it from one who has been following her and who probably has some interest in her calling, but we are unable to prove it.

1671. They are all people who are not unaccustomed to being in collision with the police?—That is so.

1672. Those are the kind of people from whom you would hear such a statement?—I have heard it from the boys going to school, but where they learn it I do not know, but they have it.

1673. Were you told to arrest Dr. Gerothwohl?—I do not know, but that I was.

1674. I do not understand that answer?—If Isaacson said anything I did not hear him.

1675. Cannot you answer the question that I am putting to you; were you told to arrest Dr. Gerothwohl?—No.

1676. Did you arrest him on your own initiative?—Yes.

1677. Without any signal from anybody?—I never had any signal.

1678. Then why did you arrest him?—Because he was with the others.

1679. Because you saw Timmings and Lavalette taken up, and he was one of the others, so you took him up?—Yes.

1680. Did he go quietly into the dock?—Yes.

1681. Without any fuss of any kind?—He was very excited, and he was shouting.

1682. Shouting?—Yes.

1683. How do you mean he was shouting?—Shouting for the inspector and such as that—that he had been brought in wrongly.

1684. That is to say, he was making it plain to you that he denied the charge?—I suppose it would be that.

1685. And then you heard him, I suppose, make his answer to Inspector Berry?—I did.

1686. And you heard him say that he had come on behalf of Timmings, or something to that effect. You do not remember his saying "Timmings," I understand?—No, I do not remember him saying "Timmings."

1687. You understood he meant he was come about the Timmings case?—The brutality of the Police. I should think it would be that case, but I could not say for certain.

1688. Do you mean that you did not understand from him that he had come about one of the two cases then before the inspector?—He might have done.

1689. Did you understand that that was what he he was saying?—No, because I had seen no brutality and I did not know how he could say that.

1690. That is not the question that I am putting to you. Did not you understand that he said he had come on behalf of one of the other two?—He said he had come to complain of the brutality of the Police. I did not know whether he meant Timmings or anyone else, as far as that went.

1691. Do you mean you did not understand at the station that it was in respect of Timmings that he was speaking?—No.

1692. Do you mean to say you did not hear him say anything about coming on behalf of anybody?—No. I understood him to say he came to complain of the brutality of the Police.

1693. But not generally?—I did not take any notice, because that is a thing that the inspector on duty would attend to.

1694. But it would affect you, would it not?—It would affect me.

1695. It was a charge which, if true, would affect you?—Yes, if it was proved against me.

1696. Then I suppose you paid particular attention to it?—Not out of the way in that case.

1697. Do you mean not out of the way in that case more than in any other case?—No.

1698. Were you asked questions about it?—Yes, I was asked by Inspector Berry what they were doing?

1699. What who were doing?—What Mr. Lavalette and Dr. Gerothwohl and Timmings were doing.

1700. When the charge was made and they were sent to the cells, you quite understood that they were disputing that they were drunk and disorderly?—No, as soon as the charge was read over and they were brought out of the dock I asked Dr. Gerothwohl if he had got any knife or matches, and, as I said just now, I could not say whether he did give up anything, and I left the station.

1701. I am not asking you about a knife or matches, but the charge was read over to them?—Yes, and they made no reply.

1702. I notice you say that the same as the others. That seems to be quite common ground, that they made no reply, but you knew perfectly well without their making a reply that they disputed being drunk and disorderly from what you told me just now?—They disputed that, certainly.

1703. It was not necessary for them to dispute the charge, because those who were in the Station knew they were disputing the charge from what they had said?—Yes, they would, if you put it like that.

1704. So that nothing is to be drawn from the fact that they did not make any answer when the charge was read to them?—As far as I know, nothing whatever.

1705. If that is the case, I do not understand this. We have got it perfectly plain now that you knew they were disputing the charge, and you were asked to make a report about this?—Yes.

1706. Of course it is your duty to report faithfully the facts to your superior officer, and I find that in that report you, like the others, make this statement that they were charged with being drunk and disorderly, and upon the charge being read over to them by Inspector Berry they made no reply. According to that report no one would have any idea that they were disputing the fact that they were drunk and disorderly. Do you realise that?—I only know that it is the system to take notice of what a prisoner says after he is charged, and I do not know that we do take notice of what he said before.

1707. Do you mean that if a prisoner has denied the charge before it is read over to him, that if he does not again deny it, then you do not take any notice of his first denial?—Yes, if the inspector was there he would have a doctor if it was a case of drunkenness, and it is quite possible that the charge would not be taken until he had been seen by the doctor.

1708. That is one of the things I want to put to you. You have told us what took place; that he was disputing that he was drunk and disorderly, and he did ask for his own doctor?—Not while I was in the station. It was afterwards that I heard of that.

1709. After you had gone, then you heard that he had asked for a doctor?—Immediately the charge was taken we left the station.

1710. Suppose a man does dispute being drunk, is the ordinary practice to send for a doctor or must he ask for one?—The inspector would say, no doubt: "Let that man leave the dock and sit down, and send for the doctor," and the divisional surgeon would be called.

1711. That is what you would have expected to have happened in this case?—I did not hear them say that they were not drunk—not clearly. They said they were coming to the station and they were coming to the police station to complain of the brutality.

1712. You have already told me more than once that

P.C. Wallington.

25 July 1906.

you understood that they denied the charge?—I cannot quite explain that.

1713. I want you to, if you can, because it seems to me that it wants explanation?—They did not say they were not drunk.

1714. I understood you to say they did not use those words?—Yes, that is what I understood you to mean.

1715. And you understood that to mean that they were not drunk. That is the important point?—Yes.

1716. I do not care what words were used, but you understood at the station, when these men were saying they were not drunk, that did not mean they were disputing the charge that they were drunk, because in the ordinary course the divisional surgeon would be sent for?—Yes.

1717. That would be before they go to the cells?—Yes.

1718. They ought to have been told to take a seat, according to you on the bench to the left of the inspector until the divisional surgeon came?—Yes.

1719. That was the ordinary practice?—If they had told the inspector they were not drunk the doctor would have been sent for.

1720. Why could not the inspector understand, as well as you could, what they were saying?—I could not say what the inspector was doing then.

1721. The inspector only heard what you heard?—I could not say that.

1722. You know it took place in your presence, and the inspector heard what you heard. As far as you were concerned it was plain to you that these men were saying they were not drunk, and the inspector must have understood the same thing?—Mr. Berry might have done; I could not say.

1723. I want to understand this system of reports. You make a report on April 13th, and in that report this is what you say. You first give a statement of what happened, that you arrested Gerothwohl, and that Isaacson arrested Lavalette, and conveyed them to Vine Street Station. "They were then placed in the dock. I asked Dr. Gerothwohl for his stick, he refused to give it up, and as he held it in a striking attitude I took hold of it, and in the struggle to get it away it was broken. They were all charged with being drunk and disorderly by Isaacson, and on the charge being read over to them by Inspector Berry they made no reply." Why did you not say in that report that they had denied the charge?—I did not hear them—not in their own words.

1724. Do not you see the effect this report would have upon anybody who read it would be that they were really admitting the charge in this sense, that they were not disputing the fact. You follow that from the report you made?—Yes.

1725. Is that what you generally do?—Yes. As I said just now, we do not as a rule take any notice unless the prisoner denies being drunk, and then the doctor is sent for; otherwise we take no notice of the statements a prisoner might make in that respect.

1726. Supposing he denies it half a dozen times before the charge is read over to him. Do you mean if the charge is read over to him and he does not deny it again you take no notice of the denial?—No. When we take him in there the inspector deals with him.

1727. It would be the inspector's duty to take a note of that?—Yes.

1728. If you were present or heard it, would you not in your report make any reference to it?—No, because we should not report anything like that.

1729. But you were asked for a report, and you made one when the matter was fresh in your mind?—It was an exceptional case.

1730. It was an exceptional case, and I should have thought it therefore required a very careful statement of the facts?—Yes.

1731. This was just after this occurrence on the 13th April?—Yes.

1732. All the police constables make reports, and not one of them says anything about these men having denied that they were drunk or disorderly?—It is not the general rule to do so.

1733. Is it not the general rule if it is the truth?—You do not take any notice of the statements as far as I know until the man is charged.

1734. But you see he is being charged at the time, and we are only dealing with the time when he is in the dock and the charge is being read to him. Do you mean it is not a general rule to take any notice of what he has said unless he says it immediately after the charge is read over to him. Is that what you mean?—That is so—not in the case of drunkenness.

1735. However much you may have understood from him before you read over the charge that he is saying he is not drunk?—The inspector does that, sir.

1736. I should like to ask you the question I asked Isaacson. Have you ever heard of police constables taking money from women?—No, never in my experience.

1737. You have never heard of such a thing being done?—No.

1738. No such case has ever been brought before you?—There has never been one brought under my notice of that description.

1739. Have you not heard of complaints of that kind?—I have heard rumours of that, but I know nothing of that.

1740. Rumours amongst yourselves, rumours that have come to you from members of the force?—Yes, they have. There is one thing I have known, and that is, for prostitutes to offer a constable money, but it has been refused and they have been told to go away. I have had it in my own experience.

1741. When you say in your own experience, do you mean by that that it has been offered to you and you refused it?—Yes, while on duty.

1742. Was that a prostitute who was known by sight to you at all?—Yes.

1743. Had she been about any time?—It would be generally one who has started probably twelve months or two years, or something like that, or probably only three or four months.

1744. Do you mean by that that it is only someone who is starting to go on the streets who offered it to you. Is that what you mean?—Yes, that would be so.

1745. How often has it happened?—I could not say exactly, but I do not think more than about four times.

1746. Four times that it has been offered to you?—Yes.

1747. Did you refuse it each time?—Yes.

1748. Was it by four different women?—I believe there was one woman on two occasions who offered it to me.

1749. How long ago was this?—It would be just after I got into the Reserve, eight years ago, or between eight and nine years ago.

1750. Have you ever heard of money being left by women for constables on railings?—I never have.

1751. Or on the window sill?—No.

1752. Or of a constable following a woman up and her holding money at the back of her for him to take?—I have never heard of such a thing, I am very pleased to say.

1753. Have you ever heard of men taking money from bookmakers?—No. I have known it has been rumoured, but I never knew a man or heard of any constable who did it.

1754. You have heard it being rumoured also among members of the force?—Yes.

1755. What are the rumours that you have heard?—They would say: "There is a bookmaker—just give him a look round"—the public would say that to you, and such men as their runners. Oftentimes a bookmaker would have three or four touts. A runner is a man who keeps observation and watches for the police.

1756. What would happen then. If he says to you "Have a look round," that is inviting you to go to the bookmaker?—Yes, it is. That is to get the right side of the police.

1757. This man would be carrying on business with

the bookmaker, you mean?—He is what is termed a tout for the bookmaker.

1758. That means, I suppose, that he is to bring business to the bookmaker?—That is so, and keep his eyes open to see that the bookmaker is not caught by the police.

1759. Are they the rumours that you are speaking of that you heard among the police officers?—Yes, I have heard it from constables, and such as that.

1760. You have heard what rumours from constables?—That the police constables have money, and such as that—what the public say about them—but I have never heard it from a constable.

1761. Not that it takes place, but that the public says it takes place?—The public say it takes place.

1762. In your 19 years' experience, as I understand you, you have never heard of any men taking money from a bookmaker?—I have not, Sir, or yet an unfortunate.

1763. Or a licensed victualler?—No.

1764. (*Mr. Dickinson.*) Just tell me again exactly what happened at the beginning of this affair. You came out of Air Street?—Yes.

1765. Tell me just exactly what happened?—I went down Piccadilly in the road.

1766. You were with Isaacson?—Yes. He went on the footway opposite Church Place and I was in the road near the kerb. He spoke to a——

1767. Which kerb?—The kerb on the south side of Piccadilly. Then we went down opposite the church.

1768. You said he spoke. Who did he speak to?—He spoke to the leading five. Dr. Gerothwohl and Mr. Lavalette were the leading ones.

1769. Did you see them?—Yes, opposite Church Place.

1770. He spoke to Dr. Gerothwohl and the others?—Yes, taking them as five together.

1771. Did you see those individuals at that moment?—Do you mean Dr. Gerothwohl and Mr. Lavalette?

1772. Yes?—Yes.

1773. What happened next?—They still came arm-in-arm and went down as far as St. James's Church, and when opposite St. James's Church, Police Constable Isaacson arrested Timmings.

1774. Where were you then, and what did you do?—I arrested Dr. Gerothwohl.

1775. Before that between Church Place and the church?—I walked down by the side of the kerb.

1776. How far from these individuals?—I do not suppose I was more than two feet; I do not think I was.

1777. Then you have no doubt that these were the same individuals that were spoken to in the first instance?—I have not the least doubt in my mind.

1778. Then you say Isaacson spoke again?—Yes.

1779. What did he say then?—He told them again to break up, and they did not, and then he arrested Timmings.

1780. Where were you at that moment in relation to these three men. On which side of them?—*This* side.

1781. What do you mean by "This side"?—The north side as they were standing on the south—on the right of them.

1782. How did you get there. You were on the kerb, I understand, behind them?—No, I was at the side. I might have been a yard or so in front at the time.

1783. You were in front of them the whole time as you walked along the street?—Yes, but it would not be much.

1784. You said that at that moment Isaacson had occasion to arrest Timmings?—Yes.

1785. What do you mean by saying he had occasion to arrest Timmings. What did he do it for?—Because they would not break up.

1786. Did he say nothing to you at that moment?—Not that I am aware of.

1787. How did you get to Dr. Gerothwohl to arrest him. What exactly happened? I understand from you that you were in the roadway?—Yes.

1788. In which case Timmings would have been in front of you?—Yes.

1789. And Isaacson was where?—Isaacson got just in front of me on the footway.

1790. And then he took Timmings further on?—Yes.

1791. Where was Police Constable Divers then?—Divers was coming across the road, and he was close to the kerb, and I believe that Divers stepped on to the footway when Timmings was handed over to him, but it was very, very close. I could not swear that he had both feet on the footway. I could not say that, but I should think he had.

1792. You laid your hand immediately on Dr. Gerothwohl?—It was not many seconds.

1793. What did you say to him then?—I told him I should arrest him for being drunk and behaving in a disorderly manner.

1794. You then charged him with being drunk?—Yes.

1795. Did he protest then?—No.

1796. And then you say that he walked across the road quietly with you?—Yes; I mean to say he was not violent, or anything of that.

1797. Did you see Isaacson arrest Lavalette?—I did.

1798. Did you see Police Constable Divers and Timmings again before they got to the station?—Yes, I saw them as they were going up Swallow Street.

1799. How far were they in front?—I suppose they might have been 25 yards.

1800. Whereabouts was Isaacson?—Going on behind Police Constable 427 with Lavalette.

1801. He was in front of you?—Isaacson was, yes.

1802. How was it that you and Dr. Gerothwohl dropped behind?—I do not know, I am sure. I was about five yards probably behind. We should not go along all four together. We were on the footway or the roadway.

1803. But Isaacson had handed over Trimmings to Divers?—Yes.

1804. In the meantime you took up Dr. Gerothwohl?—Yes.

1805. And you must have got hold of him before Lavalette was taken?—There might have been a few seconds either way, but there were very few, if there were any.

1806. (*Chairman.*) When Mr. Lavalette and Dr. Gerothwohl were in the dock, how were they behaving, according to your view?—Mr. Lavalette and Dr. Gerothwohl were very excited, and shouting—in fact, they seemed as if their temper had got the upper hand of them.

1807. You do not say anything of that in your report. How came you to omit that statement as to their conduct in the dock in your report?—I do not know, I am sure, how that was. It may have been an error on my part.

1808. Would you say that they were very violent in the Station?—No, I should not. In my opinion they were far from being very violent. They were very excited.

1809. Would you say that Dr. Gerothwohl was flourishing the stick in a dangerous way when he was in the dock?—Yes.

1810. You think that would be an accurate description?—I think it would.

1811. He had not done so before at all, had he?—No, he had not.

1812. Were you aware that Inspector Berry said that they were both very violent in the Station?—I was not aware of it.

1813. How do you account for the fact that Dr. Gerothwohl flourished his stick about in the dock, whereas he had never done anything of the kind before from the time he was arrested?—I do not know, sir. I am unable to account for it.

1814. Can you suggest any reason for his suddenly becoming more excited when he was in the dock?—He was excited before, but it may be when he got into the dock he felt his position acutely, and that might have made a difference.

1815. Did he behave like a person who was surprised

P.C. Wallington.

25 July 1906.

to find himself in the dock?—No, I do not think he did.

1816. How would a person suddenly placed in the dock behave—by suddenly, I mean without in the least expecting to be placed there?—Some would start swearing at you, and others would start laughing, and other would start kicking in the dock. I have seen them several ways.

1817. Generally they become violent?—Yes.

1818. (*Mr. Eldon Bankes.*) One word about the form of your report. It is on page 253 of the White Book, rule 209: "The charge as entered on the sheet is always to be read over to the prisoner, not with a view of extracting an answer, but to inform him of the nature of the offence with which he is charged, but any observation he makes is to be noted and attended to." Is it the practice when you are making a report to note and attend to any answer a man might have made in answer to the charge?—Yes.

1819. And rightly or wrongly is the practice, if he says nothing, to mention that in your report?—Yes.

1820. And whether it is right or wrong you follow the ordinary course in the form of your report in this case?—That is so, sir.

1821. One word about what happened in the charge-room. Dr. Gerothwohl has suggested to you that Isaacson behaved in a way that showed he was capable of howling down four people together.

1822. Was there any howling on Isaacson's part or any loud talking at all in the charge room?—No, sir, I did not notice any. The way Isaacson spoke was only his general way, that I know of.

1823. Was there anything that took place in the charge room on the part of the police which could be properly described as a turmoil?—Not that I saw.

1824. (*Mr. Rufus Isaacs.*) With reference to that rule that Mr. Bankes read to you just now, the end of the rule is: "Any observation they make is to be noted and attended to." That is in Rule 209. That, of course, is for the purpose of reporting whether the prisoner admits or denies the charge, is it not?—It is for any statement, as I have understood it, that a man might make, and of which you would inform the magistrate before whom the man was tried.

1825. (*Mr. Eldon Bankes.*) The rule apparently has reference to anything said after the charge is made. It may be right or wrong in form, but that is the inference.

1826. (*Mr. Rufus Isaacs.*) Probably it is to be so read, but you seem to stick very close to the letter of the rule. Is that the view that you would take of that rule. Just look at the rule for yourself. Is that the view you would take of the rule and of your duty. Supposing a man has denied the charge over and over again before the charge is actually read over to him, then you would not take any notice of his previous denial if he did not deny it again after it was read over to him?—Not in a case of drunkenness.

1827. I do not know why you should make this exception in the case of drunkenness. You mean you might in other cases, but not in case of drunkenness?—I am unable to answer that. We hear so many remarks in bringing a drunken person along, even after they are in the station, that we do not take any notice of them.

1828. It is very often the subject of a good deal of discussion as to whether a man is drunk or not?—We never argue with a drunken man.

1829. But the point is whether he is drunk or not. Very often there is room for doubt as to whether a man is drunk or not?—If there was any doubt about it the prisoner would get the benefit of it, as far as I know.

1830. He would be handed over to the divisional surgeon?—Yes.

1831. One thing more with reference to it. Do you say that these two gentlemen were drunk when you arrested them?—Honestly, in my opinion, sir, I believe they were drunk.

1832. Tell me one thing which makes you say that. Was it only that they were making a noise or was it anything else that you noticed?—From their appearance, their behaviour and also the smell of their breath.

1833. Did you notice that on the road to the station?—I noticed that when I spoke to Dr. Gerothwohl.

1834. You only smelt his breath; you did not smell the others?—I could at the station.

1835. Do you mean at the station that their breath smelt so strong that you could smell all three?—Yes, I was close to them.

1836. Was that when you noticed it—at the station?—I noticed Dr. Gerothwohl before.

1837. You noticed him when you arrested him?—Yes, and that was how it was I told him what I was going to arrest him for. I told him I was going to arrest him for being drunk and behaving in a disorderly manner. I told him that. That was the only reason I had for considering Dr. Gerothwohl was drunk.

1838. You told us of the smell, and we know, according to your evidence, that he was making a noise, but I do not quite understand what else there was about his appearance?—He was very much flushed.

1839. The kind of flush that a man might have if he was excited, or equally if he was drunk?—That is so.

1840. (*Chairman.*) By the bye, I forgot to ask you when you began your work on that night, the 7th April?—At a quarter to seven.

1841. The same time as Isaacson?—Yes.

1842. Were you on the same beat as Isaacson?—He was patrolling the south side of Regent Street from Air Street to Piccadilly Circus, while I was supposed to be patrolling the north side of Regent Street, through Air Street, to Piccadilly Circus, and at a quarter-past eleven our instructions were to patrol together.

1843. Was that an unusual instruction?—In a sense as applied to that Saturday evening only. The patrols are shorter on an occasion like that, and there are more men.

1844. At 11.15 on this night you joined Isaacson and patrolled with him?—Yes, but I had previously been with Isaacson as it was necessary owing to several people coming along arm in arm together.

1845. You yourself had made no arrest up to that time?—No.

1846-7. And you made no arrest after?—No, not that night.

(*Mr. Eldon Bankes.*) We have the Occurrence Book, which shows the first entry in Isaacson's writing, 1905 and 1903.

(*Mr. Rufus Isaacs.*) That explains it. It was very difficult to understand without it. It is very easily ascertained.

(*Mr. Eldon Bankes.*) I am told that you will have to go a little further back in the book if you want the date, because there are several instances recorded on that night.

(*Mr. Rufus Isaacs.*) Quite right.

(*Mr. Eldon Bankes.*) Perhaps the book could be corrected by authority.

(*Mr. Rufus Isaacs.*) Yes. That explains the difficulty I had in following the year.

(*Mr. Eldon Bankes.*) Do you wish to keep the book.

(*Chairman.*) I do not think so after that. The book will not be destroyed.

(*Mr. Eldon Bankes.*) No.

P.C. THOMAS DIVERS (427 C), sworn.

P. C. Divers.

1848. (*Mr. Eldon Bankes.*) I think you have been in the Police Force about 2½ years?—That is so.

1849. You have been attached the whole time to the C Division at Vine Street?—Yes.

1850. Were you on duty in Sackville Street on the Saturday night in question?—Part of the night.

1851. Where was your beat that night?—When I paraded at a quarter to seven I was told off to go to

Hamilton Place, at the far west end of Piccadilly, to regulate the traffic until ten o'clock, and from there to go to Sackville Street and patrol Sackville Street.

1852. So at ten o'clock you went on duty patrolling Sackville Street?—Yes.

1853. Do you remember hearing a noise in Piccadilly?—Yes.

1854. About what time was that?—A few moments after twelve.

1855. From what direction was the noise coming?—Piccadilly.

1856. In which direction—from the east?—From the east.

1857. What sort of a noise was it?—Shouting; and it sounded to me like great rowdyism going on.

1858. When you heard that noise, what did you do?—I went towards Piccadilly.

1859. Down Sackville Street towards Piccadilly?—Yes.

1860. What did you do next?—I went across the road, and as soon as I got on the opposite side of the road, just in front of the church—I had not got on the path—P.C. 43 (Isaacson) handed over to me a prisoner (Timmings), and I took him to the station.

1861. You did not see anything of any other arrest that took place after that?—I did not.

1862. Timmings was handed over to you, and you went straight with him to Vine Street?—Yes.

1863. Did you take Timmings by yourself, or did anybody help you?—I took him by myself.

1864. Did you take him straight to Vine Street viâ Swallow Street?—Yes.

1865. When you got to Vine Street, where did you and he go?—Along Vine Street, into the station.

1866. When you got into the station, where did you go?—I was told to place Timmings in the dock.

1867. Did you do so?—I did so.

1868. How long was it before Mr. Lavalette and Dr. Gerothwohl came?—But a very few moments.

1869. Who brought Mr. Lavalette in?—P.C. Isaacson (43 C R.).

1870. Who brought Dr. Gerothwohl in?—P.C. Wallington (6 C R.).

1871. Were all three men placed in the dock?—Yes.

1872. Did you remain in the charge-room after they had been placed in the dock?—Yes.

1873. Did you remain there until the charge had been recorded?—Until the charge was read over to them.

1874. Just tell to the Commissioners what you saw take place. First of all, did you see the incident about the stick?—Yes.

1875. Just describe in your own way what took place with reference to Dr. Gerothwohl's stick?—I saw Dr. Gerothwohl, Mr. Lavalette, and Timmings all placed in the dock; Timmings stood on the east side, Lavalette in the centre, and Dr. Gerothwohl on the right. Dr. Gerothwohl was asked by P.C. Wallington for his stick—I think once or twice I heard him—but he refused to give it up. I thought he held it in a threatening attitude. P.C. Wallington then took hold of it, and in the struggle to get it away the stick was broken.

1876. Are you sure it was P.C. Wallington who was taking the stick?—I am positive.

1877. Did you hear Dr. Gerothwohl say anything?—He was very excited while in the dock, and was making use of some words or other, but what they were or what they were about I could not say.

1878. To whom was he speaking?—I think he was addressing the inspector; he was looking towards him.

1879. Did you hear what he said?—No.

1880. Did you see the inspector taking the charge down?—Yes.

1881. What was done by the inspector after he had taken the charge down?—He read the charge over.

1882. Did you hear anybody say anything after the charge was read over? Did they say anything?—Not that I am aware of.

1883. Were they then taken off to the cells?—They were taken out of the dock.

1884. And did you leave?—I left the station.

P.C. Divers.
25 July 1906.

1885. It is suggested by these gentlemen that it was P.C. Isaacson who took Timmings across the street, and that you joined Isaacson at the corner of Swallow Street?—No, I went on the other side, on the south side, of Piccadilly.

1886. You took Timmings across entirely by yourself, did you?—I did.

1887. (*Dr. Gerothwohl.*) You say that about midnight you were on duty in Sackville Street?—Yes.

1888. Were you far up Sackville Street?—No, not a great distance; in fact, a very few yards—six in all, I should think.

1889. That was your beat, I understand?—Patrolling Sackville Street.

1890. Had you left that beat that evening previously?—You see, I did not go there until 10, but after 10 until the time this occurred I did not leave it.

1891. What induced you to leave your beat?—The shouting and the noise that I heard in Piccadilly.

1892. You had not heard any rowdyism before midnight?—I cannot say I did particularly.

1893. You did not?—No.

1894. On leaving Sackville Street, as you reached the corner of Sackville Street, what did you see?—I did not stop there. I went across the road.

1895. Straight across?—No, not straight across from Sackville Street.

1896. When did you set your feet on the pavement?—I do not think I did set my feet on the pavement on the other side.

1897. Never?—No.

1898. At no time?—No.

1899. Just before you reached the west railings of St. James's Church did you not notice anyone there?—No, not to recognise them.

1900. Did you not recognise a crowd of young men?—There was a crowd.

1901. Were they not rowdy?—They were all rowdy, the whole lot of them.

1902. There was a crowd of young men, and they were rowdy. You did not think it necessary to interfere?—I had no chance to interfere. No sooner I was there than prisoner Timmings was handed over to me.

1903. I quite understand that, but you had not yet reached the prisoner Timmings when you got to that crowd?—I had. P.C. Isaacson handed the man over to me.

1904. Do you suggest that Timmings was quite close to that crowd?—I could not say where Timmings was; I was in the gutter, as it were.

1905. Was Timmings handed over to you on the edge of the kerb?—I was in the road.

1906. Supposing *this* was the road and *this* was the pavement, and you were *here*, was there not a crowd *here*?—I did not notice a crowd.

1907. You said a moment ago you noticed a crowd?—Yes—the whole lot coming from the east of Piccadilly going west.

1908. But you had not passed the whole lot before you reached St. James's Church?—I fancy they were not ahead of St. James's Church.

1909. There was no one ahead at St. James's Church?—Not that I am aware of.

1910. You passed no crowd on your way?—No. I went straight across; there were cabs and other traffic there; when I got there the man was handed over to me, with the words, "Take him to the station," which I did.

1911. I find in the verbatim report of your evidence this: "Owing to the shouting coming from Piccadilly I went there, and on my arrival there P.C. Isaacson (43) handed me over the prisoner Timmings." You say, "I went there, and on my arrival there." Do you suggest you did not arrive in Piccadilly before you were at St. James's Church?—No, naturally I should not, because I say I took a slanting line towards the church.

1912. Did you not arrive at Piccadilly at the corner of Sackville Street?—Yes. That is the north side of Piccadilly.

P.C. Divers.
25 July 1906.

1913. You say, "On my arrival there"—in Piccadilly—"P.C. Isaacson (43) handed me over the prisoner Timmings"?—"On my arrival there"—I mean by the church.

1914. I find again, further down, you make this statement:—"Timmings was handed over to me as soon as I was in Piccadilly." Therefore there are two statements—"On my arrival there," and again, "As soon as I was in Piccadilly." Do you suggest that that could have been at St. James's Church or in the middle of the road, seeing that you had come all the way from Sackville Street?—That is the place I mean.

1915. You are not answering my question?—I mean to say the prisoner Timmings was handed over to me on my arrival outside St. James's Church.

1916. But how do you reconcile that with your statement that on your arrival in Piccadilly Timmings was handed over to you and further down you say, "As soon as I was in Piccadilly"?—I go straight across to a particular point.

(*Mr. Rufus Isaacs.*) Dr. Gerothwohl, does not the constable say in the shorthand note, "On my arrival P.C. Isaacson handed me over the prisoner Timmings, whom I took to the station. That was in Piccadilly, opposite St. James's Church"? He says so. That is what he says in his own statement.

(*Dr. Gerothwohl.*) He says:—"As soon as I was in Piccadilly.

(*Mr. Rufus Isaacs.*) He had already said that that was in Piccadilly, opposite St. James's Church.

1917. (*Dr. Gerothwohl.*) Did you see anything of the other two—myself and Mr. Lavalette?—Not before you were at the station.

1918. We were therefore not at all in the neighbourhood of Timmings when he was handed over to you?—I could not say. There was someone there, but who it was I could not say. I could not recognise anyone.

1919. You did not see five people arm in arm?—No, I did not.

1920. You saw nothing of it at all all the way to the station?—I saw nothing of you at all all the way to the station.

1921. Nothing. You never turned round?—Not at all.

1922. At the station entrance did you notice us?—No one—only one, P.C. Wellbelove (333).

1923. I asked you if you had noticed us?—No.

1924. Timmings was already in the dock when we were brought in?—Yes.

1925. Was there an awful row just as you were going into Vine Street Police Station?—I thought I heard something of a row.

1926. Was Timmings going quietly?—Yes.

1927. And you heard a row just before you?—No, I was inside before I took any notice of the row or heard the row.

1928. Was there an awful row just as you were going to Vine Street Police Station? In answer to that question, "Was there an awful row just as you were going to Vine Street," did you say, "Apparently from the violence of the prisoners in trying to get away"?—I think the question asked me was whether I thought it was inconsistent with your being arrested outside the station. I think that was the question. You are referring now, I believe, to my cross-examination at the police court.

1929. Were these your words at the Police Station in answer to the following question: "Was there an awful row just as you were going to Vine Street? (A.) Apparently, from the violence of the prisoners in trying to get away." Did you use these words?—I cannot quite follow what you mean.

1930. Look at it for yourself—(*handing*)?—The question was asked me: "Was there an awful row just as you were going to Vine Street Station." I understood that differently when at the Police Court. The question I understood was: "Did you think the noise outside the station was inconsistent with Dr. Gerothwohl and Mr. Lavalette being arrested outside?" to which I replied, "Apparently, from the violence of the prisoners in trying to get away."

(*Mr. Rufus Isaacs.*) You had better read the next question and answer to that which you have just read. The story now is that they were arrested in Piccadilly and tried to make their escape when they got to Vine Street. Your answer is "I do not know; I only took Timmings to the Station."

(*Mr. Eldon Bankes.*) It is their question that they tried to make their escape.

(*Mr. Rufus Isaacs.*) I do not think that is quite Dr. Gerothwohl's point. He is putting this point: "Was there an awful row just as you were going to Vine Street?" and the constable answered: "Apparently, from the violence of the prisoners in trying to get away." Then the next question and answer which I have just read follow.

1931. (*Dr. Gerothwohl.*) What do you mean by the words "a row"? You said there was an awful row?—I thought I heard an awful row.

1932. Where?—Coming from that direction—outside Vine Street or Piccadilly it might be.

1933. All the way down Piccadilly. You say here as you were going to Vine Street?—As I was going.

(*Mr. Eldon Bankes.*) There is another question: "Was the row that you heard caused by their being arrested in Vine Street under protest? (A) I do not think so."

1934. (*Dr. Gerothwohl.*) You went quietly?—Yes.

1935. You did not turn round?—Not at all.

1936. Not owing to that awful row?—Not at all. I did not turn round. My whole attention was taken up with Timmings.

1937. He went quite quietly?—Yes.

1938. Did you not think it likely your comrades behind might require assistance?—I do not think so.

1939. In spite of that awful row?—In spite of that awful row.

1940. Did you see Wallington when Timmings was arrested?—No.

1941. Did you see any other constable standing close to Isaacson when Isaacson took hold of Timmings?—There were several constables about there I noticed, but to recognise them I could not.

Mr. Thomas Dolling Bolton, M.P., sworn.

Mr. T. D. Bolton, M.P.

1942. (*Dr. Gerothwohl.*) I understand you have volunteered to give the Commissioners some information with regard to the veracity of Mr. Lavalette's character generally?—Yes.

1943. Will you tell the Commissioners what you know about Mr. Lavalette?—Yes.

1944. (*Chairman.*) First of all, will you give your description. You are a Member of Parliament, I understand?—Yes.

1945. Will you give us your full description?—I am a solicitor, and a Justice of the Peace for the County of Hereford.

1946. How long have you known Mr. Lavalette?—Between four and five years.

1947. What opinion have you formed about him?—He has been four or five years in the employ of a company of which I am chairman, and I have been brought more or less in contact with him during that period. I selected him to accompany me abroad, and he has been to Brussels, to Paris, to Buda-Pesth, to Vienna, to Italy and to Switzerland with me on different occasions, and therefore I have had an opportunity of observing him as an employee particularly very carefully, and I believe him to be a very straightforward young man. Travelling abroad as I do, and having to entertain at different places people of various nationalities, one has to do what Englishmen do—live very well, to say the least of it—and if he had had the slightest inclination to indulge in an undue quantity of alcoholic drink he had the opportunity on very many occasions when with me of doing so, and he would have shown the effects of it, but never on one single occasion have I seen him even excited by drink when he has been in my presence.

1948. I think you saw something of the police-court proceedings against him and Dr. Gerothwohl?—Yes.

1949. You took some part in the matter, did you

not?—No, I took no part. I was not called, but I was there, and heard some part of the evidence. I should like to add that I paid the fine of the young man Timmings, and I should like to explain why I did so, so that there shall be no misunderstanding on that subject. I listened to the case, and I came to the conclusion that there was one charge which embraced these three men. The magistrate, after hearing the evidence, discharged two of those men, and by that decision he appeared to me to have come to the conclusion that the evidence of the same people against the three was not evidence that he could rely upon; and in my humble opinion I think if the two gentlemen were to be discharged, then the third man should have been discharged too. The man appealed to the magistrate. He was evidently a poor sort of creature, and very much affected; he pointed out to the magistrate that if he were fined he would have to go to prison, because he could not pay the fine. I felt that it was a case of great hardship to him, because, as I said before, I think if the two men were let off he ought to have been let off, too. I should like to add that afterwards, when I paid the fine, he expressed himself in very good language, thanking me, and he asked me what he could possibly do to repay the kindness I had shown him on that occasion. I explain that to show why I paid the fine.

Mr. T. D. Bolton, M.P. 25 July 1906.

(*Chairman.*) I do not know whether you wish to ask any questions, Mr. Bankes.

(*Mr. Eldon Bankes.*) No.

1950. (*Dr. Gerothwohl.*) May I ask you whether, at the conclusion of the case, Timmings was given an opportunity of understanding well that he might make a statement in his defence?—I cannot tell what the effect of the magistrate's question upon Timmings' mind was, because that was not my mind.

P.C. Thomas Divers (427 C) recalled.

1951. (*Mr. Rufus Isaacs.*) When you were at the station you had arrested Timmings. Did Timmings go quietly with you to the station?—Yes.

1952. Was he very drunk?—Yes, he was worse than the others.

1953. He was able to talk?—He was able to talk, but he did not do but very little of that.

1954. He did not do much talking?—Not with me.

1955. You did not form an opinion as to whether he was drunk or not before taking him into custody, did you?—He was handed over to me.

1956. You had no responsibility?—No, none at all. I took him to the station.

1957. And then when you got him to the station you formed the opinion that he was drunk. Is that it?—I had an opinion of my own, but I did not express it to anyone.

1958. On the road from Piccadilly, where you arrested him, to Vine Street Station, did you form an opinion then as to whether he was drunk?—Yes.

1959. Was he able to walk all right?—Yes.

1960. What was there about him which showed that he was so drunk?—He sometimes staggered a bit; you could feel the jerk on your arm as he staggered, and so on.

1961. With regard to Dr. Gerothwohl and Mr. Lavalette, when they got there they certainly were not, according to you, in the same condition as Timmings?—No.

1962. There was a very noticeable difference, was there?—I should not have known they were drunk only from the excited condition they were in.

1963. You would not have known they were drunk except for the excitable condition in which they were?—That was the only time I saw them whilst they were at the station.

1964. That is all you noticed at the time you were at the station—that they were in a state of great excitement?—That is all.

1965. Which, I suppose, is quite consistent with an excitement which did not arise from drink, but merely from having been arrested?—Not in my opinion. I thought they were drunk, because they were in such an excited state.

1966. You formed the opinion that they were drunk, because they were in such an excited state. That is all you had to go upon?—That is all.

1967. A man may be in a very excited state, and yet not be drunk, may he not?—Yes, quite right.

1968. If he was wrongly arrested, he might be in a very excited state, and not drunk?—Yes.

1969. If they had been, as they thought, wrongly arrested, that is a sort of state you would expect them to be in, without being drunk?—Yes, it could be like that.

1970. Did you pay any attention to what was going on at the station?—No, not a great deal, I was not interested at all.

1971. As soon as you had handed over your man in the dock, your business was over?—Yes.

1972. Did you notice when you were going to Vine Street Police Station whether there were any constables at the door?—There was one constable on the west side.

P.C. Divers.

1973. Was he stationed there?—His duty is at the door. His duty is sometimes inside and sometimes outside.

1974. Is there always one constable there?—At the door—a third reserve man—for the purpose of intercepting anyone who comes there to make inquiries. Should anyone go to make inquiries, he intercepts them.

1975. Before they go into the station?—Before they go into the station.

1976. Were any precautions taken that night which were different from the precautions taken on every other night?—As to what?

1977. As to constables at Vine Street Station at the door or anything of that character?—Not that I am aware of.

1978. This was Boat Race night, and apparently you expect a good deal of rowdyism on that night?—Yes.

1979. The consequence would be, you would get a good many charges brought up, admittedly, to Vine Street Station?—Yes.

1980. This would be just about the time when you would expect them, when the crowd was thickest?—Yes.

1981. What I want to know is this. When you were expecting anything such as would happen on this Boat Race night, would there be anybody specially ordered to be outside Vine Street Station to help in case there was a rush at the station?—I never heard of that.

1982. Do you know whether many arrests were made on that night?—I could not say.

1983. (*Mr. Dickinson.*) When you arrived in the charge room, you put Timmings in the dock?—Yes.

1984. Mr. Lavalette and P.C. Isaacson came in next, did they not?—Yes.

1985. Did they come into the room quietly?—As far as I know.

1986. Then came Dr. Gerothwohl and P.C. Wallington. Did they follow in quietly?—Yes.

1987. When exactly was this awful row that you speak of?—I heard a row outside. I was inside the station when I heard it. I thought it came from the direction outside in the street—in Vine Street—or from the direction of the passage which leads direct into Piccadilly, where the crowd would be at the time.

1988. Was there such a row as to lead you to think somebody was trying to avoid arrest?—I thought it quite likely.

1989. Who was in the charge room?—At the time I got there?

1990. Yes?—There was Inspector Berry, and there were two officers there with two prisoners.

1991. What prisoners—two people we have not heard of?—There are men in plain clothes employed for the purpose of catching beggars and so forth, and when these men catch beggars they hand them over to uniform men to take them to the station, and a plain

P.C. Divers. 25 July 1906.

clothes man after that comes along and prefers a charge against them, because they wait and attend to these people.

1992. Was Inspector Berry in the Charge Room when you came in?—Yes, he was at his desk.

1993. Were there any other people in evening clothes or in ordinary dress?—Not when I went in.

1994. About how many people were there there?—About six all told.

1995. There was a commotion in this room?—Not that I am aware of.

1996. I mean after the prisoners had come in?—Yes, after the whole of the prisoners had come in.

1997. After the whole of the prisoners had come in, how many would there be there?—Three prisoners as well as the officers. I suppose there would be ten to a dozen altogether, prisoners and all.

1998. At that time there was a commotion in the room?—Not a great commotion exactly. Dr. Gerothwohl was certainly shouting something, but what I do not know, and he was looking to the inspector as if appealing, but about what I do not know. His arms were akimbo, and so forth; he waved them about; he was very excited.

1999. Do I understand from you that Timmings said nothing to you all the time he was walking with you?—He never said a word to me.

2000. (*Chairman.*) How long have you been in the Force?—Two years and seven months.

2001. When did you go on duty on Saturday night?—At a quarter to seven.

2002. At the same time as the other constables?—Yes.

2003. What was your beat?—In the first place I went to Hamilton Place, right at the west end of Piccadilly, near Hyde Park Corner, for the purpose of regulating the traffic till 10, and then I was told off to take up a patrol at Sackville Street.

2004. Sackville Street alone that means?—Yes.

2005. Your duty, then, was to walk up and down Sackville Street?—Yes.

2006. That was from 10 o'clock onwards?—Yes.

2007. Had you been in Sackville Street until this occurrence a few minutes past 12?—Yes.

2008. And nothing untoward had occurred?—Not in Sackville Street.

2009. Had anything happened elsewhere that attracted your attention?—No, I had not been away from Sackville Street before.

2010. What induced you to go into Piccadilly at all and to leave Sackville Street?—The noise that I heard attracted my attention.

2011. Where were you when you first heard the noise?—In Sackville Street.

2012. Where in Sackville Street?—On the east side, about from ten to a dozen yards from Piccadilly.

2013. Then looking down from where you were towards Piccadilly, you would not see the church, I gather, according to my recollection?—No, it is at right angles, right opposite Prince's Restaurant.

2014. How many yards from Prince's Restaurant to the church do you make it?—I should think nearly 20 yards.

2015. And to the place where Timmings was arrested?—That would be about the same.

2016. Another 20 yards?—No. From the restaurant to in front of the church, about opposite the gate where Timmings was handed over to me, if I remember rightly, would be about 20 yards.

2017. You are now speaking from what you have been told, I understand, and not from what you saw. Did you see Timmings arrested?—No.

2018. I thought not. You first heard the noise 10 or 15 yards up Sackville Street, and hearing the noise you walked down on the east pavement of Sackville Street to the corner of Piccadilly and Sackville Street?—Yes.

2019. Did you look eastward?—I did not stop at all. I kept going.

2020. Straight across the road?—Not straight across the road, but slantways towards the church.

2021. Why did you do that. Was it that you heard something or saw something?—The noise was continuous, and as it came from that direction I walked in that direction.

2022. Then when you got to the corner of Sackville Street, you walked diagonally to the left, crossing the road, because you heard the noise coming from that direction?—Yes.

2023. You saw nothing of five men arm-in-arm?—No. I might mention this, that there is a rank for cabs standing in the middle of the road, and that might possibly be the cause of my not seeing them.

2024. You had to avoid the cabs in passing. You were going diagonally. You were not able to go quite straight, I take it?—In some cases cabs pull up as you walk towards them, because one gets a fare, and as they pull up they leave a space and you can go through.

2025. Were you walking rapidly?—Not very rapidly.

2026. What induced you to leave your beat?—Owing to the noise. It was unusual to hear such a noise as that. It was such an unusual thing that I naturally thought there was something very serious happening, and, not knowing what it might be, I went to ascertain.

2027. You went there because you believed it to be in accordance with your duty?—Yes.

2028. How far off from Constable Isaacson (43 C. R.) were you when you first saw him?—I did not notice him until he turned round to hand the prisoner over to me.

2029. You came right upon Isaacson, Timmings, and the people immediately round them in a crowd before you recognised him?—Yes, before I recognised Isaacson. When I saw Isaacson he had Timmings under arrest.

2030. Were they on the pavement then?—He was.

2031. Whom do you mean by "he"?—Isaacson.

2032. Where was Timmings?—He was on the pavement, too, as far as I recollect.

2033. Did you see a cab near him?—Not near Timmings.

2034. Are you perfectly certain that Isaacson handed Timmings into your charge on that side of Piccadilly?—On that side of Piccadilly—on the south side—yes.

2035. Have you heard it said by Dr. Gerothwohl at the Police Court and before us, that P.C. Isaacson had got Timmings with him in Swallow Street?—Yes, I have heard him say so.

2036. Are you perfectly certain that instead of going to the south side of Piccadilly you did not turn and go along the northern pavement and turn up Swallow Street?—I am positive of that.

2037. And that it was then that Isaacson gave Timmings into your charge?—I am positive of that.

2038. Then your account is that Isaacson gave Timmings into your custody and that you had to get across the road?—Yes.

2039. And he came quite quietly?—Yes.

2040. You went up to Swallow Street?—Yes, with Timmings.

2041. I think I gathered from an expression that fell from you that when you got Timmings into the charge room you were told to place Timmings in the dock?—Yes, I was told to place Timmings in the dock.

2042. Who told you?—Inspector Berry.

2043. (*Mr. Eldon Bankes.*) You were asked whether in the charge room there was any commotion. Was there anybody doing anything that could be described as commotion except Dr. Gerothwohl?—I think not.

2044. If there was any commotion, was it of his own creating?—Yes.

2045. Are you sure there was no one else there at the time who was doing anything, either talking loudly or creating a commotion of any sort, except Dr. Gerothwohl?—Not to my knowledge.

P.C. Ernest William Wellbelove (C. 333) sworn.

2046. (*Mr. R. D. Muir.*) You are a constable of the C Division?—Yes.

2047. Were you on duty outside Vine Street Police Station on Saturday night, the 7th April?—Yes.

2048. Was there any other constable on duty out there?—No.

2049. Did you see P.C. Divers come there with Timmings in his custody?—I did.

2050. At that time was there any other constable outside the Police Station besides yourself?—No, only myself.

2051. Did you see the other two constables come—Isaacson and Wallington?—Yes, I did.

2052. With their prisoners?—With their prisoners.

2053. How had they hold of their prisoners?—They had hold of their arms.

2054. From what distance did you see them approach the station?—As soon as Divers got into the station with his prisoner? Isaacson followed shortly after, and then came Wallington.

2055. How far up the street did you see them before they reached the station?—As soon as they turned Swallow Street—about 20 yards.

2056. Had they hold of their prisoners going that distance?—Yes, they had hold of them.

2057. All the way?—All the way.

2058. When Isaacson went into the police station with his prisoner, how did they go?—They went straight in.

2059. Was the prisoner pushed in by anybody?—No.

2060. How did the other officer, Wallington, with his prisoner, go in?—He went straight in the same way.

2061. Was there any pushing of the prisoners at all in your sight?—No pushing whatever.

2062. This is the description Dr. Gerothwohl has given as to how he went into the station:—"Just as I put my foot on the first or second step I was seized behind, shoved forward up the steps, and on the staircase P.C. 43 let go of Timmings and turned round, and, facing me *this* way, he seized me, twisted me round, and flung me on to another constable, and that constable flung me back." Did any part of that or anything like it take place in your sight?—No.

2063. (*Dr. Gerothwohl.*) I just want to put one or two questions to you. When you were standing outside, on which side were you standing?—On the west side.

2064. Were you within the passage?—What passage?

2065. The entrance?—I was just at the side close to the steps.

2066. Which way were you looking?—Towards Swallow Street.

2067. When we went in, how did we go in?—You went straight in.

2068. When Timmings went in with Divers, did you turn round?—Yes.

2069. Did you look up?—Yes.

2070. Did you do that with the others, too?—No, I watched them all come up.

2071. Did you see us go upstairs?—Yes. Then 43 C R. went in with Mr. Lavalette, and then you with 6 C R. went in behind.

2072. You say Divers, with Timmings, were already in the station when we were on the staircase?—Yes.

2073. You heard no commotion in Vine Street at that moment?—None whatever.

2074. You did not hear the awful row to which Constable Divers referred?—I heard a lot of shouting going on in Piccadilly.

2075. I suppose that had been going on all the evening?—No, not all the evening, but somewhere about midnight.

2076. Not since 11 o'clock, when the theatres closed?—No.

2077. Not at that time?—No, not at that time. I never heard shouting until just about midnight. I first heard a row just about midnight.

P.C. Wellbelove.

25 July 1906

2078. You heard no row before midnight,—No.

2079. There was no constable standing outside?—Only myself.

2080. Was there at any time that evening that you were there a constable standing outside?—No, only myself.

2081. There were never two there?—There were never two there.

2082. You are quite sure of that?—Quite sure.

2083. Had you been standing there for a long time?—Since 10 o'clock. I simply went into the station with a person who wanted to make some inquiry, to instruct her, and I came back again.

2084. That was before?—Yes.

2085. Were you at the station shortly after we went in?—I went to close the door behind you.

2086. Which door?—The charge room door.

2087. Why?—Because it is my place to close the door after a prisoner has gone in.

2088. In every case?—Not in every case.

2089. Why specially in this case?—Because you seemed very excited.

2090. There was then a slight commotion?—Yes, just inside the charge room, after you all had been brought in.

2091. On the staircase?—No, in the charge room.

2092. There was a commotion in the charge room?—Yes.

2093. Was that the reason you went up?—To close the door.

2094. You did not wish to hear the commotion?—No, it is not my place. My place is outside, on the steps.

2095. I do not quite see why you shut the door?—To keep the noise from the public.

2096. Then there must have been a good deal of noise?—Not much noise.

2097. A fair amount?—A fair amount.

2098. In Vine Street?—In the station, caused, I should think, by the three prisoners going in—when they were placed in the dock.

2099. You said you closed the door so as not to hear the noise. Surely that would not have been the noise in the station, but the noise outside?—No, in the station.

2100. The noise caused by us going in?—I dare say.

2101. There was a great noise on our going in?—Not before you went into the station.

2102. When do you consider we went into the station—on the staircase?—You went up the stairs, no doubt.

2103. Was there not a noise then?—No.

2104. It was only afterwards?—After you had got into the station.

2105. There was a great noise when we were in the station?—After you went in.

2106. (*Mr. Dickinson.*) How far is it from the pavement of the street in Vine Street to the charge room: how many steps are there?—I think there are about five or six steps.

2107. Then do you come at once to the charge room?—Yes. As soon as the prisoners entered the charge room I went behind them and closed the door, and came outside again.

2108. You say when they were in the charge room you heard a noise?—Yes.

2109. Do I understand from you that both of these gentlemen, with the policeman, went quietly up the steps into the charge room?—Yes. There was no noise before they entered the charge room.

2110. Then when Constable Divers said just now he heard behind him a commotion that was incorrect?—That was the noise in Piccadilly.

P.C. Wellbelove.
25 July 1906.

2111. He said just now that when he went into the station there was a noise behind him, and he thought if the prisoners were trying to escape it would account for the noise. That sort of noise, according to you, did not occur?—Not in Vine Street.

2112. Nor on the staircase?—No.

2113. (*Mr. Rufus Isaacs.*) Do you mean there was no scuffle of any kind?—No scuffle at all.

2114. Were they walking quietly?—Yes.

2115. All three of them?—Divers went in first, and the other two followed shortly afterwards.

2116. As I understand, you saw them coming up Vine Street?—Yes, they turned up Swallow Street into Vine Street.

2117. That is not many yards?—About 20 yards.

2118. They were walking all right?—Yes, very quietly.

2119. And as far as walking is concerned they were walking like sober men?—I did not take much notice of them. As far as walking is concerned, I should say so, but I did not take notice whether they were drunk or sober.

2120. When you saw them walking along they did not appear to be drunk?—No.

2121. Did you know what they had been arrested for?—I did not.

2122. You did not think it was for being drunk?—I did not know what it was for.

2123. I say you did not think it was for being drunk, did you?—I cannot say for being drunk or anything else.

2124. (*Chairman.*) Did you make any special report?—No.

2125. (*Mr. Eldon Bankes.*) How near did these gentlemen pass you as you were standing at the door at Vine Street?—As close as I am here to *this* desk; close by, almost touching.

2126. Were you standing on the pavement?—On the pavement.

2127. So that to get from where you were into the charge room they would have to go up five steps only?—Five steps.

2128. Then how near are they to the door of the charge room?—To the door is about a yard and a half, I should think.

2129. So that after passing you they would then go up five steps, and within about a yard and a half there would be the charge room?—Yes.

2130. If there had been any scuffle or pushing of these men into the station must you have seen it?—Yes.

2131. You heard no commotion, as you expressed it?—Not until after they had got into the charge room.

2132. What was the nature of the commotion you heard then which caused you to go and shut the door?—Shouting.

2133. Were you still standing on the pavement?—Yes.

2134. When you heard the shouting in the charge room, did that cause you to go and shut the door?—Yes.

2135. Is it part of your duty to shut the door?—Yes, when there is rather a noisy crowd going in.

Inspector Walter Berry, sworn.

Inspector Berry.

2136. (*Mr. Eldon Bankes.*) I think you are an inspector of the C Division of the Police?—Yes.

2137. You have had 17 years' service?—17½.

2138. How many years have you served in the Vine Street Division?—Just over two years.

2139. During that time have you acted as an inspector at Vine Street Police Station?—Yes.

2140. Were you in charge of the station on Saturday night and Sunday morning when this occurrence took place?—Yes.

2141. Do you remember Timmings being brought into the charge room?—Yes, I was in there at the time.

2142. At the time he was brought where exactly were you?—I stood at the door leading into the inspector's office. I had just dealt with a previous charge, and was just going to the office when the man was brought in, so I stopped there.

2143. It is said that when Timmings was brought in by Divers you told him to put Timmings into the dock. Is that correct?—Yes, that is so. I can explain that.

2144. Then was Timmings put into the dock?—Yes.

2145. What was the next thing that happened?—The other two men were brought in almost simultaneously.

2146. First of all Divers brought in Timmings, then Isaacson brought in Mr. Lavalette, and then Wallington brought in Dr. Gerothwohl?—That is so.

2147. They came in almost simultaneously?—Yes, within a few moments.

2148. Just describe in your own way what happened when the three men were in the dock?—They were put in the dock, and Dr. Gerothwohl and Mr. Lavalette were in a very excited state; Dr. Gerothwohl particularly. He was throwing his arms about; he had his stick in one hand, holding it by the middle; and he shouted out something about that he was coming to the station on behalf of the other man, indicating Timmings, who stood in the dock. I asked the constable what the charge was. Isaacson said he saw them arm-in-arm in Piccadilly, drunk, shouting, and pushing people off the footway. I said: "You hear what they say about being arrested on their way to the station. Where were they arrested?" Isaacson said they were arrested at St. James's Church, on the other side of Piccadilly, indicating the far side. I asked Wallington if he knew anything about the matter, and he corroborated Isaacson to the same effect. I asked them their names.

2149. Did you ask them their names before the stick incident or after?—After. As he was flourishing the stick about, the constable, in the usual way, asked him for it. It was rather dangerous for a man in his condition, I thought, to retain it, so I stood by him while he took it.

2150. Which constable was it who took it?—6 C R.

2151. That is Wallington?—Yes, he asked him for it. He said he would not give it up, and he held it in the middle, and in trying to get it away Wallington put one hand on one side and one on the other, thinking he would let go, but as he did not the stick broke in the middle.

2152. Are you quite sure that that was Wallington, and not Isaacson?—Positive. I stood there at the time.

2153. Was it after that incident that you asked them for their names?—Yes.

2154. And at the time that you were asking them for their names whereabouts were you?—Sitting at the desk, waiting to put it on the charge sheet.

2155. You had got the charge sheet ready to record their names?—Yes.

2156. Did they give you their names?—They tried to, but I could not understand them, so I copied them from their cards.

2157. At that time did they give you their cards?—Yes; they gave them to me, I think, when a difficulty arose about the spelling of the names.

2158. Did you copy their names, Gerothwohl and Lavalette, from their cards on to the charge sheet?—Yes.

2159. Did Timmings give you his name?—Yes, he gave me his name first. I would not be quite certain about that, but he gave it, anyway.

2160. Whilst you were sitting there writing down the names on the charge sheet what was happening? Were these men doing or saying anything?—Shouting; Dr. Gerothwohl especially was shouting and throwing himself about there. He kept on repeating there about their former protest, that they were coming to the station on behalf of the other man.

2161. (*Chairman.*) Did he keep repeating that, do you say?—Yes, he repeated it several times.

2162. (*Mr. Eldon Bankes.*) When you had completed the charge sheet did you read the charge out to them?—Yes, most distinctly.

2163. Did any one of the three say anything when you read it out?—Not one—not a word.

2164. What opinion did you form as to their condition from what you saw of them and heard them say whilst they were in the charge room?—I formed the opinion that they were drunk.

2165. Of course, with regard to the disorder which was alleged, you would have to depend on the statements of the constables?—In the street, yes.

2166. As regards the allegation of drunkenness, would it be your duty to inform yourself, as well as you could from their appearance, whether the charge could be justified?—Yes, I should exercise my personal opinion whatever the constable said.

2167. What was it that led you to think, from what they said and did in the charge room, that the men were under the influence of drink or drunk?—They smelt strongly of drink, their faces were very flushed, their voices were rather thick, they did not seem to have proper control over their tongues, and their eyes had a glassy appearance, which follows from drink.

2168. Were they very excited?—Yes, Dr. Gerothwohl particularly, but Mr. Lavalette not so much.

2169. Upon that you took the charge, you entered it, you read it over to them, and they made no answer?—No answer whatever.

2170. After a charge is made against a man and he disputes the fact that he is drunk, what is the course of procedure then?—We call the divisional surgeon to examine him.

2171. Was the divisional surgeon upon the premises during that night, do you know?—He was at the station at the time, in the office adjoining the charge room.

2172. From what these gentlemen had said you understood they were protesting about their arrest, because they were coming to the station of their own accord and were not disorderly. Did you understand that they were protesting on the ground that they were not under the influence of drink?—No, I did not.

2173. If you had had any doubt upon that point, and had understood that they were protesting about that, would you have called in the divisional surgeon in the ordinary course?—Yes, it would have been my duty to do so.

2174. However, there being no objection to the charge when it was read over, they were taken to the cells?—Yes, after being searched.

2175. What was the next thing that happened that you took part in? I think you did not visit the cells, did you?—No, I did not.

2176. Was it reported that they required a doctor sent for?—Yes, a Dr. Stewart, somewhere at Chelsea.

2177. I think you were informed of that by Inspector Smith, and he it was who visited the cells?—Yes, he visited the cells.

2178. And he reported to you that they required Dr. Stewart to attend?—Yes.

2179. Upon that what did you do?—I instructed the man appointed for the purpose to send a telegraph message to the police of that district for him to attend.

2180. I think you did send this telegraph message at 1.15 a.m. to the Chelsea police: "C. Division, Vine St. Police Station, 8th April, 1906.—Please inform Dr. Stewart, 98, Radcliffe Gardens, that Mr. Gerothwohl and Mr. Henri Lavalette are both charged here with drunkenness, and wish Dr. Stewart to medically examine them. Reply"?—Yes, that would be the message.

2181. Is that the ordinary procedure in such cases?—Yes.

2182. To telegraph to the nearest police station to the residence of the person who is wanted?—Yes.

2183. I think you got back an answer at 2.25 a.m.: "Dr. Stewart declines to attend"?—Yes.

2184. I think upon receiving that reply you went yourself to the cells, and saw Dr. Gerothwohl and Mr. Lavalette?—I did.

Inspector Berry.

25 July 1906.

2185. Did you tell them the result of your inquiry?—Yes, I informed them of the nature of the reply.

2186. What passed between you and them then?—I said, "There is our doctor on the premises, you can see him if you like," and they seemed only too pleased to take advantage of the offer, I thought. I got the cell key and let them out, and took them up, and they saw the doctor.

2187. I think they say Dr. Mitchell?—Yes, the divisional surgeon.

2188. He gave a certificate, and after that I think they were allowed out?—Yes, on bail, immediately afterwards.

2189. We want the time at which they were bailed. Do you keep a record in Vine Street of the times at which persons are bailed out?—There is a book kept for that purpose.

2190. Whose duty is it to keep that book?—The officer in charge of the station. I might say that that is not my writing there. The officer is here who wrote it.

2191. All it states is: "Bailed at 2.40 a.m. 8/4/06"?

(*Chairman.*) I think that is agreed.

(*Mr. Rufus Isaacs.*) I think, Dr. Gerothwohl, there is no dispute as to the time being 2.40, is there?

(*Mr. Lavalette.*) I think just afterwards I looked at a clock, and I noticed it was twenty minutes to three. We left the station about half-past two.

2192. (*Mr Eldon Bankes.*) It is only a matter of ten minutes. Was the door of the charge room left open after Timmings had been brought in by P.C. Divers?—Yes.

2193. You were in the charge room?—Yes.

2194. Is it possible for the scene which Dr. Gerothwohl stated occurred at the steps of the police station to have occurred, bearing in mind the fact that you were in the charge room and the door was open?—I should say it was quite impossible.

2195. It is suggested by Dr. Gerothwohl that he was "seized from behind, shoved up the steps, and on the staircase P.C. 43 let go of Timmings, turned round, and, facing me, he seized me, twisted me round, and flung me on to another constable; that constable flung me back, and I was again seized by P.C. 43 and twisted into the dock." Did anything of that kind occur in your presence?—No. I could not see on the stairs.

2196. But as far as the charge room is concerned did anything of that kind occur?—No.

2197. (*Dr. Gerothwohl.*) You said that when Timmings was brought in by Constable Divers you gave orders to have him placed in the dock?—Yes.

2198. You never said that at the police court?—No, and I did not say it now. Divers has said it now. I merely corroborate him.

2199. These three prisoners were not brought in by two constables?—What three prisoners?

2199*. Timmings, myself, and Lavalette. You said at the police court that the three prisoners were brought in by two constables, 6 C R. and 43 C R.?—No.

2200. "(*Witness.*) I was in charge of Vine Street Police Station at a quarter past 12 on Sunday morning; the three prisoners were brought in by two constables, 6 C R. and 43 C R."?—There is a mistake there, I think.

(*Chairman.*) In my copy it is three constables.

(*Mr. Eldon Bankes.*) I am beginning to doubt the accuracy of this shorthand note.

(*Witness.*) That is not accurate.

(*Dr. Gerothwohl.*) In the notes of the evidence supplied by the Home Office it is said, "I was in charge of Vine Street Station at 12.15 on the 8th April when prisoners were brought in." There is nothing further.

(*Chairman.*) The note that was brought by the Clerk of the Court says, "I was in charge of Vine Street Station at 12.15 on the 8th April when prisoners were brought in." You are reading from the shorthand notes?

(*Dr. Gerothwohl.*) Yes.

Inspector Berry.

25 July 1906.

2201. You are quite sure you were in the charge room?—Absolutely sure.

2202-3. Where?—Standing by the door leading to the inspector's office from the charge room.

2204. You were standing at the door?—I was just going to the door when I heard a prisoner coming in. Then I stopped.

2205. You were not standing by the dock?—The dock is against the door.

2206. You were not walking?—At what particular moment do you mean?

2207. When the prisoners were brought in?—I should say I was standing there then.

2208. Resting?—No, not resting. I was standing. Standing is not always resting.

2209. Previous to that you were in the front room?—No, in the charge room.

2210. Previously, a few minutes before, were you in the front room?—No, not for some minutes.

2211. Did you hear a commotion?—Some distance off in Piccadilly.

2212. Did you not come out of the front room?—When?

2213. On hearing a commotion?—No. I say I was in the charge room.

2214. "I was standing in the charge room by the dock when they were brought in. There was such a commotion, I went out to see what it was"?—Went out where?

2215. You heard a commotion. You did not come out. You said "There was such a commotion I went out to see what it was"?—I do not understand that.

2216. This is what you said at the Police Court: "I was standing in the charge room by the dock when they were brought in. There was such a commotion I went out to see what it was"?—If I was standing in the charge room there was no need to go out.

2217. Did you use those words at the Police Court?—Not to that effect. I do not remember that.

2218. You remember saying something to that effect?—No, not exactly.

2219. Are you positive you did not say this?—Not that it would have the same meaning as those words there have.

2220. You are positive you did not utter those words?—Yes, I am positive I did not utter those exact words.

2221. Or anything to that effect?—Or anything to that effect.

2222. You are quite sure. Just think a little will you?—I am thinking.

2223. What impression did that commotion make on you. Where was that commotion?—The principal part seemed to come from the neighbourhood of Piccadilly. You see there is a passage opposite the station. I could hear some shouting of people outside.

2224. Had you not heard that for some time?—No.

2225. Was it starting then at that moment?—No.

2226. Then it had been going on for some time. Why did you notice it so specially?—Because it was more than usual.

2227. In Piccadilly?—Yes.

2228. Do you pay very much attention to what is going on in Piccadilly when you are at the station?—No, I cannot very well do that if I am in the station.

2229. Does commotion suddenly strike you. You said there was such a commotion just outside?—Yes, that is what it sounded like.

2230. Just outside?—It is not far down.

2231. It is a good way down, especially if it was on the south side?—An extra noise could very well be heard that short distance.

2232. Would you call that just outside?—Yes.

2233. You call Piccadilly just outside?—Yes.

2234. I suggest that if the arrests took place there, at the door of Vine Street Station, it might account for the commotion?—The one that I refer to?

2235. The row you heard?—I do not agree with that suggestion.

2236. You said in Court: "It may have been part of it"?—Part of the whole noise.

2237. It may have been part of the commotion—the arrest outside Vine Street. These are your words. Counsel said: "I suggest if the arrests took place there it might account for the commotion"?—If it did—part of it.

2238. It may have been part of it?—Yes, if it took place outside.

2239. The arrests, therefore, taking place outside Vine Street may have accounted for the commotion?—No, part of it.

2240. Some of it?—I should think it was possible.

2241. When we were brought in where were you standing?—By the dock.

2242. Next to whom?—What, prisoners?

2243. Yes?—Timmings? I stood in front of him.

2244. Why did you stand in front of him? What was the particular reason?—I do not know that there was any particular reason. I was there and I knew there was a charge to be taken, so I stopped.

2245. You must have stood before him for some purpose?—No, I had no particular purpose—not then.

2246. You were in front of Timmings?—Yes.

2247. Of anyone else?—Do you mean after you were in the dock?

2248. Yes?—I came right along then.

2249. For what purpose?—To have a good look at you.

2250. For what purpose?—To see what condition you were in.

2251. You were before Timmings for no purpose?—At that time. I thought you meant before you came in.

2252. Timmings was a prisoner?—Yes.

2253. You were facing him for no purpose. When I came in you faced me for a purpose—to make sure as to my condition?—That applied to you all three when you were all three in the dock.

2254. But Timmings was in before?—Yes, he was.

2255. Why did not you examine him then?—I had no reason to at that moment.

2256. What was the charge against Timmings? Why was he in the dock if you had no reason to examine his condition?—At the time.

2257. You say you had Timmings placed in the dock by your order?—Yes.

2258. And you say you were in front of him at that moment?—Yes.

2259. Surely you must have been there for some purpose. You must have looked at him?—I did look at him.

2260. Did you notice anything as to his condition?—Yes.

2261. Then?—Yes.

2262. Why did you not say that before when I asked you whether you were standing in front of him?—I did not go there for that purpose. I understood you to ask me for what purpose I was standing there.

2263. Yes?—I did not go there for that purpose. I was there when he was put there.

2264. You tried to make yourself clear as to his condition?—I do not follow you.

2265. After making sure of Timming's condition you say you approached me to make sure of my condition?—No, Mr. Lavalette next.

2266. In what way did you approach us?—I only walked along in front of you. It was a matter of a step.

2267-8. When you were walking or standing in front of us what did you do? What did you do when you were before Mr. Lavalette?—I took the opportunity of smelling his breath.

2269. Did you approach very close?—No, it was not necessary.

2270. You did not examine him for his breath?—Not beyond that. I looked at his face, and took a mental note of his appearance.

2271. You smelled his breath?—Yes.

2272. Might his condition in the dock be accounted for by his excited state? Was he excited?—Yes. Mr. Lavalette, you mean?

2273. Yes?—Yes.

2274. Very?—Yes, I should say very.

2275. Might it be explained by his surprise at finding himself in the dock?—No, I should not say so.

2276. He did not look like a man who was excited by finding himself in the dock?—No, he did not.

2277. You are sure of that?—Yes.

2278. May I ask about what distance you were from him in order to smell his breath?—A couple of feet, perhaps, or a foot—quite close to the dock rail.

2279. You smelled him at that distance?—Yes.

2280. Well?—Yes.

2281. You are quite sure?—Quite sure.

2282. Then what did you do?—I noticed his condition.

2283. How long did you take making this examination?—A very short time; a few seconds, perhaps.

2284. You examined the three of us in a few seconds?—Yes.

2285. You did not smell our breath when you were standing at the end of the dock next to Timmings?—Not all three of you.

2286. Do you remember me flourishing my card in order that it might be given to you?—Yes.

2287. Do you remember it was some time before it was given?—Barely a second, I should say.

2288. Then you mean there was no opposition at all to taking it?—No.

2289. None whatever?—I should say not; it was of great assistance to us in getting the names on the charge sheet.

2290. You are quite positive?—Yes.

2291. You say you got our names from the cards?—Yes.

2292. At once?—As soon as I could.

2293. How were the names spelt on the charge sheet?—Your name?

2294. My name?—Morris Gerothwohl.

2295. Is it "Ger"?—I would not be quite certain about that. It might be "Gorothwohl."

2296. How could it be "Gor" if it was copied from the card?—I may have made a mistake; it being small print.

2297. How was Mr. Lavalette's name spelt?—Lavalette.

2298. That is how it is spelt, but is that how it was spelt on the charge sheet?—Yes, I believe so.

(*Chairman.*) Both names are incorrectly spelt on the charge sheet.

2299. (*Dr. Gerothwohl.*) And they were both copied from the cards?—I copied them as well as I could.

2300. Is your sight very clear?—It is clear enough for my purposes.

(*Mr. Rufus Isaacs.*) Is the original charge sheet here?

(*Chairman.*) The error is very trifling.

2301. (*Dr. Gerothwohl.*) Do you remember asking us our nationality?—Yes.

2302. What did I reply?—A Belgian, I think, to the best of my recollection. Whatever you said I put it on the charge sheet.

2303. What did I say as to my nationality? What is on the charge sheet?—Whatever is on the charge sheet is what you told me.

2304. I know what I told you, but I should like to see what is on the charge sheet.

2305. (*Mr. Eldon Bankes.*) "British subject"?—You said you were born in Belgium, and were a naturalised British subject.

2306. (*Dr. Gerothwohl.*) I said that?—Yes. It may not have been "Belgian."

2307. I suggest that Mr. Lavalette, who is a Belgian, said that. I am a British subject. With regard to the message you sent to Dr. Stewart at a later time, it was mentioned specifically to Dr. Stewart that two foreigners had been arrested?—That is a matter I cannot explain. That was done by the Police of that district where the message was delivered.

2308. You said a minute ago you thought I said I was a Belgian?—Yes.

(*Mr. Rufus Isaacs.*) The message to Dr. Stewart was in writing.

(*Dr. Gerothwohl.*) The message was only carried verbally.

(*Witness.*) The ordinary course would be that a copy would be made out by the Police at their end and delivered to that address.

(*Mr. Eldon Bankes.*) I find the original charge sheet is here, and I am afraid the inspector is right and the copy is wrong. (*The charge sheet was handed to the Commissioners.*)

(*Mr. Rufus Isaacs.*) It is simply a question of an "o" for an "e."

(*Mr. Eldon Bankes.*) The charge sheet looks to me to be right.

2309. (*Chairman.*) Will you look at your charge sheet (*handing*). Your handwriting lends colour to various remarks, and it lends colour to the remark that your "e's" and "o's" are very remarkably alike?—It is spelt Gerothwohl.

2310. You said it might be "Gorothwohl"?—Yes.

2311. Now look at Mr. Lavalette's name?—Lavalette.

2312. You think it is the letter "e"?—Yes.

2313. You think it is "Lavalette" and not "Lavalotte"?—Yes.

2314. (*Dr. Gerothwohl.*) I suggest to you that there was some confusion in the charge room?—Not confusion. There was a lot of noise that you and Mr. Lavalette were making.

2315. Were not the constables joining in?—I should not allow it.

2316. You did not allow them to push us about?—Not in the charge room.

2317. You say nothing about the staircase?—No.

2318. You say you were informed by Inspector Smith that we requested to see a doctor?—Yes.

2319. Did Inspector Smith not convey to you the message that we wanted to see two gentlemen?—No.

2320. You are quite sure of that?—Quite positive.

2321. He did not suggest anything to you about Mr. Graves?—He did not—only Dr. Stewart.

2322. Did you see us searched?—Yes.

2323. Who searched me?—P.C. 6.

2324. P.C. 6 searched me?—Yes.

2325. In what way?—I am not sure whether he put his hands in your pockets or not.

2326. He may have done?—He may have done.

2327. You heard him say he never touched me. He never put his hands in my pocket. He said he did not search me?—I do not think he said that. I think he said he was not quite certain about it.

2328. You are not quite certain about it either?—Not about putting his hands in your pocket. If a gentleman offers to give up his knife and matches there is no necessity for him to be searched.

2329. You did not see Constable Isaacson search me?—No.

2330. You did not hear Constable Isaacson say to me "I am not going to rob you"?—No.

2331. Did you see Mr. Lavalette searched?—Yes.

2332. By whom?—By Isaacson.

2333. Did he search him?—I will not say he put his hands in his pocket. A man searches his own prisoners.

2334. Did you throw the matches into the fire?—No.

2335. It is not your habit to throw them into the fire?—We keep them and hand them to them afterwards with their other property.

2336. You remember, of course, releasing us from the cells?—Yes.

2337. And offering us the services of Dr. Mitchell?—Yes.

2338. Until when were you in the charge room after

Inspector Berry.

25 July 1906.

we had been placed in the cells?—Until you were about to be bailed out.

2339. All that time?—Not in the charge room, but I was in the office.

2340. You never heard anything about the bell being rung from our cell?—No.

2341. I suggest that it did not work?—They were in working order. They are examined every time an officer takes the station over.

2342. You never heard it ring?—No.

2343. As we were emerging do you remember Mr. Lavalette saying to you, "Surely you are not going to say we are drunk."?—He did not say any such thing.

2344. You have no recollection of that?—I am sure he did not say it.

2345. You are quite sure?—Quite sure.

2346. You are quite sure you did not reply "Yes—it is always wrong to interfere," or words to that effect?—Absolutely positive.

2347. Quite positive?—Yes, nothing like it. I should not be so indiscreet.

2348. After the medical examination you spoke to us a little?—I did not.

2349. Not at all?—No.

2350. Were you present when we left after the medical examination?—You were bailed out.

2351. But were you there?—Not when you were bailed out.

2352. You did not see us leave?—No, I did not.

2353. (*Chairman.*) I do not quite follow the expression "bailed out." I thought they were let out on their own recognisances?—That is the same thing.

2354. (*Dr. Gerothwohl.*) I put it to you you saw us leave?—I do not think I actually saw you leave the station; you were about to leave.

2355. You said at the Court, "I saw you leave." Were we drunk at that time?—When you were bailed out?

2356. Yes—in your opinion, of course?—No.

2357. We were perfectly sober?—You were not drunk, I will say that.

2358. You say Dr. Mitchell was in the building when we were brought in?—Yes.

2359. You heard our protest?—About the way you were arrested.

2360. And that we were coming about the third man, and so forth?—Yes.

2361. You thought we were drunk too?—Yes.

2362. You did not suggest the services of the divisional surgeon, who was in the building?—No, I did not.

2363. Why not?—You did not ask for them, and I did not think it necessary.

2364. Not when there was a protest?—I did not take a protest as to your condition.

2365. Is it the duty of the officer when a charge of drunkenness is made when there is any protest to send for the surgeon?—If they protest about their condition; if they deny drunkenness, or anything of that sort.

2366. If they just deny the charge formally?—No. If they deny the drunkenness we send for the divisional surgeon.

2367. Is it not a denial of drunkenness to protest against the way you are treated when you say you are coming about another man?—No, I should not take it so, or I should have called the doctor.

2368. Do you remember my walking up to you immediately the bar of the dock was raised and saying, "Do you really think me drunk?"—You did not do so.

2369. You do not remember that?—I say you did not do so.

2370. You say I did not do so?—You did not.

2371. You do not remember answering "Yes"?—No, as I say you did not do so.

2372. If I had asked you would you have answered "Yes"?—Certainly I should.

2373. When we were leaving you say we were perfectly sober?—I did not use the adjective.

2374. Had we any indication of drink on us?—Yes. You seemed to have the after effects of drink about you.

2375. In the police court you said "No, I cannot say they had." "Had they any indication of drink on them when they left? (A.) No, I cannot say they had"?—I do not remember saying that at all.

2376. Did our breath smell?—When you went out?

2377. Yes?—Yes, slightly.

2378. You can judge of it. You came close enough to judge of it?—You will remember I spoke to you through the trapdoor of the cell. I walked up in front of you when you came out of the cell and spoke to you.

2379. You were near enough to smell our breath?—Yes.

2380. You say we did smell of drink?—Very faintly.

2381. When you were asked that question by counsel, "Did their breath smell?" you answered, "I could not say; I did not get close enough to them."

(*Mr. Rufus Isaacs.*) You are asking the inspector about something which you read out, and which he is supposed to have said when you were leaving?

2382. (*Dr. Gerothwohl.*) Yes. You were asked, "Had they any indication of drink on them when they left? (A.) No, I could not say they had. (Q.) Did their breath smell? (A.) I could not say; I did not get close enough to them." You have just said that when we did leave the station you got at any rate, if not for that purpose, close enough to us to notice a faint smell of drink?—I spoke to you at the cell door about Dr. Stewart not coming. I spoke to you through the trapdoor of the cell, you remember.

2383. It was when we were about to leave?—When I let you out of the cell.

2384. When we left the cell we were medically examined?—That is so.

2385. We were not brought back to the cell?—No.

2386. That would not be when we were leaving?—That would be so.

2387. You said we could not walk properly. Did you think we could not walk properly when we were brought in?—When you were in the dock—yes, that was my impression.

2388. We were brought in. We had an opportunity of walking in. I mean did we have an opportunity of walking, because if we were flung about we should have no such opportunity?—If you were flung about certainly not, but I do not consider you were; you certainly were not in the charge room.

2389. Were we held by the constables when we were brought in?—Yes, they held your arm.

2390. One of them?—Yes.

2391. And they never let go of us before we got into the dock?—Just as you went into the dock.

2392. Did they shove us into the dock?—No, certainly not.

2393. Did they help us into the dock?—In what sense do you mean?

2394. Were they holding us?—You went in by yourself.

2395. (*Chairman.*) You made a special report in this case, I think?—Yes.

2396. You have told us you formed the opinion that the three men in the dock were all drunk?—Yes.

2397. Now, I am going to read a sentence from your report: "As in my opinion they were all drunk, I did not place any credence in the allegations made by the two former prisoners respecting their arrests, and they were all charged accordingly." The allegations, I think, is the allegation that they were going to the station to speak for Timmings?—No—as to the way they were arrested.

2398. "In the dock Gerothwohl stated that he and Lavalette were coming to Station to hand in their cards on behalf of Timmings, and were arrested when on way here." That is, I take it, the allegation you refer to in the extract I have read?—Yes.

2399. It is perfectly clear, is it not, that these two men, at any rate, were not drunk or incapable?—They were not incapable, certainly not.

2400. Even supposing that you say they were talking thickly, or talking in a way that indicated that they had been taking too much drink, why did you come to

the conclusion that you ought not to attach any credence to anything they said before they were charged with being drunk and disorderly?—They did not appear to be in a condition to make any reliable statement. That was the opinion I formed.

2401. I thought there was an old maxim that when in wine the truth comes out?—It may be so; but I do not think that applies to this case.

2402. Do I understand you now to say that they were so drunk that you did not think it was worth while to pay any attention to anything they said?—Yes.

2403. Why?—They appeared to me to be in that condition when men frequently do make all sorts of wild allegations against the police.

2404. Wild allegations against the Police? The allegation was "that he and Mr. Lavalette were coming to Station to hand in their cards on behalf of Timmings, and were arrested when on way here." That seems a perfectly coherent allegation, at any rate?—Then I will say serious allegations instead of wild allegations.

2405. It is a complete sentence, is it not?—Yes.

2406. The prisoner, at any rate, made it quite clear to your mind what he was alleging against the Police?—Yes, he did. I gathered from what he said what he meant, of course. I cannot say the exact words he used, but I gathered from what he did say that that was the allegation he made.

2407. That he and Mr. Lavalette were coming to the Station in order to speak to you as inspector on behalf of Timmings, and that before they got to the Station they were arrested?—Yes.

Inspector Berry.
25 July 1906.

2408. Did you not think that if people are in a position to give an explanation, reasonable in form, at any rate you might have made some further inquiries about the matter?—I made inquiries of all I could, and the constables who were there directly contradicted them. It was a matter of whom to believe.

2409. You have stated it strongly in your report: "As, in my opinion, they were all drunk, I did not place any credence in the allegations made by the two prisoners"?—Yes.

2410. I do not follow that. On what ground did you come to that conclusion?—I thought, in view of all the circumstances, I should believe the constables sooner than them. That was the position I was in. Had the constables admitted anything like that I should not have taken the charge.

2411. I do not find in the charge sheet any column for any remarks made by the accused?—No, there is not any such column.

2412. I see the charge of "Drunk and disorderly in Piccadilly," but there is no column at all in which apparently any remark made by the accused is to be entered?—No, there is no such column on the charge sheet. There is a column for remarks by the magistrate.

(*Chairman.*) We will now adjourn till 12 o'clock on Monday, and we shall sit here, unless public notice to the contrary is given.

FOURTH DAY.

Monday, 30th July 1906.

PRESENT:

Sir DAVID BRYNMOR JONES, K.C., M.P. (*Chairman*).
RUFUS DANIEL ISAACS, Esq., K.C., M.P.
WILLOUGHBY HYETT DICKINSON, Esq., M.P. (Barrister-at-Law).
CHARLES ALGERNON WHITMORE, Esq. (Barrister-at-Law).
J. W. ST. LAWRANCE LESLIE, Esq. (Barrister-at-Law), (*Secretary*).

Inspector WALTER BERRY, recalled.

2413. (*Mr. Rufus Isaacs.*) Did you notice how these gentlemen were dressed when they were brought in?—I cannot say exactly. I could not swear to it, at any rate. They were very respectably dressed.

2414. Otherwise you did not pay any particular attention?—No, I did not.

2415. Was their dress at all disorderly?—No, I did not notice it.

2416. Nothing to attract your attention in any way?—Not in the matter of dress.

2417. They talked rationally, did not they?—Not altogether; rather wildly, I thought.

2418. I was on the question of dress, but I thought you used the word yourself, in your evidence before, that they talked rationally, although I think you added they talked excitedly. But in what they said there was no difficulty in understanding them?—No. I think I said that before.

2419. The only thing that, as I understand, you mean by saying they talked wildly is that they were very excited?—Yes.

2420. And you thought their allegations were wild?—I did.

2421. But why were the allegations wild. What they were saying was very definite, was it not?—It was, but it struck me that under the circumstances it was not altogether reliable.

2422. But what circumstances were there which made it unreliable, except that you had got the contradictions from the constables?—That is all that I could get, and previous experience of men who do make accusations against the police when they are in that condition.

Inspector Berry.
30 July 1906.

2423. I suppose it is not uncommon when a man is charged for him to make an accusation against the police?—Not at all; it is only too frequent.

2424. It becomes a somewhat stereotyped form?—Very often.

2425. And you get to look upon it in a somewhat stereotyped manner?—Not altogether. It all depends on circumstances.

2426. But the fact that you have to hear it so often would rather tend, would it not, to make you believe the police?—Not altogether, because in each case we should look at the surrounding circumstances.

2427. So I should have thought; but in this particular case I do not quite follow what was done, except that a question was put to the police?—That was all I did, and all I am able to do on the spot.

2428. Then, from the answer which was given by the police, you came to the conclusion that these allegations were wild?—Yes.

2429. Did you inquire of them whether they had ever known Timmings before?—No, I did not.

2430. That was rather an important matter, was it not?—It did not strike me so at the time.

2431. It did not occur to you?—No.

Inspector Berry.

30 July 1906.

2432. But it does now, does it not?—It does now, in view of after events.

2433. I should have thought, if they were coming to the police station to complain, it was a very important matter to know whether they knew the man with reference to whom they were coming to the police station. However, you say it would occur to you now, but it did not strike you at the time?—It did not strike me at the time.

2434. You have spoken about symptoms which you noticed with them. I want to know, first of all, with reference to the smell of drink of which you have spoken. Do you attribute much importance to that?—I took it in conjunction with other facts.

2435. But by itself I suggest to you that a man smelling of drink does not indicate that he is drunk?—No, not that alone.

2436. It is rather difficult to tell, is it not, from the smell, whether the man has had much or little?—From the smell alone, yes.

2437. So that from the smell itself all that you could tell would be that the man at some time, perhaps during the last few hours, has had some alcohol to drink?—That is so.

2438. That is all you could arrive at from the smell?—That is all.

2439. That does not seem to be of any assistance to you?—Taking it in conjunction with other facts I think it is.

2440. How long do you think the smell would last?—I could not say.

2441. In this particular case did you notice any difference between the condition of the three persons charged?—Yes, Timmings was worse than the other two.

2442. That you are clear about?—Yes, quite.

2443. Have you ever said that before?—I have said it before.

2444. At the police court?—No, I did not say it there.

2445. Have you ever said it in your report?—I do not remember.

2446. Am I not right in saying this, that throughout hitherto you have maintained they were all three in the same condition?—I do not think so, but I will not be certain on the point.

2447. So far as I know, from the evidence that has been given in this case, it has been the statement that you have made that they were all three in the same condition?—No, I do not think so.

(*Mr. Eldon Bankes.*) I do not think the point ever arose as to distinguishing between the condition of the three. The statement was that they were all three drunk.

2448 (*Mr. Rufus Isaacs.*) I think perhaps that is right. I am not pinning myself to words, but perhaps that is right. That confirms what I am putting to you. You say they were all three drunk, and I am pointing out to you that you were making no distinction between the condition of Timmings and the other two?—I said they were all drunk, of course.

2449. Then that does mean you did not attempt to draw any distinction between the condition of Timmings and the other men?—Oh, no, sir. I thought you were speaking as a matter of degree.

2450. I do not mean as a matter of degree, but what I am asking you about is as to what you said at the police court, and the effect of it would be this, that so far as your evidence was concerned you did not draw any distinction to the magistrate between the condition of Dr. Gerothwohl and Mr. Lavalette and Timmings?—I do not think I did.

2451. As far as the magistrate knew from your evidence they would be in the same condition?—As far as the magistrate was concerned, yes, I suppose so.

2452. You do not appear to draw any distinction between the stages of drunkenness and the degrees of drunkenness?—No, I do not think I did.

2453. I suppose it might be that a man might be very excited after he had had some drink without being in the slightest degree drunk?—That might happen sometimes.

2454. Do not you think that the condition of Dr. Gerothwohl and Mr. Lavalette was somewhat that condition?—No, I do not.

2455. You still think that they were drunk?—I do, sir, yes.

2456. Now a little more about that. You have said their faces were flushed?—Yes.

2457. That is a very ordinary symptom of undue excitement, is it not?—It occurs in some cases, but in other cases there is quite a contrary effect, and they go white.

2458. That is quite true, but these gentlemen were very excited?—Oh yes, they were.

2459. Whether they were right or wrong they were in a state of very great excitement when they were brought into the station?—Yes.

2460. And from the earliest moment, as I understand you, that they were in the station (please correct me if I am wrong), as soon as they were able to articulate, they protested against being brought there, with the statement that they had come to give evidence on behalf of Timmings?—As soon as they were put in the dock.

2461. They had no chance of speaking till then, had they?—No, not to me.

2462. Then from the moment they got into the police station, and as soon as they could address you, they made that statement?—Yes.

2463. And as I understand the evidence you gave us on the last occasion they repeated that statement on several occasions?—Yes, Dr. Gerothwohl did.

2464. And Mr. Lavalette?—Yes, he corroborated him in a way. I could not say the exact words.

2465. When you smelt them could you then swear they had been drinking whisky?—No, I could not.

2466. Brandy?—No, I could not.

2467. Do you mean you could not tell what they had been drinking?—I could tell it was alcoholic liquor—that was all. It was an alcoholic smell.

2468. Do you often make this test for the purpose of corroborating charges made?—Yes.

2469. You get in the habit, I suppose, of knowing to some extent according to your view when you smell a man's breath who is in the dock whether he has been drinking or not?—Oh, yes.

2470. Cannot you distinguish between, we will say, his having been drinking beer and his having been drinking brandy?—No, I would not like to say that I can for certain. Rum smells particularly strong, you might distinguish that.

2471. You say rum smells particularly strong?—Yes.

2472. Do I understand you to say that when you smelt the breath of these men you could not tell whether they had been drinking whisky or whether they had been drinking beer?—No, I could not—not for certain.

2473. All you could detect was from the smell that they had been drinking something alcoholic?—That is so.

2474. But you could not tell what?—I could not tell what.

2475. It cannot have been so very strong, can it?—It was quite strong enough to smell standing a yard or two away from them.

2476. But these three men were in the dock together?—Yes.

2477. Do you mean to say you could tell whose breath it was you were smelling a yard or two away?—I do not say I did smell them a yard or two away. I say it was strong enough to smell it. I was one side of the rails and they were the other.

2478. They were standing very close together in the dock?—Yes.

2479. I have seen the dock, and it is quite a small place, and three men would be standing quite close together?—There is plenty of room for four standing side by side.

2480. But still they were standing close together?—Oh, yes.

2481. As I understand what you did was you passed in front of them?—Yes.

2482. And from passing in front of them you came to the conclusion that each one of them smelt of drink?—Yes.

2483. And strongly?—Yes.

2484. Were they able to walk properly when they came into the station?—I could not tell thoroughly. I only saw them as they came through the door.

2485. As far as you could see they could walk properly, could not they?—They seemed to me to be staggering a bit even when the policeman had hold of them.

2486. Staggering?—Yes, slightly. Timmings, of course, particularly so.

2487. Do not bother about Timmings for a moment, I am asking now about Dr. Gerothwohl and Mr. Lavalette. Did you see them before they came into the station?—No.

2488. You had heard some commotion outside, you told us?—Yes, I heard footsteps like you usually hear when a charge is coming to the station.

2489. Did you hear any scuffling?—No.

2490. Or shuffling of feet?—I heard a shuffling of feet like you hear when a charge is being brought to the station from the crowd that follows.

2491. Am I to understand that the commotion you heard outside was the police walking up quietly with the men in charge—nothing more than that?—And the crowd that usually follows a charge to the station. That is what I mean.

2492. Had a crowd followed in this case?—I could not say, but I took it to be that.

2493. You heard sufficient footsteps outside or sufficient numbers outside to make you think that there was a crowd?—A good number of people.

2494. That must have been a pretty considerable amount, I suppose?—You see there is no other sound round that street. There is no traffic, so you can hear pretty distinctly.

2495. We have got to this, that you heard just before they were brought in, commotion outside?—Yes.

2496. Which, according to you, was caused by a number of people who were following the police and the men they had in charge?—In my opinion. You frequently hear it.

2497. When they came into the station were they walking quietly?—I do not know about quietly, but practically so.

2498. I only want to know what you tell us. You say "practically so." Does that mean they were walking quietly or were struggling to get away from the police?—There was not any struggling.

2499. Then they were put into the dock?—Yes.

2500. And they did not struggle then?—No, they threw themselves about a bit, particularly Dr. Gerothwohl, who threw his arms about with a stick.

2501. That was his excited manner of speaking—that was all, was it not?—It did not seem to be so necessary for him to wave his arms about to speak.

2502. Some people do?—No doubt, Dr. Gerothwohl did on this occasion—most decidedly.

2503. There was nothing more than that was there?—No.

2504. They were not violent, or anything of that kind?—I should hardly use that term.

2505. Will you tell me why it is that you have described their conduct as very violent? It is puzzling me on the evidence that we have heard. You describe their conduct as very violent. Why is that? It is not correct from what you have told me just now, and I should like to know why you said that?—It might be a rather strong term.

2506. It would not accurately describe what had been taking place in the station, according to what you have just told us?—Probably not—not the use of the adjective.

2507. Let me read you what you said in your report that was made immediately after, when there was a complaint made about this matter: "Dr. Gerothwohl and Mr. Lavalette were both very violent in the station." That is not accurate?—Not exactly so. I should like to modify that statement.

2508. Is it not a very important matter that you should be strictly accurate when you are reporting to your superior officers?—It is an important matter.

2509. I do not understand how you came to use words of this kind. This was after they had been discharged, and after you were called upon to make a report in consequence of the complaint that was made, and you say this: "Dr. Gerothwohl and Mr. Lavalette were both very violent in the station, the former, who is a tall, powerful man, particularly so?—Yes, that is so.

2510. You agree that that is not an accurate way of expressing what took place?—It is rather too strong a term to use. Still, I had in my mind to speak to the truth when I made that report.

2511. It is a rather coloured report, according to what you have told us just now. That is so, is it not?—I must agree with you, sir, now.

2512. You have told us about the stick?—Yes.

2513. And a good deal of importance, apparently, is attributed to what took place with the stick by you, because I find it referred to in the report. As I understand, what had taken place was, according to your statement to us, that Wallington tried to take the stick away from Dr. Gerothwohl, or tried to get him to give it up, and he would not give it up?—That is so.

2514. And thereupon he took it away from him?—Yes. I asked him myself as well to give it up, or I tried to make him hear, but he was making so much noise that I would not say he heard me. Then, of course, Wallington did try to take it away from him.

2515. You asked him yourself to give it up?—Yes, I did.

2516. I do not think you told us that on the last occasion, did you?—Probably not.

(*Mr. Eldon Bankes.*) Not on the last occasion, but it is in his statement.

2517. (*Mr. Rufus Isaacs.*) That is quite a different thing. I am speaking of the evidence. I know perfectly well it is in the report, and I am going to ask you a question about it. What I am much more concerned with than the report is the sworn testimony which you gave. You gave evidence at the police court?—Yes.

2518. I just want to be quite clear, so that you may not be misled in any way. I am rather under the impression that at the police court you said nothing in your examination-in-chief about the stick. Apparently you were not asked, and you did not say anything about it?—No; the question of the stick did not crop up when I was at the police court.

2519. I think that is quite right?—No one made any statement about it except Dr. Gerothwohl, when he gave his evidence. The magistrate asked me nothing about it.

2520. Nothing was made of it when you gave your evidence?—No.

2521. But you gave us your evidence on the last occasion here, and I think I am right in saying that you said nothing about it then?—I do not think I did mention it last time.

2522. You told us of the incident about the stick, and told us nothing about having persuaded him to give it up?—I asked him to give it up to the constable.

2523. The thing I want you to explain about that is this, the first time I find anything about that is in your report?—Yes.

2524. Which is made after the case had been heard?—Yes.

2525. You asked him to give it up?—Yes.

2526. Is that all that took place about it, so far as you were concerned?—That is all.

2527. Do you mean you merely said to him he was to give it up?—I said, "Why don't you give the stick

Inspector Berry.

30 July 1906.

to the constable?" or some words to that effect. Wallington had already asked him for it twice.

2528. You have said that you could not swear that he heard you?—I could not swear that Dr. Gerothwohl heard me.

2529. You said he was flourishing the stick about? Yes.

2530. And the constable asked him for it. "It was rather dangerous for a man in his condition, I thought, to retain it, so I stood by him while he took it. (Q.) Which constable was it who took it? (A.) 6 C R. (Q.) That is Wallington? (A.) Yes, he asked him for it. He said he would not give it up, and he held it in the middle, and in trying to get it away Wallington put one hand on one side and one on the other, thinking he would let go, but as he did not the stick broke in the middle." That is your account that you gave to us on the last occasion of what took place?—Yes.

2531. You observe you told us before that you were standing by Dr. Gerothwohl while the police constable was taking it away, but you do not say a word about having spoken to him about it?—No, I do not think I did. In fact, according to what you have read, I did not say so. It is quite true, though.

2532. But you were telling us the whole story. It would not be right to say you were endeavouring to persuade him to give it up, would it?—I should say it would.

2533. You think it would?—Yes.

2534. Why did you not tell us that when you told us your story on the last occasion? It was a very important matter, so far as this incident of the stick goes, because a great deal has been made of it, and it has been referred to a great many times, and you yourself were telling us the whole story. The fact that you stood by and endeavoured to persuade him to give it up would be a very important element in the matter. Why have you not ever said that before?—I suppose it escaped my memory last week. That is all—that is the only reason I can give. It is a perfectly honest mistake, I can assure you.

2535. You mean it had occurred to you when you wrote the report, but you forgot it when on the last occasion you were giving evidence?—Yes, that is the only explanation I can offer.

2536. You seem to have remembered it pretty fairly well when you were giving your report?—There has been rather a long interval between that and now.

2537. Have you seen your report since you wrote it?—No, I do not think I have.

2538. The report would be written on the 13th April?—I could not swear to the date.

2539. But that is the date upon it. Have you never seen it since?—I do not remember having done so.

2540. When your men make reports—for instance, Isaacson and Wallington and Divers—do they have to submit them to you?—Not to me personally in this case.

2541. Did you see them?—No, I do not think I did. I do not remember seeing them—not to read them, anyhow.

2542. You knew they were making reports?—Oh, yes.

2543. You knew a charge had been formulated to the Home Secretary, and that reports were called for?—Yes, I know that.

2544. And you knew that the police constables had to make reports?—Yes.

2545. Who would see those reports before they were sent in?—The Sub-Divisional Inspector, the superior officer to me.

2546. He countersigns it?—Yes.

2547. That would not be you?—No.

2548. Let me go back for a moment to the question of the symptoms we were upon. There was nothing really the matter with their speech, was there?—There seemed to be a thickness in the speech.

2549. You say there seemed to be, but I suppose it was a sort of thickness that you may possibly find with men who were very excited and thinking they were improperly charged?—Not in my experience.

2550. You think the sort of thickness of speech you found was inconsistent with that?—Yes, I do. It is generally associated with men who are in a state of intoxication.

2551. It was not sufficiently distinct for you to be able to say that it was quite impossible for them to be sober with the thickness of speech that you heard, was it?—I should say it was.

2552. All the excitement would not account for the state of speech?—It may have partly accounted for it, but to a very small degree.

2553. But the thickness itself was a very small degree?—It was not very pronounced, but it was enough to notice it.

2554. You told me it would be partly accounted for by the excitement, and a very small degree of thickness of speech might more easily be accounted for by a very great degree of excitement, might it not?—It may have been.

2555. You told us something about their eyes?—Yes.

2556. Apparently, as everybody seems to agree, in the state of great excitement which they were in I suppose their eyes were bright and flashy?—I do not know about flashy, but a glassy appearance.

2557. That is a matter I want you to explain. In your opinion their eyes had a glassy appearance?—That is the best way I can describe it.

2558. Does not that seem to you quite inconsistent with the story you have been telling us about the state of excitement in which they were, and what they were saying?—In what way?

2559. You say their eyes had a glassy appearance. Apparently they were very excited and were protesting against being arrested. Do you think they would still maintain the glassy appearance of the eye?—Yes.

2560. Did you attribute importance to that symptom?—Taking it in conjunction with the others, I did.

2561. Have you ever said that before you told us that the other day?—Said what?

2562. That their eyes had a glassy appearance. Have you ever said it before. One of the questions was whether they were drunk, and you told us on the last occasion that their eyes had a glassy appearance. What I want to know from you is have you ever said that before. You had been asked for their symptoms at the police court, and you have given a report as to the condition in which you found them, and their symptoms. Have you ever said that their eyes had a glassy appearance?—No, I do not think I have. I may say that I was not asked for the symptoms at the police court.

2563. Were you not? You were cross-examined, and you said they were drunk. Then you were asked why do you say they were drunk, and you say because they were excited, and you say not only that, but because also of their wild behaviour, and they smelt of drink. You were asked in detail about it?—Yes, I was.

2564. According to you the eyes having a glassy appearance would be an important element, would it not? That would assist you, and if you found a man smelling of drink and his eyes had a glassy appearance, you might come to the conclusion that he was drunk?—Yes.

2565. Do you mean to tell us that in the condition in which they were, and in the protests which they were making at the time, that you noticed that their eyes had a glassy appearance?—Yes.

2566. I should like to know why you have never mentioned that before. Had it slipped your memory?—That is the only explanation I can give.

2567. The only explanation that you can give to me is that it slipped your memory?—Yes, that is all.

2568. But you see these men were arrested, and the police court proceedings took place in April, and you made a report on the 13th April. Your memory would be a great deal fresher then than it would be now, would it not?—Yes, it would have been in the ordinary way.

2569. How is it that in the interval of time when you were giving your evidence the last time for the first time you remember their eyes had a glassy

appearance?—I remembered it all along, but I did not state so probably. In my report I did not go into the symptoms.

2570. If you remembered it all along why did you not say so. I thought you told me you had not remembered it. Why did you not say so before, if you remembered it?—I cannot say.

2571. I can understand you saying that you did not remember it, but I cannot understand why, if you did remember it you should not have said so?—When—on the last occasion when I gave my evidence, do you mean?

2572. No. You told us about it then, but on the last occasion when you were giving evidence in the police court and on the occasion also when you made the report—particularly when you were giving evidence at the police court. I think you are justified in saying you were not asked for particular symptoms in the report, but you were cross-examined at the police court, and you were asked for what reasons you said they were drunk, and I do not understand, if you recollected at that time that their eyes had a glassy appearance, why you should not have said so. Does it not strike you as the strongest symptom you could get?—Not the strongest.

2573. As strong as any other?—Probably so.

2574. You did not recollect it?—No, I did not.

2575. Will you tell me what has assisted you to recollect it on the last occasion?—Nothing that I am aware of.

2576. You understood, did you not, from the very first—I rather think it follows from your evidence—that they were protesting from the moment that they could speak to you against having been arrested?—Against where they were arrested.

2577. Not only against where they were arrested, but against having been arrested?—Yes, I took it to be that.

2578. Their contention was that they had not been disorderly in any way and that they had been wrongly arrested?—I did not take it to mean that.

2579. You mean you thought they were not protesting against being charged with being disorderly?—No, I did not.

2580. You did not think that?—No.

2581. Did you think they were making no protest against the charge then?—In a way, of course.

2582. In a way?—Yes.

2583. What other way was there than to give speech to it?—That is the only way they would have if it comes to that.

2584. In the only way they had of protesting they did protest?—I suppose it would amount to that.

2585. You understood it was because you have told us here to-day that they protested, and not to waste time over this, inspector, did you not quite understand from the protest they made and repeated, that their point was that they were wrongly arrested, and they had come to the police station in order to give evidence on behalf of Timmings?—Yes.

2586. And that therefore they were disputing the charge of being drunk and disorderly?—I did not look upon it in that light.

2587. I do not understand that. Do you mean you did not look upon it in that light then?—No, I did not.

2588. I wish you would explain what you mean as to that. You told us that the moment they were in the dock they protested against having been arrested and where they were arrested, and they also said they had come to speak on behalf of Timmings. You understood that as a protest against being charged with any misconduct, did you not?—I understood they were protesting against being brought there.

2589. The only thing for which they were being brought there was for being drunk and disorderly? Yes.

2590. You understood they were protesting against being brought there for being drunk and disorderly?—At that time they did not know what the charge was.

2591. Whatever the charge was, they were protesting against it?—Yes.

2592. It would not matter very much what the charge was, because they were protesting against it from the first. You understood that?—Yes.

2593. To make it quite plain—it is quite plain, is it not?—you realised that from the first moment they were in the dock until the end that they were saying that they were wrongly accused of this offence?—Yes, it would amount to that.

2594. If that is the case, I should like to know what you mean by saying that you did not understand, as you told us on the last occasion, that they were protesting that they were not under the influence of drink. Is not that a mistake on your part? Let me read you what you said?—As regards the drunkenness, I do not understand they made any protest from beginning to end.

2595. I follow what you mean as to that, or I think I do. Do you mean that they never said to you that they were not drunk?—That is so.

2596. But do you not understand from the whole of what was taking place that they were saying they were not drunk or disorderly?—No.

2597. You told me just now you said they were protesting that they were not guilty of the offence with which they were accused?—Yes.

2598. The offence with which they were charged was being drunk and disorderly?—Yes.

2599. What part of it did you think they were protesting against?—The particular place at which they were arrested.

2600. What had that to do with the offence?—Really nothing, if they had committed the offence.

2601. You understood that they were protesting that they had committed no offence, so that the place of arrest did not help you upon that?—No.

2602. What part of the offence was it that you think they had not committed, or that you thought their protest went to? Did you understand that they were complaining that they had not been disorderly?—Not altogether.

2603. You understood that their protest went to that, did you not?—I thought it was the place of arrest they were protesting about, and as to whether they were arrested at the time they committed the offence, or on their way to the station.

2604. What difference does it make to a man if he has committed the offence whether he is arrested at one place or another?—It would not make any difference.

2605. Then what is the good of his protesting?—Nothing.

2606. You have told us that you understood that they were protesting that they were not guilty of the offence with which they were accused. Is that right or wrong? I do not want you to make any mistake about it?—I suppose it would amount to a protest in one way, but, of course, they had not been charged.

2607. I understand that they had not been charged, but before they were charged, the moment they got to the station, they made this protest, from which you understood that they were saying that they had done nothing wrong?—That is so.

2608. Then afterwards they are charged with being drunk and disorderly, and there had been a good deal of excitement and protest made by them a good many times, and then they were taken to the cells. Had anything happened in the meanwhile which in the slightest degree affected their denial of having committed the offence?—Only the fact of their not denying the charge when it was read over to them.

2609. That is the point to which you attributed importance apparently?—I did, sir.

2610. I want to understand what you understand by that. Supposing a man is charged with being drunk and disorderly, and he says half a dozen times before the charge is read over to him that he protests and denies the charge, and then when the charge is read over to him he does not repeat his denial, is it not quite plain you understand that he is denying the charge?—If he really denies being drunk we call the doctor before he is charged.

Inspector Berry.

30 July 1906.

2611. You said just now that no charge had been made?—The charge had not been read.

2612. I rather understood you to say that no charge had been made when they were in the station?—No charge had been read to them. The constables had stated what the charge was.

2613. When they came in?—After the men had got in the dock. The constable says whatever the charge is—drunk and disorderly, for instance—and then he goes into the circumstances of the case as to what happened in the street.

2614. But according to the constable's evidence he had told Dr. Gerothwohl what he was arrested for—for being drunk and disorderly when he arrested him in Piccadilly?—Yes, that is the usual course.

2615. So he would know very well what the charge was?—It is for my information that he says that.

2616. When a man is arrested the usual course would be to tell him what he is arrested for?—Yes.

2617. So that the moment he comes and makes a protest to you you would expect it to be a protest in respect of the charge which he has been told he has been arrested for?—Practically so.

2618. He had been told he had been arrested for being drunk and disorderly, and he protested directly he came in to you in the words which you have described?—Yes.

2619. So that he knew what the charge was, and you knew that he knew it?—I could not say then that he knew for certain.

2620. I thought you told us that would be the practice?—It would be the practice, but I do not say it is always followed out.

2621. But that is what you would expect?—I should expect it in most cases.

2622. I want to understand this about the protest. First of all will you tell me, as an inspector, do you think it right under the circumstances that we have heard, and which you have told us of, for these three policemen to have made reports in which they say not one word about the protest which Dr. Gerothwohl and Mr. Lavalette had made at the police station. I am not seeking to make you responsible for it, but I want your view?—I think they ought to have stated it.

2623. So I should have thought. The three of them, Isaacson, Wallington and Divers, were called upon to report as to what had taken place on that night within a day or two of the occurrence?—Yes.

2624. Each one of them makes a report, and not one of them mentions the fact that Dr. Gerothwohl and Mr. Lavalette had protested against being brought to the station and against their arrest?—Yes.

2625. You agree that that was wrong, do you?—It does not seem quite correct in my idea.

2626. It would not convey a true impression to the superior?—No, not altogether; not a correct one.

2627. We are concerned with seeing that the report is correct. I do not quite understand the explanation of that. Do you know any explanation of that?—Of what?

2628. Of why the constables did not state what appears to be the very plain fact that when these men were arrested and when they were at the police station, they protested that they had come there to give evidence in favour of Timmings?—I cannot give any reason for it at all.

2629. As far as you are concerned it seems to your mind quite unaccountable?—It is.

2630. If they were going to give a correct account of what had happened, it would be plain, would it not, that that was one of the most important statements that they would have to report?—Yes, I should say it would.

2631. But you now know that it is left out of each one of the reports?—I cannot say for certain.

2632. Have you not seen the reports?—No.

2633. You can take it from me that it is so. The result of the protest which they had been making was that you knew they were saying they were not guilty of the offence with which they were charged as you have now told me. Why were they not offered the services of the Divisional Surgeon?—I did not take it all through that they were denying being really drunk. That is the only time we call the Divisional Surgeon in, when they actually dispute being drunk.

2634. You use the expression that they were denying being really drunk?—I mean denying being drunk at all. There was no actual denial of their being drunk.

2635. Did not Dr. Gerothwohl ask you whether you really believed he was drunk?—He did not.

2636. Just let me call your attention to your report upon this matter. "They made"—that is the three prisoners—"no reply whatever when I read the charge to them. They did not deny being drunk or ask to see a doctor." Then before that, it is only fair to you to say that you do make the statement at the beginning of your report that they had protested. Yours is the only report in which I find that?—I stated what they said. I gave that evidence at the police court.

2637. Certainly, and you put it in your report undoubtedly?—Yes.

2638. You still make this observation with reference to it which would suggest that they were not disputing the charge. I do not want to press you hard on this because, as I follow, you had made that statement already about the protest that they had made when they were brought into the dock, and you mean this statement to be what occurred after the charge was read over to them?—That is so distinctly.

2639. Very shortly after that they asked to see a doctor?—Some time after that—about an hour afterwards. They did not ask me, I may say.

2640. Just think a moment about that. You say it was about an hour afterwards. I would like you to think about that before you say that. Are you sure that that is right?—No, I will not be positive, because they did not ask me.

2641. They were brought into the station, and they were arrested somewhere about 12.15?—They were brought to the station at 12.15.

2642. Then there was a scene of some excitement which lasted some little time. How long do you think?—While they were being charged do you mean and taking their names down?

2643. Yes?—Probably altogether five minutes.

2644. Not more than that?—It may have been a minute more; I could not say for certain.

2645. Is that all?—It would be very little longer, if anything.

2646. There would not be much time for much inquiry if that is all that took place?—All the officers were on the spot, and I merely had to ask them there.

2647. You merely put the question to them?—That is so.

2648. Am I right in this, that at 12.45 they asked to see the doctor?—I would not swear you are right or wrong as to the time. They did not ask me, and I did not take particular note of the time.

2649. But, of course, the question of asking to see a doctor would be an important element. If they were disputing that they were drunk, that was the only way in which they could prove it?—Yes.

2650. Let me read your own report with reference to this: "At 12.45 a.m. Dr. Gerothwohl and Mr. Lavalette requested that Dr. Stewart, of Redcliffe Gardens, South Kensington, should be sent for to come and see them"?—Yes.

2651. 12.45 a.m. is your own time?—That is a report I made six days afterwards, and since then I have had nothing to fix it.

2652. I am not complaining of your not recollecting the time. What you remembered then would be much more likely to be right?—I should say so. Although I say that they asked, I do not mean that they asked me.

2653. I am not suggesting that they did. It is the time that I want. Then what I want to understand is this. At 12.45 you got the request that Dr. Stewart should be sent for. Why is that only forwarded at half-past one?—There is very often some difficulty in getting into communication with that particular station. You have to go from one station to another to get connected.

2654. How do you do it—by telephone?—We have the telephone and the A.B.C. instrument.

2655. This is the message which has been produced in writing, but it is a telephone message, I understand?

(*Mr. Eldon Bankes.*) Yes, it was a telephone message.

2656. (*Mr. Rufus Isaacs.*) Forwarded from Vine Street at 1.15. Why was it you had this interval of half an hour between the request and the sending of the telephone message?—That is the only explanation, and that is the true one, that there was some difficulty in getting connected with that particular station. It is rather a busy time at night, and there is only one line.

2657. Were there many charges that night?—During the whole of the night do you mean?

2658. Yes?—I think to the best of my recollection I had 17 from half-past 10 to about 1 o'clock in the morning. When I say 17 charges there was more than one prisoner in some of the charges.

2659. Now about another matter. You saw the prisoners searched?—I did not see the men actually put their hands in all their pockets. I probably saw the men at them.

2660. Not in all their pockets, but there can be no mistake when an inspector says he saw the prisoners searched?—I think I used the word "practically," in my last evidence. I would not be certain.

2661. I will refer to your evidence in a moment, but what do you mean by saying you saw them practically searched?—As they were brought out of the dock the constable went through the usual procedure, or apparently so. They go to the prisoners, and feel about them, and see if they have any knife or revolver. What I mean is, I did not stand over each man.

2662. No, but you saw them go through the operation of searching?—Apparently so.

2663. You put it very definitely at Question 2322 on the last occasion. You were asked by Dr. Gerothwohl: "Did you see us searched?" and you said "Yes." Then you were asked: "Who searched me? (A.) P.C. 6. (Q.) P.C. 6 searched me?" and you say "Yes." Then you were asked: "In what way?" and you answer: "I am not sure whether he put his hands in your pockets or not. (Q.) He may have done? (A.) He may have done."—That is what I mean now.

2664. That is very definite that you saw them searched, which means to feel all over them, and you are not quite sure whether the constable put his hands in Dr. Gerothwohl's pockets?—That is what I mean.

2665. You are quite clear about that—that you saw that happen?—As I say, I saw them there. I would not swear to every detail in that respect, but they were apparently going through the usual operation of being searched.

2666. Let me see whether this is correct. If that is the case it cannot be correct, according to your recollection, to say that he was not searched, but he was asked to give up his knife and matches?—No, that cannot be absolutely correct.

2667. That is not correct?—Not absolutely correct.

2668. Not absolutely correct. As I follow it, according to the statement which you have made, it was absolutely incorrect?—(No answer.)

2669. It is, according to your recollection, actually incorrect?—If they were to state definitely they were not searched I should say it was not correct.

2670. What I am calling your attention to is not Dr. Gerothwohl's evidence, but to Police Constable Wallington's?—Yes, I heard him say so.

2671. Were you in court when he said it?—When he was questioned about the searching.

2672. According to your recollection, his evidence with regard to that is not correct?—When he makes a definite statement to the effect that they were not searched it is not absolutely correct.

2673. I call this a definite statement: "I did not search him—I did not search you as far as I know"?—As far as he knows—he adds that to it. Whether he is uncertain on the matter, or whether he did not take it so, I do not know. He probably thought you meant he was inflicting some indignity on him.

2674. No, because he is asked the question again and again, and what he says is he put the question to him whether he would give up his knife and matches. That does not agree with your recollection, as I understand it?—Not in detail.

2675. I do not care very much about the details, but it does not agree in substance. According to your recollection they were searched, and according to the police constable's recollection they were not searched. They cannot both be right?—No, they cannot both be right. They are directly opposite.

2676. There is another matter to which I must call your attention. When Dr. Gerothwohl and Mr. Lavalette left the police station did you smell their breath again?—I did not see them go out of the station.

2677. But at the time they were going to be discharged on their own recognisances?—I did at the trap door of the cell in which they were both confined.

2678. I want to call your attention to what you said at the police court with reference to this, which appears to differ from what you said here, and I want you to give us an explanation, if you can, of it. At the police court you said you could not say when they left whether there were any signs of after effects. Do you remember that?—I think I do remember saying something to that effect.

2679. I will read what you said to bring it to your recollection: "Had they any indication of drink on them when they left?— (A.) No, I could not say they had. (Q.) Did their breath smell? (A.) I could not say; I did not get close enough to them. (Q.) You did not notice any indication of drink when they left? (A.) I did not notice it: I did not get close enough to them. I saw them leave the station. I did not bail them out"?—"About to leave the station," I think that should be. I did not actually see them going out of the doors.

2680. In your evidence here you said this, and it is all that I want to call your attention to. It is rather different from this, as I read it. You were asked the question on the last occasion, and you say this at 2374: "You seemed to have the after effects of drink about you." At the police court you say you did not see any, and you did not notice. Which of those statements is correct?—The only detail I noticed is what I say, that I smelt their breath at the trap door when I told them about the doctor.

2681. The trap door interview is long before they left?—Only a few minutes.

2682. You mean on the occasion when they were brought up to see the divisional surgeon?—Yes.

2683. That is not quite the question you were asked. You were asked this: "When we were leaving you say we were perfectly sober?" and you say "I did not use the adjective." That is after they had been examined, and after you had taken their own recognisances?—Excuse me, I did not take their own recognisances. It was another inspector.

2684. I do not mean you personally, but I mean at the police station. I want you to say on that explanation what the apparent discrepancy is between the two statements. Then you were asked by Dr. Gerothwohl, "Had we any indication of drink on us?" and you say, "Yes, you seemed to have the after-effects of drink about you." At the police court you were asked the same question, "Had they any indication of drink on them when they left?" and you said then "No, I cannot say they had." You say on this occasion that you noticed their breath, and that they smelt faintly of some drink when they left. Do you remember saying that?—What I meant by "when they left" was when they were about to leave the cells.

2685. When they were coming up to be examined by the divisional surgeon?—Yes, I brought them up myself. There is a trap door in the cell door, and when I went to speak to them that is when I noticed it.

2686. The question that is put to you is, "When we were leaving you say we were perfectly sober"—there is no doubt about that. That is not as to what happened in the cell. "When we were leaving"—that is referring to what you said at the police court?—

Inspector Berry.

30 July 1906.

They were about to leave then, because I immediately opened the door and let them out.

2687. Then they had to be examined by the Divisional Surgeon?—Yes.

2688. And it depended on the result of his examination as to whether you let them go or not?—As to whether they were let go.

2689. They were not leaving the police station, were they. It depended on the Divisional Surgeon's view, did it not?—It would to a great extent.

2690. As I understand, what happens is, if a man is drunk you do not let him go?—No.

2691. If he has been drunk, but is sufficiently sober to take care of himself, you do let him go?—Yes.

2692. They were brought up to the Divisional Surgeon, who was to say what their condition was?—Yes.

2693. It was after that that you came to the conclusion, after what he said, that they ought to be let out on their own recognisances?—I could see myself that they were ready to go then.

2694. When you saw them down in the cells?—Yes, because that is why the other inspector got on with the bail.

2695. That is your explanation of these two apparent discrepancies.

2696. (*Mr. Dickinson.*) When you were taking the names down, I understood you to say the other day that you copied the names from the cards?—From the two cards.

2697. That was after the struggle with reference to the stick?—Yes.

2698. Did you see Dr. Gerothwohl offer you his card before that?—Yes, I did; it was the same card that he was offering.

2699. He was offering his card to you the whole time?—Yes.

2700. Why did you not take his card the moment he offered it to you?—I, myself, was too far away to take it. It was taken within a very few seconds after, and the constable handed it over to me. He apparently did not want the constable to handle it. He wanted to give it to me himself. As a matter of fact, I was too far away, and if he had given it to the constable it would have been taken much sooner.

2701. If a man is brought into the police station and offers you his card, does it not occur to you the first thing to do is to look at his name and see who he is?—Not if he was brought in a prisoner—not in every case.

2702. Why not?—I do not see that it has any bearing on the case.

2703. Surely it is important for you to know who the prisoner is if he has a card?—No, it is not important. We decide as to whether to take the charge or not on the evidence, and not on the question of who the people are. What I mean is, we should be impartial.

2704. But this man was coming, as you have said, making a protest that he was wrongly arrested?—He says so.

2705. Does it not seem to you the proper thing would have been to at once have seen who this man was who was offering you his card?—I did, sir, within a very short period.

2706. "As the prisoner was coming in," you said on the last occasion, when you were asked whether you were standing at the door, "I was just going to the door and I heard a prisoner coming in and then I stopped"?—"Got to the door," I think I said.

2707. "I was just going to the door"; that is what you said. At the police court, as you know, you said there was such a commotion that you went out to see what it was. Did you or did you not go towards the door?—Not the outer door.

2708. What door are you speaking of?—The door leading from the charge room into the inspector's room.

2709. That would not have taken you out to see what the commotion was?—Not outside the station.

2710. What do you mean by saying "There was such a commotion that I went out to see what it was"?—I had just got to the door of the inspector's office. To say I went back would be a more correct term to use.

2711. Let me understand that. You say you went back?—That would be a more correct term.

2712. Back to where. I have not seen the room, but there is a door coming from the street, I understand?

(*Mr. Eldon Bankes.*) We have a plan here (*producing a plan which was explained to the Commissioners by the Witness.*)

2713. (*Mr. Dickinson.*) Where were you when Timmings was brought in?—At this door *here* in the inspector's office (*pointing on the plan.*)

2714. Were you in the inspector's office when you heard the commotion that made you go out?—No, I was right in this doorway. I had completed the charge sheet with a prisoner on a previous charge at this desk. I was right in the doorway, and then I came back.

2715. You came back from that doorway in order to go out of that doorway, because you heard there was a commotion?—No.

2716. What do you mean by saying "There was such a commotion I went out to see what it was"?—It is the usual commotion when a charge is brought in. I naturally concluded it was a charge, and I went out with the anticipation of taking the charge.

2717. But you were in the charge room, according to your statement?—I was in the doorway. It is neither one nor yet the other. Had nothing happened I should have gone into the office.

2718. Instead of that you came out into the charge room again?—I was in the doorway. It is rather a fine point perhaps.

2719. At that moment do I understand that Timmings was already in the dock?—No.

2720. Where were you when Timmings came in?—Just here; just about this corner (*pointing on the plan.*)

2721. He was brought into the dock near you?—No. Usually when a prisoner is brought in he is put down on that seat right over *here*, but as I was prepared to take the charge, if there was one, as he got across *here* I said, "Put him in the dock," so that it took that less time for me to get partly over *here*, in the usual way, and put him back in the dock.

2722. Then what happened after that? Where were you when the others were brought in?—I sat here (*pointing on the plan*).

2723. They were also placed in the dock?—Yes.

2724. Did Timmings say anything at all?—Not beyond giving his name and address.

2725. Did he say he did not know these gentlemen?—No, he said that at the police court.

2726. At that time he said nothing at all?—At that time he said nothing at all beyond giving his name and address, and the usual particulars—his occupation, and so on.

2727. Do you take any steps to find out whether a man like Timmings is drunk or not?—No, not if he does not deny it, and apparently is drunk. If we had any doubt in our own minds we should call the doctor as well.

2728. Was the doctor there at that moment?—He was on the premises.

2729. He was not in the room?—Not in the charge room.

2730. When did you make this report that was sent in to the Home Office. I see it is dated 15th April?—If it is dated that date I should make it out on that day.

2731. Under what circumstances did you make that report. Where did you make it?—At the station, in the desk.

2732. All the other reports are dated the same day?—I could not say. I have not seen them. I suppose that would be the natural course.

2733. Were they made in the station?—I suppose they would be, but not in the inspector's office. I made mine in the inspector's office, but the men would not be allowed to come in there to make their reports.

2734. What is the system adopted with regard to these reports? Here are three constables instructed

to make reports of a particular case, and yourself?—Yes.

2735. Who conveys that instruction to the constables?—I did not in this case. It differs with each case. If I had a case to deal with I should instruct them to make out the report, but the sub-divisional inspector had to deal with this, and I suppose he directed them in the usual way.

2736. How would they make the report that they were instructed to make. Would they come to the office and write it out themselves?—No, not in the office. That is the inspector's office, and they would not be allowed to go there. They would be given a report and told to make it out.

2737. They would make it out in their own writing?—Oh, yes.

2738. There is no system of taking down reports by a shorthand writer?—No.

2739. All these reports are in their own writing, we assume?—Yes, they always are. I can answer for that.

2740. Did you have any communication with the police constables between the hearing on the 9th and the hearing on the 11th?—No.

2741. Were you prepared to be called on the 9th? You were not, as a matter of fact, called on the 9th?—No, I was not there on the 9th.

2742. Were you prepared to be called on the 9th?—I was not at the police court at all.

2743. Who instructed you to appear at the police court on the 11th?—Mr. Denman, the magistrate—not him personally, but the direction came from him to Dr. Mitchell and myself.

2744. Who did those instructions come through?—I think it was the inspector on duty in the police court when this case was heard. I would not be certain, but that would be the usual procedure for the inspector on duty at the police court to convey the instructions of the magistrate.

2745. Were they conveyed to you in writing, or how?—Verbally.

2746. You had instructions?—Yes.

2747. Who was it sent the instructions?—I could not say myself who the person was, but in the usual way it would be the inspector on duty at the police court.

2748. You cannot remember who sent them?—No, not distinctly.

2749. (*Mr. Eldon Bankes.*) You knew nothing about this matter until the men were brought into the charge room?—Nothing whatever.

2750. You have been asked about something that appears in the shorthand notes about your saying that you heard a commotion. Have you any recollection of having used those words before the magistrate? Do you remember the word "commotion"?—I have no distinct recollection, but it is a long time ago.

2751. It is not in the magistrate's note. However, we will try and clear that up. At any rate, did you hear anything unusual on that occasion?—Nothing unusual in the charge being brought in and the noise in Piccadilly on such nights.

2752. There was a noise in Piccadilly—you heard that?—Yes.

2753. Was that audible from the station?—Yes, quite.

2754. Was there any other noise that you heard except such as is usual when a number of police come in bringing prisoners?—No, none whatever.

2755. Did you change your direction, and come into the room because you anticipated a charge was being brought in?—Yes. I have already explained that, or endeavoured to do so.

2756. When they came in, as I understand you, Mr. Lavalette and Dr. Gerothwohl began to protest?—Yes.

2757. I see in your report you say they protested because they said they were coming to the station to hand in their cards, and were arrested on the way there?—That is so.

2758. Did you understand that to be what I may call the gravamen of their complaint?—Yes.

2759. Did you investigate into that as soon as you could?—Yes, I asked the constables who were present.

2760. Were there any other means you could take except to ask the constables as to whether that statement was true or not?—No.

2761. Had you known these police constables for some time?—All three of them.

2762. Were they reliable men?—Yes, quite.

2763. From your previous experience, they were men whose opinion you could take?—Yes.

2764. Upon what conclusion did you come to as to whether these gentlemen's statements were reliable or not?—I came to the conclusion that they were not reliable.

2765. And did that fact influence you in forming a judgment as to whether they were under the influence of drink?—Yes.

2766. You have used the statement that you considered they were making wild statements?—I said "wild," but I think I corrected that afterwards, and said "serious."

2767-9. Unfounded?—Yes, unfounded.

2770. Would that be a matter that you would naturally take into consideration in considering whether these men were under the influence of drink?—Yes, from experience.

2771. With regard to other indications, I understand you to say their breath smelt, their faces were flushed, and they were very excited and their speech was thick?—Yes.

2772. Did you endeavour to form an honest judgment before taking this charge whether or not the charge was one that you ought to take or refuse?—I did. I took every available step that I could, in my judgment.

2773. And if you understood they were challenging the charge so far as it related to their being drunk should you have called in the divisional surgeon?—Most decidedly.

2774. (*Chairman.*) May I interpose a question here? I presume that when a man is in the dock in the position of a prisoner it is not your custom to ask him questions on those occasions?—Oh, no. I merely assure myself that he understands the charge.

2775. Do answer the question. It is not your custom to ask him questions?—It is not customary, beyond the fact of asking him whether he hears what the constable says.

2776. Would you call his attention to what the constable is saying?—Yes. The object is to see if he understands the charge that is being made against him, but beyond that we ask no other questions.

2777. (*Mr. Eldon Bankes.*) Except his name and address?—Of course.

2778. (*Chairman.*) Would you ever take a note of what is said before the charge is entered?—Not in writing—not in these cases. In cases of felony a note is taken.

2779. In a case of felony you give them some kind of caution, to the effect that what they say may be taken down and used in evidence against them?—Yes.

2780. But you do not do it in a case of a charge of being drunk and disorderly?—No.

2781. (*Mr. Eldon Bankes.*) The regulation is this: "The officer on duty before receiving the charge is to ascertain that there is reasonable ground for preferring the complaint against the accused."?—Yes.

2782. Is that what you endeavour to do?—That is the ground I acted upon.

2783. Were there other charges coming in which had to be dealt with as soon as you had disposed of this one?—Yes, one came in while I was dealing with this.

2784. A word about the searching. What is the ordinary course that is followed with reference to searching prisoners of the class of these gentlemen?—If they cannot feel from the outside of their pockets whether they have a knife or a revolver or small bottles, they feel inside.

Inspector Berry.

30 July 1906.

2785. Is the practice always to feel outside a man's pocket?—And inside as well in most cases.

2786. Is it the practice always to feel outside?—Yes.

2787. Then do you also ask questions as to whether they have got money or a knife or matches?

(*Mr. Rufus Isaacs.*) I think you ought to let the witness tell us this himself, because you are putting to him what the discrepancy is.

2788. (*Mr. Eldon Bankes.*) What is the practice about searching?—As a rule in ordinary cases a constable might say, "Have you got a knife or matches," and then they assure themselves they have not, by either putting their hands right in their pockets, or very often they can feel from the outside quite distinctly whether a man has anything in his pockets or not, however small it might be.

2789. So that they would either feel outside or inside, or sometimes both?—Yes, that is so.

2790. Supposing a man is asked to turn out his knife and matches and does so, would there be a search by putting the hands in the pockets?—Oh yes, to make sure.

2791. Is that the ordinary course?—Yes.

(*Mr. Eldon Bankes.*) I have got the original reports here with reference to what Mr. Dickinson said, and will hand them in (*handing in reports*). I do not know whether the inspector knows the constable's handwriting.

2792. (*Mr. Rufus Isaacs.*) I want to call your attention to this. I asked you before whether you found them all three in the same stage of drunkenness, and there was some discussion about it. I want to call your attention to what you said at the police court according to the notes of the magistrate's clerk: "In my opinion all three were drunk. I should say from what I saw that all three were in the same stage of drunkenness." There is no doubt, is there, that you did say they were all in the same stage of drunkenness?—Probably so. There was not much difference, of course.

2793. I do not understand. You have told us to-day they were not in the same stage of drunkenness?—Not absolutely.

2794. That Timmings was worse than the other two?—Slightly.

2795. How came you to tell the magistrate that they were in the same stage of drunkenness?—I do not know. There was no serious difference.

(*Mr. R. D. Muir.*) I think, sir, you are looking at the proof of this witness. It is in the same bundle as the evidence, but it is a proof taken for the purpose of this inquiry.

(*Mr. Eldon Bankes.*) It is not in the notes.

2796. (*Mr. Rufus Isaacs.*) This is a statement which you have made "relating to the arrest of the above named persons, Gerothwohl and Lavalette." That is a statement that you made then and a statement, I suppose, which you made to some superior?—To Mr. Muskett, the solicitor, I think.

2797. For the purpose of this inquiry. Let us take it according to the notes we have got, and I will take it that you did not say anything about the same stage of drunkenness. But you told us here you told somebody they were all three in the same state of drunkenness. That is not a statement on oath, but that appears to be inaccurate from what you have told us to-day?—Slightly; there was not such a lot of difference, and I did not think it necessary to make any distinction.

2798. There was sufficient difference for you to be able to say they were not all three in the same stage of drunkenness?—There was sufficient really in fact.

2799. I noticed in that statement that you enumerate the symptoms. You say they were thick in their speech, smelt strongly of drink, and their faces were flushed. They understood their position and talked rationally, although wildly and excitedly. You notice in that statement which you have made and which I suppose was a considered statement, that there are those words?—I hardly know what you mean.

2800. I will tell you what I am saying so that there may be no misapprehension. I suppose this statement was taken for the purpose of something like a report of what you were going to say?—I presume so.

2801. And which was given to Mr. Muskett for the purpose of this case?—I really cannot say about the details of how it was obtained. I was under the impression that Mr. Muskett took it from us.

2802. Do you know how long ago it was taken?—Five or six weeks ago.

2803. I suppose it was for the purpose of this inquiry?—I believe so.

2804. Therefore I suppose you would carefully consider what you were going to say before you made this statement in writing?—I did not make that statement.

2805. Was it not taken down in writing as what you were saying?—I believe it was. I am not altogether certain on that point. It must have been.

2806. I want to ascertain what your recollection was at that date. These words which I read just now as to the flushing and so on were taken down from you, and I only want to call your attention to this—that there is not a word in that about the eyes being of glassy appearance. That is when you made the statement, five or six weeks ago?—Yes.

2807. There is only one thing more I must ask you about this statement. You gave an account in that of the stick episode?—Yes.

2808. And there is not a word in that that I can find about your having endeavoured to persuade Dr. Gerothwohl to give up the stick?—There should be. Did I not say that I asked him?

2809. No, you did not. Listen to what you say in the statement: "Dr. Gerothwohl is a big man; he had a cane in his hand, which he flourished. P.C. Wallington asked him for this cane, but Dr. Gerothwohl declined to give it up, and in the struggle which ensued between him and P.C. Wallington the cane was broken. It was a flimsy kind of cane, and was held by Dr. Gerothwohl in the middle, and the police constable caught hold of it on either side with his hands. Both he and Lavalette were very excited." There is not a word in that about your having persuaded him to give up the stick?—No, I see there is not; it is a fact, nevertheless.

2810. I want to know why it was that five or six weeks ago you did not recollect about asking him to give up the stick?—I think you will find that in my report.

2811. That is the report of the 13th April?—Yes, that is so; that is the only report I made.

2812. You did not remember it when you were giving this statement?—I suppose that would account for it.

(*Mr. Dickinson.*) Are we going to have Inspector Mackay and Superintendent Mann?

(*Mr. Eldon Bankes.*) They are here.

(*Chairman.*) What evidence do you propose to call now?

(*Mr. Eldon Bankes.*) On the last occasion a letter was handed to Mr. Rufus Isaacs from Dr. Stewart, and I understood there was some statement in that with reference to what the police at Chelsea had said to him. I have got all the witnesses from Chelsea here, but I have not had an opportunity of seeing the witnesses. If no importance is attached to it, we do not want to call them.

(*Mr. Rufus Isaacs.*) I do not know whether the Chairman or any of the other Commissioners would attribute any importance to it, but, speaking for myself, I do not, because all it came to was that they were foreigners. That is the only point that was made about it.

(*Mr. Eldon Bankes.*) I have the whole explanation, and I am prepared to give it.

(*Chairman.*) I attach personally no importance to that. I do not think you need go into it. Before we adjourn, may I ask what other witnesses you propose to take?

(*Mr. Eldon Bankes.*) With reference to this case?

(*Chairman.*) Yes.

(*Mr. Eldon Bankes.*) I propose to call Major Woodhouse, Inspector Mackay, and Superintendent Mann, if any questions are desired to be asked of them, and

then there is Sub-divisional Inspector Smith, and I think those are all the witnesses.

(*Chairman.*) Are you going to call Dr. Mitchell?

(*Mr. Eldon Bankes.*) Yes, certainly. I should like to make an application with regard to these witnesses, because there is another case you said was to be taken to-day, and I have brought two witnesses over from Paris, as I thought probably they would be reached. There is one most important witness whom I would ask should be allowed to give her evidence to-day, because we may have a difficulty in bringing her over again. I do not know what time you propose to adjourn to, but I would ask that you should take the evidence of that witness, at any rate, before you adjourn for the day.

(*Chairman.*) There is no difficulty about that. I will now ask the Secretary to call Eva d'Angely and Rene d'Angely. *Inspector Berry.* 30 July 1906.

The Secretary called upon Eva d'Angely, but there was no response.

(*The Secretary.*) Let her be called outside.

The Officer. [*having called her*] There is no answer.

The Secretary then called upon Rene d'Angely, and there was no response.

(*The Secretary.*) Let him be called outside.

The Officer. [*having called him*] There is no answer.

Major Edwin Frederick Wodehouse; sworn.

2813. (*Mr. Eldon Bankes.*) I think you are one of the three Assistant Commissioners of Police, are you not?—Yes. *Major E. F. Wodehouse.*

2814. On Saturday 7th April—Boatrace night—did you desire to see for yourself what the condition of the streets was?—I did.

2815. I think you left home at 11.45 and went to Piccadilly and in that neighbourhood?—Yes.

2816. I need not go through what happened. Afterwards, about 12.45, did you go to Vine Street Police Station?—Yes.

2817. What was your object in going there?—In order to see generally that the Orders and Regulations were being properly carried out.

2818. Is it your practice to do that from time to time?—Occasionally.

2819. I think you went to Vine Street about 12.45—is that so?—I believe so. I think that was about the time.

2820. I think you went into the charge room?—Yes.

2821. Did you find everything at the station at that time, so for as you could see, in order?—Perfectly in order.

2822. I think later from the charge room you desired to see the cells, and you went down to see the cells?—Yes.

2823. Who accompanied you?—Sub-divisional Inspector Smith and Superintendent Mann—I think he accompanied us. He was there, certainly, later.

2824. Did you go from cell to cell?—I went from cell to cell.

2825. To each one? Did you speak to the persons inside or did the Sub-divisional Inspector?—The Sub-divisional Inspector spoke.

2826. You overheard what took place?—Yes.

2827. I think the last cell you visited was the one in which Dr. Gerothwohl and Mr. Lavalette were?—Yes, I think they were in the last cell.

2828. Is there a communication shutter in the door of the cell?—Yes.

2829. Was that open and did the Sub-divisional Inspector speak to Dr. Gerothwohl through this opening?—Yes.

2830. Will you first tell the Commissioners what you recollect took place?—My recollection is that on the trap door being opened one of the inmates of the cell (I could not say positively which it was, but I believe it was Dr. Gerothwohl) made a request for notepaper to write to his doctor. The Sub-divisional Inspector told him that the best way to communicate with his doctor would be by a Police telegram. Before that, I think, he was asked what he wanted his doctor for, and I think that was the reply made by the Inspector, and on ascertaining that he wanted his doctor to speak as to his condition, the Inspector told him, as I have said, that the better way would be to communicate by a Police telegram.

2831. Did the person who was making the inquiry appear satisfied with that?—I understood him to be perfectly satisfied. Of course, a good deal of conversation passed.

2832. Did you hear the inmate of the cell (we know it was Dr. Gerothwohl) mention any other person's name besides that of the doctor, or refer to any other name?—I think he did. I think he referred to some friend.

2833. What took place between the Inspector and himself about the friend?—He alluded to a friend with regard to bail, and it was pointed out to him that the doctor would bail him as well as anybody else, so that the one attendance, as it were, would satisfy both purposes.

2834. Did he appear satisfied with that?—I thought so.

2835. Then the conversation terminated and a telegram was sent?—A telegram was sent before I left the station.

2836. Or rather I think it was a telephone message?—It was a telephone message, as a matter of fact.

2837. Did the voice of the person in the cell strike you in any way?—There was nothing very marked about it, it was the voice of a person under excitement in some form.

2838. As the result of the conversation were you satisfied that the inmate was quite content if a Police telegram was sent for the doctor?—I was.

2839. If you had understood that he wanted anybody else should you have seen that the somebody else was sent for?—Yes. I should certainly have interfered.

2840. Was any reference made in that conversation to any previous request to see a doctor?—None, to the best of my recollection.

2841. (*Dr. Gerothwohl*): Are you quite sure with reference to the question of bail that I, the person speaking, did not make some reference with regard to bail in connection with Dr. Stewart?—I think you did.

2842. Then I mentioned that Dr. Stewart would bail me out?—It might have been you who made the suggestion. I am really uncertain on the point. The suggestion was made.

2843. You heard me also refer to another friend you said just now?—Yes.

2844. You do not recollect the name of that friend?—No, I do not.

2845. Do you recollect Inspector Smith asking me why I wanted that friend in addition to the other?—No, I do not remember that.

2846. You do not remember my saying, thereupon, "For private reasons, as they are people connected with my University," or some words to that effect?—I have a recollection or impression now that you recall it, but I cannot remember what it applied to.

2847. I should not have said that if the Inspector had not possibly hinted that it was unnecessary to send for two persons?—I could not say.

2848. Did you not hear me insist on the two being called?—No.

2849. Why was the other not called?—I conclude he was not called because the Sub-divisional Inspector arrived at the same conclusion as I did—that you did not insist upon it.

2850. Is it the habit to only call in one person when a man wishes to communicate with his friends?—No. I think there is no hard and fast rule laid down at all.

2851. You have heard of two being called?—As a matter of fact I have not.

Major E. F. Wodehouse.

30 July 1906.

2852. You have never heard of two persons being called?—Not to my knowledge, but I would not say that two have never been called

2853. Have you heard prisoners ask for it?—No; but I have not many opportunities.

2854. (*Chairman.*) I did not quite gather from you why you went to Vine Street Police Station on this evening?—It is a practice of mine on occasions when there is likely to be disorder. Very often on Bank Holiday nights, and that kind of thing, I look round the streets and visit a station here and there as the case may be. It is by no means a regular practice.

2855. Is it not a regular practice in the sense of being prescribed by any Regulation?—No.

2856. Is it a regular practice of your own in the sense that you may always be expected at Vine Street in the course of a boat-race night, for instance?—No, I certainly think not. They could not possibly expect me.

2857. Then it was a kind of surprise visit from a superior authority?—Yes, any visit I make must be a surprise visit unless I arrange it beforehand.

2858. Was the visit made on this occasion in consequence of anything that had recently come under your notice in connection with the discipline at Vine Street, or with the discipline of the C Division?—No, certainly not. It was made really in the ordinary way. Of course, a night like boat-race night is a good night for me to take an opportunity of seeing the working of the police.

2859. You mean the working of the whole of the system?—Yes; the working of the constables in the streets, and of the working of the officers in the station.

2860. To see whether the constables in the streets, that is, the constables who are on duty on the various patrols or beats, are doing their duty?—Yes.

2861. And whether the inspector in charge of the police station is doing his duty?—Yes.

2862. And whether the prisoners, if any, are being properly treated in the cells?—Yes.

2863. Did you conduct an inquiry in the usual way consequent on your visit on this occasion?—An inquiry into this matter?

2864. Yes?—No; it had nothing to do with my visit There was no inquiry as the result of my visit.

2865. You went, as I understand, to pay a surprise visit to this police station?—Yes.

2866. Did you on that occasion do what you usually do when you pay those visits?—Yes; that is to say, the principal object of my visit was to see that all was correct inside the station; in fact, that was the object of my visit to the station.

2867. The object of your visit was to see that all was correct?—Yes.

2868. Do you think, upon the statement you have now made to us, having regard to what you did, that you did all that was necessary in order to see whether all was correct?—I think so.

2869. Why did you not go into the cell in which Dr. Gerothwohl and Mr. Lavalette were confined?—I do not think that is part of my functions.

2870. I understand it was part of your functions to do all that was necessary to find out whether all was correct?—Yes; all that was necessary.

2871. Was the opening of the trap-door, and the conversation that took place between the inspector and the person unknown in the cell, a conversation that took place with a view to your enlightenment?—Not at all. I merely accompanied the Sub-divisional Inspector on his round.

2872. Do you think it possible that prisoners who had been charged with being drunk and disorderly, and who were in the cell, might think they had been unjustly accused of being drunk and disorderly?—It is quite possible, of course. I knew what the charge was. The charge is stated on a slate outside each cell.

2873. When you got to the last cell, did you look at the slate outside?—I think I did, or else probably the Sub-divisional Inspector said what the charge was. I do not remember which it was. But I had the opportunity, of course, of seeing it for myself.

2874. Were the names of the prisoners written on the slate?—I think they are as a rule. I am not certain.

2875. You cannot recollect whether that was so in this case?—No. The charge is always written, and I think the name is.

2876. Did it not occur to you that if it was your duty to find out whether all was correct, it would have been a reasonable thing to enter the cell and see whether the men were then drunk?—No. I think it would be altogether out of my province. It is not part of my duty at all. I could gather quite well any information I wanted from the conversation that passed.

2877. Do you suggest that it is not part of your duty to find out whether the charge had been made upon reasonable evidence by the Police arresting?—Not at that stage. They were then charged, and only a magistrate could deal with them. If I interfered at that stage I should usurp the functions of the magistrate.

2878. Is that quite so? There are regulations as to what constables are to do when men are arrested for being drunk and disorderly, and as to what is to take place at the police station?—Yes, but I was not at the police station when the charge was taken.

2879. You made no inquiries as to what had taken place?—There were a great number of prisoners. But after all that is not my point. I say I should have been wrong to have done it.

2880. You suggest that all you had a right to do, and all you ought to do, on an occasion of that kind, was to go through the police station and to see that there was nothing obviously wrong or incorrect or improper?—Yes; that is so. That is the view I take.

2881. It was no part of your duty to inquire, for instance, whether Inspector Berry had behaved properly in entering the charge against any of the prisoners then in the cells?—No, I think not at that stage. If there were any irregularity, it would be commented on by the magistrate, and then it would come before me.

2882. It seems a pity now, does it not, that you did not see Dr. Gerothwohl and Mr. Lavalette on that occasion?—No, I think not.

2883. Do you go to other parts of the Metropolis as well?—Yes, to every part of the Metropolitan Police District.

2884. You go when you in your discretion think fit?—Yes; it is left to my discretion.

2885. Was it part of your duty as a visitor to this police station to see if the Divisional Surgeon was on the premises?—No; I should not regard that as my business.

2886. Did you meet Dr. Mitchell on this night as a matter of fact?—I do not think I did. He was in the station. I am not certain, I do not think I saw him. He has his own room.

2887. Nothing at all unusual struck you then with regard to this last cell in which you heard a conversation, or near which you heard a conversation?—No, nothing unusual.

2888. (*Mr. Whitmore.*) To make the matter clear will you tell us exactly what you think are your duties when you do arrive at Vine Street Police Station on a night such as this?—It is rather difficult to tell you. If I arrive at Vine Street Police Station, or at any other police station, I can only judge by what I see and by what I ask.

2889. I suppose, first of all, your object would be to see that no man brought into that police station had been in any way badly treated?—Certainly.

2890. Supposing you had been a witness of it, what course would you have adopted?—With regard to the allegation as to their treatment as they were brought into the station?

2891. Yes. If that had been accurate and you had seen it, what course would you have adopted?—I must have taken a very strong course.

2892. Will you tell me what that strong course would be?—It is difficult to say, but the chances are that the officers concerned would have been suspended from duty.

2893. Have you ever seen such conduct at a police station?—Never.

2894. Have you ever heard of it?—I have heard of allegations of course of ill-treatment.

2895. Has it ever been your duty to inquire into the truth of those allegations?—Yes, I think it has.

2896. Can you recall any particular case?—No, I

really cannot. I deal with a great many cases. I cannot say I have not had a case before me in which a constable has been accused of violence.

2897. I am talking now of violence at the police station?—Yes, I cannot recall any particular case.

2898. Nor the result of an inquiry which has been made?—No. I cannot recall a case in which any special inquiry was made.

2899. Did you go to any other police station that night?—No, not that night.

2900. About how often do you make a surprise visit of this kind in the course of a year?—I visit stations constantly and almost daily in some parts of the district.

2901. At night?—No, not at night, but frequently.

2902. On occasions such as you refer to, Bank Holiday nights, or Boat Race night, is it a common practice of yours to go unexpectedly to a police station where there is likely to be a number of charges?—Yes.

2903. Do your fellow Commissioners follow that practice?—The Assistant Commissioners?

2904. Yes?—No, it is not their business; their duties are distinct.

2905. This duty is delegated to you?—Yes; because I deal with the *personnel* of the Force.

2906. You are the only Commissioner and the only officer outside the ranks of the Superintendent and Inspectors who has any opportunity of seeing that the Police discharge their duty at night?—No, the Chief Constables.

2907. Will you tell us about them?—The Chief Constables are in charge of districts.

2908. How many Chief Constables are there?—There are four in charge of districts, and it is essentially their duty to visit frequently and continuously.

2909. Now supposing you had been present at this police station when the beginning of the interview we have heard so much about took place, and you had heard the charges actually made against the Police, would you have acquiesced in the course followed by the Inspector and the constables?—That is a difficult question to answer. A case presents itself differently when you hear it.

2910. I want to be perfectly frank with you. Do you think that the importance attached by the Police in their reports to the apparent silence of the defendants when they were actually charged, was as great as they thought it was?—I do not think it was.

2911. Then do you or do you not think that their previous protest ought to have made a greater impression on the minds of the police-constables?—I can hardly answer that question yes or no, because so much depends upon how it is made. A protest is a very common thing when a prisoner is placed in the dock. I think a protest should be regarded.

2912. You do not think it any part of your duty to ask any question, or to find out whether the previous proceedings have been properly conducted or not. If on one of your visits a man asked you to facilitate that and communicated that to you when he was in the cell you would do so, but you would not inquire and find out whether the charge had been properly made, and they had had an opportunity of answering it. You would not think it your duty to ask them about it?—No, not to ask them myself. I go by what passed between the Inspector and the prisoner, and if any remark had been made which conveyed to my mind that he had been improperly treated and refused a doctor when he had asked for one, or anything else, I should have intervened then. When I say I should have intervened, I should have called the Inspector to account at a later period.

(*Mr. Dickinson.*) You stated that when you went to the cell a good deal of conversation passed?—Yes, between Dr. Gerothwohl and the Inspector.

2913. Dr. Gerothwohl was asking for some communication to be sent to a friend, was he not?—Yes.

2914. I do not understand what need there is for conversation on that subject. Is it not recognised that if a prisoner asks for a friend to be sent for you send for the friend at once?—Yes, if he wants the friend for a legitimate object, of course. The conversation, I think, arose because they were both somewhat voluble. Dr. Gerothwohl spoke a good deal, and the Inspector was endeavouring, as I understood, to point out the best course for him to take in the circumstances, and that caused a good deal of conversation. It did not last long.

2915. Is there any Rule about it? I do not see any Rule in this book about treating prisoners when they are brought into the station. Is there any practice about prisoners who protest their innocence and want to communicate with their friends?—The practice is to hear what the prisoner says. Upon that the Inspector decides whether it is a case in which he should take the charge or refuse the charge. He then decides what he will do, and if he takes the charge, then is the time for the prisoner to make any statement; it is then open to him to say whether he denies the drunkenness or denies whatever the charge may be. If he denies the drunkenness, the Divisional Surgeon would be called.

2916. That is not the point I am referring to. I am asking you when a prisoner, whether he is guilty or is not guilty, says he wants to communicate with anybody, are there no Regulations by which it is laid down that he has that right?—Yes. Are you alluding to bail?

2917. Yes, to anything?—The Regulations as to bail are very full and clear indeed.

2918. What Rules are they?—That every effort shall be made to procure the bail without any delay at all.

2919. Where is that?

(*Mr. R. D. Muir.*) At page 271, rule 300.

(*Mr. Dickinson.*) "If prisoners in custody for a bailable offence wish to send for bail, and are willing to pay for a messenger, or telegram being sent, the officer in charge of the station is to take the necessary steps without delay."

(*Mr. R. D. Muir.*) The next one is important.

(*Mr. Dickinson.*) "(301) If prisoners have no money, and are desirous of being bailed, the necessary expenses of sending for bail will be allowed by the Commissioner, there being no object on the part of the Police in unnecessarily detaining in the cells a prisoner who can be legally liberated on sufficient bail being offered. The Police telegraph is to be used in such cases whenever practicable."

2920. (*Mr. Rufus Isaacs.*) Will you tell me this: when you went to the cell you heard a good deal of conversation by Dr. Gerothwohl. He was speaking quite rationally?—Yes.

2921. And apparently he was under considerable excitement?—Yes. I may say considerable excitement.

2922. At any rate, he was under some excitement?—Yes.

2923. I want you to tell me, from what you observed when you were down there, and from what you heard from him, was there anything in his demeanour or in his statement which was inconsistent with his being perfectly sober or under excitement?—No; I should say nothing. I did not see him.

2924. No, but you heard him speaking?—Yes.

2925. Was he speaking through the trap?—Yes. I was standing on one side.

2926. Inspector Smith was speaking to him?—Yes

2927. You would only hear what was taking place?—That is so.

2928. So that I may quite correctly apprehend your duty, if I follow you correctly; it is no part of your duty at all to inquire into the charges made?—No.

2929. That was a matter for the magistrate to deal with next day?—Yes.

2930. But you go to see that everything is in order at the police station, and that the police are properly carrying out their duties. Is that it?—Yes, that is so in a very general way.

2931. Did anybody tell you on that night that these two prisoners, as they then were, had protested that they had come to the station to give evidence on behalf of a third person?—No.

2932. You never heard of that?—No, nothing was said on that matter. It could hardly have been.

2933. You say "it could hardly have been." Would it not be the duty of someone to tell you that they had made that statement?—I do not think so.

2934. You mean you did not hear anything about it?—No, I should not expect to unless I had asked.

2935. You would not know, then, whether they were denying or admitting the offence?—No.

Major E. F. Wodehouse.

30 July 1906.

2936. You did not know?—I did not know.

2937. As far as you were concerned there was nothing to indicate to you that they were protesting their innocence?—No, except the fact that one was asking for a doctor. Of course, I gathered from that that he was protesting against it.

2938. May I point out to you that when you were there it was about 12.45?—Yes, I believe that was about the time.

2939. That was about half an hour after they were arrested?—Yes.

2940. You have told us, from what you observed and from what took place, that there was nothing inconsistent with their having been sober at a quarter-past twelve?—That I could hardly say.

2941. From what you saw and from what you observed there was nothing inconsistent with their having been perfectly sober half an hour before you were there?—No, certainly not.

2942. (*Chairman.*) Just one or two more questions. You arrived, I understand, at, I think, 12.45?—About that.

2943. Did you look at the Occurrence Book when you arrived?—That I do not remember. I think I very likely did. It is a very common practice of mine; but I rather doubt whether I did. I think I entered into conversation almost immediately with the Sub-Divisional Inspector.

2944. I see, for instance, this entry on Saturday, 7th April 1906. "J. Smith reports having called the Roll at S.F." I do not know exactly what that means. "All men not on duty present. Correct. W. Berry, Inspector." That is the last entry on Saturday night. Then there comes Sunday, 8th April 1906. You would expect to find the book made up to the hour that you arrived—12.45?—No, it might not have been made up until later

2945. Until when?—Until a convenient moment.

2946. But it is made up continuously?—Yes.

2947. That is to say, it is not a book made up perhaps 24 hours after the occurrence from notes made at the time by the various constables?—No, it is made up when they can get an opportunity.

2948. Whose duty is it to see that the Occurrence Book is properly entered up?—The inspector on duty.

2949. That is to say, Inspector Berry?—Yes.

2950. I think you told me you did not think it all part of your duty to enter the cells and see the prisoners?—I do not feel myself bound to do so at all.

2951. We understand that. You have given a general definition of the objects of your visit, and therefore of the duties that you have to discharge?—It was quite open to me to go into the cells.

2952. I find here in the Occurrence Book this entry, at 11.30 p.m. That is on the Saturday. That would be an hour and a quarter before you arrived there. "Chief Constable" (Major Parsons, I understand) "visited this station and saw the prisoners. W. Berry, Inspector"?—Yes.

2953. It is clear from that, I suppose, he did see the prisoners?—Yes.

2954. Is there any difference in principle between a visit of the Chief Constable and a visit by yourself?—No. The Chief Constables have got definite and distinct duties laid down. My duties are very indefinite.

2955. They are in the White Book, are they not?—Yes, they are briefly laid down there.

2956 I am rather asking you particularly about this because I should have thought that the object of your visit could only have been attained by your seeing the prisoners?—I think I could satisfy myself very well without entering the cells.

2957. Would Mr. Berry, the inspector, have expected you in the ordinary course of things to see the prisoners?—No. I might have gone to the station, of course, without seeing them at all.

2958. There happens to be a note in the Occurrence Book of your having made the visit. "Assistant-Commissioner's visit. I beg to report that at 12.45 a.m., 8th inst., Major Wodehouse, Assistant-Commissioner, visited this station, saw the prisoners, and inspected books. W. Berry, Inspector"?—I have no doubt that that entry is perfectly correct in spirit. I did, as a matter of fact, see some of the prisoners.

2959. Correct in spirit?—Perfectly.

2960. Did you see the prisoners?—I saw some of the prisoners, but the inspector did not accompany me. That is a mere formal way of recording the fact that I visited the cells.

2961. I suppose it is a different thing to formally record the fact and to accurately record the fact?—I think not. I think that is accurate.

2962. But according to your own statement you did not see Dr. Gerothwohl, Mr. Lavalette, or Timmings?—I did not see them during the interview because I stood on one side of the cell door, and the trap is very small. It is impossible for me to have seen them.

2963. Did you see them during your visit at all?—I saw them as I passed the door. I do not call that seeing them. The view that you get is not seeing them at all. I was just aware there was somebody in the cells.

2964. Do you wish to represent to us that Inspector Berry's Report in the Occurrence Book is correct when he says you saw the prisoners?—I say again the entry is perfectly correct in the sense in which he meant it. He meant it was a visit of inspection to the cells, and I submit that it was.

2965. That is the only explanation you wish to give as to the entry?—That is the only explanation I wish to give.

2966. Then what do you say to the words "and inspected the books"?—I have no doubt I did inspect the books.

2967. I thought I asked you a little time ago if you looked at the Occurrence Book, and you told me "I am not sure"?—Neither am I. I do a great many acts on my visit to a station. I did not make that entry in the Occurrence Book.

2968. I understand you to represent that the entry in the Occurrence Book is a formal record in a usual form?—Yes. I have no doubt by that I did inspect some books, otherwise the entry would not have been made in that form. I may go to a station and inspect nothing, perhaps, but the stables. In that case I should not expect to see an entry as to the books.

2969. I still do not quite see that the entry is correct as to seeing the prisoners on your own statement?—I think it is substantially correct.

2970. Does it not strike you that the matter is rather important, and that the case in its present form might never have happened at all if you had really happened to see the prisoners, Dr. Gerothwohl and Mr. Lavalette?—It would have made no difference at all.

2971. But if you see a prisoner you listen to what he says, do you not?—Yes, certainly.

2972. Now do you not think it was a very unfortunate occurrence that you should not hear the full statement of Dr. Gerothwohl and Mr. Lavalette on this occasion?—I do not. It would not have made any difference at all. They were there and they were bound to go before the magistrate then I was not bound to release them.

2973. They are bound to come before the magistrate in a technical sense, but there is still time for the police to find, as the magistrate ultimately found, that there had been a mistake. They might have been bailed out. They were let out on their own recognizances?—Yes, certainly.

2974. If you hear two educated men telling the story in the early morning that they told at the police court on Wednesday, do you not think they would have been let out on their own recognizances, and perhaps nothing more would have been heard of the case?—The case must have come on.

2975. I quite agree that the case must have come on, but nothing more would have been heard of the decision of Mr. Denman. I am only putting it to you because I want to ascertain what are your views as to your duty as Chief of the Police?—Whatever investigation I may have made then would in no way have affected the case. I could have taken no step at all. I could have directed the Inspector to release them on bail if I had liked. I might have said, "Release them on their own bail, at once"; but I certainly think I should not have done so.

2976. I am only asking these questions with a view of seeing what your duties really were, and to test the view you take of them. That is the explanation that you wish to give about it?—Yes.

2977. (Mr. *Rufus Isaacs.*) I should like to ask you one question with regard to it. This entry is not made in your presence, is it?—No.

2978. You are not responsible for it. You do not see it?—No, I do not see it. I may never see it again.

2979. When the constables were called upon to make reports in this case it was of the utmost importance that they should have reported that these two gentlemen had made the protest they did directly they came to the police station, was it not?—Yes, I think that should have been reported.

2980. You have seen the Reports, I presume, which were sent in when they were called for?—Yes.

2981. They convey a very inaccurate impression of what took place, do they not?—They omit that. It is not so vital, to my mind.

2982. I do not quite understand that, because the important point is that they had made their protest which we have heard. There was a denial as far as they were concerned, and there was a statement by them that they were coming up to give evidence on behalf of one Timmings, a third person arrested. It was very important that whoever was to inquire into these cases should know that, was it not?—Yes, it was important.

2983. They ought to have reported it?—Yes, they should have reported it. I quite admit that.

2984. (*Mr. Eldon Bankes.*) I think you have told us you are one of the three Assistant Commissioners?—That is so.

2985. What are your particular duties?—My particular duties are with regard to the discipline of the service generally.

2986. Does that cover the uniform men and detectives, or only uniform men?—Uniform men.

2987. So that the visit to the station on your part would be primarily to see that the officers were doing their duty?—Yes.

2988. Of course, in connection with that, you may get information from visiting cells?—Yes.

2989. You may hear something that might indicate to you that some man had not done his duty?—Yes.

2990. And then you might make inquiry?—Yes.

2991. On this particular night did you hear or see anything from first to last whilst you were down at the cells which led you to think it was necessary or desirable that you should go into any of the cells?—No, nothing.

2992. Unless something of that kind occurred you would not go into a cell?—No, I very rarely do.

2993. Your object in going in would be to investigate some complaint against an officer?—Yes. There might be some statement made by a prisoner that would indicate that I ought to go.

2994. On this night nothing of that kind occurred which led you to think it necessary to go into the cells?—No.

2995. After you come up from the cells did you see or speak to Inspector Berry?—I do not remember. I went back into the inspector's office, so I think I probably did.

2996. Did you tell him exactly what you had done when you had gone down with Sub-divisional Inspector Smith?—No. *Major E. F. Wodehouse.* 30 July 1906.

2997. Is the Occurrence Book as it were a general diary of events which take place in the station?—Yes.

2998. In your opinion, was Inspector Berry, knowing that you had been down to the cells, justified in describing your visit in the way which he did, do you think?—I think he was.

2999. It would be perfectly understood by anybody who had occasion to study the Occurrence Book about your visit?—Yes, I should say so, certainly.

3000. With regard to the chief constables, I think their duty with regard to visiting stations is laid down in the regulations, is it not?—Yes.

3001. It is Regulation 31. Their duties are very strictly defined with regard to visiting stations. You visit merely for the purpose of investigating for your own information the conduct of those under your supervision?—Yes.

3002. You were asked whether there was anything you could have done. Assuming the story told by these gentlemen to be correct, the mischief had all occurred before you got to the station?—Yes.

3003. (*Mr. Dickinson.*) Who is the officer who is charged with presenting the case before the magistrate. Of course the superintendent has nothing to do with it?—No. Very often it is the constable who is in charge of the case. He takes the prisoner to the court.

3004. Is it not brought before the notice of the sub-inspector?—Yes. It is bound to come before the station inspector; that is generally the inspector on duty. He would be cognizant of the charge. The sub-divisional inspector of course is the next in authority.

3305. Is there no officer who would be responsible for a case being taken up wrongfully or by mistake?—The sub-divisional inspector is the responsible person in that way.

3006. Who would that be?—In this case that would be Inspector Smith.

3007. He would be the person who would be responsible?—Yes, for presenting the case to the magistrate. The inspector on duty who takes the charge is responsible, of course, for the charge that he takes.

3008. According to you, in practice, anybody could do it. The constables in the case simply attend the court with their prisoners and then the case is called on and dealt with?—The common practice is for the inspector who took the charge to attend.

3009. (*Mr. Rufus Isaacs*). The witnesses are there who can depose to anything that is material, so that the magistrate has all the facts before him?—Yes.

3010. (*Mr. Dickinson*). In this case he did not attend?—He did not attend.

3011. The persons who did attend were the police constables?—That is so.

(*Mr. Eldon Bankes*). I am told that the witnesses' names are all shown upon the charge sheet.

Sub-divisional Inspector JAMES SMITH, sworn.

3012. (*Mr. R. D. Muir*). Are you a sub-divisional inspector of the C. Division stationed at Vine Street?—Yes. *Inspector J. Smith.*

3013. Have you been nineteen years in the police force?—That is so.

3014. Have you been all that time at Vine Street?—For the last eight years at Vine Street.

3015. And previous to that in other divisions?—Practically at Bow Street the remainder of my time.

3016. At 12.45 on Sunday morning, 8th April, did you visit the cells at Vine Street?—I did.

3017. Was that a visit by you in the ordinary course of your duty?—Yes.

3018. Did it happen on this occasion that Major Wodehouse accompanied you?—That is so.

3019. Two of the prisoners were Dr. Gerothwohl and Mr. Lavalette?—Yes.

3020. They were together in one cell, were they?—Yes, No. 3 cell. It was the last cell we visited.

3021. There were others in the cell also?—I believe there were three other persons confined in that cell.

(*Mr. Rufus Isaacs.*) No doubt Timmings was in that cell.

(*Mr. R. D. Muir.*) Timmings was there as well, was he?—I could not say whether Timmings was in that cell, but there were others besides Dr. Gerothwohl and Mr. Lavalette.

3022. Did you let down the trap-door in the ordinary course of your duty?—I did.

3023. What inquiry did you make?—I said, "Are you all right"?

3024. Is that the ordinary question?—That is the ordinary question you put to prisoners. Dr. Gerothwohl came to the trap-door and said "No, it is not all right."

Inspector J. Smith.

30 July 1906.

I said, "What is it"? He said "I want you to send for my private doctor." I said, "What do you want him for"? He said, "To see if I am drunk, and to examine my friend here" (pointing to a gentleman, who was Mr. Lavalette I found out afterwards, he was beside him) "to see if he is drunk also." He also asked, I remember now, but I did not at the time, for another gentleman to be sent for.

3025. Do you remember the name or not?—No, I do not remember the name. I put it to him, "Well if we send for your doctor, and he comes, to examine you, we will accept his bail for you without troubling anybody else; but my experience is, that private doctors will not come to a police station at this time of the morning." He, however, insisted. I took down Dr. Stewart's name and address. That would be about 1 o'clock when we had finished the round of the cells. I gave directions for a telephone message to be sent to Chelsea for Dr. Stewart's attendance.

3026. You took down Dr. Stewart's name and address?—Yes.

3027. Did Dr. Gerothwohl press you to take the other name and address?—No. Dr. Gerothwohl seemed satisfied with my explanation to him.

3028. Do you remember anything being said, according to your recollection, about pen and paper or writing materials?—No, I have no recollection of that. I have no recollection on that point at all. There was a good deal of conversation. Mr. Lavalette and Dr. Gerothwohl continually broke in on one another inside, and as Mr. Lavalette spoke in broken English it was a difficult matter for some time to tell what he wanted.

3029. A message was sent to Dr. Stewart?—Yes.

3030. And some time later a reply was received?—Yes. Dr. Stewart declined to attend.

3031. Did you attend to that?—No, I had other duties to attend to.

3032. Who attended to that?—Inspector Berry.

3033. Did you see the inspection by the divisional surgeon?—No.

3034. (*Dr. Gerothwohl.*) Was it you who so very kindly gave Mr. Lavalette some matches before leaving the police station?—No. I had nothing to do with you after the cell incident.

3035. Do you not remember asking me why I wanted Dr. Stewart and another gentleman?—No, I do not. There was a good deal of conversation between you and me, but I cannot remember anything of that at all. I remember now you did say something about another gentleman, but you seemed satisfied when I said we would accept Dr. Stewart's bail if he arrived.

3036. You remember I did mention another gentleman?—Yes.

3037 You do not remember my saying I wanted him for private reasons?—I do not remember that at all.

3038. (*Mr. Eldon Bankes.*) There is one question I ought to ask you. Is it your duty to record the time at which these gentlemen were bailed out?—No. The inspector bailing them would do that in the bail book. That would be Inspector Bex.

(*Mr. Rufus Isaacs.*) I think we have evidence got before as to that.

Superintendent MANN, sworn.

Superintendent Mann.

3039. (*Mr. Eldon Bankes.*) I think you are superintendent in charge of Vine Street Station?—Yes, C Division.

3040. I do not think you were in the station at the time these gentlemen were brought in?—No, I was not.

3041. But I think you did go down to the cells at the same time as Major Woodhouse?—I did.

3042. Did you hear any conversation?—Yes, I heard all the conversation that took place, the same as the others.

3043. Have you heard what has been stated in the box?—Yes.

3044. Is that correct?—Quite correct.

3045. I think afterwards, reports by the constables were called for, were they not?—Yes.

3046. How was the fact communicated to the constables that they had to make reports?—Papers were received, and I sent the papers on to Sub-divisional Inspector Smith, to get reports from the constables, and to go into the matter in detail.

3047. Were the papers laid before you?—Yes.

3048. I think you appended your signature to them? Yes.

3049. Do you see the constables before they do that? —Yes, sometimes; not in all instances, but in some.

3050 Did you see them in this instance?—I think I did see one or two of them, but I am not quite certain on the point.

3051. Can you give the Commissioners any information they want on this point?—Yes.

3052. *Mr. Rufus Isaacs.*) When the constables make their reports, are they made by them in private?—No. They could go into a private room, but, in fact, they make them in the charge room as a rule, under the eyes of the inspector.

3053. Were they told that a complaint had been made as to what had happened at the police station on this night?—They would be told the nature of the complaint and they would have to report in explanation of it.

3054. In this case they would be told the nature of the complaint which Dr. Gerothwohl and Mr. Lavalette were making?—That is so.

3055. And they would be called upon to make their report, and to state what had happened?—Yes.

3056. Then each man would write it out?—Yes.

3057. Would they be written at the same time, do you know?—No, not necessarily. The first constable who came into the station would be told that he had to make his report, and he would do it, and then he would go out. It might be that two might be there at the same time.

3058. Do you know at all whether two were there at the same time?—I cannot say at all. The sub-divisional inspector would know.

3059. It is quite plain that they ought to have made the report that these two gentlemen had protested from the first?—Yes, they ought to have stated that in their reports.

3060. It is rather a serious matter to leave that out of the report, is it not?—Yes, they should have put it in, undoubtedly.

3061. More particularly as complaint was being made with regard to this very matter?—Yes.

3062. When the reports are made I did not quite catch what happens to them. Are they given to Sub-divisional Inspector Smith?—They go in to Sub-divisional Inspector Smith, or to the sub-divisional inspector of another sub-division.

3063. Then you, as superintendent, would countersign?—Yes, they would be sent to me after the sub-divisional inspector had gone through them, and seen that they were correct.

3064. All you would do would be to send them on with such observations as you thought it right to make on the report?—Yes.

3065. (*Mr. R. D. Muir.*) With regard to this particular matter it was Sub-divisional Inspector Mackay who was acting?—Yes. That occurred because Sub-divisional inspector Smith had commenced his seven days' leave the day before.

3066. (*Mr. Dickenson.*) I understand that Sub-divisional Inspector Mackay is the man who actually transmitted to these men the order to make reports?—I expect it would be so. The papers would be sent out to him; he would be the one I should expect who would do it.

3067. In this report of Inspector Berry, written in his own writing and signed by himself, there is a continuation on the same paper which is written either in your writing or in Mackay's?—Part of it is Mackay's and part of it is mine.

3068. Your report follows on Mackay's?—Yes. The are simply observations upon it.

3069. But the observations of both of you are upon Inspector Berry's report?—Yes. I do not usually make observations on the others. That is summarised in the first report.

3070. Therefore, your observations are based upon what the inspector had written?—I should read all the reports before I put any observations in it at all.

3071. You had read all the reports, including Inspector Berry's?—Yes.

3072. Therefore, your observations are made on what Inspector Berry said?—No, not entirely. They would be based on that and also on the constable's report.

3073. The last words in Inspector Berry's report are "Reports from police constables herewith"?—Yes. If he has seen those reports they would go through him.

3074. When the inspector wrote his report, and stated, "Reports from police constables herewith," he had also read the reports of the police constables?—That I cannot say. It looks like it from the remark he has put there. It looks as though he had seen them, and sent them to the sub-divisional inspector.

3075. I want to know what is the ordinary course. Would that be the ordinary course?—Yes, if the papers were handed to him.

3076. He would make his report after reading the reports by his subordinates?—Yes.

3077. With regard to P.C. Isaacson's report, that is written in Isaacson's writing and is signed by him, and then countersigned by Mackay and yourself?—That shows that it has not gone through the hands of the inspector. If he had called for the report and it was given to him he would have signed it, undoubtedly.

3078. These reports are written in good writing and carefully. Are they written in the police station?—Certainly; most likely in the charge-room.

3079. Can you tell me what amount of time these police constables would have had to write these reports. When would they have been called upon to write the reports. It is dated April 13th?—One of them might be near at hand when the papers were sent out. He would be sent for and he would write it at once. Once the report form was given to him he would have to give it back in the course of a very short time. It may take, of course, half-an-hour.

3080. Do you mean to tell me that between the order to write this report and receiving it only half-an-hour elapses?—It may be more. It depends on whether he is a quick writer.

3081. Do they write these reports from notes?—No; from memory, I should say.

3082. I am rather struck with the carefulness of the writing of these reports. Are you sure that they would be written out newly or copied?—They are copied in a press copy-book after being written.

3083. These are the originals?—These are the originals.

3084. (*Chairman.*) Is it part of your duty to give instructions from time to time to the whole body of men under you?—Yes, in accordance with the general order.

3085. Do you do that in writing?—I do, invariably, in writing.

3086. What do you call it. Is it a memorandum you issue to them?—Yes, that is to say, supposing there had been some neglect of work somewhere, I should send out a memorandum, or I might do it verbally and tell the inspector there was something wanted attending to.

3087. You say you might send out a printed memorandum?—No, not a printed one, but written.

3088. Do you remember having to make a complaint about a man in August of last year, for instance?—No I think I was away all last August; in fact, I know I was.

3089. When last did you have any reason to complain of the slackness of any members of the division under you?—I really could not say that. I might complain about a man in the street if I met him. I keep no record. *Superintendent Mann.* 30 July 1906.

3090. Have you had occasion during the last year or two to issue anything in the form of a general admonition, or general warning, that men were not doing their duty, and that you expected them to do it?—Yes, I have sent out memoranda of that sort.

3091. In what way were the men not doing their duty on the occasion you are speaking of?—It all depends on what the duty was. Perhaps I might find a man on point duty who was not attending to his duty with regard to traffic, or I might find another man patrolling, and I might think he was lax in his duty, or in his manner, and so forth.

3092. Have you complained to them at all for not bringing in more charges?—No. We do not encourage that.

3093. You do not remember ever having to make complaint about members of the C Force as to neglect of part of their duty?—Not at all.

3094. (*Mr. Rufus Isaacs.*) How long have you been in the C Division?—Eight years now, and twelve or thirteen years altogether.

3095. Have you during that time ever heard complaints made against the police of accepting money from women?—Yes, I have heard of them but not in writing. I have only heard of them casually. Nothing has ever come before me officially.

3096. Has no investigation or inquiry ever been made?—I think there was one case, and that was quite recently, when two women were charged. They said then that the policeman had charged them because they had not given him money for twelve months; but that charge came to nothing, because where they said they had given the money the constable had not been on duty for nearly two years.

3097. Was that a case which was examined before the magistrate?—Yes. They were charged, they went before the magistrate, and they made no complaint; in fact they were invited to come and make their statements, and have them taken down.

3098. Were they convicted?—Yes.

3099. Were they charged with soliciting or with what is tantamount to soliciting?—Yes

3100. In the same way have you heard of any complaints made against members of the force of taking money from bookmakers?—Yes, I have heard of that, and there was one case which was investigated, and that was proved groundless. I would like to say that I do not think there is much chance of that, for during the present year there has been close on £1,700 paid in fines by street bookmakers in the C Division alone.

3101. Who investigated the charge that you are speaking of on this occasion?—The charge against the women?

3102. No.—I did, and I submitted the whole of the facts to the Commissioner.

3103. Then was a report made in writing?—Yes. The whole of the statements were taken down from these betting men, and it was found that there was no reliance to be placed on them; in fact, the very men they were complaining against had charged them several times, and the complaints resulted because they did their duty so well in the streets.

3104. Have you had any charges made against the police of taking money from licensed victuallers?—No, not a single one.

3105. You have not heard of that?—I have not heard of such a thing in the C Division.

Inspector Francis Mackay; sworn.

3106. (*Mr. R. D. Muir.*) Are you a sub-divisional inspector stationed at Marlborough Street Police Station?—Yes. *Inspector F. Mackay.*

3107. I think the police station is next door to the police court?—Yes.

3108. Did you happen to be on duty at the police station when Dr. Gerothwohl's case came on?—No.

3109. How did you come in contact with Dr. Gerothwohl's case?—I have had very little to do with it at all. I simply submitted the report in the first instance because my colleague was away.

3110. When were you called upon to get reports from the constables concerned in that case?—As near as I can recollect I think it was about the 12th or 13th April.

Inspector F. Mackay.

30 July 1906.

3111. How did you call for them—in writing, or verbally?—I called for them verbally. I think I left a memorandum with Inspector Berry, and the constables were to be warned to write out the reports. I ultimately found the reports on my desk.

3112. Were they accompanied by the report of Inspector Berry?—Yes.

3113. (*Mr. Whitmore.*) You were not present when the constables made their reports?—No, I was not.

3114. What is your duty when you are asked to get reports from constables?—The complaint is read to them, and, on that complaint, they have to make their reports.

3115. They make the reports, and then they hand them to you?—Yes.

3116. Have you finished your duty when you have gone through the reports of the constables?—We go through the reports, and if there is anything which we think is deficient we make them write fresh reports.

3117. In this case you knew nothing of the circumstances?—No, I did not.

3118. Did you go through the reports?—I went through the reports, but not with them, afterwards.

3119. That is to say, if you now think there is anything deficient in those reports, you would not know it then?—No.

3120. As a matter of fact, you did not check the reports?—I did check the reports.

3121. As a matter of fact, you were not at the police station when this occurrence took place?—No.

3122. Therefore you did not know whether those reports were deficient or not?—No, I did not.

3123. Therefore your checking of them could not be very effective?—No. I could only be guided by the circumstances.

3124. (*Mr. Dickinson.*) Have you any knowledge as to whether those reports were made independently?—Yes.

3125. Do you know they were?—The men were not on the same duty. They make reports when they come off duty. I have made inquiries since, and I find they were on separate duties, and they made the reports separately.

3126. At what time?—I believe one was made in the afternoon and the other was made later—in the evening.

3127. If their reports are alike, you think that is something fortuitous.—Yes, and I think if they were speaking the truth they would require to be so.

3128. You do not confine yourself to sending in those reports, but you make this observation: "If P.C. Wallington and Isaacson had not arrested the gentlemen outside St. James' Church there would not have been any necessity to hand Timmings to P.C. Divers." You knew nothing of the case originally. What made you come to that conclusion?—I knew sufficient in this way: That had P.C. Isaacson handed Dr. Gerothwohl to P.C. Divers he would have been acting very improperly, because unless he had occasion to hand him over he had no right to do so, and I doubt very much whether P.C. Divers would have taken the prisoner

3129. What I want to know is where you got the information from which enabled you to come to this conclusion at this time?—I think that was from inquiries I made.

3130. You discussed it with whom?—With Inspector Berry.

3131. With anybody else?—No, I think not—not that I recollect at present.

3132. Did you not discuss it with either Police-constable Isaacson or Police-constable Wallington?—No.

3133. (*Mr. Rufus Isaacs.*) Was it any part of the Inspector's duty to go through the reports?—Yes, he should have seen them by rights.

3134. Do you know whether he did or not in this case?—I think he did not see them all.

3135. Why did he not?—I think he was on night duty at the time, or had gone off duty, and I think I dealt with them before he came back on duty again.

3136. Do you mean you sent them away before he saw them?—No, I could not say whether he saw them or not. I found them on my desk, but I knew he had gone off duty then, and I sent them away before he came back on duty.

3137. That does not seem to agree with his report, because if you look at his report there is Inspector Berry's handwriting?—Yes.

3138. Just above that you will see "reports from police constables herewith."?—Yes.

3139. So that Inspector Berry does appear to have sent them on?—Yes, according to that he does.

3140. There is his signature underneath?—Yes, that is so.

3141. Have you any reason to doubt that that is correct?—No, I have not. I know I found the reports on my desk, and I dealt with them almost immediately. He was not there then.

3142. He must have seen them before if he did see them?—He must have seen them before if he did see them.

3143. I do not understand what is the meaning of his saying at the end of his report: "Reports from police constables herewith," unless he had had them?—According to that that would certainly convey the idea that he had seen them.

3144. I suppose I may take it that that is correct?—Yes.

3145. He had seen them?—Yes. I do not know from my own knowledge that he had.

3146. You are only gathering that from what you see here? Yes.

3147. We have had evidence from several officers about it, but it is plain, is it not, that these three police constables ought to have stated in their reports the protest which had been made by Dr. Gerothwohl and Mr. Lavalette?—Yes, that would be correct.

3148. (*Mr. Eldon Bankes.*) At the end of Inspector Berry's report you wrote a note of your own which begins "Submitted"?—Yes.

3149. At that time had you before you the statements of the police constables as well as the statements of the inspector?—Yes, I had all the reports.

3150. You say there, "If P.C. Wallington and Isaacson had not arrested the gentlemen outside St. James's Church there would not have been any necessity to hand Timmings over to P.C. Divers." Did you ascertain from the constables that they had done so?—Yes.

3151. That was your comment upon what you saw in the reports?—Yes.

3152. (*Mr. Dickinson.*) The assumption is that you talked it over with Inspector Berry?—Previous to making the report.

3153. (*Mr. Eldon Bankes.*) The next is of the same character. You comment on the fact that Dr. Gerothwohl swears that the stick was taken away by P.C. Isaacson, whereas the stick was taken away by P.C. Wallington. That fact you also gathered from the report?—Yes.

3154. (*Mr. Rufus Isaacs.*) I should like to understand this from you with reference to what you have just said to Mr. Eldon Bankes, you read the reports of the three police constables and I take it Inspector Berry's report before they were sent on?—Yes.

3155. And you had a conversation with Inspector Berry about them?—Prior to that.

3156. Before you read them?—Yes, I think I read the reports.

3157. When you read the reports of those three police constables, did it not strike you at once that they had left out the most important feature of the whole occurrence, which was the protest which had been made by Dr. Gerothwohl and Mr. Lavalette, when they were in the dock?—No. That was made by Inspector Berry.

3158. I am asking you about the police constables' reports. I know what Inspector Berry says. Did it not strike you in reading through the reports of those three police constables that they were leaving out that most important statement?—No, I cannot say so. It does not strike me so.

3159. You have told us it was wrong for them to have left it out?—It would certainly have been better if they had not left it out.

3160. Do not let us play with words. It would have been more than "better." It would have been right for

them to have stated it, and they ought to have stated it?—Yes.

3161. If they were asked to give a true statement of what had occurred, they ought to have stated that which was a most important feature, from the prisoners' point of view?—Yes.

3162. When you read them did it not strike you as an extraordinary thing that these police constables had not mentioned that fact?—It did not strike me so at the time.

3163. But it strikes you now?—Yes, it does.

3164. But it did not strike you when you read what they said that no reply was made to the charge? You knew the fact at the time that a protest had been made by Dr. Gerothwohl and Mr. Lavalette?—No, I did not know much about it except what was told me by Inspector Berry.

3165. In the conversation you had with him?—Yes.

3166. Did he not tell you that they had repeatedly protested about the place where they were arrested, and also that they had come to speak in favour of Timmings? Did he tell you that?—Yes.

3167. Then you must have had it present to your mind when you had the constables' reports?—Yes, and they denied it.

3168. Who denied it?—The constables.

3169. If you had had that present to your mind when you read the police constables' reports, why did not you call their attention to the fact that they had not made any statement about it?—That certainly slipped my notice.

3170. It did not occur to you at the time?—It did not.

3171. (*Mr. Eldon Bankes.*) Were those reports called for by your superior officer?—Yes.

3172. Was Inspector Berry's report annexed to the reports of the constables?—Yes. *Inspector F. Mackay.*

3173. In Inspector Berry's report the incident about the protest is mentioned?—Yes. 30 July 1906

3174. Whether it ought to be in the constables' reports or not I am not saying for the moment, but whoever received the four reports together would know the fact?—Yes. The fact was admitted.

3175. It appeared in Inspector Berry's report, although it did not appear in the other reports.?—Yes. the fact was that Dr. Gerothwohl and Mr. Lavalette did protest.

3176. You made some suggestions at the end of Inspector Berry's report, and I have read two of them. Now, I want to know this. Were these two men, Police-constable Wallington and Police-constable Isaacson on point duty or were they on beat duty that night?—On patrol duty.

3177. Would it be a breach of their duty to leave their patrol without some good cause?—Yes.

3178. Supposing, for instance, they had properly gone to St. James's Church to deal with this crowd would it have been a breach of their duty to have left it, and to have followed these gentlemen to Vine Street unless they had arrested them?—They would not certainly be justified in handing a prisoner over.

3179. He certainly would not be justified in handing a prisoner over unless he had another himself?—That is so.

3180. Supposing Timmings was the only one arrested there would it have been a breach of this man's duty to leave the crowd at St. James's Church and go to Vine Street?—Distinctly so.

Dr. Alexander Mitchell; sworn.

3181. (*Mr. Eldon Bankes.*) I think you are a Doctor of Medicine, a Bachelor of Medicine, and a Master in Surgery, and, I think, at the present moment, you are acting as Chief-Surgeon to the Metropolitan Police?—Yes.

3182. I think the Chief-Surgeon is away on leave?—Yes.

3183. I think you are the Divisional-Surgeon of Police of the C Division?—At Vine Street, Piccadilly.

3184. What is the exact nature of that appointment. Are you principally employed by the police?—Not altogether, not exclusively.

3185. Are you appointed to that office?—Yes.

3186. Who appoints you?—The Home Secretary, I believe.

3187. You receive a definite appointment?—Yes.

3188. Then you have to perform such duties as you are called upon to perform?—Yes.

3189. Does part of your duties consist in examining persons who are charged with being drunk and who deny it?—That is so.

3190. Were you at Vine Street Station on this particular Saturday night?—I was.

3191. Had you any particular reason for being there?—Not unless I examined any case that came in that required examination in case of injury, and other things.

3192. Were you summoned that night to go, or did you go of your own motion?—I went voluntarily.

3193. Have you a room at the station?—I have.

3194. Do you remember what time you went to the station, that evening?—About a quarter past ten.

3195. Did you see these three men brought into the station do you remember?—No I did not see them brought into the station.

3196. Did you see them in the charge room at all?—When I was leaving the opposite room after a quarter past twelve I saw three men in the dock and the constables, but I cannot swear to their identity. There were three men there, and there was a stick, and the stick was broken in a struggle.

3197. You saw that going on?—Yes, I cannot swear to the main point, but there were three men there about that time. *Dr. Alexander Mitchell.*

3198. That is all you saw with reference to the time when the men were in the charge room?—Yes.

3199. Later, at about half-past two in the morning, I think it was, were you called to examine these two gentlemen?—I was.

3200. Who asked you to come. Do you remember?—I think it was the inspector. I think I was in my room at the time.

3201. Did you go down to the cells?—I did.

3202. Did you examine both Dr. Gerothwohl and Mr. Lavalette?—Yes.

3203. Which gentleman did you examine first?—Dr. Gerothwohl.

3204. Where did you examine him?—In the passage leading from the charge room to the cell.

3205. I think you did write out a certificate as to his condition?—I did.

3206. Did you do that at the time?—Shortly afterwards.

3207. After you came back to your room?—Yes. I went into the charge room after finishing my examination.

3208. Did you also examine Mr. Lavalette?—I did.

3209. And you wrote a certificate with reference to him?—Almost on similar lines.

3210. I had better read the certificate:—You say "I examined at 2.30 a.m. Maurice A. Gerothwohl and found him recovering from the effects of excessive drinking. I think he is not now drunk." Your certificate with regard to Mr. Lavalette is: "I examined at 2.45 a.m. Henri Lavalette, and found him recovering from the effects of excessive drinking. I think he is not now drunk." Did you make a careful examination of these two gentlemen?—I did.

3211. Do these two certificates contain your opinion as to their condition after your examination?—It contains a very correct description of my opinion after my examination.

3212. Have you had considerable experience in

Dr. Alexander Mitchell.

30 July 1906

examining into cases of drunkenness?—I have examined between something like 600 and 700 cases yearly for the last eight or nine years.

3213. Will you tell us what are the indications which you look for of drunkenness, or of a man having been drunk?—Do you mean the symptoms?

3214. Yes.—I generally examine the eyes to begin with, and in almost every case I find the pupils dilated and inactive. They do not react to light, the whites of the eyes are usually congested, the speech is hesitating and stammering, the expression vacant, gait unsteady, the lips parched, and the breath smells of drink.

3215. Those are the symptoms you look for in order to make up your mind?—Yes.

3216. What did you find upon your examination of these gentlemen that led you to form the conclusion which you state in your certificate?—I examined them as to gait, and found it perfectly steady; the expression was intelligent, the voice in either case was not thick, and they did not stammer or hesitate, and I therefore came to the conclusion that they were sober; but when I examined their eyes I found the pupils still dilated, I found their lips parched, and their breath distinctly smelling of drink, and therefore I concluded that they were recovering from the effects of excessive drinking.

3217. (*Dr. Gerothwohl.*) You say you were instructed by Inspector Berry?—I forget which inspector it was. An inspector came and told me that some gentlemen wanted to be examined.

3218. You took that as meaning that they were intending to dispute the charge?—I take it that is the meaning of their wanting to be examined.

3219. In such a case you would make, I suppose, an especially careful examination?—I am so accustomed to examination that it would not take me so long a time to examine people in that condition as it would take some medical men less trained in this particular line.

3220. You did make a careful examination?—I made as careful an examination as was necessary for the purpose. I certified you were not drunk. I stated that you were recovering from excessive drinking for the reasons I have given—pupils dilated and inactive, lips parched, and breath smelling of drink.

3221. You said our gait was steady, our voice not thick, and our speech not stammering or hesitating?—Yes.

3222. Why did not you state that at the police court?—The question was not asked me.

3223. You stated the unfavourable symptoms?—I stated that you were not drunk when I examined you, but that you were recovering from excessive drinking.

3224. I say at the police court you stated all the unfavourable symptoms?—I stated that you were not drunk. If you had asked me my reasons I should have told you.

3225. You stated what symptoms you found as indicating in your opinion that we were recovering from drink?—I did. I certified you were not drunk.

3226. You did not state the symptoms which pointed to our sobriety?—I tell you I certified you were not drunk. If you had asked for my reasons for expressing that opinion I should have told you as I have told you now.

3227. Therefore you based your assumption that we were recovering from the effects of excessive drinking on three points?—The eyes, the parched lips, and the breath.

3228. With regard to the eyes, first, with regard to congestion, is congestion not a state in which you find a great many people who are not drunk or even recovering from the effects of drink?—Coupled with the smell of drink and parched lips creates an entirely different impression on my mind than that created by people simply suffering from dilated pupils and suffering from excitement.

3229. I am coming to that presently. I suggest that congestion of the eyes is not conclusive?—It is one symptom which, with the other facts, makes one come to a conclusion as to the condition of the individual.

3230. Is not dilation of the pupils of the eyes a varying quantity?—Almost invariably in cases of drunkenness I find the pupils dilated.

3231. When people are sober are not their pupils dilated?—You may have them dilated from excitement but it does not naturally follow that if a man's pupils are dilated his breath smells strongly of drink. It is not one symptom simply, but it is the two things combined that I base my opinion upon.

3232. Now another point; do not the pupils dilate in a dark cell?—Yes, but they re-act on getting into the light at once—immediately.

3233. Immediately?—In two seconds.

3234. You can get dilation of the pupils from excitement?—Yes.

3235. Now, another point. The pupils vary according to the people, do they not?—In what regard?

3236. Some people have larger pupils than others?—Yes.

3237. Some are abnormally large?—But all re-act to light unless there is reason for their not re-acting.

3238. I put it to you that the indications from our breath were very slight?—They were not slight, especially from your own.

3239. Did you smell our breath when you were examining our eyes?—Yes, I smelt your breath particularly. When I examined your eyes I smelt your breath.

3240. I find you said in the police court "After my examination was over I smelt his breath and thought he had been drinking."?—I cannot remember having said that.

3241. I suggest to you it must have been very imperceptible?—One moment. You stated that I did not come sufficiently near to you to smell your breath. As a matter of fact, I smelt your breath while I was examining your eyes.

3242. Why did you say at the police court "I smelt his breath, and thought he had been drinking."?—That has nothing to do with the question. I do not know that I said anything of the kind, but that was the position I was in—when I examined your eyes I smelt your breath.

3243. I suggest to you that you only noticed the breath, and only thought that we had been drinking. That is what appears from what you said at the police court?—I told you my opinion at the police court as I do now, and that is, that you had been drinking to excess.

3244. I find you said this at the police court. You were asked this question: "I want to ask you one or two questions about this. Did you ask Dr. Gerothwohl when you first saw him what liquor he had had that evening."?—That is so. Perfectly correct.

3245. "A.—I did not when I first saw him. After the examination was over I smelt his breath and thought he had been drinking"?—I knew I smelt your breath at the time I examined your eyes, and you smelt very strongly of drink. That is what I told you.

3246. The only three conditions on which you based your assumption were the three points to which you have just referred?—That is so.

3247. As a medical practitioner you know Quain's Dictionary?—I do, and a very excellent work it is.

3248. I find that Quain says: "Mere odour of the breath is quite fallacious; and the writer attaches but little importance to the state of the pupils."?—When was that written.

3249. That is the revised edition by Drs. Roberts and Mitchell Bruce?—When was it written?

3250. 1895. My own experience, and, as I say, I have had great experience, is that I rarely find cases of drunkenness in which the pupils are not dilated, and in which they satisfactorily re-act to light.

(*Mr. Rufus Isaacs.*) Do you mind telling me under which head that which you have just read comes.

(*Dr. Gerothwohl.*) It is under the head of "Alcoholism."

3251. I presume without expert knowledge that in the recovery stage the features would be even less distorted?—I do not know what you mean.

3252. You are referring to the acute stage?—Yes.

3293. Do prisoners or persons apprehended ever no importance they would be even less important afterwards?—They are of very great importance for this reason. I have given you as clearly as I can the

reasons on which I found my opinion as to whether a man is drunk or sober. My opinion is that no such combination of conditions can be caused by any cause except alcoholic stimulation.

3254. I suggest in spite of very great excitement that that would not cause dilation of the pupils or congestion of the eyes?—You have to take into consideration the whole of the circumstances connected with the case. You cannot say that a man is drunk taking one symptom if he has two symptoms.

3255. It is not because the two symptoms are noticeable when people are drunk that they indicate that a person is drunk?—I do not know what you mean. You want a number of symptoms. You cannot tell that a man is drunk by one symptom alone. You want a number of different symptoms.

3256. You have not many symptoms?—How many do you want?

3257. You found a number of favourable symptoms in us. You found steadiness of gait?—You had got dilation of the pupils.

3258. You found the gait steady?—I could not say your gait was unsteady when it was steady.

3259. May I ask you whether you examined any other prisoners that night?—Yes.

3260. Had you examined any between 12 o'clock and 1 o'clock?—I examined one at a quarter past 12, and one at half past 12.

3261. Was there one in evening dress?—That I could not tell you.

3262. You do not remember?—No.

3263. Where was he standing?—I fancy I examined him in the passage where I examined you.

3264. You do not examine them in your room?—No, not for drunkenness. There is a passage there about twelve paces long where I can get one to walk a certain distance.

3265. May I ask you whether the form of certificate in this case has often been given by you—not drunk, but recovering from the effects of excessive drinking?—It has been given by me several times.

3266. Is it not a sort of common form?—It is not common form. I do sometimes use that form when I find them in that state.

3267. You say it is not a usual form?—Not usual.

3268. But you do give it sometimes?—Yes, when necessity arises; it requires to be somewhat in that fashion.

3269. You still contend that the three symptoms which you noticed would be produced only through drunkenness?—I say this, that the three combined, dilated and inactive pupils, congested conjunctiva, with parched lips, and smelling strongly of drink, were the result of recent excessive alcoholism.

3270. (*Mr. Lavalette.*) Supposing I took a glass of whisky at lunch to-day, and I have had nothing since then, and supposing you were to examine me at the present moment, I am sure you would see my pupils dilated, and I am sure you would see my lips parched?—Are you influenced by drink, then?

3271. Let me ask you this question. If you were to examine me now, and you saw all those symptoms, and you smelt me of whisky, would you say I was drunk or was suffering from the effects of drink?—It would depend on how I found you. If I found you with parched lips, and breath smelling strongly of drink, I should say most probably that you were recovering from the effects of it.

3272. You would?—Yes, very probably.

3273. (*Chairman.*) I want to ask you one or two general questions before I ask you some questions as to the particular case which is now occupying the attention of the Commission. What are the terms of your remuneration while holding office?—I am paid so much per year by the police authorities for attending on the police. As to those examinations which are made after 7 o'clock in the evening 7s. 6d. is charged for the examination, and during the day 3s. 6d. is charged for the examination—that is, from 7 a.m. to 7 p.m.

3274. As I understand, you are paid a salary by whom?—By the police authorities.

3275. That is a settled salary per annum?—Yes.

3276. What have you to do for that?—To attend the men in case of sickness, injury, and other things of that kind.

3277. The men of the C Division?—Yes, the men of the Vine Street Sub-division of the C Division.

3278. Besides your attendance as surgeon on members of the Force, you have certain other duties, I gather?—Yes.

3279. You have a room assigned to you at the police station—Vine Street, for instance?—Yes, which I make my consulting room for the constables, and I stay there in the evening from half past 10 to 2 in the morning.

3280. Why do you stay there?—If I were to go to bed at 10 o'clock I might have cases coming in after that.

3281. Do you mean constables' cases?—Yes, sometimes drink cases and sometimes injured cases, and if I were to go to bed I might have to get up to attend to those cases.

3282. Is it part of your regular employment to attend upon any prisoner in the cell by request of the inspector or by request of the prisoner?—Yes.

3283. Are the terms of your engagement in writing?—No, not in that regard, but simply with reference to attending the Police.

3284. They are in writing with regard to attending the Police?—Yes. I am appointed by the Home Secretary.

3285. Can you tell me what the form is?—I cannot. Perhaps the superintendent can tell you.

3286. Perhaps you will send it on to us?—Yes.

3287. Perhaps you will send us a copy of the letter or document appointing you?—Yes. I think it is simply mentioned in the General Orders of the day that so and so has been appointed divisional surgeon to such and such division or sub-division.

3288. It does not define your duties at all?—No, not beyond that. I would not like to bind myself to anything of that kind.

3289. Take this case. Supposing Inspector Berry had said to you, "Dr. Mitchell, will you come and examine the prisoner in No. 3 cell?" would you be bound to do it?—It is not a question of being bound to do it. I consider it part of my duty.

3290. Would it be a duty that you have entered into as part of a contract which you have made with the Commissioner of Police?—I do not think so.

3291. But certainly if Inspector Berry told you to do it you would do it. The remuneration you are paid per annum would not cover services you had not rendered?—No.

3292. Who would pay you in that case?—Most of the prisoners pay themselves. They are fined in the morning so much, with the cost of the medical examination, and it is usually paid.

3293. The case I put to you is this. Supposing Inspector Berry told you to do it, I understand you to say you would not be bound to do it; but supposing he told you, or asked you to do it, and you did in fact examine the prisoner, who is liable to you for the fee?—The Receiver or the Commissioners—either the Commissioners of Police or the Receiver.

3294. You would expect the Police to pay you in that case?—Decidedly. They give you a certificate to the effect that you have attended so and so at a given hour, and you take that with you.

3295. Supposing the prisoner asks for your attendance and your examination, does he expect to pay you?—You receive a certificate from the officer in charge, and if the individual—the prisoner—himself chooses to pay we always accept the money. It is often done.

3296. Does a prisoner very often himself pay the money?—Yes.

3297. What is the fee?—7s. 6d. between 7 in the evening and 7 in the morning, and 3s. 6d. between 7 in the morning and 7 in the evening.

3298. Do prisoners or persons apprehended ever complain of having to pay your fee?—No.

3299. On this occasion was it Inspector Berry who asked you to come and examine the prisoners?—I do not remember.

Dr. Alexander Mitchell.

30 July 1906.

3300. That was at 2.30 in the morning. That was two hours after the time they had been first taken to the cells?—Yes.

3301. What were you asked to go there for?—To examine them, to see their condition, and to certify whether they were drunk or sober.

3302. When you took them up the passage in order to examine them, the problem that you set yourself was to determine whether they were drunk or sober?—Yes.

3303. They were both sober?—They were both undoubtedly sober.

3304-5. May I ask you why you did not stop in your certificate, having formed a judgment as to their then condition, at the words "drunk" or "sober"?—I am supposed to express my opinion of the men's condition fully in my certificate.

3306. By whom are you supposed to do that?—It is always expected of me. I was requested by the inspector in charge.

3307. A moment ago you said that the problem which you set yourself to determine was whether these two men were drunk or sober at the time you examined them?—That is so. Quite right.

3308. That was the problem?—That was the problem. That is scarcely the way of putting it. It was to express my opinion as to their condition, as a matter of fact.

3309. Who asked you to express your opinion as to their condition?—The inspector who requested my attendance.

3310. You do not remember who that was?—No. It might have been Berry or Bex.

3311. How was the wish conveyed to you? Do you remember the words used?—He wished me to examine the condition of this prisoner.

3312. That I respectfully suggest to you means whether he is drunk or sober?—He wishes an expression of opinion altogether—whether the man is suffering from sickness, injury, drunkenness, or whatever it may be.

3313. I should not have thought it was any part of your duty to say what was his condition three hours before the time of the examination?—I may have expressed my opinion, in consequence of what I saw, that he was recovering from the effects of excessive drinking. It would be a very correct thing to do.

3314. Were you not asked simply to say whether they were drunk or sober?—I was asked to express my opinion as to their condition.

3315. Those were the exact words?—As far as I recollect. The usual expression that is applied to these people is: "Examine this man's condition and report to me."

3316. I must not read the names, because it would be unfair to the persons concerned?—I quite agree with you.

3317. But I find on this very day "At 11.50 p.m. I examined [——] and found him drunk.—Alexander Mitchell"?—That is so. Quite right.

3318. I find this later: "I examined at 12.15 a.m. [——] and found him drunk"?—I note every case in my book.

3319. Is that your certificate or not?—That is my certificate.

3320. That is in the Occurence Book?—Perfectly correct.

3321. May I ask why when you came to deal with Dr. Gerothwohl and Mr. Lavalette you did not adopt the same form and say, "I examined at 2.30 a.m. Maurice A. Gerothwohl and found him sober"?—I say I found him "Not drunk." I put the note down as I found him.

3322. Then follow the words—"but recovering from the effects of excessive drinking"?—I thought it my duty to put down all I could find.

3323. In the case of the other certificate, you say categorically the man was drunk, and you do not put down anything to indicate anything in his favour. You do not indicate any symptoms?—I have those in my private book.

3324. Why did you not keep the words "Recovering from the effects of excessive drinking" in your private note book in the case of Dr. Gerothwohl?—I did not think it was the correct thing to do.

3325. In the former case your evidence was telling in favour of the constables who had arrested the two men with regard to whom you gave certificates?—I defined the condition of the individuals I examined at the time.

3326. The condition of being drunk?—That was their condition; they were drunk.

3327. I am only trying to find out the reason of this?—The reason is this. Men may be recovering from excessive drinking and be sober. I note it in the book in the same form as that. In many cases you get people who are not drunk, but who are just recovering from the effects of drink. It is only fair to yourself that you should enter their condition at the time you examined them.

3328. In that case would it not be far fairer to make a full report in a case in which your verdict is adverse to the person accused?—I could put it all in, but what you are expected to do by the police is to certify whether the man is drunk or not.

3329. I follow that, but you come there as a distinguished professional man to express an unbiassed judgment?—That is so.

3330. Does it not occur to you that the somewhat lengthy entry you make with regard to Dr. Gerothwohl and Mr. Lavalette is an entry in favour of the police?—I do not think so at all. It is the usual form of entry I make in such cases.

3331. Does it not strike you that it is in favour of the police?—When you examine a man's condition, you are supposed to give your certificate free from bias.

3332. When you examined these two men who came from the cells—they were persons who had been arrested some time before by the police for being drunk and disorderly—you found them sober?—Yes.

3333. You begin your certificate by saying you found them "recovering from the effects of excessive drinking"?—Yes, but not drunk; and that was the reason I said they did show the effects of drink—the dilation of the pupils, the breath, and the parched lips.

3334. I asked you what was the problem, and you said it was to determine whether the men were drunk or sober, and that your verdict with regard to their condition at 2.30 and at 2.45 was that they were sober. Do you think it was necessary for you to ask yourself the further problem what was their condition three hours before?—In similar cases I always enter it in that way.

3335. Did Dr. Gerothwohl ask you to enter up your view as to what his condition was some time before?—No, he did not.

3336. As a medical man of experience, do you not think it is rather a difficult thing to determine from such symptoms as you have described what the condition of a man was three hours before?—Having regard to the fact that the three symptoms I discovered are symptoms of drunkenness, I certified that they were recovering from the effects of drunkenness.

3337. No, you say "from the effects of excessive drinking"?—Yes.

3338. Why did you not say they had been drunk, or use some form of words such as that, or they might have been drunk?—I might have said that, but I wanted to give an honest certificate.

3339. Why use the words "recovering from the effects of excessive drinking"?—Those words represented the condition I saw.

3340. Why did you use such words as "excessive drinking," which are ambiguous?—I thought that was rather in favour of the prisoners. I did not want to say they were drunk when I had not seen them.

3341. (*Mr. Rufus Isaacs.*) Supposing you found a man with his eyes dilated, lips parched, and with a smell of drink, in all probability you would think it showed he had been drinking to excess?—I think so.

3342. But it may also mean he has not been drinking to excess, but he is in a state of great excitement?—That would not account for his condition then.

3343. It would account, if he had been drinking whisky, for example, for his breath smelling of whisky, and then he would have his lips parched and his eyes dilated, and if he was under great excitement in the ordinary course, he would be likely to have the

same three symptoms as if he was suffering from the effects of drink?—Yes.

3344. Supposing a man has had two or three glasses of whisky during the evening, his breath would smell of whisky?—Yes.

3345. And his lips would be parched and his eyes dilated in consequence to a great extent. That is what would happen, would it not, if a man was very much excited? You would find his eyes dilated, and his lips parched?—Yes. I do not admit all the same that in every case of excitement you get dilation of pupils.

3346. I am not asking you that. I rather understood you to say that it was a symptom which you find in conditions of excitement?—You might find it.

3347. It is consistent with a person suffering from excitement?—Yes, I would put it in that way.

3348. That is what I understood you to have told us. Therefore, although I quite follow what you say, when you see a man suffering from or manifesting those three symptoms you would think he very probably had been drinking to excess?—Yes, that is so.

3349. But those three symptoms are also consistent with his not having been drinking to excess, but being under great excitement and having some alcoholic liquor?—So much depends on idiosyncracies with regard to drink. Take excitement. I know that excitement does intensify the action of alcohol, and people become intoxicated in that way, perhaps, having taken very little alcohol comparatively; the effects more rapidly wear off than with others.

3350. I understood from what you told me, with which I rather thought you would agree, that the symptoms were consistent with these men being perfectly sober, although you would think it very probable that they had been drinking more than was good for them?—To excess.

3351. If it is consistent also with an innocent interpretation, I do not follow why you did not give them the benefit of that?—I put down what I considered the correct thing at the time, and I want to put down everything that I think is right. I do not want to be on one side more than on the other. I may say the most painful duty I have to perform in connection with police work is with regard to these cases of disputed drunkenness. I would oftentimes a thousand times rather certify a man sober than drunk, but we are obliged to perform our duty.

3352. In your opinion, as I understand you, I think you told us once, but I want to have it quite clear, when you saw them at 2.30, to use your own words, they were undoubtedly both sober?—They were undoubtedly.

3353. If they were undoubtedly both sober at 2.30, they could not have been very drunk at a quarter past twelve?—It depends on the amount of drink they had taken. In my opinion both these gentlemen are not men who drink much at all, and therefore three whiskies and a pint of ale or lager beer was quite sufficient.

3354. At seven o'clock in the evening?—It was after seven o'clock in the evening. One whisky was at eleven o'clock, and one, I think, after, but I say the excitement supervening with regard to the arrest was quite sufficient with the whisky they had taken to render them drunk at the time they were arrested.

3355. You mean to say they had a certain amount of alcohol, and then if they were arrested and brought to the station and got very excited in consequence of that arrest, that might make them appear to be drunk?—That is so.

3356. Then the manifestations of drunkenness must have very rapidly disappeared at the police station?—I have seen cases of men brought in there drunk to all intents and purposes who have drunk very little, and three-quarters of an hour afterwards I have found them to be perfectly sober. I simply gave my opinion on their condition at the time I examined them.

3357. One question about this certificate. You say you found them recovering from the effects of excessive drinking. If there had been this excitement which you have told us of, would you describe that properly as excessive drinking?—Two and a half hours after the occasion had they not been drinking a considerable quantity they would not have shown any symptoms at all.

3358. With regard to the smell of drink. Would anybody be able to detect what they had been drinking from the smell?—I smelt distinctly in the breath of both whisky, and probably wine and beer.

3359. Why do you say probably wine and beer?—Wine and beer ferment in the stomach and produce sour conditions. In Dr. Gerothwohl's case it was particularly marked, but in the other man it was not.

3360. That would depend on the condition of the stomach?—Yes, and the drink would not oxidise in a stuffy police cell as it would outside. After all, speaking of drunkenness, it is difficult to say when a man is really drunk. My own opinion is this: Given an individual who through excessive indulgence in alcoholic stimulants becomes a danger to himself or the public, or an annoyance to the public, or commits acts against his own interests through his having overindulged in stimulants, that man is drunk. Some people run away with the idea that unless a man falls on the floor or in the gutter, and cannot get out of it, he is not drunk, but that is not my opinion.

3361. What I was trying to find from you was with regard to the smell. How long do you think the smell would last from a man who had taken, we will say, two whiskies and sodas from 11 o'clock to 12.15? How long would he continue to smell?—So much depends. If he is in the open air it would pass off in half an hour where oxidisation is going on rapidly, but if that man is in a stuffy police cell it might last two or three hours or longer. I have often found that.

3362. When you examined them, and they had been in a stuffy police cell for two hours and three-quarters, and when you found them still smelling, would that be from two whiskies and sodas?—Probably two or three whiskies is all they had taken altogether, but they are not men who drink much. They are not drinking men at all. I do not say anything of the kind.

3363. And I suppose you would also agree that the great excitement under which they were apparently suffering when they were arrested would, or might, cause people to think that they were drunk?—Probably they were drunk for a moment, for the time being.

3364. You mean drunk from excitement?—In consequence of the alcohol they had taken, its action being accentuated through excitement, which is a very common thing.

3365. A man may become intoxicated without taking alcohol at all?—Yes, from taking coffee sometimes.

3366. Anything that is very stimulating and exciting?—Yes.

3367. And it may be only conversation that may cause it?—Yes, perhaps it might.

3368. (*Mr. Dickinson.*) When you were asked to certify and express your opinion as to their condition, did you know who it was you were going to examine?—I did not. I was told two gentlemen down in the cells wanted to see me as to their condition.

3369. When did you first become aware of the fact that these were the same men that you had seen in the dock?—I do not know that they are the same men now. I could not swear as to their identity. I merely passed through the charge room in a hurry to get out of it, and I saw a struggle going on in the dock. Whether it be those now I cannot tell. I could not swear to one of them.

3370. Did you know you were being asked to examine them at their request?—I did not ask that at all. I was simply asked to examine those men as to their condition.

3371. Is this an accurate description of what took place—it is what Dr. Gerothwohl said—"Dr. Mitchell examined me and looked at my eyes with an instrument. I said, 'Surely you cannot say I look drunk,' to which he said, 'Well, perhaps; but you may have had time to recover by now'"?—No doubt I did say something of that kind. I cannot remember the exact words, but that may be so.

3372. Then he says, "He examined my eyes with an instrument and asked me what I had had to drink. I said I had had one laager beer at dinner and a whisky and soda later." Is that right?—Yes.

3373. "Then he called Police Constable C R. 43 and asked him what was the charge, and then, for the first time, I heard Police Constable C R. 43 say 'Brawling

Dr. Alexander Mitchell.

30 July 1906

in Piccadilly, and shoving people off the pavement.'" Do you recollect that?—There was some conversation, but I did not pay any regard to it.

3374. Why did you ask Police Constable C R. 43 what was the charge?—Now I remember it. It is a long time ago—last April.

3375. Now you remember it?—I remember asking what led up to the arrest.

3376. You were anxious to know a little of the history of the case?—Yes.

3377. Did not he inform you they had been taken up for brawling in Piccadilly and shoving people off the pavement?—If that is the expression used by C R. 43 it rather proves that there had not been, or, at all events, it did not mean that they had been drinking, but they were there for the brawling.

3378. Then it is correct to say when you were examining these gentlemen scientifically you felt also bound to ask the policeman what they were there for?—I asked what they were doing, and what they were arrested for.

3379. I presume that had some effect on your mind in saying that they were recovering from excessive drinking?—The constable did not mention about the drinking at all. Would you read it again?

3380. "For the first time I heard Police Constable C R. 43 say 'Brawling in Piccadilly and shoving people off the pavement.'" I put it to you, did that make you think there was an occasion on which they had been drunk prior to that in the evening?—I did not say so. If that is all that the constable said then it does not mention anything about drink at all.

3381. I understand that when you were examining these prisoners in each case there was a police constable present?—There always is.

3382. When you were examining Dr. Gerothwohl there was Police Constable C R. 43, and when you were examining Mr. Lavalette, is this correct, that you made him walk down the passage and made him spell his name?—Because I could not put it down without his spelling it, as a matter of fact.

3383. "He spelt his name according to the French pronunciation, and on hearing this Police Constable C R. 6 spelt it in the English way." Do you remember that happening?—No. I do not.

(*Mr. Eldon Bankes.*) These gentlemen behind me (Dr. Gerothwohl and Mr. Lavalette) say it ought to be Police Constable C R. 43 and not C R. 6.

(*The Witness.*) I do not remember, as a matter of fact.

3384. (*Mr. Dickinson.*) You cannot remember it in the case of Mr. Lavalette, but you remember it in the case of Dr. Gerothwohl. You did not talk to the policeman about him?—Yes.

3385. You cannot remember whether in the case of Mr. Lavalette you did or not?—I really forget.

3386. (*Mr. Whitmore.*) One question as to the nature of your appointment. You said you were appointed, you thought, by the Home Secretary?—I understand so.

3387. Do you understand by that that the appointment is made by the Home Office as distinct from Scotland Yard?—Yes.

3388. The Commissioners of Police have nothing to do with appointing you?—I do not think so.

(*Mr. Eldon Bankes.*) We will get the terms of the appointment.

3389. (*Mr. Whitmore.*) Is your appointment for life?—As long as I behave myself.

3390. Then I think I may say it is for life?—I hope so.

3391. (*Mr. Rufus Isaacs.*) Were you told anything of what occurred before you examined Dr. Gerothwohl and Mr. Lavalette?—No. I was simply asked to come and examine them as to their condition.

3392. You did not know they had protested as to their arrest?—No.

3393. That might have influenced your mind?—If one had known all about it it might, but I knew nothing of the case at all till I examined them.

3394. If you were told they were coming to the station to give evidence on behalf of a third man and were in a great state of excitement about being arrested that might have influenced your mind?—The excitement was there, but I did not know anything about it. Of course I have heard of it since.

3395. (*Mr. Eldon Bankes.*) As to the form of your certificate. Is it in the interests of the prisoner in many cases that your opinion should be known not only as to his condition at the time you see him, but his condition at the time of his arrest?—Yes, for many reasons.

3396. If you find a man drunk when you examine him he must necessarily have been drunk when he was arrested, because he has no opportunity of getting drunk in the cells?—No.

3397. Then there is another condition in which you find a man—sober, but he may have been drinking?—That is so.

3398. Is that your way of dealing with it in the certificate?—Yes, it is usual to put it in that form: "I examined so-and-so and found he had been drinking and was excited, but he was not, in my opinion, drunk."

3399. A third case may arise when you examine a man and find he is then sober, and in your opinion he has not been drinking at all. Would you put that in your certificate also?—Yes.

3400. So in the interests of the prisoner it is desirable they should have your opinion not only as to his condition at the time you examine him, but some time previously?—Yes.

(*Mr. Eldon Bankes.*) I have now the regulation. It is Regulation 47: "Divisional Surgeons are appointed by the Secretary of the State on the recommendation of the Chief Surgeon endorsed and submitted by the Commissioners." I think, sir, those are all the witnesses we propose to call, and all, so far as I know, that can throw any light upon this matter.

(*Chairman.*) There is one other witness, and that is Timmings. He is in court, I think.

CHARLES EDWARD TIMMINGS, sworn.

Mr. C. E. Timmings.

3401. (*Chairman.*) What is your age?—Nineteen.

3402. Nineteen last birthday?—Yes.

3403. Are you living now with your father?—Yes.

3404. What is your father's occupation?—A coach man.

3405. Will you give his full name?—John Timmings.

3406. I understand that you were arrested in Piccadilly on Saturday, the 7th April last?—Yes.

3407. Would you state in your own way to us what took place? But before doing so you had better say something about your having been ill. I understand you had been ill?—Yes.

3408. What was the nature of your illness?—Acute rheumatism.

3409. Had you been in the infirmary?—Yes.

3410. Under Dr. Potter?—Yes.

3411. How long had you been in the infirmary?—Three weeks.

3412. And then three weeks in the convalescent home?—Yes.

3413. How long had you been back home when this occurrence took place on boat-race night?—Just on two months.

3414. You had been living at home for two months?—Yes.

3415. After leaving the convalescent home?—No, it would be a week; two months altogether.

3416. What was your occupation generally before this illness?—Groom.

3417. On Boat Race night you were out of employment still, after the illness?—Yes.

3418. Had the doctor put you under any treatment? Had he told you anything about drink?—He told me not to touch any intoxicating liquor, only I could have a glass or two every now and then.

3419. Had you been at home on this Boat Race Saturday?—Yes, I had.

3420. The greater part of the day?—Yes.

3421. What time did you leave home in the evening? About eight o'clock, and then I came back again and went out again. I took a blow on the 'bus.

3422. What time did you go out the second time?—About ten past eleven.

3423. What induced you to go out?—I thought a blow on the 'bus would do me better than sticking indoors.

3424. Were you quite sober then?—I was.

3425. Will you tell us what took place. Where did you go on the 'bus and what did you do when you got there, and how came you to be arrested?—I had a glass of bitter in the Redcliffe Hotel.

3426. Where is that?—In the Fulham Road.

3427. That is before you got on the 'bus?—Yes.

3428. Then you went on the 'bus?—Yes.

3429. Where did you get off the 'bus?—At the Leicester Arms.

3430. Is that in Leicester Square?—Yes, or it may be called the Leicester Hotel.

3431. What did you do then?—I had a glass of bitter there.

3432. About what time was it when you left the Leicester Hotel?—A few minutes before closing.

3433. That would be a little before twelve?—Yes.

3434. Which direction did you walk in when you came out?—I came down on the off-hand side of the road and crossed over by Shaftesbury Avenue on to the left hand again.

3435. That is the south side?—Yes, by the Church

3436. Did you get into Piccadilly?—Yes.

3437. On the south side?—Yes.

3438. And walked along on the pavement?—Yes.

3439. You got as far as the Church?—No, I could not get quite as far as the Church, because there was a big crowd and a rather biggish constable pushed me against a cab wheel. I picked myself up, and as soon as I picked myself up the constable arrested me. I told him he was making a mistake, and he told me to come along with him—he would see all about that.

3440. Should you know the constable again?—Yes, I should; by the rough way he handled me I should know him.

3441. What kind of man was he—a biggish man or a small man?—A very big man.

3442. Had he any moustache or beard?—Yes, rather a heavy moustache.

3443. When he said "We will soon see about that" what did he do with you?—He took me very nearly up to the top of Swallow Street.

3444. Is Police Constable 43 C R. in Court. (*The constable stood forward.*) Do you recognise anybody?—He is the gentleman.

3445. He is the man who arrested you in Piccadilly?—Yes.

3446. Then you got to the top of Swallow Street?—Yes. That gentleman handed me over to a young constable.

3447. Would you recognise him if you saw him?—Yes, I think I should.

3448. Have you seen him yet?—No, I have not seen him, but I think I should recognise him.

3449. Let Police Constables Divers and Wallington come in. (*The constables stood forward.*)—That is the gentleman. (*Pointing to Police Constable Divers, 427 C.*)

3450. He took you from the first constable?—Yes.

3451. And took you to the police station?—Yes.

3452. What happened to you there?—He put me into the dock.

3453. What took place then, or what attracted your notice soon after?—A sort of a noise going on.

3454. Perhaps you had better tell us was anybody else in the room when you were put in the dock?—Yes, there were about a dozen; I do not know what sort of people they were, but they seemed to be arguing the point with Inspector Berry. I do not know what they were arguing over.

3455. You say Inspector Berry. Had you known Inspector Berry before?—Not till I heard his name.

3456. You had never been to Vine Street before?—No.

3457. The inspector whom you afterwards found to be Inspector Berry was in the room when you were put in the dock?—Yes.

3458. Was he taking to other people?—Yes, he was arguing the point there.

3459. While that was taking place, what happened?—There was a terrible rush outside, and then I happened to see two gentlemen being thrown about just like a football and these two gentlemen happened to turn up.

3460. Do you recognise the two gentlemen whom you saw?—Yes.

3461. Are they in Court now?—There are the two gentlemen. (*Pointing.*)

3462. Dr. Gerothwohl and Mr. Lavalette?—Yes.

3463. Have you seen either of those two gentlemen since the time you left the police court on Wednesday, April 11th?—I have not, and have never seen them in my life before I met them in the police station.

3464. And never seen them since you saw them in the police court?—No, because I have been down in the country since.

3465. Have you had any letters from them?—No, no letters.

3466. No communication?—No correspondence whatever since the case was tried.

3467. Now come back to what took place in the charge room at Vine Street. Were they put in the dock?—Yes, they were pushed in.

3468. You had better describe in your own way what took place?—These two gentlemen were holding out their cards, and about a dozen voices all holloaed out: "We do not want that. What is the name and address?" Just like that. Then I saw one constable take the gentleman's stick away. The two gentlemen were shouting with excitement and very upset, and they kept on denying the charges and saying they had come to speak on my behalf.

3469. Were they talking loudly?—Yes, sir, very excited.

3470. How were the constables behaving?—They were all round in a bunch standing on the off-side of the dock. One constable came up, I think it was the constable who arrested me, and broke the walking-stick.

3471. The constable who arrested you, that is the big man?—Yes, that is the one I think took the walking-stick.

3472. It was the same man who arrested you who took the stick?—Yes, that is what I think.

3473. Did you say anything yourself at this time?—No, not at all—I was weeping and crying, that is what I was doing.

3474. Did you hear the charge read over by Inspector Berry?—I did.

3475. Did you say anything?—No.

3476. Why not?—Because I did not know what to say and did not know what to do.

3477. Is it true that you were drunk in St. James's Street?—No, I was not drunk.

3478. Is it true that you were disorderly?—No.

3479. Were you booing at all?—No, I was not. I was entirely by myself.

3480. Were you arm in arm with any men?—No, sir.

3481. Then I need hardly ask you, you were not arm in arm with Dr. Gerothwohl and Mr. Lavalette?—Never.

Mr. C. E. Timmings.

30 July 1906.

3482. Did you notice either Dr. Gerothwohl or Mr. Lavalette in Piccadilly?—No.

3483. The first time that you saw them was in the dock?—Yes, the first time I saw these gentlemen was when they were in the dock with me.

3484. Did you hear which of the constables gave the charge, or was taking the lead in the matter?—Yes.

3485. Who was that?—The constable who arrested me.

3486. What did he say?—He seemed to be the spokesman, as far as I could make out.

3487. What did he say?—I could not tell you what he said.

3488. Have you anything to say further as to what took place in the charge room?—No.

3489. Do you remember going to the cells with them?—Yes, certainly.

3490. Did you hear them ask for anything?—Yes, they asked for Dr. Stewart, I think his name was.

3491. And for another gentleman?—Yes, and also for pen and paper.

3492. What was the answer. They knocked and rung two or three times, and no answer came. Then presently a constable appeared and he promised to send for the gentlemen.

3493. Was any request made by them for a doctor before they left the charge room with you?—Yes, before they went to the cells there was a request to send for two gentlemen.

3494. Was the same request made again afterwards when they were in the cells?—Yes.

3495. Do you remember having any conversation with Dr. Gerothwohl, that is the bigger of the two?—Yes, he asked me if I was hurt, and I told him not much to make a fuss about, but I felt a little pain.

3496. Did you tell him anything else?—No.

3497. About your illness, for instance?—I told him about the illness when we got to know each other. I told him it was more illness than drunkenness, and that the constable had made a mistake.

3498. Did the two gentlemen ring the bell, and so on?—Yes, and kicked at the doors, but no answer appeared.

3499. Did anybody come?—No, not for about a quarter of an hour afterwards.

3500. Do you remember the inspector coming in to say their doctor could not attend?—No, I was sitting down in the corner and the inspector opened the trap-door and I heard the conversation that Dr. Stewart could not attend, and they could see the police doctor, and they immediately said yes.

3501. You say they were very excited?—Yes.

3502. So far as you could tell, or so far as your opinion is worth anything, were they sober or drunk when they were in the dock?—If those two gentlemen were drunk at that time, they would never be drunk in their lives. That is my opinion, the gentlemen were not drunk. I am sure of that.

3503. Did the police send for your father?—Yes.

3504. You asked them to do that?—Yes.

3505. Did you make any reply when the charge was read out to you?—No, I did not.

3506. Why did you not do so?—I could not tell you. I was so upset.

3507. Did your father come?—No, because he did not like to break the news to my mother, as she was lying dangerously ill, and as they released me at 12 o'clock on the Sunday morning, I met my father coming up.

3508. They let you out on your own recognisances?—Yes.

3509. You met your father?—Yes, I met him coming up Piccadilly.

3510. (*Mr. Rufus Isaacs.*) What time was it when they let you out?—Twelve o'clock on Sunday morning.

3511. You had then been under arrest nearly 12 hours?—Yes.

3512. Why did you not ask to see the doctor yourself?—Because I could not afford it.

3513. Had you ever been arrested or taken to the police court before?—Never.

3514. Never summoned there?—No, never.

3515. Never been in any trouble of the kind before?—Never.

3516. Since this occurrence, you have, I think, been in employment?—Yes, in a country place.

3517. On a job?—Yes.

3518. You have only come to London a few days ago?—Yes, a week ago.

3519. (*Mr. Eldon Bankes.*) I suppose you can read?—A little.

3520. Have you been reading an account of this inquiry in the newspapers?—I saw one piece about a month ago, when there was another case on; and when a bit of this cropped up and I bought a paper not so very long ago and saw the account.

3521. Did you see what Dr. Gerothwohl and Mr. Lavalette had told these gentlemen in the inquiry in the newspapers?—I cannot say that I did.

3522. I want to know whether you did or not?—There was not much about it.

3523. But do you read a newspaper nearly every day?—Yes, when I get the chance.

3524. You get the chance most days, do you not?—Yes.

3525. Have you taken the trouble to see what the newspapers said about what these gentlemen have been telling the Commissioners?—Yes, I have been trying to follow it up as much as ever I could.

3526. You have made yourself pretty well acquainted with what these gentlemen have told the Commissioners?—You could not help that.

3527. I suppose you have made a statement in writing to some gentlemen, quite lately, have you not?—I did this morning.

3528. So that you have seen all there was to be seen in the newspapers before you made that statement?—Certainly I did.

3529. (*Chairman.*) Perhaps you would not mind my interposing, as this is a witness who came to the Commission. I should like to ask him who the gentleman to whom he made the statement was. (*To the Witness.*) Who was it?—This gentleman here (*pointing*).

3530. Mr. Leslie, the secretary?—Yes.

3531. At the offices of the Commission?—Yes.

3532. (*Mr. Eldon Bankes.*) I only want to get the dates. That was made this morning, I understand?—Yes.

3533. You say you are 19 years of age. Let me ask a question about you. Are you a Londoner?—Yes.

3534. Born and bred in London?—Yes.

3535. I suppose you went to school until you were 15?—No, I went to school till I was about 14.

3536. You have lived in London and know London ways?—Yes.

3537. After you left school, where did you go?—I was working in Gloucester Road at Cecil Roy's, the stationers.

3538. What as?—As paper boy, you may say.

3539. Taking papers round in the morning?—Yes.

3540. Were you regularly employed there?—Yes.

3541. For how long?—I was 16 months there.

3542. Just after that. Did you go straight from school to Cecil Roy's?—Yes, and from there I went to service.

3543. You left school at the age of fourteen?—Yes.

3544. You would be fifteen and a half when you left Cecil Roy's?—Yes.

3545. What did you do after you left there?—I went from there to Mr. Young's, the jobmaster.

3546. Did you go straight from Cecil Roy's?—Yes.

3547. What were you with Mr. Young?—Carriage groom.

3548. How long were you there?—I was on a season job about three months.

3549. What else have you done?—I went from there with Mr. Talbot, as pony boy.

3550. Who is Mr. Talbot?—He lives at 21, Evelyn Gardens.

3551. A private gentleman?—Yes.

3552. How long were you with him?—A matter of six or eight months.

3553. Anybody else?—Then I went from there to Captain Weatherby's.

3554. Where does he live?—He is in the 7th Dragoon Guards.

3555. How long were you there with him?—A matter of about a month with him. Then I went from there to Hampstead.

3556. Who did you go to at Hampstead?—Mr. Salmon and Gluckstein.

3557. Can you give me his address?—Yes. 3, Lingfield Gardens.

3558. How long were you with him?—I have been there ever since up to this occurence—a matter of about three years.

3559. You have been with him three years?—Yes; up to the time of this occurrence, before my illness.

3560. You mean up to the time you were ill?—Yes.

3561. What were you doing with Mr. Salmon?—I was second coachman.

3562. Did you leave him because you were ill?—No, he was giving up his horses. That was just before I felt queer.

3563. During the whole of that time were you a teetotaller or not a teetotaller?—No, I was not a teetotaller.

3564. Have you ever been drunk?—No.

3565. Never?—No. My good characters will bear that out.

3566. Do I understand after you left Mr. Salmon you got ill?—Yes.

3567. Acute rheumatism?—Yes.

3568. I do not know whether I misunderstood, but did you say the doctor told you not to have any intoxicating liquor, but to have a glass or two now and then?—It would not hurt me, but not to overdo it. I must not get drunk.

3569. No doctor would ever suggest that you were to get drunk. You mean you were not to take any intoxicating liquor, but you might have a glass or two now and then?—I asked him whether I could have a glass or two of beer when I left the infirmary, and he said, "Yes, occasionally."

3570. Could you give me the date when you left the infirmary?—It would be very near three months.

3571. Three months from now?—Yes, it must be.

3572. We are now at the very end of July?—Yes.

3573. What month did this occurrence happen?—I could not tell you—not now.

3574. You could not tell me when this occurrence happened?—April, or something.

3575. Is that your recollection that you left the infirmary three months ago?—Yes, to the best of my recollection.

3576. That is your definite recollection?—Yes.

3577. We are now in July. Three months would be July, June, and May. Do you think you left the infirmary in May?—Yes.

3578. Did you leave the infirmary before or after this happened?—Afterwards.

3579. The date when this happened was the 8th of April. Had you left the infirmary before that?—I had been from a convalescent home. I had come out of the infirmary three weeks, and a week afterwards I was arrested.

3380. You are wrong in thinking you came out of the infirmary three months ago. Have you been back to the infirmary since this happened?—No.

3581. It is obviously a mistake, and we will clear that up. Do you say you had been out of the infirmary and the convalescent home for a week before this happened?—Yes.

3582. You are sure about that?—Yes, I am sure of that.

3583. You had been living at home?—Yes.

3584. I suppose you had no intoxicating liquor at all in the infirmary or the convalescent home?—No, they would not allow it.

3585. Had you any during the week after you came out before this night?—No; only two glasses a day, on the average.

3586. I do not think you follow my question. You had nothing to drink at all while you were in the infirmary or the convalescent home?—No, certainly not.

3587. During that time you were very bad, I understand?—Yes.

3588. Then you came out of the convalescent home?—Yes.

3589. Had you had anything to drink between the time you came out of the convalescent home and this Boat Race night, or was this Boat Race night the first time you had had anything to drink since you had been ill?—About an average, two glasses a day since I came from the convalescent home.

3590. You had an average of two glasses a day?—Yes.

3591. Had you been doing anything?—No, not then.

3592. Now, with regard to this Saturday on which this happened. What had you been doing on that Saturday?—I was indoors.

3593. The whole time?—Yes.

3594. At home?—Most part of it, till I went out and went back again, and then went out again.

3595. Had you had any beer with your dinner?—Yes, I had a glass.

3596. Did you have any before dinner?—No.

3597. Are you quite sure?—Quite sure of that.

3598. Had you been out at all before dinner?—No.

3599. Quite sure?—Quite sure.

3600. You had a glass with your dinner. When did you have the next glass?—At the Redcliffe Arms, as I said, before I started on my journey.

3601. That would be about 7 o'clock?—No.

3602. What time would that be?—When I came out at ten past 11, as I have said.

3603. Do you say you had nothing except one glass up to then?—That is all.

3604. And then you came up westwards?—Yes.

3605. Where was your father living then?—At the same place where we are living now.

3606. Where is that?—Barker Street.

3607. Is that close to where you got on the 'bus?—Yes.

3608. You got on the 'bus about a quarter to 11, was it?—About ten past.

3609. I suppose that is the time at which your father and mother ordinarily go to bed?—No.

3610. What time do they go to bed?—We had a little company, and the room was rather too hot for me, so I thought I would go out for a blow somewhere.

3611. Were the company having anything to drink?—No, they were not.

3612. What were they doing?—Having a talk over old times.

3613. Do you mean to say that they had nothing to eat or drink?—No.

3614. Had they had supper?—They had supper.

3615. But you said they had nothing to eat or drink. You must be a little bit careful?—Not to drink.

3616. They had had something to eat?—I expect so.

3617. Did you have something to eat with them?—Yes.

3618. What had you to drink with them?—A glass of cold water.

3619. Is that all your company had?—I do not know about them.

3620. You were in the same room with them?—Yes, but it was not my affair to look after them.

3621. Do you suggest to the Commissioners you

Mr. C. E. Timmings.

30 July 1906.

cannot tell whether your father and his company were having anything to drink or not?—No, certainly not.

3622. How big is the room?—Need I answer that question?

3623. Yes, I ask you. Were you sitting at the same table with these other people?—No, I was not.

3624. Is it an ordinary living room?—Yes.

3625. Is it over a stable?—No, it is not.

3626. Would it be as big as from you to that furthest gentleman?—Yes, it would.

3627. About as big as that?—Yes.

3628. How many friends were there?—Only two.

3629. And your father and mother?—My mother was in bed.

3630. In the same room?—No, certainly not.

3631. There was your father, and who were the friends?—My sister and her young man. He is my friend.

3632. And who else?—Nobody.

3633. Were these the people who were talking over old times?—Yes.

3634. They had supper together?—Yes.

3635. Were you sitting together at the table with them?—I never had supper with them.

3636. Were you sitting at the table with them?—No, I was sitting on the couch.

3637. Close to?—Yes.

3638. Do you seriously tell these gentlemen you cannot tell what they had to drink when they were having supper?—No, I shall not answer that question.

3639. Although you could have touched them if you had held out your hand?—Yes, I could have touched them.

3640. When did you have supper yourself?—About 10 o'clock.

3641. Was that after this or before?—After this.

3642. How long after?—About three-quarters of an hour, I expect.

3643. Were they in the room while you were having your supper?—Yes, they were.

3644. Why did you not have yours with them?—Because I did not require it, I expect. I was in the room with my mother.

3645. Then you went out?—Yes.

3646. Did you know it was Boat Race night?—Yes, I knew it was Boat Race night. I could not help knowing that.

3647. Did you know there was generally a row in the West End on Boat Race night?—No, I did not. It was the first time I had ever been there on such an occasion.

3648. How far did you go on the 'bus?—Right up to the Leicester.

3649. Did you go alone or with a friend?—By myself entirely.

3650. How many glasses do you say you had at the Leicester?—One.

3651. And then you started to come back?—Yes.

3652. And then it was that you were arrested?—Yes.

3653. Was there a considerable crowd all round you?—Yes, there was.

3654. Right up to you in front and behind?—Yes.

3655. They were close all round, touching you?—Just like a swarm of bees.

3656. If it is said that you were walking quite by yourself with a space all round you and nobody there at all, that is not right?—It would not be right.

3657. They were all like a swarm of bees right up against you?—Yes.

3658. Were you in front of the crowd?—No, I was going along *this* way.

3659. Were you on the pavement?—No—I was on the pavement and yet I was not on the pavement.

3660. That means to say you were on the outside—the kerb?—Yes.

3661. As you say you were neither on nor off the pavement?—Yes.

3662. You were on the kerb?—Yes.

3663. Was this crowd stretching from you to the wall?—Yes.

3664. Right across?—Yes.

3665. Whether they were arm in arm or not they were straight across the pavement?—Yes.

3666. So that nobody could pass if they wanted to coming in the other direction?—No, I understand they could not.

3667. That is the way in which you were proceeding?—Yes.

3668. Was that the way in which you had been proceeding all the way from Piccadilly Circus?—That is the way you would have to proceed.

3669. It is quite likely if you went there. There is no doubt that is the way you had been walking all the way from Piccadilly Circus. You were just on the kerb, and there was somebody or another between you and the wall, and no foot passengers could get the other way at all?—You could not help it.

3670. Was there a great deal of shouting?—Yes, there was.

3671. Shouting all round you?—Yes.

3672. Did you feel at all inclined to shout?—No, I did not.

3673. You know what being drunk is?—Yes, I do.

3674. From your knowledge of London life you have heard of people being charged with being drunk and disorderly?—I have.

3675. You quite realise what the charge meant?—Yes, as far as that goes.

3676. Until to-day you have never suggested that you were not drunk, have you?—No.

3677. And you have had abundant opportunity of saying so?—I have, and yet I have not.

3678. The charge was read over to you at the station, was it not?—Yes.

3679. You had then an opportunity of saying you were not drunk if you wished to?—What is the use of saying it?

3680. You had an opportunity of saying it then if you wanted to?—Yes.

3681. And you said nothing?—No.

3682. As a matter of fact you were apologising to the police, were you not?—I told the constable he had made a big mistake.

3683. I want to know, is it true that you were apologising to the police in the dock, saying you were very sorry?—No.

3684. That is not true?—That is not true.

3685. You were crying, were you not?—Certainly I was.

3686. You are nineteen. Were you crying because you were under the influence of drink or what was it?—No, I was not.

3687. What was the reason?—Because I was downhearted and afraid that it would reach my mother, who was ill.

3688. If you were not guilty what were you crying about?—There you are. It is the different nature of people, I expect.

3689. Then you were taken down to the cells?—Yes.

3690. You heard these gentlemen ask for a doctor?—Yes.

3691. You heard them told that their doctor would not come, but that the Divisional Surgeon would look at them?—Yes.

3692. Was anything said as to who was to pay for him?—Not that I know of.

3693. And for all you knew they were going to get his services free?—No, because I knew that before ever it started you would have to pay for the doctor.

3694. Who do you know that from?—From what you can read in the newspapers. It is generally about 7s. 6d. handed up for the doctor's fee.

3695. You have studied this. You were all there about these matters. You were sufficiently *au fait* with these matters to know that if you were fined for drunkenness you would have to pay 7s. 6d. for the

doctor's fee. You had not the courage or the wisdom to say that you were not drunk when you were asked?—When I was asked.

3696. The next day you were before the Police Magistrate?—Yes.

3697. He asked you several times, did he not, if you had any question to ask the witnesses?—Yes, and I said no.

3698. These witnesses had stated to the Magistrate on their oath that you were drunk?—They had.

3699. The Magistrate asked you whether you wanted to ask them any questions, and you said no?—Yes.

3700. Was that because you thought they were telling the truth?—Certainly not.

3701. Why did you not want to ask them anything?—Because I was brokenhearted over it. It was the first time I had ever been in such a place, and I wanted to get over it.

3702. Had you been asked to say whether you were guilty or not?—Mr. Denman, I think, read over the charge, and asked me if I had anything to say to the witnesses. I said no.

3703. But before that did he ask you whether you pleaded guilty or not?—No, I do not think so.

3704. Did he ask you whether you admitted being drunk?—I do not think so.

3705. Did he ask you whether you had anything to say to the witnesses, and you said no?—Yes.

3706. Did he ask you whether you had anything to say to him?—Not that I remember.

3707. Did you say all that you had to say was that the gentlemen were strangers to you?—That is what I said on Monday morning.

3708. That was before the Magistrate?—Yes.

3709. Why, if you had got anything to say to the Magistrate, did you not tell him you were not drunk?—There you are, Sir. I thought I would get it over quickly. I was told by an ex-policeman, if you want to know the truth, that the policeman had me, and he would make me pay.

3710. Who said that?—The ex-policeman said the policeman had got me and would see it through.

3711. Just repeat that again?—An ex-policeman told me to say nothing about it—to keep my mouth shut.

3712. An ex-policeman?—He had been in the police 40 years.

3713. We will find out who that is. You say he is an ex-policeman. Is that somebody who spoke to you after you were bailed?—Yes, after I came out on bail.

3714. What is his name?—I shall not give it.

3715. I shall appeal to the Commissioners. I ask you to tell me that man's name?—I cannot tell you his name, but I can find him for you. I have other witnesses who were with me to say what he said.

3716. I asked you his name a moment ago, and you told me you would not tell it to me?—Yes, but I will find him for you.

3717. You told me you would not tell it to me?—Yes.

3718. At that time did you know it or not know it, when you told me you would not tell his name?—I could find the man for you. I know where he lives.

3719. Where did you see this man?—At the Redcliffe Arms, when I was going home.

3720. On what day?—Sunday, when I was let out.

3721. What time in the morning?—About half-past one.

3722. Half-past one in the morning?—On Sunday midday.

3723. Is he a man you knew?—Yes.

3724. Is he a member of the police force now?—No, he is not.

3725. Perhaps you can send the solicitor his name and address?—Yes, I will find out.

3726. What do you say he said to you?—He said to me, "If the constable has got you it is no use your getting out of it."

3727. Is that all he said?—Yes; he said, "What is the use of saying anything?"

3728. Do you suggest that it was because of that statement that when the Magistrate asked you——?—When the Magistrate asked me, that is why I never said anything.

3729. When you got into the charge room how many people do you say there were there?—About a dozen, I should think.

3730. Are you quite sure of that?—Yes—civilians.

3731. Civilians?—They were people in private clothes.

3732. Not constables?—No.

3733. They took no part in this football business, I suppose?—No.

3734. Who do you say it was who chucked these gentlemen about like a football?—There were three constables standing outside when I went in—two or three.

3735. You mean at the door?—Yes, when I went in first.

3736. Have you seen a statement in the newspaper that a constable was called to say that only one was there? You have seen that, have you not?—There was more than one outside.

3737. Have you seen the statement in a newspaper that there was only one?—No, never.

3738. Have you not seen that?—No, not about one.

3739. Have you seen anything in the newspaper?—Not about a policeman being outside there.

3740. Do you say there were two or three out there?—Yes.

3741. When were you taken in?—When I was taken in first.

3742. Could you recognise any of them?—I cannot say that I could now.

3743. You say there were three or four there?—Yes

3744. You mean standing at the door of the police station?—Yes, standing outside.

3745. Close to the door of the police station?—Yes.

3746. Are you quite sure of that?—Yes.

3747. You were taken up and taken in by Police Constable Divers, and put in the dock?—Yes.

3748. Who do you say it was that threw these people about?—The constables who brought them in, I should think. There was a lot of excitement going on.

3749. You have pledged your word that they were thrown about like a football?—Yes.

3750. I want to know who you say did that?—They were going from one constable to the other.

3751. Who were the constables?—I could not tell you. I could see the clothes, and that was all.

3752. Was the inspector there at the time?—Yes.

3753. When first did you see Police Constable Divers? You know Police Constable Divers quite well, do you not?—Yes.

3754. You saw them all at the police station?—I saw them before I got to the police station, because I was not so drunk that I did not know them.

3755. Is that really your condition—is that a fair expression of your condition, that you were not so drunk that you did not know them?—That is so.

3756. You were under the influence of drink, but not so drunk that you did not know them?—I could not tell you the names.

3757. Why do you say that you were not so drunk that you did not know them?—Because they said I was drunk.

3758. You have more than once said it was more illness than drunkenness?—Yes.

3759. That conveys the impression, does it not, that you were drunk, but that you were more ill than drunk?—Yes.

3760. Is that what you mean to say—that it was more illness than drunkenness?—Certainly it was.

3761. But there was some drunkenness in it?—Two glasses of bitter would not knock me over.

3762. It may depend. But is that what you mean to convey—that it was more illness than drunkenness; that you were the worse for liquor, but it was because you were ill that you were so bad?—Certainly not. Two glasses of bitter would not touch me, I do not think.

Mr. C. E. Timmings.

30 July 1906.

3763. Why did you say it was more illness than drunkenness?—That was my opinion.

3764. Is that your opinion still?—Yes.

3765. Then there was something peculiar about your behaviour, was there not?—There was not the least sign of bad behaviour, or anything, or shouting on my part.

3766. What were you explaining by saying that it was more illness than drunkenness? What was more illness than drunkenness?—The policeman said I was drunk.

3767. Were you not explaining your own condition as more illness than drunkenness?—Yes.

3768. Therefore there was something that required explanation in your condition?—I cannot say that. I say I was queer, that was all.

3769. You were queer?—Yes.

3770. How did the queerness show itself?—They said I was drunk.

3771. Did you feel queer?—Not at the time.

3772. Then why explain it by saying it was more illness than drunkenness?—That is what my opinion is.

3773. As to your condition?—My condition was right enough—as right as it is now.

3774. Then why explain it in that way?—That is my way of putting it, I suppose.

3775. That is the only way you ever have put it up to now?—Yes.

(*Chairman.*) Have you finished with this witness?

(*Mr. Eldon Bankes.*) I have put all that occurs to me at the moment, but I may have, after investigation, to ask some further questions.

(*Chairman.*) The Secretary, Mr. Leslie, has got his address. Do you ask any questions, Dr. Gerothwohl?

(*Dr. Gerothwohl.*) No, sir; I leave it entirely in the Commissioners' hands.

3776. (*Mr. Rufus Isaacs.*) I do not understand your position when you got to the Police Court the next morning, and you were charged before the Magistrate. You were not ill then, were you?—No, I was upset, and I thought the quieter I was the better the case would go off.

3777. Upset at finding yourself in the Police Court?—Yes.

3778. The Magistrate asked you several times whether you had anything to say?—Yes, and I thought the case would go off much quieter if I said nothing. I knew they had got me into trouble.

3779. Why could you not tell the Magistrate that you had been ill?—I did not see the necessity of it, but now it has all come out.

3780. You are 19 years of age, and you seem to know your way about fairly well. You do, do not you?—Yes.

3781. You understood the position you were in?—Yes, but I thought the quieter I was and the less I said the quieter the case would go off. I was sorry to see myself in such a position.

3782. By not saying anything you were sure to be convicted. You understood that?—I did not understand it at the moment.

3783. Did not you?—No, I did not.

3784. You understood by not saying anything you were bound to be convicted?—There you are. I did not know that at the moment. I did not think of it.

3785. I rather understood you to say you had been told that that was the best that could happen—that you had better say nothing about it because they had got you?—There you are.

3786. Saying nothing about it meant you would be convicted. You must have understood that from your reading of the Police Court proceedings. You knew all about the 7s. 6d. for the doctor?—Yes.

3787. You knew very well if you did not say anything you would be convicted?—Yes, I ought to have done in one way.

3788. Do you mean to tell us that you did not?—No, on the moment I did not think of it.

3789. But on the moment! You had ever so long to think about it. You had been in the cells all the night?—Yes.

3790. You had been let out at 12 o'clock on the day; you had gone home and had had a conversation with an ex-policeman, who as I understand told you you had better not defend it?—Yes.

3791. That is what you understood, was it?—Yes.

3792. Therefore you knew perfectly well when you went to the Police Court that if you said nothing when you were asked, and did not offer any defence, that you would be convicted?—I could not say much about that, because I wanted the case to go as quietly as ever it could, and the less I said the better. That is the way I took it.

3793. You wanted the case disposed of?—Yes.

3794. But it could only be disposed of, if you offered no defence, by your being convicted?—I was never old enough to understand that.

3795. Oh, come, you must have understood that?—I did not. My father told me when I got home that I ought to have pleaded not guilty, as I could not have been drunk.

3796. I do not understand from you what you thought was going to happen if you said nothing when the magistrate gave you the opportunity of asking questions. How did you think you could possibly be let off if you did not say you were not drunk?—There you are, sir; I could not tell you at all.

3797. Do you wish us to understand that you thought you would be let off, or what was to happen to you?—No, I knew I should get fined.

3798. You knew you were going to be fined?—Yes.

3799. Did you not think it was better to tell the magistrate that you were ill, and that you were not drunk, than it was to be fined?—I did not see much use in it at the time.

3800. Why not?—I could not tell you, but that is what I thought.

3801. You seem to have been in the habit of reading newspapers a good deal, and been in conversation with several people?—You have not been in a place like that yourself, sir, and the first time you don't feel like all these sort of things.

3802. I quite understand that when you are in the dock?—If I had been there before, perhaps I might have spoken out.

3803. I am not asking you about being in the dock. I quite understand your answer, that you were confused and upset about that, but after you had been home, and you had all night to think about it, and you had the whole of Sunday, and you had talked to your father about it?—Yes.

3804. You told your father what had happened?—Yes.

3805. Did you tell your father you were not drunk?—I told my father I was not drunk. He said: "If the policeman says you were drunk, you must have been drunk."

3806. Who said that?—My father.

3807. Your father took the view it was no use your making any defence?—There you are.

3808. Your father believed the policeman?—I expect so. They generally have their way, from what I can see of it.

3809. Who do?—The Police. That is what I have always been given to understand—that they generally have their way at the finish.

3810. You are always given to understand by whom?—From what you read in the papers and that, and I thought the less I said the quicker the case would go off.

3811. You are quite sharp enough to know that, if you tell the magistrate who is there to try the case, any questions would be asked about it. You know that, do you not?—Yes.

3812. You were there, and you were charged before the magistrate. You were not in the hands of the Police, but you were in the hands of the magistrate?—Yes.

3813. Why did you not tell him then that you were not drunk?—I could not tell you at all. I did not know what I was doing really, I was so upset.

3814. Just think a moment about that. You say you were so upset. You had all of this Sunday, and

I suppose you told some of your friends about it?—No, I did not. There was only one man, this ex-policeman, and Dad knew, of course.

3815. Nobody else?—And my brothers, naturally enough they knew; but no outsider, you may say, knew it.

3816. Who were the friends who you said were there in the presence of this ex-policeman?—My brothers.

3817. Do you mean to say that between them all not one of them gave you advice to speak to the magistrate, according to you?—No, not one of them.

3818. (*Mr. Dickinson.*) Did you appeal to the magistrate at all?—No, I did not.

3819. Did you, or did you not, say that you had no money and would have to go to prison?—Yes, I told him that, but I told him I could get my fine.

3820. Had you no money with you?

3821. (*Chairman.*) Mr. Bolton paid your fine, did he not?—One of the gentlemen in court did.

3822. Did you notice Dr. Gerothwohl and Mr. Lavalette were represented by a gentleman who spoke up for them?—Yes, they were.

3823. Did it not occur to you when you saw that that you might say something for yourself too?—I ought to have done, but I did not at the moment.

3824. You thought you were certain to be convicted, as I gather?—Yes, that is what I thought.

3825. And that the fine would be smaller the less you said?—That is what I thought at the time.

3826. (*Mr. Rufus Isaacs.*) Who was it who suggested to you that you should ask the Magistrate to let you get the money to pay the fine?—My father, before I started, because we had got no money in the house. He said, "If they fine you, you tell them to send home, and I will come up and get you out."

3827. I understand you went to the Police Court knowing you were going to be fined?—Yes, but I had no ready money.

Mr. C. E. Timmings.

30 July 1906.

3828. You were not afraid to ask the Magistrate to give you time to find the money?—There was not much to be afraid of in that.

3829. You do not seem to have been afraid to ask the Magistrate for that. You could find a voice for that?—Yes.

(*Chairman.*) That seems to conclude the evidence at present with regard to the complaint against the police as to the occurrences on April 7th.

(*Mr. Eldon Bankes.*) Yes.

(*Chairman.*) We have a collection of telegrams from different gentlemen in various parts of the country who know Dr. Gerothwohl and Mr. Lavalette, speaking in high terms of their character. We are not troubling to take formal evidence of it, and we are not bound by them, but you can look at these telegrams, Mr. Bankes.

(*Mr. Eldon Bankes.*) I raise no question about that. I do not want to go back from what I have said.

(*Chairman.*) It is simply the sort of statement that gentlemen might make if they were called here as witnesses of character. You are perfectly at liberty to inspect them if you like, Mr. Bankes. We will take them for what they are worth. Then I understand you have a witness from Paris.

(*Mr. Eldon Bankes.*) Yes, sir.

(*Chairman.*) Has there been any response to the call for Eva D'Angely and René D'Angely?

(*Secretary.*) There is no response.

(*Chairman.*) Then we will go on with their case after a short adjournment.

(*Chairman.*) Now we will begin what we may call the D'Angely case.

Madame Marie Louise Hardie, sworn.

(Mr. Charles Pembo, was sworn as Interpreter.)

3830. (*Mr. Eldon Bankes.*) You are the wife of Augustus Renouard Hardie?—Yes.

3831. Do you rent a flat at No. 20, Rue Berlin, Paris?—Yes.

3832. Do you sublet furnished rooms to single men and women?—Yes.

3833. On the 22nd May last did a man call at your house to ask for a room?—Yes.

3834. What name did he give?—M. René.

3835. Will you look at that photograph and say whether that is the man? (*A photograph was handed to witness.*)—Yes, this is the person.

3836. Did he say for whom he wanted the room?—He said that he wanted a room for a certain Madame Eva Duteil.

3837. Did you arrange with him to let him take a double-bedded room at 85 francs a month?—Yes.

3838. Did he say where the lady was?—He said that the lady was at that time at an hotel, but she would come in a few hours, and he would rent the room for a few days only in order to see how the lady would get on with me.

3839. (*Mr. Rufus Isaacs.*) Was the rent to be paid for a few days only?—For a month.

3840. (*Mr. Eldon Bankes.*) After that, on the same day, did a lady come to your house and occupy the room?—She came there to inhabit the room, and M. René also came and inhabited the same room with her.

3841. What name did the lady give herself?—Eva Duteil.

3842. Whose name was entered in the police book as the person who rented that room?—I cannot exactly say the name, but so far as I can remember I think he entered the name of Leroux, and she said that she wanted to keep from the police the name of her family.

3843. Did they remain occupying that room from the 22nd May down to the 27th July?—Yes.

Madame M. L. Hardie.

3844. Do you recognise that photograph of the woman? (*A photograph was handed to witness.*)—There was a photograph similar to this in my house.

3845. During the time that she occupied this room was she in the habit of bringing home men at night?—She brought home several gentlemen, but I was occupying a back room. I could not see what was going on in her room. But certainly several other gentlemen besides M. René visited her.

(*Mr. Rufus Isaacs.*) Would you mind asking whether they came separately or together, just to get it clear?

(*Mr. Eldon Bankes.*) Certainly.

3846. When the gentlemen came did they come one at a time or more than one at a time?—One at a time.

3847. When the gentlemen came in that way where did M. René go?—He used to go to a room of another tenant of mine, and remain on a chair bedstead there, or else he would go into the kitchen and remain there until the visitor had gone away.

3848. Was it at night time that the gentlemen came to visit this lady?—They used to come during the day time and at night also, because at night the lady used to go out to fetch them, as René obliged her to go out for that purpose.

(*Mr. Eldon Bankes.*) I do not think we need go into this in greater detail. This lady was there when your messenger went over.

(*Chairman.*) Is our messenger here?

(*Mr. Booth.*) Yes.

3849. (*Chairman.*) Madame Hardie, do you recognise this gentleman?—Yes; he has come to my place.

3850. Do you recognise this gentleman, Mr. William Booth, as coming to your house in Rue Berlin?—Yes, he came with two other gentlemen.

Madame M. L. Hardie.

30 July 1907.

3851. On what day did he first come?—About a fortnight or three weeks ago.

3852. At what time in the day?—I cannot say exactly, but I think it was in the forenoon; in fact, I thought they were policemen who were coming to arrest René.

3853. Did Mr. Booth ask for M. René, or for the lady?—They came, and they asked me to allow them to see someone, but I cannot remember whether they asked to see M. René or Madame Eva.

3854. Did Mr. Booth and the other gentleman go up to the room occupied by M. René and the lady?—Yes; they were both in bed at the time.

3855. Did you accompany them into the room. No. These gentlemen entered the room and they shut the door in my face.

(*Mr. Eldon Bankes.*) I do not know whether you would look at the second paragraph of this lady's statement and see whether that is a matter you desire to inquire into (*handing statement*).

3856. (*Chairman.*) I think it is only fair to ask that question. Have you stated that René and Eva Duteil on the 27th July, 1906, left for the Gare du Nord Station, announcing they were going to Dieppe, en route for England, leaving the house about 12 o'clock?—Yes. René said that they were coming to England in order to stand as a witness for a friend of his who was about to enter Parliament. He also said that if anybody tried to make him talk he would find he would be a difficult man to deal with.

3857. Did you gather from what they said that they were coming to give evidence before this Commission?—All I understood was that he was coming to give evidence as a witness on behalf of a friend of his.

Mr. William Booth, sworn.

Mr. W. Booth.

3858. (*Chairman.*) You are the Clerk to this Commission?—I am.

3859. Did Mr. Leslie on the 18th July, or on the 17th, it may be (I am not sure which it was), give you instructions to proceed to Paris with a letter which he handed to you?—Yes.

3860. Did he read the letter to you? Was it open?—No, it was sealed up, but I copied the letter.

3861. Then you know what was in the letter?—Yes.

3862. I will read the letter and ask you if that tallies with your recollection. Was the letter written in French and English?—Yes. I saw the English one.

3863. There was a letter written in French as well?—Yes.

3864. "31, Great George Street, Westminster, London, 18th July.—Madame,—I am directed by the Royal Commission appointed to inquire into certain duties of the Metropolitan Police, to inform you that the Royal Commission intend, on Monday the 23rd instant, at 12 o'clock noon, at the Caxton Hall, Westminster, London, S.W., to take evidence in respect to the circumstances under which you were arrested in London in April last, the hearing of the case against you at the police court, and other matters germane thereto. The Commission are, of course, desirous of hearing your evidence and also that of Monsieur D'Angely as regards these matters, and request that that you will attend before them accordingly at the time and place above-mentioned, together with any witnesses whom you may wish to call. If you attend, you may, if you desire it, be represented by counsel or solicitor, or both. Lastly, I am to say that if you are not now residing in London, your reasonable expenses of attending before the Commissioners and also those of any witnesses whom you may call, will be defrayed by His Majesty's Treasury." There was also a letter, I think, to Monsieur D'Angely, which was similar in terms, but omitting the word "arrested"?—Yes.

3865-6. Four letters altogether were given to you, I think, two in French and two in English?—Two in French to take to Paris, and two in English, which I left at Twyford Mansions.

3867. No. 25, Twyford Mansions was, I understand, the last known place of address of René and Eva D'Angely in London?—Yes.

3868. Did you take two English letters first of all to Twyford Mansions?—Yes.

3869. Whom did you see there?—A clerk.

3870. Did you make inquiries as to those persons?—Yes. I found out that they had gone a fortnight previously

3871. Did you leave the letters there?—Yes.

3872. How were the letters addressed?—To Madame D'Angely, 25, Twyford Mansions.

3873. And a similar letter was also left there addressed to René D'Angely at No. 25, Twyford Mansions?—Yes.

3874. You then came away. Did you then go to Paris?—The same evening.

3875. Taking the two letters in French with you?—Yes.

3876. Who accompanied you to Paris?—Detective Inspector Sexton and Inspector Cooper.

3877. You all went to Paris on the evening of the 18th July, was it?—Yes.

3878. Arriving in Paris, what did you do?—We proceeded to the Detective Offices, and a detective was then placed at our disposal, and I went and delivered the letters almost immediately.

3879. An officer was placed at your disposal at the Paris Detective Offices, you explained your errand to him, and he took you to Rue Berlin, I understand?—Yes, No. 20.

3880. Where you met Madame Hardie, who has just been called?—Yes.

3881. Who went with you to this House in Rue Berlin?—The two inspectors.

3882. Who came over with you, and the French inspector?—Yes.

3883. Then there were four of you altogether?—Yes.

3884. And you went up to the room directly?—We did.

3885. Whom did you see there?—Madame and Monsieur.

3886. You saw a man and a woman. That is what it comes to. You had never seen Madame D'Angely or M. D'Angely before?—No.

3887. Had you been shown any photographs?—No. I had a detective along with me for the purpose of identifying them.

3888. In consequence of what was told you by this detective, you handed the letter addressed to M. D'Angely to the man, and you handed the letter addressed to Madame D'Angely to the woman?—Exactly.

3889. What happened then?—They perused the letters.

3890. They broke the seals of the letters, I suppose?—Yes.

3891. What did René say?—He said the notice was too short—the 19th to the 23rd—and that he could not possibly attend on the 23rd. Madame replied that she could not attend unless accompanied by her husband. I think she said "that man."

3892. Which did she say? Please be accurate?—Unless she was accompanied by that man.

3893. (*Mr. Whitmore.*) Talking in French?—Yes. It was translated by an interpreter.

3894. (*Chairman.*) Both the man and the woman spoke French?—Yes. The man spoke broken English.

3895. And the lady spoke in French?—Yes.

3896. (*Mr. Rufus Isaacs.*) Was the interpreter who is present here with you?—No, it was not this interpreter.

3897. (*Chairman.*) The actual interpreter was one of

the men who accompanied you from London?—Yes, Detective-Sergeant Sexton.

3898. He went there not so much as a detective but as interpreter?—Yes.

3899. He interpreted to you what the man and the woman said?—Yes.

3900. What did the woman say. I should like that accurately, please, according to your recollection?—"I cannot go unless accompanied by this man," pointing to René.

3901. Did he say anything further?—Yes, he said he could come later on in the month.

3902. That is all that took place then?—Yes.

3903. Then you came back leaving the letters with them?—Yes.

3904. You have not been to Paris again?—No.

(*Mr. Eldon Bankes.*) I think the witness can identify these photographs. (*The photographs were handed to the Witness.*)

Mr. W. Booth.

30 July 1906.

3905. (*Chairman.*) Do you recognise those photographs?—Yes.

3906. The woman that you saw in that room is the person that is represented in that photograph to the best of your judgment?—Yes.

3907. The man also?—Yes.

3908. (*Chairman.*) Are those the same photographs that were handed to Madame Hardie?

3909. (*Mr. Eldon Bankes.*) Yes.

3910. (*Chairman.*) Do you know that?—Yes.

3911. (*Mr. Rufus Isaacs.*) You seem to be rather doubtful as to what was the expression used by Madame D'Angely in referring to the man. Are you quite clear now as to what expression it was she used?—Yes. She referred to him as "this man."

3912. Not in any way as her husband?—No.

3913. You are quite clear as to that?—I am quite clear.

Detective-Inspector Cornelius Sexton, sworn.

Detective-Inspector C. Sexton.

3914. (*Mr. R. D. Muir.*) You are a detective inspector at Scotland Yard?—Yes.

3915. You have for many years been largely employed in Continental cases?—For the past 20 years.

3916. And are well acquainted with the French language?—Fairly well.

3917. Did you accompany Mr. Booth when he went to serve the Royal Commission letter upon Madame D'Angely?—Yes.

3918. You have heard Mr. Booth say what they said when they got the letters and read them?—Yes.

3919. Who spoke first?—The man, in broken English.

3920. (*Chairman.*) We should like to have what the French expression used was before he comes to say what Madame D'Angely said?—I first said in French, "Etes vous Monsieur D'Angely," and he responded, "Oui, Monsieur." I said to Mr. Booth "Here is M. D'Angely; will you do your business?" Mr. Booth handed the notices to them. We requested him to open it to see what the communication was. He understood, and said, "Très bien." He opened the letter. I pointed to the woman and I said: "Ouvrez, Madame, s'il vous plait." She likewise opened the letter, and they both read the letters. He said the notice was absolutely too short, and this being the 19th he could not attend on Monday, the 23rd. He was then asked by Mr. Booth, through me, when would it be convenient for him to attend. He said at the end of the month—about the first of next month, or by the following Monday. I then said, "Yes; you understand what it means?" and he said, "Yes, I understand all about it." He then broke in in French and said: "Je le sais bien." I said it is to try this thing in the regular way. He said "I have no reason to hide myself." I then suggested to him that if he was not financially ready to come, I could advance him his fares, or, if necessary, he could accompany us to London, and I would pay his fares and the whole of his expenses. He said no, he had plenty of money, but he would expect it to be refunded after the hearing by the Commission. I then said to Madame in French, "Et vous, Madame?" to which she replied, "Je ne puis pas venir à moins que je suis accompagnée par ce Monsieur," (pointing to M. D'Angely). I replied, "Très bien, Madame."

Inspector Kenneth Cooper, sworn.

Inspector K. Cooper.

3921. (*Chairman.*) Are you an inspector of the C Division?—Yes.

3922. I think you met Mr. Leslie, the Secretary of this Commission, on the 23rd July?—The Secretary's clerk.

3923. Did Mr. Booth bring you two letters?—No, he kept possession of those letters himself.

3924. Was a letter handed to you by anybody at the office at Scotland Yard on the 23rd July?—No, the letters were kept by Mr. Booth all the time.

3925. You went over to Paris on the first occasion?—I went over on both occasions.

3926. I am not asking you about the first occasion, because there seems to be no need to do that. I am now on the second occasion. You went over to Paris a second time?—That is so.

3927. How came you to go to Paris a second time?—I had two letters handed to me to deliver in Paris.

3928. At the same address?—Yes, at the same address.

3929. Were the letters entrusted to you open or sealed?—They were sealed.

3930. How were the two letters addressed, according to your recollection?—To M. D'Angely, 20, Rue Berlin, Paris, and to Madame D'Angely, 20, Rue Berlin, Paris.

3931. Did you go over to Paris again, taking those two letters with you?—I did.

3932. Did anybody accompany you?—Yes, Detective-sergeant McIntyre, of Scotland Yard.

3933. He also went with you?—Yes. He went as interpreter.

3934. Both of you went to this same address?—Yes.

3935. Did you ask for Madame d'Angely?—Detective-sergeant McIntyre did. No one in the house could understand English.

3936. Whom did you see in the house?—We saw the woman who has given evidence here.

3937. Were you shown up to the bedroom again?—Yes.

3938. Were the man and woman there?—Yes, in the same room.

3939. About what time in the day was that?—About 10 o'clock in the morning.

3940. Did you give them the letters?—Yes.

3941. The one addressed to René d'Angely you gave to him, and the one addressed to Madame d'Angely to madame?—Yes.

3942. What took place?—The conversation was entirely in French. Detective-sergeant McIntyre could detail the conversation in French.

(*Mr. Rufus Isaacs.*) By whom were the letters handed to you? Where did you get the letters from that you were to deliver?—They were handed to me at Scotland Yard. I did not get them direct.

Inspector K. Cooper.

30 July 1906.

3943. (*Chairman.*) Then a conversation took place in French between Detective-sergeant McIntyre and this man and woman?—Yes.

3944. Had you an opportunity of observing the faces of these people?—Yes, I recognised both of them at once.

3945. Had you seen them before in London?—I knew them very well.

3946. Where had you seen them in London?—At Great Marlborough Street Police Station. I took the charge against the woman.

3947. I do not want to go into that matter now?—That is how I recognised her.

3948. Did you also see, at the hearing before Mr. Denman, René d'Angely, who came and said he was the husband?—I did.

3949. Did you recognise him as the man you saw in the Rue Berlin?—Yes.

3950. You have not the slightest doubt about it?—Not the slightest doubt.

Sergeant PETER MCINTYRE, sworn.

Sergeant P. McIntyre.

3951 (*Chairman.*) You accompanied the last witness to Paris on the second occasion?—Yes.

3952. I think you went as interpreter?—Yes.

3953. Did you go to No. 20, Rue Berlin?—We did, about 10 o'clock on Tuesday morning.

3954. And you saw a man and woman in bed?—Yes.

3955. Had you ever seen them before?—No, I had never seen them before. I had seen their photographs before.

3956. You recognised them from photographs which you had seen?—Yes, and Inspector Cooper said, as soon as we went in, "These are the same people."

3957. Are those the photographs that you refer to (*the photographs were handed to witness*)?—Yes.

3958. Look at the photograph of the woman. Is that the woman you saw at Rue Berlin?—Yes, certainly.

3959. And the man?—Yes. There is no doubt about it.

3960-1. What did they say when you handed them the letters?—I handed them the letters. I spoke in French. I said: "Here is a letter for you, madame." She was out of bed. She had a dressing-gown on. The man was in bed. I said: "Here is a letter for you, madame, and here is a letter for you, monsieur." I said: "I understand you are Madame d'Angely." She said, "Yes." I said, "I understand you are Monsieur d'Angely." He said, "Yes." He said to Inspector Cooper, "What, have you come again?" I said "Yes." I said: "You had better open the letter. It is an invitation for you to attend the Royal Commission next Monday in London." The man said: "It is useless to have come a second time, as we promised you last week we would attend on Monday." Then the French inspector said: "Pardon me, but you did not specify any certain day; you said the end of the month." There was a little argument about that. The man said: "No; I said Monday." I said: "At any rate, you are invited to attend next Monday." He said: "Very good, we will be there." She said: "Oui, monsieur."

3962. On what day was this?—Last Tuesday morning.

3963. That was the 24th?—Yes.

3964. No copy of the letter was given to you?—I did see a copy of it.

3965. Then I think we must ask, Mr. Leslie, the secretary to read the letter in public. Will you read the English copy?

(*The Secretary.*) I am afraid I have not the English.

(*Chairman.*) Then read the French copy.

(*The Secretary.*) "Metropolitan Police Commission, 23 Juillet, 1906.—'Madame,—On ayant dit aux Commissaires Royaux qu'en recevant leur lettre du 18 courant vous avez refusé d'être présent à leur séance d'aujourd'hui, mais que vous y assisteriez volontiers à un jour plus tard de ce mois, les Commissaires ont fixé lundi, 30 courant, à midi, pour votre affaire qui aura lieu à Caxton Hall, Westminster, London, et ils desirent que vous soyez présente sur ce jour-là. Si toutefois vous refusez ou que vous manquiez de vous présenter l'affaire sera jugée en votre absence. Je répète ce que je vous ai fait connaitre dans ma lettre précédente au sujet de vos frais et de ceux de vos témoins. Agréez l'assurance de mes meilleurs sentiments." This is the copy I wrote to M. d'Angely: "Metropolitan Police Commission, 23rd July.—"Monsieur,—On ayant dit aux Commissaires Royaux qu'en recevant leur lettre du 18 courant vous avez refusé d'être présent à leur séance d'aujourd'hui, mais que vous y assisteriez volontiers à un jour plus tard de ce mois, les Commissaires ont fixé lundi, 30 courant, à midi pour l'affaire d'Angely, qui aura lieu à Caxton Hall, Westminster, London, et ils desirent que vous soyez présent sur ce jour-là. Si toutefois vous refusez ou que vous manquiez de vous présenter l'affaire sera jugée en votre absence. Je répète ce que je vous ai fait connaitre dans ma lettre précédente au sujet de vos frais et de ceux de vos témoins. Agréez l'assurance de mes meilleurs sentiments."

(*The witness.*) I ought to have said that I said to the man "Do you know the address where you have to come to in London?" He said, "Yes, I have it in a letter." The woman said, "You had better write it down," so I wrote it down "31, Great George Street, Westminster, London.

3966. (*Mr. Rufus Isaacs.*) What time of the day was it when you went there?—About 10 o'clock as near as possible.

M. CHARLES ULYSSES BEAUBE, sworn.

(Examined through the Interpreter.)

M. Charles Ulysses Beaube.

3952*. (*Chairman.*) Will you kindly tell me your description. What is your office in the service of the French police?—I am the Senior Principal Inspector of the City of Paris Police.

3953*. Do you remember *that* gentleman (Mr. Booth) coming to you in Paris?—I recognise him very well.

3954*. He had two other gentlemen with him, I think?—Yes. He was accompanied by Detective-Inspector Sexton and also by another person whom I see now in the uniform of a police inspector.

3955*. Did you accompany them, or rather, did you take them to No. 20, Rue Berlin?—Yes. I went up first, and I knocked at the door, and I told the lady who gave evidence here to tell René that I wanted to see him, and also the woman, together with those gentlemen.

3956*. By what name did the man and woman whom you saw on this day at No. 20, Rue Berlin, go by in Paris?—An officer under my orders a few days ago established his absolute identity as a man of the name of Soubigére, and this photograph has been handed to us by his wife, from whom he is divorced now.

3957*. Now look at the other photograph. (*Photograph handed to the Witness*)?—We also have this photograph, and when we entered the room of Soubi-

gére and his mistress I noticed at once that a similar photograph was on the mantelpiece.

3958*. That is a photograph of a woman you saw in the bedroom with the man Soubigére?—Yes, they were in bed together. The woman opened the door, Soubigére remained in bed, and the woman returned to bed after opening the door.

3959*. I do not know that it is necessary to ask you what took place. There seems to be no doubt about it. You do not understand English?—Not at all. *M. Charles Ulysses Beaube.*

3960*. I do not think I need trouble you with what took place afterwards?—I hold myself at your disposal. 30 July 1906.

Mr. William Booth, recalled.

3961*. (*Chairman.*) It so happens that Caxton Hall is mentioned in both the letters. We want to know whether you have been to Caxton Hall to-day?—Yes. I was there at 12 o'clock this morning. *Mr. W. Booth.*

3962*. Did you see anything of Monsieur or Madame d'Angely there?—No.

3963*. Have you been there since?—Yes. I waited there for half an hour, and I left instructions that if they came they should be sent here.

3964*. You left instructions that if they should arrive they should be sent here?—Yes, I also left similar instructions at the office.

3965*. 31, Great George Street?—Yes.

(*Chairman.*) That seems to complete the evidence as to the service of our request on Monsieur and Madame d'Angely to attend here, and to show that these proceedings have been brought to their notice. They are not here to-day, but I think the Commissioners would like me to publicly state that if they should come at any one of our future sittings we will, of course, take their evidence. I do not think we can proceed further with the case to-day. We shall limit the evidence to-morrow to the police evidence, which you would like to call in reference to the charge against Madame d'Angely.

(*Mr. Eldon Bankes.*) We have a number of witnesses in London who can speak to the doings of these people to a certain extent; for instance, where they lived before they went to Twyford Mansions. Do you wish the evidence to-morrow to be confined to the police evidence? I am afraid we shall not be able to get the other witnesses, because I am told we shall have to subpœna them, and there will not be time to do it, but we shall have the police evidence.

(*Chairman.*) We will take any evidence you can get.

(*Mr. Eldon Bankes.*) Of course we have a quantity of sworn evidence from Algiers.

(*Chairman.*) It is a question whether the Commission will, or will not, receive that evidence, and it may not be necessary even to raise the question. We will not decide that question now. That is documentary evidence pure and simple.

FIFTH DAY.

Tuesday, 31*st July* 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman.*)
Rufus Daniel Isaacs, Esq., K.C., M.P.
Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law).
Charles Algernon Whitmore, Esq. (Barrister-at-Law).
J. W. St. Lawrance Leslie, Esq. (Barrister-at-Law) (*Secretary*).

(*Chairman.*) Now Mr. Muir, do you propose to call the police constables who gave evidence against Eva d'Angely at the police court?

(*Mr. Muir.*) If you please, sir.

Horace Page, P.C. 429 C, sworn.

3966*. (*Mr. Muir.*) Are you a police constable of the C Division?—I am. *P.C. H. Page.*

3967. How long have you been in the Police Force?—Three years and a half. 31 July 1906.

3968. All that time have you been at Marlborough Street Police Station?—Yes.

3969. On the 24th April in this year were you on duty in Regent Street?—Yes.

3970. What duty was this on?—On beat duty.

3971. Where was your beat?—On No. 1, third section.

3972. Where is that?—Regent Street, Conduit Street and George Street.

3973. Where is George Street?—That is just before you get to New Bond Street.

3974. Leading into Hanover Square?—Yes.

3975. Then back through Hanover Street?—Yes, into Regent Street.

3976. How long had you been on duty on that beat before the 24th April?—During the month.

3977. What were your hours on duty?—From 10 p.m. to 6 a.m.

3978. What are your duties with regard to women that you see soliciting male passengers?—My duty is to caution them first, and if they still continue to annoy and accost male passengers I take them into custody.

P.C. H. Page, 31 July 1906.

3979. What do you charge them with in those circumstances?—If I have known them for some considerable time I charge them with being common prostitutes if I have seen them on previous occasions accosting men.

3980. And you take them to the station on that charge?—Yes.

3981. On the 24th April did you see a woman called Eva D'Angely?—Yes.

3982. When did you see her first on that day?—About 11.30 p.m.

3983. Where did you see her first?—She passed me when I was standing at the corner of Maddox Street in Regent Street.

3984. That is about half-way down your beat in Regent Street?—Yes. She walked on about 12 yards and she stopped a gentleman. She then walked on again, still going south, down Regent Street and walked on about 50 yards and crossed to the opposite side, that is, the east side of Regent Street, and then turned and walked back; she came up to Foubert's Place, still on the east side, and stopped another gentleman there.

3985. On the east side?—Yes.

3986. That is not on your beat, but on the opposite side of Regent Street?—Yes. She then walked on to Argyll Place and then stopped a third gentleman. She again crossed Regent Street on the west side.

3987. Where did she cross?—Near Hanover Street and walked down to where I was standing near Maddox Street. I then asked her why she stopped those gentlemen. She replied, "Me no speak English." I told her to behave herself and not to accost gentlemen.

3988-9. Did she make any further reply?—She replied, "Oui, oui," and smiled, and walked on.

3990. What time would that be when you spoke to her and cautioned her?—When I first met her it would be shortly before half-past 11; it would be about 11.35 when she arrived at the station.

3991. About five minutes she was under your observation before you cautioned her?—Yes.

3992. And she walked on?—She walked on to Conduit Street, and stopped another gentleman, and I went up and took her into custody.

3993. How long was that after you cautioned her?—About five minutes.

3994. What did you say to her when you took her into custody?—I said, "I have already cautioned you, and I shall take you into custody for accosting these gentlemen." She said something in French; I could not understand what she was saying. I then took her to the station. I then crossed over Regent Street, took her through Foubert's Place into Marlborough Street, to Great Marlborough Police Station.

3995. Did she walk quietly?—Yes, she seemed happy and talked in French. I could not understand what she was saying.

3996. When you got her to the police station, who was the officer in charge of the station?—Inspector Cooper.

3997. Did you state the charge to the inspector?—Yes, I did.

3998. Was an interpreter there?—No.

3999. What was done with regard to writing down the charge and reading it over, do you know?—She wrote her name on a slip of paper and said she was a Madame, and she made some statement in French, but I could not understand what she was saying.

4000. Was any officer there who did understand, do you know, or an interpreter?—No, there was no interpreter.

4001. When was the charge read over to her, do you know?—It was about 11.35, to the best of my recollection.

4002. Was that done in French?—No.

4003. That is all that took place that night?—That is all that took place that night.

4004. Were you present in the station when the man who said he was the husband came to bail her out?—No, I was on my beat then.

4005. During that month had you seen this woman before?—Yes, I had seen her on several occasions.

4006. What was she doing when you had seen her?—She was accosting gentlemen, and apparently she was watching me.

4007. And on those occasions what hours had you seen her at?—From 10 o'clock to about half-past 11.

4008. And where?—In Regent Street.

4009. Was she alone, or accompanied by anyone?—No, I only saw her with the men she accosted; I never saw her with any man.

4010. Or any woman?—No.

4011. (*Chairman.*) How long have you been in the Force?—About three and a-half years—three years last April.

4012. How old are you?—Twenty-eight last January.

4013. You are a constable?—Yes.

4014. How long have you belonged to the C Division?—During the whole time I have been in the Force.

4015. Was this the first month during which you had been on duty in Regent Street?—No, I had been posted there previously, but not the month previous to that.

4016. On what day does the month you refer to commence. Is it the calendar month?—On the first Monday it commences. We always change duty the first Monday of the month.

4017. Then it is simply four weeks?—Some are four week months and some are five week months. We always change the first Monday in the month.

4018. The first Monday in January, the first Monday in February, and so forth?—Yes.

4019. This was the 24th April?—Yes.

4020. You had been on this duty, then, from the first Monday in April?—Yes.

4021. What day in the week was this 24th April? (*Mr. Muir.*) Tuesday, and the 2nd April was the Monday.

4022. (*Chairman.*) Where had you been in the month before?—I had been on day duty on various beats.

4023. What had been your beat during the month of March?—I was not posted at any particular beat there. I was posted at different beats. One day I might be on the second section, and on another day I might be on the first section.

4024. But all in the same section?—No, not in the same section. There are two sections day duty, and one day I might be on the first section.

4025. Then during March you were on day duty and in April night duty?—Yes.

4026. And in February you were on night duty?—No, on point duty—Oxford Circus fixed point.

4027. How long was it since you had been on this particular beat. How many months or how many weeks had elapsed?—I had been on Conduit Street cab rank, which is adjoining the same beat, during March.

4028. Did the woman you arrested give you any name in the street?—No.

4029. You say you had seen her several times before the 24th April?—Yes.

4030. Had you seen her during March?—Yes, I had seen her when I had been on the Conduit Street cab rank.

4031. Had you seen her during February?—Yes, that was when I first noticed her when I was on the Oxford Street fixed point, that is at the top of Regent Street, the junction of Oxford Street.

4032. What attracted your attention to her when you were on point duty at the corner of Oxford Street and Regent Street?—I saw her walking about, and I also saw her stop and speak to different gentlemen, and I was not quite certain whether she was a prostitute or not, and I wanted to make my mind quite clear before I took any action.

4033. Was that in February?—In February.

4034. You thought it would be necessary to take action against this woman as far back as February, did you?—I came to the conclusion that that was what she was, but I was not quite certain about her—not then. She appeared to be watching me at the same time that she would be accosting.

4035. Was she dressed in the same way on all the

occasions you saw her?—No, not on all the occasions.

4036. You saw her at the police court in daylight, I suppose?—Yes.

4037. Have you any doubt in your own mind that the woman you saw in Marlborough Street Police Court in the daytime was the woman who you observed as far back as February?—No doubt.

4038. What part of the month of February?—I could not exactly say the date, but it was about the second or third week in February when I first noticed her.

4039. You said, did you not, at the police court that she had been there almost nightly for the past three months?—The question was asked, "How long have you known her?" and I said "About three months."

4040. According to the notes I have got you said "She has been there almost nightly for the past three months"?—No, I never said that. I could not have sworn that, because I had not been on there nightly.

4041. You saw the clerk taking notes?—Oh, yes.

4042. But, of course, they were not read over to you, as I understand?—No.

4043. Did you hear the defendant at the hearing of the case say anything through the interpreter?—She asked through the interpreter if I could produce any gentleman, and I replied no.

4044. (*Mr. Rufus Isaacs.*) What, in your view, is soliciting. What do you have to see before you arrest a woman?—I have to see her go up and accost a gentleman to his annoyance—if I consider it is to his annoyance.

4045. First of all you have to be sure that she is a prostitute?—I have to make my mind sure about that before I take any step.

4046. And that, I understand, you always have made up your mind about before you arrest a woman?—I make my mind confident that she is a prostitute before I arrest her and charge her with that offence.

4047. You are in the habit of seeing these women walking about on your beats?—Oh, yes, I see them on my beats, and I also see them at the police court.

4048. You only see them at the police court when they are summoned?—When they are charged.

4049. Do you mean for these offences?—For similar offences.

4050. But this woman, as I understand, had never been charged before?—No.

4051. So you would have got to know her from seeing her walk about the streets and going up to men as you have told us?—Yes, by her conduct.

4052. Do you see much of this soliciting?—Yes.

4053. A good deal?—Yes.

4054. You do not arrest every time you see them, do you?—No, not unless we are confident, but we always caution them first.

4055. Suppose you were confident that a woman belonging to that particular class, and you see her going up and accosting a man, do you always arrest her?—No, we caution her first.

4056. Do you mean that in your view (I only want to know what your practice is) you must have cautioned her on the same day?—No, not particularly on the same day.

4057. It may have been a month or two months before?—No, not so long ago as that. It might have been a night or so before.

4058. You give them a warning?—Yes.

4059. And within a short time after the warning if they still continue then to solicit you arrest them. Is that it?—Yes.

4060. Has any one of these women ever offered you money?—No.

4061. Never offered it?—No.

4062. Have you ever known of it being done?—No, I have never known. I have heard rumours, but I have never known it to be done.

4063. Rumours amongst the force?—No. Sometimes when the women are in the police court they say something about it chatting between themselves.

4064. Say something about what?—About giving money, but I have never seen it done.

4065. What is it they say about giving money?—They say "Why don't you square the copper," or something like that.

4066. That is what you have heard them say one to the other?—I have heard them say that.

4067. Do you mean that during your experience in this particular part of London that you have never heard of any policeman taking money from any one of them?—No.

4068. Have you ever heard of any policeman having money offered to him?—No.

4069. Not offered?—No.

4070. (*Mr. Dickinson.*) You were on night duty in January?—Yes.

4071. That was not on the same beat as this?—No.

4072. And then I see you arrested eight women during that month?—It may have been. I could not say the exact number.

4073. I see in November you made three arrests, and in February two. Is it a common thing for you when you are on night duty in the course of the month to make a certain number of arrests?—No, no particular number.

4074. Not a particular number, but you do arrest some?—I do my duty. If I see a woman committing an offence and I have cautioned her I take her into custody.

4075. Are your instructions to take into custody any woman whom you know to be a prostitute and who you see soliciting?—Not unless she is committing an offence.

4076. If she is?—If she is committing the offence we have got our instructions what to do.

4077. You have instructions?—Yes.

4078. If you see a woman whom you know to be a prostitute who is soliciting you are to caution her and then to take her up?—Those are our instructions in the Instruction Book.

4079. I suppose on your beats you see a very large number of these women?—Yes.

4080. And I suppose you know a large number of them to be prostitutes?—Yes.

4081. But unless you see them actually soliciting or actually speaking to a man you do not take any action?—No.

4082. I suppose a good many of them cannot speak English?—There are a lot of foreign women about. Some of them say they cannot speak English, but when they get to the police court next morning they speak English.

4083. You say you knew this woman as far back as February?—I knew her by sight, not by name.

4084. And then in March you saw her on several occasions soliciting?—Two or three times, not several.

4085. Two or three times?—Yes.

4086. Had you seen her on any other occasion in March actually soliciting?—No, only when I was on the Conduit Street cab rank.

4087. Why did you not arrest her then?—I never had an opportunity to get near her. She was watching me, and when I got anywhere near or walked towards her she either got in a cab or 'bus or walked in the opposite direction right away from my beat.

4088. Your beat is a small one?—No, not particularly small; about the same as the others. They are all very small there.

4089. It is very easy to pass from the beat of one constable to another?—Yes.

4090. And any woman who has been seen soliciting and knows she has been soliciting, goes out of your beat on to the beat of another constable, where she is safe, so far as that evening is concerned?—If I saw her committing an offence on the adjoining beat, I should arrest her.

4091. But would it be your duty to go off your beat?—Yes; not to go right away from my beat, but if I saw her on the opposite side of the road, for instance, I should go.

P.C. H. Page. 31 July 1906.

4092. I take it from you that as there is a large number of these women here, most of them avoid being seen soliciting?—They do as well as they can. They often work in pairs. You will see one woman walking about 12 yards in front, keeping a look out for the policeman, or perhaps there is one behind who is doing it.

4093. So you say if they are not very often arrested it is because they manage to avoid the eye of the police?—Yes.

4094. (*Chairman.*) Will you look at this photograph marked A. Is that a photograph, so far as you can tell, of the woman whom you arrested?—Yes.

4095. (*Mr. Rufus Isaacs.*) You are Police Constable 429 C?—Yes.

4096. Have you known the police to take money from bookmakers?—No, Sir.

4097. Have you known of their being offered any?—No.

4098. It has never been offered to you?—No.

4099. You have never known it happen?—No.

4100. Or from public houses?—No.

4101. Is part of your beat round Leicester Square?—No.

4102. You do not go round there at all?—No, we take the other end.

4103. Leicester Square, Lisle Street. Would that be any part of your beat?—No.

4104. Rupert Street?—No. Our sub-division goes from the corner of Tottenham Court Road straight along Oxford Street to the Marble Arch, down Park Lane, Bruton Street, Conduit Street, Little Pulteney Street, up to Cambridge Circus, and down West Street, passing up St. Martin's Lane and up to Bloomsbury.

4105. (*Mr. Dickinson.*) Have you ever heard of money being left in certain places by the women for the Division, stationed at Marlborough Street Police Station?—No.

4106. You have never heard that stated?—No, I have never heard that.

Police Constable Nelson Sims, 440 C, sworn.

P.C. Nelson Sims.

4107. (*Mr. Muir.*) You are a constable of the C Division stationed at Marlborough Police Station?—Yes.

4108. How long have you been in that Force?—Nearly three years.

4109. And all the time at Marlborough Street?—Yes.

4110. Were you on point duty in Regent Street on the night of the 24th April?—Yes.

4111. Where was your point?—Regent Circus fixed point, close to the Circus.

4112. Which part of the Circus?—On the south-west corner.

4113. Just opposite the island there?—Yes.

4114. Do you know this woman who calls herself Eva D'Angely?—Yes.

4115. Have you seen that photograph marked A?—Yes, that is the woman.

4116. That is the woman who you speak of as Eva D'Angely?—Yes.

4117. How long had you known her?—About three months.

4118. Did you know her name at all at that time?—No.

4119. During the three months you had known her, had you been on duty at Regent Street?—Not continually.

4120. Part of the time you had?—Yes.

4121. On night duty?—During the month of March I was on night duty, the beat of the second section close to the Circus, and during the month of April I was on the Regent Circus fixed point.

4122. At night?—In the evening from 9 o'clock to 1 o'clock in the morning.

4123. That is practically night duty?—Yes.

4124. Had you seen that woman at all during that time?—During the month of March I saw her almost nightly, and during the month of April when I was on late duty I sa wher nightly.

4125. What was she doing?—Accosting gentlemen.

4126. Was she alone or with anyone?—Alone.

4127. Had you occasion to speak to her or did you speak to her during that time?—I tried to several times, but I could never get near her until the night of her arrest, when I did caution her.

4128. What did you see her doing on the night of her arrest?—She crossed Oxford Street near where I was and went up and accosted a gentleman standing near the Circus and Regent Street.

4129. Did you speak to her then?—I cautioned her as to her conduct. I said: "Behave yourself in a public thoroughfare, and do not molest gentlemen." She turned round and smiled and went off down Regent Street in the direction of Piccadilly Circus.

4130. She made no reply at all?—No.

4131. What time was that?—About 11 o'clock, as near as I can say.

4132. Later on that same night, did you see her in custody?—I saw her cross Regent Street in the custody of Police Constable Page.

4133. (*Chairman.*) How long have you been in the Police Force?—Nearly three years.

4134. What is your age?—Twenty-five.

4135. Have you been during the time you have been a member of the Force in the C Division?—Yes, employed at Marlborough Street.

4136. All the time?—Yes.

4137. And employed in or about Regent Street—Yes, at Great Marlborough Street.

4138. (*Mr. Dickinson.*) You say that you have seen this woman constantly in March and April nightly?—Almost nightly during the month of March.

4139. And accosting gentlemen nightly?—Yes.

4140. And you knew her to be a prostitute?—By her actions I considered she was a prostitute.

4141. Would she not have come into the category of women who you were instructed to arrest?—She would.

4142. How is it that you did not in all this time arrest her?—Because I considered it my duty before arresting her to caution her, and I never had that opportunity. One night during the month of April I tried to caution her; I went for her to caution her, but she ran down Oxford Street and then crossed over on the other side of Oxford Street and stood on the corner of Holles Street, and then she came back along Oxford Street on the north side.

4143. I understand that this obligation on you to caution these women makes it difficult for you to arrest them?—Yes. If they happen to see you coming they try to get away as quickly as they can.

4144. I see that in this list we have here of the number of prostitutes apprehended in November, December, January, February, March, and April, in all the first five months you did not apprehend any prostitutes?—No.

4145. And you only apprehended one in April?—Yes.

4146. Were you on night duty during any of those five months?—Yes, alternately night duty, day duty, and point duty.

4147. Therefore you resumed your night duty for two or three out of those five months?—Yes.

4148. What was the reason why you seem to have arrested no one all that time. I want to understand why it is. You admit that you see a number of these people?—Yes, when I am on duty in the vicinity of Regent Street.

4149. Every night when you are on duty there you see large numbers?—Yes.

4150. And women who you know to be prostitutes?—

Yes, some of them, but I always like to make sure before I take any action.

4151. I quite understand that, but nevertheless, you see a considerable number of women whom, no doubt, you know, and who are prostitutes?—Yes.

4152. And during all those months you did not have occasion to arrest anyone. Can you explain how that came about?—I never saw them commit any offence in front of my eyes at the time or else I should have cautioned them, and if they committed it again I should take them into custody.

4153. You seem to have seen Madame D'Angely committing an offence several times?—I did.

4154. Is it not reasonable to assume you must have seen a good many others too?—No doubt I did.

4155. I want to understand (probably you have an explanation) why, if you have instructions that when you see a known prostitute to be soliciting that you should arrest her, and that there are so large a number about there every night, and you are on night duty for two or three out of these five months, how is it that you did not make a single arrest?—During that time I was not on night duty in the vicinity of Regent Street, or only once. In the month of January I was on a beat round Bond Street.

4156. Are there not women of this class there?—Very few indeed.

4157. Have you a similar explanation for the other months. Do you remember where you were in those other months. In January you were in Bond Street. Where were you in February?—(*Mr. Muir.*) I do not know, sir, whether you have a list of the duties of all these constables, but there is a list in the printed statement before you, a table showing the duties during February, March, and April. It is limited to those three months.

4158. (*Mr. Dickinson.*) Yes. In February you were on day duty, and in March you were on night duty, and in April you were on point duty, that is night duty?—No, not exactly night duty.

4159. I understood from the last constable that point duty was?—When you are on late duty you go on at mid-day till 5 in the afternoon, and then again from nine in the evening to one in the morning.

4160. What were you doing in April?—Three weeks early turn and two weeks later turn.

4161. Then you were two weeks on night duty?—Yes.

4162. And those two weeks was when you saw this woman?—Yes.

4163. In March you were on night duty and you took Oxford Street from the 5th to the 17th, near the Circus, and the 31st. Then on the 8th March you were on Oxford Circus patrol. Then on the 9th March you were at Bond Street. Then on the 10th, 13th, 18th, 29th, 30th, and 1st April you were at Oxford Street near the Circus. Then from the 19th to the 27th March you were sick. On the 28th you were on No. 9 beat, second section, and on the 11th and 16th you were on your fortnightly leave. Then in April from the 2nd to the 7th, and from the 9th to the 16th and from the 18th to the 30th you were on the Regent Circus point, and on the 8th to the 17th you had your fortnightly leave. Then you were about twelve or thirteen days on Oxford Street near the Circus?—Yes.

4164. That is the part where there are these women?—Yes.

4165. I suppose, then, you saw a good many of these women?—Yes, I saw them—perhaps not in the act of soliciting.

4166. You say you did not see them in the act of soliciting?—No.

4167. You said you cautioned Madame D'Angely in Oxford Street?—Yes.

4168. You saw her frequently about three months in Oxford Street and cautioned her there. Did you caution her on any other occasion than the one you mention?—No.

4169. (*Mr. Rufus Isaacs.*) I do not quite understand what you say about this. You had seen this woman, Madame D'Angely, frequently before she was arrested, had you not?—Yes.

4170. And you had seen her frequently accosting men when you were on duty in Oxford Street near the Circus?—Yes.

4171. You knew what she was?—I formed an opinion as to what she was.

4172. I suppose it does not require a very long time when you see a woman accosting men nightly for you to come to a conclusion as to what she is?—No.

4173. Had you been seeing her do this for some time?—Yes.

4174. Had you not been able to warn her?—No, I tried several times, but I could never get near her.

4175. Do you mean you must always warn her when she is actually committing the offence?—After she has committed the offence.

4176. You have seen her doing it several times. Why not warn her?—Because she always got away when I got near her.

4177. But you saw her again?—Yes, I saw her again, but I wanted to see her commit the offence again before I cautioned her.

4178. I do not understand that. You see a woman committing the offence and your instructions are that you are to warn her before you arrest her?—Yes.

4179. You have seen her committing it, and if she had done that after you had warned her you would have arrested her?—Yes, I should.

4180. As you had not warned her before you saw her committing the offence you did not arrest her?—No.

4181. But you ought to have warned her?—I did warn her on the first opportunity I could get.

4182. That is what I do not understand. When was the first opportunity you got?—On the night of her arrest, about 11 o'clock.

4183. That is on the 24th April?—Yes.

4184. But you had seen her frequently before in Oxford Street for about three months?—Yes.

4185. How often did you see her commit the offence of soliciting, do you think?—During March I should say I saw her almost nightly, but on every occasion she did not commit the offence; only on some occasions.

4186. During the month of March?—Yes.

4187. How often did you caution her during March?—Not once.

4188. Not at all?—No.

4189. Why not?—As I said just now, I could never get near to her to caution her.

4190. You saw her?—Yes, I saw her, but on seeing me approach she used to get away from me.

4191. You never were near enough to talk to her?—No.

4192. Not on any one of the occasions?—On the night of her arrest she crossed Oxford Street.

4193. But before that in March you could never speak to her?—No.

4194. Was she on the same side of the road as you were?—Not on all occasions.

4195. If you have got to caution a woman and she sees you in uniform whenever you come near her she will get away?—Yes.

4196. The result is that you can never caution her?—No, we can never get near her.

4197. As long as she is able to slip away from you or does not come anywhere near you she cannot be arrested?—Not till I have cautioned her.

4198. She might go on committing the offence night after night, according to that?—Someone else might see her.

4199. If she happens to be on your beat and there is no other policeman there seeing her commit the offence, she might commit it night after night?—Not without my seeing her.

4200. Your seeing her is no good because you told me you saw her almost nightly during March, therefore seeing her is no good, according to your statement. You see her committing the offence a good many times during the month of March, but she is not arrested?—No, not by me.

4201. Or by anybody else?—No.

P.C. Nelson Sims. 31 July 1906.

4202. That is what I do not understand, and as I understand your explanation she is not arrested because you could never get near enough to her to caution her?—Yes.

4203. So that all she has to do is to get sufficiently far from you for you not to be able to speak to her?—Yes.

4204. And if she does that she may go on committing the offence night after night?—She can do that, and if she saw me coming she could cross the road to another division.

4205. And get out of the way?—Yes.

4206. It is rather easy to avoid arrest then, is it not?—It is in some cases.

4207. I do not understand why if your statement is correct it is not easy in all cases, unless a policeman happens to come unawares upon the woman, or she does not know what the law is?—(*No answer.*)

4208. It seems to you so, does it not?—It might be so.

4209. By whose instructions is it that you have to give the warning?—It is in our instruction book.

4210. Can you give me the reference to it?

(*Mr. Muir.*) Page 339. The Chief Commissioner referred to it in his evidence.

4211. (*Mr. Rufus Isaacs.*) Did you ever tell another policeman to caution this woman?—No.

4212. You do not communicate to somebody else and point out the woman and say, "she must be warned," or anything of that character?—No, I never have.

4213. Apparently, according to what I understand from you, the effect of having to give a warning is to do away to a great extent with the liability to arrest of these women?—Yes.

4214. That is so, is it not?—I consider it my duty to caution them before I arrest them.

4215. That is quite right. You have got the instructions in your rules and you have to caution them. I am not asking the question in any way as casting any blame on you. I only want to understand how this duty is conducted. It seems to follow from what you say that if you have to give a warning, and you have such a difficulty in giving a warning, the result of continuing to give a warning is that the woman manages to get off scot free in most cases?—Yes.

4216. That is so?—Yes.

4217. Does Glasshouse Street come anywhere in your district?—No, that is on the Vine Street ground.

4218. Or Leicester Square?—No.

4219. Generally speaking do the same women walk about the same part?—No, not every night—not as far as I know. They go right through Regent Street and Piccadilly, and places round there.

4220. If a constable is on duty—for example, if you were at Oxford Street near the Circus—do you get to know the women who walk the streets up and down there?—Yes, because there are a great number who come through there every night coming back from Piccadilly and that direction; no end of them come up that way.

4221. (*Mr. Dickinson.*) How often have you arrested a prostitute?—Twice.

4222. Only twice during three years?—Yes.

4223. (*Mr. Muir.*) You mentioned an occasion when you tried to warn this woman d'Angely?—Yes.

4224. And she ran down Oxford Street on the south side to Harewood Place, and then crossed over to the corner of Holles Street on the north side on the D Division ground, and came back along Oxford Street on the north side. Can you tell us approximately when that was?—No.

4225. Or what month it was in?—It was during the month of April.

4226. Supposing you had not to administer a caution to this woman D'Angely, at about what period would you have considered yourself justified in arresting her for persistent solicitation. About what date should you say?—I should think it was about the third or fourth week in April, as near as I could say.

4227. In the month of March you saw her again and again, as I understand, soliciting?—Yes.

4228. Supposing you had not had to caution her, at what time would you have made up your mind that she was a prostitute and persistently soliciting men on your beat?—About the second week in April, when I came on point duty.

4229. (*Mr. Rufus Isaacs.*) Not during the whole of March?—No, because I never saw her so many times during the whole of March as I did in April. I saw her on a good many occasions in March—in fact, almost nightly during March.

4230. That is what I understood. I thought you said you saw her almost nightly during March?—Yes.

4231. You saw her, not every night, but on a good many nights soliciting during March?—Yes.

4232. If that is the case why do you say to Mr. Muir that you never would have arrested her, if you had been able to give a warning, before the second week in April?—I should have arrested her if I had been able to give the warning.

4233. That is what Mr. Muir's question was directed to, but I do not think you followed it. What Mr. Muir was asking you was, supposing you had been able to give the warning, and had apparently made up your mind as to what this woman was, what was the earliest period at which you would have arrested her if you had been able to give her the warning?—If I saw her commit the offence again and I cautioned her I should have arrested her at once.

4234. You do not follow the question, and I must try and put it in another way. Did you see her in February?—Yes.

4235. You had formed an opinion already in February apparently as to what she was?—Yes.

4236. Did you see her solicit in February?—Once, as far as I recollect.

4237. Suppose you had cautioned her then (we know you did not), when you saw her on the next occasion and she did it again, what would you do then?—Arrest her.

4238. You did see her again, I think, some time in February. When was that?—As far as I can recollect, it was about the second or third week in February.

4239. You mean you saw her again do it?—No, that was the first time I saw her do it.

4240. When did you see her again?—In March.

4241. The beginning of March?—About the first week in March.

4242. If you had been able to warn her when you saw her in February, when you saw her again in March you would have arrested her if she committed the offence, as she did do?—Yes.

4243. But you did not do it as you had not been able to warn her?—That is quite right.

4244. (*Mr. Dickinson.*) I should like Police constable Page to come back, as I have another question to ask him.

HORACE PAGE, P.C. 429 C, recalled.

P.C. H. Page.

4245. (*Mr. Dickinson.*) I understand that when the arrest took place you saw this woman on the opposite side of Regent Street?—She passed me on the west side first.

4246. When did she solicit somebody?—When she got about 12 yards past me on the west side.

4247. Having seen you?—Yes, she saw me—she must have done. She passed me.

4248. Therefore she was not afraid of you?—No, she did not appear to be that night.

4249. Then she crossed over again?—She walked on about 50 yards first, and then she crossed over on the east side, on the opposite side of Regent Street.

4250. Still in your view?—Yes.

4251. Still knowing that you could see her?—I suppose so.

4252. Then what did she do?—She went north up towards Fouberts Place, and then she stopped another gentleman there.

4253. Still in your view?—Yes.

4254. Knowing that you could see her?—I suppose she knew I could see her.

4255. Then she came towards you?—No, she walked towards Argyll Street, still on the east side of Regent Street.

4256. Still in your view?—Yes.

4257. And then what happened?—She stopped another gentleman there, and then she crossed over to the west side of Regent Street and walked down towards where I was standing.

4258. She walked towards you?—Yes.

4259. Seeing you?—Yes.

4260. Then she did not elude you?—She did not appear to.

4261. If this difficulty arises, which we have heard so much of, that the women escape and try to evade the eyes of the police, she was not trying to evade your eyes on that night?—She might have thought I had gone when she came down the second time. She must have seen me when she passed me in the first place.

P.C. H. Page.
31 July 1906.

4262. Were you round the corner?—I stood back against the houses.

4263. You think she came on you unawares to herself?—I think so the second time.

4264. That is when you cautioned her?—Yes.

4265. Then you cautioned her. And how did you meet her again?—When I arrested her, do you mean?

4266. Yes?—I walked on after her.

4267. You followed her?—Yes. She was standing with her back to me, and I went on behind her.

4268. She must have known you were behind her then?—She saw me at the corner of Maddox Street just as previously.

4269. You did not try to conceal yourself, then?—I was standing back close to the houses.

FREDERICK LUCAS, P.C. 136 C, sworn.

4270. (*Mr. Muir.*) You are a police constable, No. 136 of the C Division, stationed at Marlborough Street?—Yes.

4271. Were you on duty in Regent Street on the night of the 24th April?—Yes.

4272. Did you see the woman Eva d'Angely on that night?—At the station.

4273. You saw nothing of her prior to her arrest?—Not that night.

4274. Had you seen her before that night?—I saw her the second week in April in Regent Street.

4275. Where were you on duty at that time?—On the south-east corner of Oxford Street—the fixed point.

4276. While you were there did you see her?—Yes.

4277. What were your hours of duty?—From 9 o'clock p.m. to 1 o'clock a.m. that week.

4278. What did you see her doing?—I saw her accosting.

4279. Did you caution her at all?—No.

4280. Why not?—I could not get close enough to her to do so.

4281. Was she alone?—Yes.

4282. (*Chairman.*) How long have you been in the Force?—Five years.

4283. And what is your age?—Twenty-seven.

4284. Have you been in the C Division all the time?—Yes.

4285. (*Mr. Rufus Isaacs.*) Do you find also that this practice of having to give warning causes women to escape from you?—It does in a good many cases.

4286. The result of which apparently is that they can go on committing the offence so long as you are not near enough to speak to them. Is that it?—That is so, sir. I always caution them first before I take them into custody. I had only seen this woman a week.

4287. Supposing you see a woman committing the offence of soliciting, and you cannot get near enough to caution her that night, supposing you see her the next night, would you not give her the warning?—I think so.

4288. (*Mr. Whitmore.*) Because of the offence you saw her committing on the previous night?—Yes, I would.

4289. (*Mr. Rufus Isaacs.*) That would be your first opportunity, and then you would give her the warning not to do again what you had seen her doing the evening before?—Quite so.

P.C. F. Lucas.

4290. (*Mr. Dickinson.*) It seems from the table we have before us, that the number of prostitutes varies considerably in the different months?—Yes.

4291. You have had a good deal of experience, I suppose, of this work?—Yes.

4292. Is there any reason why, in November, 1905, there were as many as 153 arrests; in February following, only 104 in your division?—I cannot give you the reason.

4293. And again in April, 141. Does the number vary according to the time of year?—I could not say.

4294. Is it your experience that there are more women arrested out of the streets in that particular time of year than at other times?—Sometimes there are more about one night than another.

4295. There is no regular habit that you have noticed?—No.

4296. You yourself, I see, arrested nine in April and only one in March?—Yes.

4297. Is nine a large number for you to arrest in one month?—It is, rather.

4298. Is there any reason?—I was on a particular point—Regent Street—where these women are.

4299. On that particular point there are most arrests?—Yes.

4300. There are the largest number of arrests on that point every month?—Yes.

4301. Whoever is there?—Yes.

4302. (*Mr. Rufus Isaacs.*) I suppose the weather affects the number of women that are about?—It does.

4303. (*Mr. Dickinson.*) Do you find yourself there is a difficulty in, so to speak, catching the women? That seems to be the difficulty as I understand?—They will not accost if they see a policeman about. I do not think they would accost in front of a policeman.

4304. (*Mr. Muir.*) For example, in the foggy weather are there many of those women about?—Yes.

4305. Even in the very foggy weather?—Yes.

(*Mr. Muir.*) I will now call Inspector Cooper.

(*Chairman.*) What does Inspector Cooper prove?

(*Mr. Muir.*) The arrest; he was in charge of the station.

Inspector KENNETH COOPER, sworn.

4305*. (*Mr. Muir.*) You were sworn yesterday?—Yes.

4306. You are an inspector of the C Division, stationed at Great Marlborough Street?—Yes.

4307. At 11.35 on the night of the 24th April did Police Constable Page bring Eva D'Angely into the station?—Yes.

4308. And did he say he had arrested her as a common prostitute for behaving in a riotous and indecent manner in Regent Street?—That is so.

Inspector K. Cooper.

4309. That is the form in which you took the charge at that station?—That is so, under the Vagrancy Act of 1824, Section 3.

4310. Did the constable state the facts to you that

Inspector K. Cooper.

31 July 1906.

he had just witnessed?—Just as detailed before the Commission.

4311. Did the woman appear to be distressed at all at her position?—Not in the least.

4312. Not at being there under arrest?—Not in the least.

4313. Did she speak any English at all?—Sufficiently for me to understand what she said, and she understood me sufficiently too. She spoke in broken English.

4314. She appeared to understand the charge?—Decidedly.

4315. Did she give you her husband's name?—She did.

4316. The man she called her husband—D'Angely?—Yes.

4317. Did she say anything to you about him?—She told me he was a dealer in bijoutry—jewellery.

4318. Did she make any protest about being arrested?—Not in the least. She was in a very good humour.

4319. Did she give her address?—Yes.

4320. Did you telegraph to the division in which her address was?—I did.

4321. And make inquiries as to it?—Yes, in order that she might be bailed.

4322. A little before 1.20 in the morning did the man giving the name of D'Angely, whom you saw in Paris, come to the station and bail her out?—Yes.

4323. Did he offer any explanation at all as to her being in Regent Street at that time of night?—No.

4324. Did he make any protest as to her being arrested?—He spoke rapidly to her in French, and appeared to be somewhat upset, but he left the station as quickly as he could.

4325. He made no protest to you about her arrest?—Oh, no.

4326. Was she released on her husband's bail, and did he sign the bail book?—Yes.

4327. Is the bail book here?—Yes.

4328. Were you present in court while the evidence was given?—Yes.

4329. Did D'Angely give evidence on the first day?—Yes, he did give evidence.

4330. This is the magistrate's clerk's note of it: "René D'Angely, 25, Twyford Mansions, New Cavendish Street. She is my wife. I appointed to meet my wife at 11.30 p.m. 24th April, Regent Street. Waited for her; found she was not there. Found her afterwards. Had last seen her before this at 10.30 p.m., when I left home to see a friend off." That evidence was given?—That was the effect of his evidence.

4331. Did the magistrate thereupon remand the hearing until the 1st May?—That is so.

4332. Taking bail in £5?—Yes.

4333. (*Chairman.*) The magistrate discharged her on the remand?—Yes. I was not present on the remand.

4334. (*Mr Muir.*) After leaving the court did the man D'Angely and the woman go to the station?—They did.

4335. For the purpose of signing the bail book, I suppose?—No, the bail is taken at the court.

4336. Did Inspector Mackay ask them some questions there?—He did.

4337. And did you put down those answers in the form of a statement?—I did.

4338. Have you got that statement?—I have. (*Document produced.*)

4339. "25th April, 1906. Statement of René D'Angely, 25, Twyford Mansions. My name is René D'Angely. I am 26 years of age, and am a dealer in jewellery and antique articles. I am not employed by any person. I usually deal with Foster's, 54, Pall Mall, who sells on commission things that are sent me. I receive the goods at my address. I have no other address. The rooms I occupy are furnished, and were taken by me through an advertisement from Mr. Gaze, at 63, Twyford Mansions. I earn about £20 a month, and give nearly all to my wife. My rent is £12 a month. When in Paris I live in a boarding house"?—That was the statement I took down in reply to questions.

4340. And that is certified by Inspector Mackay?—Yes.

4341. Then the statement of Eva D'Angely, of 25, Twyford Mansions, Little Marylebone Street: "I am 25 years of age, and was married in Algiers about eighteen months ago. I have a certificate of marriage in Paris, but do not know the address. I came to England with my husband on the 20th February last. With the exception of three nights we have stayed at the present address since we have been in England. I have never previously been in England. I left home about 10.45 p.m. last night, in company of my husband and Mr. Rubens, 17, Porchester Gardens West. We came along Oxford Street to Regent Circus, where I left my husband and his friend. I then walked down Regent Street on the right side as far as Vigo Street to the Café Royal, and came back on the other side to near Verrey's, where I was arrested. I have on several occasions been in Regent Street alone between ten and half-past. I have no lady friends in London. No policeman has ever spoken to me in the street"?—Yes, that is the statement.

4342. Were those statements made with a view of making the inquiries which the magistrate had directed to be made?—To assist in the inquiry for the magistrate's information.

4343. (*Chairman.*) What did the magistrate say about making inquiries?—At the remand he said to Sub-Divisional Inspector Mackay: "Make full inquiries into this case." That is all that transpired.

4344. Upon the magistrate remanding her, he said that?—Yes; he directed Sub-Divisional Inspector Mackay to make full inquiries into this case.

4345. (*Mr. Muir.*) That is why you took those statements?—Yes.

4346. You were not in court when the case was disposed of?—No.

4347. (*Mr. Dickinson.*) I suppose in all these cases you take special care to assure yourself, when a constable brings in a woman, that she is a prostitute?—No doubt we take very great care of that.

4348. What do you do to assure yourself of that?—We have to take the evidence of the constable to a great extent, and if we are satisfied with the statement he makes to us, and there is a *prima-facie* case, we consider we are justified in putting it on the charge-sheet.

4349. That inquiry you carry out in the police station?—At the police station, before any other steps are taken.

4350. I suppose you had some difficulty in communicating with Madame D'Angely in speaking to her?—More difficulty than we have in a great many cases. It had to be very carefully explained to her.

4351. In English?—Yes.

4352. She could not speak English?—She could not speak very well, but she satisfied me that she understood her position.

4353. And she gave the name of her husband?—She did—René D'Angely.

4354. She explained in English?—Yes; that is how I understood what trade her husband was, or what he did for a living.

4355. You immediately communicated with the husband?—I did.

4356. Then when he came you allowed her to go out on bail?—I did.

4357. Was it the next day that she came up to the court?—Yes.

4358. In cases like this, would it not always be proper for you to make further inquiries before a case comes into court at all?—These charges are taken at night, sometimes late at night and sometimes early in the morning, and the facility for inquiry is very much reduced. There are no facilities hardly for inquiries at that time of night.

4359. Let me put a case to you. Supposing you found that a constable had by error arrested a woman of thoroughly well-known position, and her husband came immediately and took her away, should you be bound to go on with that case?—In the special circumstances we should make as much inquiry as we could before she came before the magistrate, but the charge having been taken it must go before the magistrate.

4360. That is what I want to get from you. The charge having been taken, and that charge having been entered in the charge book, you are bound to take it before the magistrate?—Decidedly. We have no power to deal with it otherwise.

4361. Let me understand what you do in a case like that. Supposing a policeman had brought a woman in and he had said she was a prostitute, and you took the charge down as you did in this case, and then circumstances transpired which convinced you at once that a mistake has been made, would you nevertheless have to take that person before the police court?—We should take her before the police court, but there would be other steps that would necessarily follow. We should have to represent the facts to the magistrate and put the full facts before him, and the woman would necessarily be discharged in that case, and the officer dealt with.

4362. You said just now that special inquiries would have to be made. What was in your mind?—In which case do you mean?

4363. When I put the question to you of a perfectly respectable woman being taken up by mistake and I asked you whether it would come before the police court, and you said special inquiries would have to be made?—In the event of anyone appearing at the station which would alter our minds from the time we took the charge, inquiries would probably be made early in the morning into the veracity of the statement of the witnesses who came to the station, and then we would place what evidence we could in front of the magistrate. That is in the event of such an exceptional case arising. I have never known a case of that kind.

4364. You would have the opportunity of asking the magistrate to adjourn the case?—That is so; or if we were satisfied, we should have the opportunity of asking him to dismiss it.

4365. But nevertheless you would have to bring this person's name before the magistrate?—Yes.

4366. As being accused of this offence?—Yes.

Inspector K. Cooper.

31 July 1906

4367. (*Mr. Rufus Isaacs.*) Does your answer mean that you have never known a mistake having been committed?—I have no personal knowledge of one. I have taken a great many charges.

4368. How many years' experience have you had?—Five years—four years in the West End at the very busy station of Marlborough Street.

4369. You have never known a woman being brought in by mistake?—No, I have never had any personal knowledge of such a case.

4370. (*Mr. Dickinson.*) You have had a good deal of experience in these cases. Have you any knowledge of cases of men soliciting women? Are those cases ever brought before you?—No, we have never known a case.

4371. I mean men asking a respectable woman?—A man has been brought in occasionally for insulting behaviour under such circumstances, and I have known one or two cases.

4372. (*Mr. Rufus Isaacs.*) That is another offence?—Yes, it is another offence entirely.

4373. (*Mr. Dickinson.*) But you have known certain cases of that kind?—Yes.

4374. Cases in which ladies who have been accosted have brought charges against a man?—No, on the evidence of constables of what they have seen in the streets.

4375. Constables have on occasions brought before you cases on their own motion?—Yes, where men have annoyed women in the streets.

4376. Under what section is that?—Under the Police Act of 1839, Cap. 47, Section 54, Sub-section 13.

4377. That is not very common?—No.

4378. It happens sometimes?—Not very often.

Inspector Francis McKay, recalled.

4379. (*Mr. Muir.*) Are you a sub-divisional inspector of the Metropolitan Police, stationed at Great Marlborough Street?—Yes, I am in charge of the Great Marlborough Street sub-division.

4380. On April 24th last, about midnight, did you come to the station?—Yes.

4381. From patrol duty?—Yes.

4382. Did you see Eva D'Angely there?—Yes.

4383. Did you speak to her?—I did.

4384. In English?—Yes.

4385. What did you say?—I asked her name. She told me her name was Eva D'Angely. I asked her where she resided; she told me Little Marylebone Street—25.

4386. Did you then find what she was charged with?—Yes.

4387. From Inspector Cooper?—Yes. I examined the charge book.

4388. What condition was she in at that time?—She was quite composed. She was standing against the door of the cell when I was speaking to her. She was quite composed.

4389. Did she appear distressed at all?—Not at all.

4390. Did you go off duty at that time?—Shortly afterwards.

4391. You were not there when D'Angely came?—No.

4392. Were you present in court next day?—Yes.

4393. In what capacity were you in court next day?—Simply to see what was going on. A sort of general supervision.

4394. Your ordinary duties?—Yes, I have duties at the police court every morning.

4395. Did you hear the evidence given by Police Constables Page, Sims, and Lucas in the D'Angely case?—Yes.

4396. After that hearing was over, did you hear the magistrate give some directions?—Yes.

4397. To whom did he give the directions?—He addressed me.

Inspector F. McKay.

4398. What did he say to you?—The prisoner said she wished to call her landlord, and the learned magistrate directed me to see her landlord, or any other person who could give evidence for her.

4399. With a view of making inquiries did you see both the D'Angelys in the police station?—Yes, I took them both into the police station.

4400. And there Inspector Cooper took down the statements which have just been read?—Yes.

4401. Was there an interpreter there?—Yes.

4402. When she was before the magistrate there was an interpreter?—Yes.

4403. Was it through the interpreter that she said she wanted to call her landlord?—Yes.

4404. What inquiries did you make after leaving the court that day?—I saw the gentleman to whom she referred.

4405. Who was that?—Mr. Gaze; and he told me that they had taken the flat from him about the latter part of February. He told me they came from Paris, but he did not know much about them. He had not had much opportunity of knowing much about them.

4406. Did she also refer to a Mr. Rubens?—Yes.

4407. What did she say of Mr. Rubens?—Mr. Rubens was the gentleman whom she referred to as having been with her on the previous night, and Rubens was brought round to the station by D'Angely to see me.

4408. When was that?—That was a few days afterwards. I think it would be about the 26th or 27th, as near as I can remember.

4409. The 26th of April?—Yes. Mr. Rubens told me that he had known them some considerable time abroad as very respectable people—I believe he used the word "very"—and knew nothing against them. He told me he would come to the Police Court and tell the magistrate what he knew about them.

Inspector F. McKay.

31 July 1906.

4410. Were those the inquiries that you made?—Yes.

4411. Those were the only persons to whom they referred?—The only persons. They had assured me they had not been in England but a very short time. They first told me that they lived for a night after coming to England at the Crystal Palace with a friend, but they afterwards corrected that statement and said it was Kensington.

4412. At any rate, they mentioned no other person of whom you could make inquiries except Mr. Gaze, the landlord, and this man Rubens?—That is so. I afterwards saw the secretary of the mansions where they were residing, but he knew nothing about them.

4413. So that you made every inquiry you could with regard to them?—Yes.

4414. So far as your inquiries went, did they appear to show that they were respectable people?—I had nothing from which I could tell the magistrate otherwise. I had no facts to lay before the Bench.

4415. You have told us what the result of your inquiries was?—Yes, that is so.

4416. When the case came on on the 1st of May did you attend before the magistrate, Mr. Denman?—Yes.

4417. And what did you tell him?—I told him that I had made inquiries, and they assured me they had been living at this flat since about the end of February, and I found that was correct. She also assured me that she was married, but she was unable to produce her marriage certificate; she told me it was somewhere in Paris, but she did not know where. I said Rubens had promised to come to the court and speak to their respectability prior to coming to England, but he had not come.

4418. As a fact, Rubens did not come?—No.

4419. Did Mr. Gaze attend?—Mr. Gaze attended, but he did not give evidence. I think that was all that passed. The magistrate asked me if I could carry the case any further, and I said no, I could not.

4420. Upon your statement, without calling Mr. Gaze to give evidence, the magistrate dismissed the charge?—Yes.

4421. After the charge was dismissed did you find out that they had been living at 14, Providence Terrace?—Yes.

4422. Prior to going to Twyford Mansions?—Yes.

4423. (*Mr. Rufus Isaacs.*) Where is Providence Terrace?—South Kensington.

4424. (*Mr. Muir.*) On the 4th of May did D'Angely come to the Marlborough Police Station about 2 o'clock?—Yes.

4425. Did you leave the Police Court, where you were on duty, to go to the station to see him?—Yes.

4426. What took place between you?—I met him in the passage leading to the station. He shook hands with me, and said he was very sorry for causing so much trouble, but that it was no fault of his that this trouble should have arisen.

4427. You made a note of it at the time, did you?—Yes.

4428. Just read it, as you have made it, in the first person?—"I am very sorry for causing you so much trouble, but it was no fault of mine that all this trouble should arise. I did not intend to do anything further. A solicitor from Sir George Lewis has been calling on me, with Mr. Gerothwohl, to ask me to take up the case, but I do not wish, and hope the matter is ended."

4429. (*Mr. Rufus Isaacs.*) What date was that?—The 4th of May.

4430. (*Chairman.*) Had you ever seen Rubens before?—No.

4431. Did you have any conversation with him?—Yes, in the Police Station.

4432. Did he give you his address?—Yes.

4433. Have you made any inquiries about him?—Not at his address.

4434. What was his occupation? What did you gather about him?—That he was a commission agent, or employed in a commission agent's office at Trinity Square, City.

4435. From his name he appears to be a foreigner. Did you gather that he was a foreigner?—Yes, but he spoke English very fluently.

4436. He did not come to the Police Court?—No.

4437. (*Mr. Rufus Isaacs.*) As I understand from the inquiries that you made you were not satisfied of the respectability?—No, I was not. I had my own opinion from the very first.

4438. You were not to tell the magistrate whether you were satisfied with the respectability; you simply had to communicate to him the result of the information that you had obtained?—That is so.

4439. And then it was for him to exercise his judgment?—Yes.

4440. As far as you were concerned, you appear to have seen the one gentleman, Mr. Gaze, whom you have mentioned, who knew nothing about them except that the flat had been let to them?—That is so.

4441. That is all he knew?—Yes.

4442. The only person who seemed to have vouched for their respectability, if I follow your evidence correctly, was Rubens?—That is so.

4443. But he did not attend the court to give evidence?—No.

4444. Although he had said he would?—Yes.

4445. Beyond Rubens, there was no other?—No.

4446. Is it a common form of defence for a woman charged with this offence to set up?—Yes, it is.

4447. That she is a respectable woman, and that a mistake has been made?—Yes.

4448. Does it often happen that a mistake has in fact been made?—Never to my knowledge.

4449. You are very particular about arrests and charges of this character?—We are extremely so, especially for some time, because we have had a considerable amount of trouble with prostitutes. They have been coming into the neighbourhood somewhat thick, I may say, and we have had to take rather severe measures to make the streets respectable. I think it was about the latter part of 1904 I had to raid a great number of flats situated in the West End, and shortly after that there was a number of prostitutes who came on the streets, more so than there had been previously. There were also a number of Jewish girls who came over about September, 1904. We had considerable difficulty with them, but I received very great assistance from Mr. Cohen, of the Jewish Rescue Society, and we were able to suppress that nuisance considerably. But from about the latter part of 1904 we have certainly had a great number of women arrested, more than there had been in the corresponding period previous.

4450. Does it usually follow that if you are very active with regard to houses that you then get a great number of offences of this character in the streets?—You do for a time, but that does not last any length of time.

4451. What becomes of them then?—They simply migrate into other districts.

4452. They get into other houses?—Yes, that is so.

4453. Or walk the streets in other districts?—Or walk the streets in other districts. They spread themselves over various districts. I have known a number of women there about twelve months ago. I see them no more now.

4454. With regard to this D'Angely case, as I understand from the facts as stated, it appears to have been a very ordinary case?—It was.

4455. There was nothing to take it out of the common?—Nothing.

4456. It seems a very simple case, apparently?—It was.

4457. The only thing that was extraordinary about it was the agitation that was aroused?—In the Press.

4458. Except for that, it was just the class of case of which you have a number?—Oh, yes, I have a great number.

4459. And a class of defence which is set up over and over again?—Yes, in fact, I know to my own knowledge, 12 or 13 cases where men have come forward and sworn that the women were their wives, and we afterwards found out it was a lie. In fact, there were two or three cases in which I had warrants for the men's arrest.

4460. In those cases were the women discharged?—Yes.

4461. Acquitted?—Yes, and of course there were comments in the Press about the matter.

4462. So that in this particular case apparently the acquittal was rather the extraordinary thing. In these cases, as a rule, from what I gather from what you have said, it does not often happen that a woman is acquitted?—Yes, in these cases where there is any doubt.

4463. I quite understand that, but what I mean is, that so far as I can follow from what you have told us, the only thing that can be said to be uncommon in the case is the fact that the woman was acquitted, but you say that happens also sometimes?—Yes, that is so.

4464. In cases such as you have described where a man goes into the witness-box, and swears he is the woman's husband?—Yes, that is so. There are a number of these cases; not so many as we used to have, but the papers recently have been taking more notice of them, and they have become more conspicuous than they would otherwise be.

4465. Do you mean then that there are men who force these women on the streets, and then come forward and swear they are their husbands in order to get them out of the trouble?—They do.

4466. That is what happens?—Oh, yes, I know a great number of cases. I have known cases where men have taken young girls from their businesses, put them on the streets, and in the latter part of the time they become ill, and then the girls start keeping a brothel, and then they have to be raided for keeping the brothel.

4467. Now, in regard to another matter altogether, your experience in the Force has been considerable, I understand?—Yes.

4468. How many years?—19 years. I have performed the whole of my duty within a circle of two miles of Charing Cross.

4469. You have had a large experience within that district?—Yes, I have.

4470. Have you ever known of policemen taking money from women?—No, I have never known a case. I have heard it stated, and women have said so to me, but I have not been able to verify these statements. My duty at times necessitates my being a great deal in plain clothes, especially at night, because I have to raid brothels and clubs. I have laid myself out in this way that I have gone out in my plain clothes, and I have met these women and got into conversation with them as a stranger, and asked them questions about the police, but I could never find a case where they had given money to constables.

4471. I do not quite understand what you mean by saying that you have never found a case. You have found a case where a woman has said she gave it?—Yes, I have heard them say in the police station or where they are charged, "Why don't you give money to the coppers—you will be all right then."

4472. You are speaking of conversations you have had with them when you have been in plain clothes?—Yes.

4473. Have you never heard them say then anything about giving money to the police?—They have said they have given money to the police, but I have asked them to define a case, or tell me of a case where they have actually done it.

4474. That might be very difficult for them, might it not?—No, I think it would be very easy.

4475. As I understand then you have known them tell you when you have been in plain clothes that they have given money to the police, but they have been unable to identify the policeman. Is that it?—They did not say that they were unable to identify him. It was more of a general statement. They would probably say "So and so doesn't get locked up because she tips the policeman." Then you find out "so and so," and of course she has quite a different tale to tell altogether.

4476. In such a case would you go and strive to ascertain from this other woman whether she did tip the policeman?—I would.

4477. In your experience have you ever known a case which has been authenticated in any way? I am not suggesting it against the Force as a whole, for a moment, but what I want to know is have you ever known a case in which it has happened with regard to any particular policeman?—No, I know there are men who at times go about and represent themselves to be policemen. In fact, I have found it when I have had observation kept upon brothels, or when I know that a brothel is running. I have seen men go and stand close to the premises, and take a piece of paper out of their pocket, and start writing, and call attention to the fact. That is only a question of blackmail.

4478. Trying to pretend they are policemen in order to get money?—That is so.

4479. That would rather suggest they would expect if they were the police they would get money, would it not?—It might be so, but I have no reason to suspect it. I have had hundreds of brothels through my hands, and I have never had a single complaint made in that direction.

4480. Have you ever had any complaint with regard to bookmakers?—Yes, I have.

4481. You have had definite complaints with regard to them, have you not?—I have had one definite complaint.

4482. How long ago?—That was about 18 months or two years ago; 18 months, I think it was.

4483. What was the result? Was there an inquiry made?—Yes, a thorough inquiry.

4484. With what result?—The result was the constables were exonerated. There was no blame attached to them.

4485. You say "the constables." Against how many?—There was a sergeant and a constable.

4486. Was the accusation made in writing?—Yes, it was in the first instance, and statements were afterwards taken in front of the two men who were accused.

4487. And who conducted the inquiry?—Superintendent Mann, under the direction of the Commissioner.

4488. That was the instance to which he referred yesterday?—Yes, that was the case where the constables were out in plain clothes for the purpose of suppressing street betting.

4489. Had they gone in plain clothes on that duty?—We did at the time send them out in plain clothes, and these two constables had been particularly active. The men who made the complaint were two bookmakers, and they had to give up their business because they could not live, they had been arrested so many times. I think one had to pay over £100 in less than three months in fines.

4490. You have heard of other cases in the Police Force, have you not?—Yes.

4491. Other cases in which the police have received money from bookmakers?—Yes, I know two cases in particular.

4492. How long ago are those?—They are both within the last four years.

4493. Are they cases which were proved?—Yes.

4494. What happened to the two men?—They were both dismissed.

4495. I want the particulars of those cases. What was the rank of those two men?—One was a constable serving in the L Division—that is Kennington. It was proved he had had money from the bookmaker, and he was dismissed. I think that is about four years ago as near as possible, speaking from memory.

4496. What was his name?—I cannot think for the moment what his name was.

4497. You could give it to us later on, I suppose?—Yes.

4498. He was dismissed?—Yes.

4499. Then there was another one?—Yes.

4500. What was his position?—An inspector.

4501. What division?—The F Division—Kensington.

4502. Is that Inspector McCarthy?—Yes.

4503. He had had very long service?—Yes.

4504. Over twenty years?—Yes.

4505. He was dismissed for having taken money from a bookmaker?—Yes.

4506. Taking bribes?—Yes.

Inspector F. McKay.

31 July 1906.

4507. There was an inquiry into that?—There was.

4508. Who conducted that inquiry?—The Superintendent of the F Division.

4509. (*Mr. Muir.*) It went before the Commissioner himself finally?—Both these cases, I think, did go before Sir Edward Henry.

(*Mr. Muir.*) No man can be dismissed and lose his pension without the sanction of the Commissioner himself.

(*Mr. Rufus Isaacs.*) I know it eventually did go before the Commissioner, but I did not know he conducted the inquiry.

(*Mr. Muir.*) Yes, he did. It went through various stages. The superintendent conducts the first inquiry. Then it goes before the Commissioner, and he has all the witnesses there that the accused desires—all fresh witnesses, but the others who have already given their statements are taken as they stand, unless the accused desires to have the men called before the Commissioner himself.

(*Mr. Rufus Isaacs.*) It is a regular trial.

(*Mr. Muir.*) It is a regular trial, and the Commissioner delivers a judgment, which is taken down.

(*Mr. Rufus Isaacs.*) And the result in this case was that it was found to be proved, and the accused was dismissed, in spite of his twenty odd years' service?

(*Mr. Muir.*) Yes.

4510. (*Mr. Rufus Isaacs.*) Those are two cases. Can you tell me of any others? It is very important, as you will thoroughly appreciate, not only from the public point of view but for the benefit of the police force, that we should know of as many cases as you can give us?—I am afraid I cannot speak of any other case from memory.

4511. Can you tell me of any other cases in which an inquiry has been conducted—I am not asking for the names of men with regard to whom there has been an inquiry and who have been exonerated, but so far you have told me of one case in which there was an inquiry and exoneration, and two cases in which there were inquiries and conviction?—Yes.

4512. That makes three cases during the last four years, we will say. One, I think you said, was 18 months ago, and the two in which there was a conviction were during the last four years?—That is so.

4513. What I want you to do is to assist us by telling us of any other case in which there have been charges formulated—I do not mean wild allegations or general statements, but cases in which charges have been formulated?—I am afraid I cannot from memory.

4514. There have been others, have not there?—Yes, there have been.

4515. There have been others in which there have been convictions?—Yes, I believe there have been. In other divisions, of course, I would not take a great deal of notice of it.

4516. Except as affecting the general welfare of the police, and their general character?—Yes, just so. I could not give you reliable information from memory.

4517. An honourable member of the force would, of course, be most anxious that any dishonourable member of the force should be convicted?—That is so.

(*Mr. Muir.*) May I say, for your information, sir, that in all those cases the result of the inquiries and the statements are taken down in writing, and all forwarded to the head office and preserved there. If the Commissioners desired it, a return could be prepared showing every case.

(*Mr. Rufus Isaacs.*) I think I have already asked for the particulars. I asked Sir Edward Henry to let us have them.

(*Mr. Muir.*) That will be noted. There will be no difficulty in giving them.

(*Mr. Rufus Isaacs.*) If that is done it will save a good many questions.

(*Mr. Muir.*) Over what period do you suggest?

Mr. Rufus Isaacs.) I should suggest, subject to what the Chairman and the other Commissioners think, that it is desirable we should have it for, say, the last 10 years.

(*Chairman.*) I think 10 years would be quite enough.

(*Mr. Rufus Isaacs.*) And, just to complete it, that would be a return which would show us not only the charges which have been successfully formulated, but the charges which have been formulated and in respect of which there has been exoneration. We should like them all.

(*Mr. Muir.*) Yes. In those cases probably it would not go beyond the Superintendent. If the Superintendent exonerated there would be an end of it.

(*Mr. Rufus Isaacs.*) But nevertheless there would be the statements in writing.

(*Mr. Muir.*) Yes, and they are all at the head office.

(*Mr. Rufus Isaacs.*) It is desirable we should have all those, and at the same time (I am only repeating this because I am quite certain that I mentioned it to the Chief Commissioner) also the same thing with regard to any charges of taking money from women, either successfully made or unsuccessfully made, within the same period.

4518. (*Chairman.*) Is there a record kept at each police station containing charges made against police constables belonging to the division connected with the police station?—Yes, if the complaints were made personally a statement would be taken and entered in the Occurrence Book—that is to say, where the complainant attended the station personally. The constable is then sent for, and a statement made in his presence. It is taken down in writing and signed by the complainant, and dealt with accordingly.

4519. Does the complainant sign the entry in the Occurrence Book?—No, he signs a separate statement.

4520. And the inspector in charge is responsible for seeing there is an Entry in the Occurrence Book referring to the transaction?—That is so.

4521. Then with regard to any ordinary punishment inflicted by way of discipline on any member of the force for small offences, is there a book kept at each of the police stations?—Yes. Each constable when he joins the service is given a default sheet, and all punishments are entered on this default sheet. They are bound each year, and kept for reference.

4522. (*Mr. Dickinson.*) I suppose you admit there is a large number of prostitutes in Regent Street and Piccadilly between the hours of half-past 11 and half-past 12?—There has been, and there is now, a large number.

4523. You have long experience. Are there more or less now than there were, say, five or six years ago?—Considerably less. The last two years there has been a great improvement in that direction. When we had those flats running we found they were kept by bullies, and each bully had probably four or five women whom he put on the streets; but we have been taking vigorous action against those bullies, and there is no doubt it has cowed them to a very great extent.

4524. Where do they mostly congregate? Is it in the lower part of Regent Street, between Piccadilly Circus and Waterloo Place, or not?—There are numbers round Piccadilly Circus, Leicester Square, Regent Street, Oxford Circus and Oxford Street, Tottenham Court Road, Shaftesbury Avenue, Charing Cross Road, and round that neighbourhood. Then on the west we have in Park Lane a number who come out of the park late at night, but they are of a very low class.

4525. What about the lower part of Regent Street?—Yes, there are a number who congregate round there, but not so many as we find round the circus and round that way.

4526. Can you tell me why they congregate about there?—I think it is really because they find it the best paying market.

4527. Why is the best paying market round there?—There are a number of people going backwards and forwards to the clubs and the theatres.

4528. Do you look upon it as part of the duty of the police to clear these points and these women?—I do.

4529. And a policeman would not be doing his duty if he did not arrest any woman whose conduct under the circumstances justified arrest—who he had cautioned after she accosted?—That is so.

4530. Are there any general instructions to that effect?—We certainly impress upon them the necessity of doing their duty, but at the same time, we take the precaution of pointing out that they should exercise great care, and that they should not rush headlong into the thing. For instance, we should not expect a young man to interfere

with prostitutes, till at least he had 12 months' service, because he cannot become sufficiently acquainted with them to know who they are before that.

4531. Do you, as a matter of fact, entrust this duty to particular individuals of the force in preference to others?—We usually take experienced men. For instance, we would not put a young man under twelve months' service on Regent Street and expect him to interfere with prostitutes.

4532. But both these men who appeared before us this morning are young men, or at any rate one of them is quite a young man and he was put on.

(*Mr. Rufus Isaacs*). Twenty-five years of age, with three years' service.

4533. (*Chairman*). When was he put on to this service in Regent Street?—He was not competent to interfere with prostitutes till quite recently.

4534. (*Mr. Dickinson*). I want to understand that. I suppose every man in the force has to take his turn at particular places, quite apart from prostitutes?—We have to discriminate.

4535. With a view to this particular question?—Yes, that is so. We must have experienced and reliable men.

4536. You have heard the evidence we have had to-day about the difficulty in having to give the caution and having to see the actual act of accosting?—That is so.

4537. In your opinion is that a real difficulty?—There is no doubt about that, but at the same time it is a safeguard. If a man brings a woman into the station and charges her with being a common prostitute he must be able to satisfy the officer on duty that he has known her for a considerable period, and that he has cautioned her so that there can be no possible chance of the person being an innocent woman.

4538. Assuming it is the right thing (I will not say it is) to clear the streets of these women, are there no means by which the police could do it more effectively than it is done at present?—No, I think not.

4539. You told Mr. Rufus Isaacs of an instance when by putting plain clothes men on duty in the case of bookmakers and betting men, you were able to stop that?—Yes.

4540. Would that not be a possibility in connection with this work?—I do not think I would approve of it. I have seen it tried in provincial towns and I cannot say I admired it. I have studied the working in provincial towns and have seen that done, but it is certainly not to be admired.

4541. Just tell me why?—Constables who are on that duty should be under very close supervision so there can be no possible chance of any irregularity taking place, and when a man is put in plain clothes he is not subject to the same supervision.

4542. Not a man of known character, and long service?—Even then, these women are very ready in making statements and very often they get these bullies to corroborate their statement Supposing you have that man by himself, you have these two persons to come forward and swear that he was seen for a certain time in a certain place, and he had done certain things, and he would only have himself to get out of it.

4543. (*Mr. Rufus Isaacs.*) It is for his protection then—that is the object of it?—Yes.

4544. (*Mr. Dickinson.*) In what way does he stand in any different position to a man who is alone, but in uniform?—A man in uniform is always under supervision. He has not the same chance of getting away and doing anything that a man in plain clothes has.

4545. Does it not occur to you that this system of dividing into very small beats renders it more difficult, according to what we have heard to-day, for these constables to carry out this particular work?—No, it does not.

4546. Do not you agree with the constable who says that the woman may take a hansom cab or a 'bus and go some little distance, or go from one beat to another, to get out of the view of the constable?—That is frequently done; I have seen it done myself.

4547. If a woman is at all clever, after being cautioned, she goes to another policeman's beat and is cautioned there, and then goes away?—That is so.

4548. That is not a very effective way?—If a man had a larger beat that difficulty could not be overcome.

4549. If you had men specially put on for the purpose who had no particular beats, that would meet that difficulty?—Yes.

Inspector F. McKay

31 July 1906.

4550. What do you say to this case of the young constable, I do not wish to blame him in the least, but he saw this woman over and over again and said that he could not caution her because he could not get at her. But somebody could have done it?—Oh, yes; and it is very possible she had been cautioned by other constables, but we were not in a position to prove that, and when the constable took the prisoner before the magistrate——

4551. I am speaking of the system. According to him the difficulty he was under was having to caution her, to catch her, so to speak, and he could not find her to get at her. She escaped him. Assuming that you wanted to take her prisoner, that difficulty could be met by having special men in uniform for the purpose?—I am afraid not, because the same difficulty would arise then. You would have to allot these men to special patrols, otherwise you would have no supervision over them at all. They would simply go off their patrol, and the same thing would occur.

4552. Do I understand your answer to me to be that you cannot conceive any means whereby the police can more effectively deal with the question of clearing these streets, assuming it is advisable; I do not want you to go into the question of whether it is advisable or not?—No, I cannot. I feel from my experience perfectly satisfied with existing arrangements so far as prostitution is concerned. I know for a fact that the nuisance has become considerably less of recent years, and it is getting less year by year or day by day.

4553. Is that due to the police?—It is.

4554. What have the police done now that they did not do before.—That I could not say. It is possible that they did not act so vigorously as they have done in recent years.

4555. Are they acting more vigorously now than before?—We have been trying to clear the streets.

4556. Do the figures of arrests show any larger increase?—They do considerably.

4557. (*Mr. Rufus Isaacs*) I am tempted to ask you something more; because you have given us such great assistance. Supposing you did away with the warning, would there be any practical difficulty if a constable had, for example, to report at the police station describing a woman to the best of his ability, instead of giving the warning before he made the first arrest. Would that be a practical difficulty?—I am afraid it would.

4558. I will tell you why I am putting it to you Apparently from what we have heard to day from the constables who were called here, what seems to make the system comparatively ineffective is the warning?—Yes, that is so.

4559. There is no difficulty in detecting the woman as a prostitute; because apparently the man on the beat very soon finds that out. He sees what goes on and he sees the solicitation, and apparently sees it day after day or night after night, but cannot get near enough to warn her. The result of that appears to be that the warning defeats the operation really of the law?—That is so, but if the constable has to arrest the woman ultimately, he brings her before the magistrate, and the magistrate says "You saw her committing this offence: why did you not caution her?" "I did so, your worship." That is the answer.

4560. There are many offences committed in which no caution is given?—Yes, but not in trivial cases. We usually caution people in trivial cases.

4561. In this particular department of the law the effect of the warning as we see is practically to give the women a good deal of immunity?—There is no doubt about that. It gives them every facility.

4562. I want to see whether you can assist us from your practical experience as to what the result would be if you did away with the warning. So far with regard to the woman if there was no doubt of the woman being a prostitute, and no doubt of the fact of her having solicited, and of he having been seen more than once soliciting, which I daresay would be very properly required?—We should never entertain a charge if the woman had only been soliciting once.

4563. No, but supposing you had such a case as this, supposing you had it clearly established that the woman was a prostitute and that she had been soliciting we

Inspector F. McKay.

31 July 1906.

will say, three nights running, is there any practical difficulty why she should not be convicted, if it is an offence to solicit?—No, there is not.

4564. Speaking generally, there is no reason why she should not be convicted?—I do not think a constable would be in a position to say a woman was a common prostitute on three nights' observation

4565. As it appears, but take a concrete case like P.C. Sims gave us, that he had seen this Madame D'Angely for part of the month of February and practically during the whole of the month of March almost every night, and had seen her many times soliciting?—Yes.

4566. According to that she was committing an offence against the law for a considerable period to his knowledge?—Yes.

4567. And within his sight?—Yes.

4568. And yet he did not arrest her?—No.

4569. And his real explanation is that he did not arrest her, and that he could not arrest her, until he had given a warning under the regulations?—That is so.

4570. What I want to put to you is this: that Sims told us that he was quite convinced from what he had seen that she was a prostitute in the beginning of March?—Yes, but he has to convince other people as well.

4571. I know; but he had been seeing her during the month of February a good many times, and he sees her in March, and then the instance that I was putting to you arises; he has arrived at a definite point that she is a prostitute, and he is convinced of that from his observations, and not from a mere conjecture, but from seeing her night after night, for some weeks during which he was on duty in February?—Yes.

4572. He has come to the conclusion that there can be no doubt that she is a prostitute, and then he sees her at the beginning of March for three nights running soliciting but never can get close enough to her to give her a warning. What I want to know is; what is the practice?—In that case?

4573. I will tell you what I am thinking of. Suppose for example the law or the regulations was that if no warning could be given, and the woman had been seen soliciting three times during a short period, and then there should be an arrest, and a charge made without the warning. Is there any practical difficulty in that?—Yes, I think there is in this way: It is a very great responsibility for a constable to say that a woman is a prostitute from seeing her three or four times on three or four nights.

4574. That is not giving effect to the hypothesis that I am putting to you. I am assuming that the man has seen her, as we have the evidence, during the whole month of February, and there is no doubt in his mind from his observations about her being a prostitute. I quite appreciate the difficulty that there is in first of all determining that; but assume it to be clear that she is a prostitute, you have still to get the next step to make the offence complete, which is the soliciting?—Yes.

4575. And before the police make the charge there must be something more, which is the warning?—That is so.

4576. What I am dealing with is the last part. I want to see whether that can be got rid of. If you once assume your policeman to have found that she is a common prostitute, to be satisfied as to that from his observation, then supposing he saw her soliciting three nights running but had never been able to get near enough to her to warn her, would there be any practical difficulty then?—No, there would not be, but I am afraid the woman would want to know the reason he did not caution her.

4577. I suppose he would give the woman the same reason that he has given to-day, that every time he tried to get near her she got away from him, and therefore he did not caution her? That is the difficulty, that when a woman is known to be a common prostitute and there is no question about identity at all, then I do not see there is a great deal of importance attached to the caution.

4578. That is what was occurring to me, but apparently the constable would not arrest her without having given her the caution, and so long as she could manage to get away from the constable and to evade the caution she would not be arrested?—The caution must be administered when the offence is committed. It would be rather a dangerous practice for a constable to go up some minutes after and caution a woman and say he had seen her speaking to a gentleman in the street some minutes before.

4579. Your last answer is rather puzzling to us, because according to that the warning that has to be given is even more difficult than we thought, because it has to be given at the time of the offence being committed?—That is so, that is the proper course to adopt, because, for instance, supposing a constable does not caution the woman at the time, and he afterwards sees her walking in the street, and he goes up to her and cautions her, it is very possible she would turn round and become offensive, and a breach of the peace would be occasioned by his own action. She was doing nothing at the time for him to interfere with her for.

4580. Supposing, for example, a woman is seen soliciting, and the constable tries to get near her and she gets away from him, about half-an hour afterwards, we will say, he comes face to face with her. Why should he not give her the warning then?—No, I think that would be rather a bad policy, if she was doing nothing at the time. It is very possible she might turn round and say, "You have made a mistake; how dare you speak to me?"

4581. That seems to lead to this, that it makes the law more impotent even than we thought it was with regard to this matter?—I am afraid it is so.

4582. That is what we want to ascertain with your assistance. If she can only be cautioned when the offence is actually being committed—she must be committing it within sight, and not only within sight, but almost next to the constables?—Yes.

4583. Which is the last thing she would do, is it not?—She might come round the corner all of a sudden, or the constable might be in some secluded part.

4584. It may be that he comes upon her unawares, but apart from that, the thing that a woman would do who was a hardened offender, would be to solicit in a place where the constable is not close to her?—Yes.

4585. According to that she could do it with impunity?—Yes, to a certain extent.

4586. And go on doing it night after night with impunity?—No, I would not expect that.

4587. So long as she recognises the man in uniform. That seems to be all the trouble?—If she came to the same district night after night she would not avoid the constable very long, if he was at all an active man.

4588. You mean that he would chase her after the offence had been committed—run after her?—He would get some means of carrying out his duty.

4589. What puzzles me is when we have had a man like Nelson Sims, who is a young and active man of 25, he had seen this offence being committed many times during February, March, and April before the arrest of this particular woman D'Angely?—Yes.

4590. Then I do not understand why he could not have cautioned her. He is active enough?—Yes, that is so. He seems to have had some difficulty over the matter, whereas Page did not seem to have much difficulty on that night.

4591. One other matter with regard to this warning. Supposing you had police constables in plain clothes, your difficulty, I understand, that you have suggested with regard to policemen in plain clothes, would apply equally to giving the warning, would it not?—No. I think they would have better facilities on that point.

4592. So it occurred to me. If the men in plain clothes go about standing amongst these women they could have the opportunity of giving the warning?—Oh, yes.

4593. Then I suppose the difficulty with regard to that would be that they could not do it often without being known, the same as if they were in uniform?—Yes, that is so.

4594. If you put a new man on, he has got to know the women?—Although I am not very frequently in Regent Street at night in plain clothes I feel confident a large number of the women know me. They very soon get to know you; you are pointed out to them.

4595. Is there any special regulation with regard to those men who may go out in plain clothes?—Yes, they are not allowed to go out in plain clothes without the Commissioner's authority.

4596. As I understand from what you have told us, they do go in plain clothes, or somebody goes in plain

clothes, to the bookmakers?—Yes, they are sent out in plain clothes by the Commissioner's authority. I would recommend men for plain clothes duty for a certain period to the Commissioner.

4597. You make the recommendation, and the Commissioner approves?—Yes, through the superintendent.

4598. I suppose they are specially trusted men?—Yes.

4599. (*Chairman.*) I would ask you to return and give further evidence on general matters at a later date?—Certainly, sir.

Inspector F. Mckay.

31 July 1906.

4600. (*Mr. Muir.*) On the question of plain clothes men, would that open the door to blackmailing of women by men who pretend to be policemen?—Yes, that is what I had in my mind at the time I spoke.

(*Chairman.*) You had better postpone questions on the general law and as to any possible amendments till a later date. Have you any further witnesses in regard to Eva D'Angely and René D'Angely.

(*Mr. Muir.*) Yes, sir, two, who are important as showing the dates at which they came to England.

Miss Helen Blackburn; sworn.

Miss H. Blackburn.

(*Mr. Muir.*) If you will allow it, sir, this young lady does not desire to give her address in public.

(*Chairman.*) Very well. We have got it?

(*Mr. Muir.*) Yes, sir.

4601. Does your mother keep a boarding-house at the address which you have given in your statement?—Yes.

4602. On the 1st of January, 1904, did you have a Mr. Gonzales living with you?—About that date.

4603. Did he introduce Mr. René Soubigere?—Yes.

4604. Who stayed with you for about a month?—Yes.

4605. Would you look at the photograph which has been produced? Is that the person?—Yes.

4606. Did he say that his home was in Littlehampton?—Yes, he said he had a house there.

4607-8. Is that his signature at the bottom of the right hand page of your visitors' book? (*Handing book to the witness.*)—Yes.

(*Chairman.*) The identity does not seem to be disputed in any way.

(*Mr. Muir.*) This is a new name, and I want to produce a leaf from the bail book in order that the Commissioners may compare the handwriting.

4609. After Christmas last did you see the man Soubigere again?—Yes.

4610. Did he bring a lady with him?—Yes.

4611. Did they come to stay?—Yes, for about two months.

4612. Would you look at the photograph. Is that the lady he brought with him?—Yes.

4613. Did he say who she was?—He said that she was his wife.

4614. What Christian name did he call her by?—I think he called her "Eva." I am not sure.

4615. Did he say where they had just come from?—From Algiers, he said.

4616. Did they stay with you for four or five weeks?—Yes, about two months, I think altogether.

4617. Two months altogether at that time?—Until the end of February, I think.

4618. When they left did they owe you any rent?—Yes.

4619. Did they leave any security for it?—They left their boxes, but we found there was nothing in them afterwards.

4620. Were the boxes afterwards opened?—Yes, we opened them, but there was nothing in them.

4621. How much did they owe?—About £6, I think.

4622. Will you look at that visitors' book again. Is that the man's signature, and the date the 1st January, 1906?—Yes.

4623. He gave his address as "Marseilles"?—Yes.

4624. Mr. René Soubigere, Marseilles?—Yes.

4625. After he left did Mrs. Soubigere call?—She called once or twice for letters.

4626. Did any letters arrive there in any other name than Soubigere?—Yes, a letter came for her in the name of Clavel.

4627. Did you know for whom it was intended at all?—We did not then until she said.

4628. She told you?—Yes.

4629. Whom did she say it was for?—For her.

4630. How many came altogether?—I do not know exactly how many, but two or three times I think they came.

Mr. William Gaze; sworn.

Mr. W. Gaze.

4631. (*Mr. Muir.*) You reside at 33, Twyford Mansions, Little Marylebone Street, W.?—Yes.

4632. Do you hold the lease of No. 25, Twyford Mansions?—I do.

4633 You have held that since the 28th February 1906?—I began on February 28th, 1906.

4634. Did you try to let the flat furnished?—I did.

4635. And about the 3rd or 5th March did D'Angely come and apply?—That would be about the date.

4636. Did he give you a reference to Mrs. Lyons, of 12, Providence Terrace, Earls Court Road?—He did.

4637. And after making inquiries of Mrs. Lyons did you let him the flat?—I did make inquiries, but you have inserted the word "after." I had better not accept that, I had the reference given to me, and I saw her subsequently.

4638. You let the D'Angelys into possession first and then inquired about them afterwards. Is that it?—I am afraid I must admit I did.

4639. When did they go into possession?—They moved in on the 12th March during the afternoon.

4640. Up to what date did they remain in possession?—I found they had gone without giving me notice on Saturday, the 19th May, I believe early in the morning, about 8 or 9 o'clock.

4641. That is when you found out they were gone?—No, that is when I found out by inquiries that they had left. I found it out later in the day.

4642. The same day, the 19th May?—Yes, on Saturday.

4643. Without giving you notice that they were going?—Yes.

4644. Had they paid their rent?—Unfortunately not.

4645. How much did they owe when they went away?—They were four weeks in arrear altogether after frequent applications.

4646. That is at 2½ guineas a week?—Yes.

4647. So that it was about £10?—Yes.

4648. Would you look at the photographs? Are those the persons you are speaking of?—Certainly. *That* is D'Angely and *that* is Madame D'Angely.

4649. (*Mr. Dickinson.*) Was it the fact or not that Madame D'Angely told you what the name of her father was?—Clavel.

(*Mr. Muir*). There is a witness whose statement you have a copy of at page 15, who seems to be a material witness speaking of the residence at No. 12, Providence Terrace, Nellie Lyons; but inasmuch as they gave that as the place from which they had come when they went to Twyford Mansions I do not know

Mr. W. Gaze. 31 July 1906.

that it is very material to call her. We have not been able to secure her attendance here to-day.

(*Chairman*). To my mind, and I think to the minds of the other Commissioners, it is not at all material.

(*Mr. Muir*). Those are all the witnesses I propose to call. As to the Algerian statements, I understand you do not desire to have them.

(*Chairman*). We do not take them as evidence. I understand that Miss Blackburn clearly proves that the two D'Angelys, or rather Soubigere, and the lady whom he called his wife, came there shortly after Christmas and stayed two months.

(*Mr. Muir*). And said they had come from Algiers. She was called "Eva" by him, and she had letters coming to her addressed in the name of Clavel.

(*Chairman*). At present that will quite suffice.

(*Mr. Muir.*) That is all the evidence I have to call in this case.

(*Chairman.*) The Commissioners propose to adjourn until October 16th, when they will resume the taking of evidence in public. If any person desires to give evidence he or she should communicate with Mr. Leslie, the Secretary, at the offices of the Commission, and Mr. Leslie, or somebody on his behalf, will take their evidence, and due notice will then be given to the witnesses when we propose to take their evidence.

(*Mr. Muir.*) There is one question I should like to ask, in order to have it quite clear as to the returns which the Commissioners desire to be made. As I understand they are these:—Full statements as to any complaints made throughout the whole Metropolitan area against the Police, either authenticated or anonymous, of blackmailing prostitutes over the period of ten years. A like statement over the same period with regard to bookmakers. Also full details as to any inquiries which were held by the Assistant Commissioners or superintendents with regard to these allegations, and the full result thereof.

(*Mr. Rufus Isaacs.*) You must add something to that which I must call your attention to—licensed victuallers and restaurants.

(*Chairman.*) Suggestions have reached us that the police are in the habit of receiving money from licensed victuallers and from restaurant keepers, and, therefore, it might be expedient for you to include in the Return any complaints or charges or convictions of the police of anything of that kind.

(*Mr. Dickinson.*) There were also some other returns which Sir Edward Henry promised.

(*Mr. Muir.*) They have been noted. It is only with regard to those that have been mentioned to-day that I wanted to be sure.

SIXTH DAY.

Tuesday, 16th October 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).
Rufus Daniel Isaacs, Esq., K.C., M.P.
Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law).
Charles Algernon Whitmore, Esq. (Barrister-at-Law).
J. W. St. Lawrance Leslie, Esq. (Barrister-at-Law) (*Secretary*).

(*Chairman.*) We will take Clinch's case first.

(*Earl Russell.*) I do not know what the procedure of the Commissioners has been in these cases. Would you desire me to call the witnesses and examine them?

(*Chairman.*) Do you apply for liberty to examine the witnesses?

(*Earl Russell.*) I think that would be the most convenient course.

(*Chairman.*) Then let it be so.

(*Mr. Eldon Bankes.*) May I mention this: The Chief Commissioner is here. He understood you desired his attendance. Do you desire to examine him to-day? I understand Dr. Gerothwohl asked that he should be here.

(*Chairman.*) Is Dr. Gerothwohl here?

(*Dr. Gerothwohl.*) Yes, Sir

(*Chairman.*) Do you wish to make an application?

(*Dr. Gerothwohl.*) I desire to put some questions to Sir Edward Henry.

(*Chairman.*) I do not think we wish to call Mr. Commissioner Henry as a witness at present. I understood

(*Dr. Gerothwohl.*) That is the application I meant to make some further statement.

that you wished to make some application to us, or to make, to call Mr. Commissioner Henry, and put some questions to him with regard to the procedure at Scotland Yard which followed the hearing of our case, and to ask him about the treatment meted out to my complaint.

(*Chairman.*) Mr. Commissioner Henry is going to be recalled to give further evidence before us, but I do not know that we intended to call him to give evidence in reference to your complaint and Mr. Lavalette's complaint against the police.

(*Dr. Gerothwohl.*) May I make an application that he be called?

(*Chairman.*) I want to know whether you propose that we should ask Mr. Commissioner Henry to go into the box in order that you may ask him general questions about the conduct of the police, or whether you propose to ask him questions with reference to your own matter.

(*Dr. Gerothwohl.*) In reference to our own matter.

(*Chairman.*) What do you say to that, Mr. Bankes?

(*Mr. Eldon Bankes.*) I have no objection at all. I understand what Dr. Gerothwohl wants to do is to inquire into the question about a letter which he wrote to Sir Edward, and we are quite prepared to deal with that.

(*Chairman.*) Then if Mr. Commissioner Henry is here perhaps he will be good enough to go into the witness box.

Sir EDWARD RICHARD HENRY recalled.

4650. (*Dr. Gerothwohl.*) Do you remember reading an account of the first day's proceedings at Marlborough Street?—I probably did.

4651. It did not strike you then as anything unusual?—No.

4652. Did you read the account of the second day's proceedings in the evening papers of the 11th?—I could not be sure at this interval of time. I probably saw all the accounts at some time or other, but whether I read them at the time I could not say.

4653. The case was dealt with at rather an unusual length in the Press?—It may have been.

4654. It is not your custom to read the police-court reports regularly?—Yes, I read them all, but not necessarily the very same day, and I do not depend on the Press reports, because they are not always accurate. I always have a report from the officers concerned.

4655. When was your attention first called to our case?—I really could not say.

4656. Do you not recollect?—I do not recollect the particular day.

4657. Do you remember when the first communication with regard to the case reached you from any quarter, whichever quarter it was—about when?—No, I cannot say that I do. I suppose you are referring to your visit to Scotland Yard, are you not?

4658. That or any other?—That is perhaps what you are referring to. I did not know of that until six weeks afterwards.

4659. Your attention was called to our case surely before that?—I read it in the papers but it had nothing to do with me at the time. It was before the magistrate.

4660. It was finished on the 11th before the magistrate?—Then probably on the 11th you wrote to the Home Office. That is probably the form in which it reached me. You wrote to the Home Office saying you wanted a further inquiry, or perhaps they might prefer having questions put in the House. I think that is the form in which it reached me. I will not be quite sure, but I think so.

4661. When this letter was left it never reached you?—No.

(*Mr. Rufus Isaacs.*) Which letter are you speaking of?

(*Dr. Gerothwohl.*) The note which was left at Scotland Yard on the evening of the 11th April.

(*Mr. Eldon Bankes.*) It is hardly right to say the evening.

(*Witness.*) Perhaps I may explain. On the Wednesday before Good Friday at a little before midnight Dr. Gerothwohl came to Scotland Yard and demanded to see me. The inspector on night duty told him that I was probably in bed, and then he asked for some paper and he wrote a note requiring me to make an appointment with him for the next day, Thursday, or, failing that for the next day, Friday. He left this letter, and it was sent up by the night inspector the next morning to my secretary, who in the ordinary course of events would have put it before me. But I imagine that I came a little later than usual to the office; I was not there by 11 o'clock, I think I may have gone to the Motor Car Commissioner Office, because I was one of the Motor Car Commissioners. At any rate, I do not think I was in the office by 11 o'clock, and consequently my secretary took all the papers, because there are generally a great many papers, and he put them down on my table instead of bringing them in to me. Having put them down on my table he could not gain access to me because one person and another came in, some of my colleagues and others, and what he did was to put his head in and say "I am off." He was going away for the week end—it was Easter time, and he was going out of town, so he did not put the papers before me in the way in which he ordinarily does. I did my work, and I apparently never came to this letter, and I heard nothing more about it until about six weeks afterwards, when Dr. Gerothwohl wrote to the Home Office, and represented that I had not given him an interview. Then when I made inquiries I ascertained what I have told the Commission, and I suppose that is what Dr. Gerothwohl is alluding to.

(*Dr. Gerothwohl.*) Yes, that is it.

(*Mr. Eldon Bankes.*) We have the letter, and perhaps it would be convenient that the Commission should see it. (*Letter and card handed to the Commissioners.*)

(*Witness.*) I need hardly say if I had had the letter I should have certainly given him an interview.

(*Chairman.*) We will ask our secretary to read these documents.

(*Secretary.*) "11th April, 1906.—Mr. M. A. Gerothwohl presents his compliments to the Chief Commissioner and requests of him the favour of an interview in connection with the Boat Race night case dismissed this morning at Marlborough Street Police Court. With anticipated thanks. To-morrow afternoon or Friday would suit Mr. Gerothwohl perfectly. Address, 8, Alma Terrace, Kensington."

(*Mr. Eldon Bankes.*) The 11th was Wednesday, Thursday was the 12th, and the 13th was Good Friday.

(*Secretary.*) Then there is Dr. Gerothwohl's card, and a note on it: "11.45 p.m., 11th April, 1906, called," and then "Mr. Edwards" is written underneath.

4662. (*Dr. Gerothwohl.*) Is it not customary in Government offices to formally acknowledge, at any rate, a letter which has been received?—Yes. I should, of course, have written to you and given you an interview if I had seen the letter. That is quite certain.

4663. We have already had it that police reports were called for on the 13th, or they are dated the 13th, and something has been heard of those reports in the course of this inquiry. Were you not aware that police reports were called for?—Oh, yes, I probably saw them all.

4664. Then your attention must have been called to it on the 12th?—To what?

4665. To our case, because the reports are dated the 13th?—I went out of town. It was Good Friday, and I could not say exactly whether I saw them on the 12th or the 14th. I probably did not. I went out of town for the Friday and Saturday and Sunday and Monday; but I saw them within a few days, no doubt.

4666. Did you call for them?—They are called for in the ordinary course of events. I did not call for them, but it is a matter of practice when any case is taken up which appears at all contentious that we always do call for police reports. I do not call for them necessarily, but they are always put before me.

4667. Then it did appear contentious?—Obviously, because, as you have said, the Press took it up.

4668. When did the reports come to your notice?—Very shortly afterwards. I could not say the exact date.

4669. By that time you would have received a formal complaint?—A complaint about what?

4670. About the conduct of the police?—I really could not say, without looking at the papers, whether I had received a formal complaint. I do not know that you made a formal complaint to me. I do not remember that. I think you probably addressed the Home Office. The papers would have come over as a matter of course.

4671. As the result of that complaint which reached you, did you make any further inquiry?—Oh, yes, an inquiry was made by the Assistant Commissioner. The officers were sent for, and the Assistant Commissioner made a careful inquiry.

4672. I think in the note I left at Scotland Yard on the 11th, and also in the formal complaint made to the Home Office, I requested the favour of an interview with you?—You certainly did in the letter that we have referred to, but I have said that letter did not reach me personally, so I could not comply with it.

4673. You saw the officers implicated?—I did not. The Assistant Commissioner did.

4674. Is it customary only to see one party in the matter?—The case had been dealt with in Court, and what we wanted to satisfy ourselves about was with regard to the officers who were concerned in the case,

Sir E. R. Henry.

16 Oct. 1906.

those constables, how it was that they were in that particular place. It was essential to see whether they could in the ordinary course have come on to the spot as they alleged they had, and that was very carefully gone into. When they heard the noise one officer came down Conduit Street, and another came down Air Street, and another came down Piccadilly Circus. That was the point. There were three concerned.

4675. May I ask you whether you would not see or did not hear the other side of the case?—There was no other side to hear. I do not sit in review on the decisions of magistrates. I am only concerned with the conduct of the police.

4676. Can you make an inquiry into the conduct of the police if you do not know exactly what the other side alleged?—Oh, yes, because the other side put in writing what they alleged.

4677. They put it very briefly, because they were requesting an interview?—Obviously it would be quite improper for me to sit in review on the decision of every magistrate that was called in question.

4678. When a request is made for an inquiry to the Home Office, or a complaint, of course it is referred to you so that you may investigate it, is it not?—Yes.

4679. I understand that the Home Office have no other means of independent information but through your channel?—Not on a matter like that, clearly.

4680. Therefore I should presume you would make a very careful and impartial inquiry into the matter?—We make as good an inquiry as we can.

4681. Do you say you did so on this occasion?—Yes, I think there was a careful inquiry made.

4682. We have heard about the reports. Did the conversation of the authorities in Scotland Yard with the officers bring out something further than the reports?—No, I did not hear of anything further.

4683. When you saw those reports, did you note the omission of the constables in their reports of any mention of our protest?—A good deal would always be omitted from a report. You cannot get into one or two pages all that could be said about the particular occurrence.

4684. But you read the inspector's report also?—I read all the papers.

4685. Did you notice the discrepancy between the inspector's report and the three constables' reports?—No, I do not remember noticing any discrepancy.

4686. You are very practised in reading these reports?—I get a good deal of practice.

4687. Then you would notice the slightest irregularity?—No, I should not notice the slightest irregularity straightaway.

4688. You are aware now that there was a discrepancy?—I do not know what you refer to.

4689. The omission of any mention of our protest?—I should not call that a discrepancy, because I fancy in all these cases there is always some sort of protest.

4690. That is not an answer to my question. The inspector mentioned that there was a protest, did he not?—I do not remember, really. If you give me the report I can tell you, but it is no use examining me on papers when I have not got them before me.

4691. You cannot ask me to produce the reports?—If they are here they can be produced.

(*Mr. Rufus Isaacs.*) The reports have all been read already.

4692. (*Dr. Gerothwohl.*) You know, of course, the inquiry we asked for was refused?—No, I do not know that it was refused. We made the inquiry.

(*Mr. Eldon Bankes.*) Refused by whom?

4693. (*Dr. Gerothwohl.*) In Parliament an inquiry was suggested. I understand that when a request for an inquiry is made, the merits of that request would depend very largely on the information supplied by you to the Home Office?—Yes, we would report exactly what we had been able to ascertain.

4694. Therefore when that inquiry is refused, it is, of course, refused, as I say, practically on the information which you supplied?—But the inquiry was made; it was not refused.

4695. It was refused to us. It was granted afterwards in another case?—I do not follow you.

4696. We were referred to the Law Courts on two occasions. I have the answer of the Home Secretary on the 27th April.

(*Chairman.*) Is that a letter from the Home Secretary to you?

(*Dr. Gerothwohl.*) That is the Press account, but I have the letter itself if you would prefer to have that.

(*Mr. Eldon Bankes.*) What is the date of the letter from the Home Secretary?

(*Dr. Gerothwohl.*) The 28th April, 1906. "Sir,—I am directed by the Secretary of State to say that he has caused careful inquiry to be made in the matter of your letters of the 12th and 22nd instant with regard to the conduct of certain Metropolitan police officers on the night of the 7th-8th instant, and while he fully accepts the decision of the magistrate dismissing the charge of drunkenness, and is glad to believe that the police officers who were maintaining order in Piccadilly in circumstances of great difficulty were mistaken in this point, he finds himself unable to take action of the kind suggested in your letter. If the grave charges you make against the officers in question are to be carried further, the only way in which this can properly be done is by proceedings in a Court of Law. It is open to you to institute such proceedings if you are so advised, and the Secretary of State can assure you that no obstacles will be placed in your way by the police authorities, but he cannot accede to your suggestion that the materials placed before him are sufficient to justify him in taking further action."

(*Mr. Whitmore.*) Who is that letter signed by?

(*Dr. Gerothwohl.*) By M. D. Chalmers.

(*Mr. Rufus Isaacs.*) That is from the Home Office, and I notice from the documents before us that on the 25th April Sir Edward Henry had reported to the Home Office; therefore the letter is written three days afterwards.

4697. (*Dr. Gerothwohl.*) I infer from that that the information supplied to the Home Secretary was not of a satisfactory nature—at least, it was not favourable to our request?—I presume the information supplied was to the effect that, so far as we could gauge, the account given by the police was correct.

4698. You stated that in face of the magistrate's decision?—Yes. I say that, so far as we could gauge, the account given by the police was correct. That is the conclusion we came to. We may have been wrong.

4699. In fact, in your official capacity I understand you set yourself against the magisterial decision?—Oh, no, I do not.

(*Mr. Eldon Bankes.*) The letter expressly says not.

4700. (*Dr. Gerothwohl.*) If the police account was correct, how were the police mistaken?—Mistaken in what?

4701. Your contention is, after making your further inquiries, the magistrate's decision was wrong?—No, I do not say that.

4702. If the police account was correct, I must ask you whether in your correspondence with the Home Office you endeavoured to influence the Home Office authorities to adopt any course in Parliament or otherwise that might be prejudicial to our interests.

(*Mr. Eldon Bankes.*) May I ask whether this is relevant? Dr. Gerothwohl had your permission to ask some questions about a communication he made to Sir Edward. Is it material, or does it assist the Commissioners, to ask Sir Edward's personal opinion on all these matters?

4703. (*Chairman.*) We are not here to discuss the conduct of the Home Secretary or the conduct of the magistrate. I understand Mr. Commissioner Henry says that he examined the reports sent in by the police-constables concerned in this matter, and that he came to the conclusion there was no reason for his taking any action with regard to these officers. (*To the Witness.*) Is that so?—That is so.

4704. And you told the Home Office so?—I told the Home Office so.

(*Dr. Gerothwohl.*) And Sir Edward Henry has just expressed the view, as I understand, that the police were correct.

(*Witness.*) I think that probably the Commission have a copy of what I submitted to the Home Secretary.

(*Chairman.*) Yes, I think it is with the documents.

(*Mr. Rufus Isaacs.*) The expression actually used by Sir Edward Henry is in accordance with what he has just said, "I regret that I am unable to carry this case any further."

(*Dr. Gerothwohl.*) May I be favoured with a copy of Sir Edward Henry's letter?

(*Chairman.*) No, I do not see any reason for granting that request at present. Mr. Commissioner Henry has told you very frankly what conclusion he came to, and he, upon the request no doubt of the Home Secretary, informed the Home Office he could not carry the case any further; that he had come to the conclusion that there was no such misconduct on the part of the police-constables as justified his taking any disciplinary action.

(*Mr. Rufus Isaacs.*) We have a copy of the letter which Dr. Gerothwohl is asking for. It has been supplied to us as one of the documents that has passed between the Home Office and the Commissioners of Police.

(*Dr. Gerothwohl.*) The question I was putting to Sir Edward Henry is, whether in his correspondence he endeavoured to influence the Home Office in any way prejudicial to us.

(*Witness.*) The Commission have my report, and they will be able to judge for themselves.

4705. Or to throw any doubt on the justice of our acquittal?—My views are expressed in the communication I submitted to the Home Secretary.

(*Chairman.*) All the communications that passed between the Home Office and Sir Edward Henry are before the Commission already, and have been from the very commencement of the inquiry.

(*Dr. Gerothwohl.*) In the course of that correspondence, did you repeat the charges which had been originally made against us in any form?

(*Mr. Eldon Bankes.*) I must ask your ruling, sir, about this.

(*Mr. Rufus Isaacs.*) Let the question be repeated.

(*Dr. Gerothwohl.*) I ask Mr. Commissioner Henry whether in the course of his information to the Home Office he repeated in any form the charges which had been originally made against us by the police.

(*Witness.*) I think that the Commission have my report, and they will be able to see for themselves.

4706. (*Chairman.*) You mean your report to the Home Office of the 25th April?—Yes.

(*Mr. Rufus Isaacs.*) I might point out to Dr. Gerothwohl we have the letter, and we have read it again and again. We know what passed, and we know what there is in the letter. No answer of the witness can add to it, because it is merely a question of what is in the correspondence which is before us. We are in a position to deal with the matter upon that.

(*Dr. Gerothwohl.*) Of course, I accept the ruling that the correspondence is not to be made public, but I rather regret I have not had an opportunity of examining it and asking Sir Edward some questions upon it.

(*Chairman.*) Do I understand you are anxious to see that letter?

(*Dr. Gerothwohl.*) Yes, sir.

(*Chairman.*) The Commission see no reason why you should not look at it.

(*Mr. Eldon Bankes.*) I should like to take instructions about that, because, of course, it may be made a difficult precedent in other cases if the communications between the Police Commissioners and the Home Office are to be made public in any way. I should like to take Sir Edward's view about it. Of course, I suppose you have the power to direct it.

(*Chairman.*) Sir Edward Henry has been verbally answering questions put by Dr. Gerothwohl, and he has himself referred to the letter.

(*Witness.*) The only thing I would say is that it is not my property, it is the property of the Home Office. I have no voice in the matter at all. Once I sent the letter it became the property of the Home Office.

(*Dr. Gerothwohl.*) Referring to Mr. Bankes' plea that the correspondence should be withheld ——

(*Mr. Eldon Bankes.*) I beg your pardon, that is a most unfair observation. I make no plea that it should be withheld at all. I am quite certain that Sir Edward's desire and mine is that the contents should be made public, but there is a question of public policy involved here, and unless it is going to serve some public purpose, I ask the Commissioners not to make an order without considering the matter in all its bearings.

(*Chairman.*) I understand that Sir Edward Henry has no objection. He does not consent to it and he does not ask for it. I see no reason for that letter being read as part of the evidence before us.

(*Dr. Gerothwohl.*) Probably what Mr. Bankes said about precedents would be met by the statement that this is a special inquiry. It is not an ordinary tribunal, and therefore the argument put forward that it would be wrong to create a precedent in that respect does not hold here.

(*Chairman.*) What are you asking for? What is your request to the Commission?

(*Dr. Gerothwohl.*) To see the correspondence between Sir Edward Henry and the Home Office.

(*Chairman.*) I think we will confer about that. We will consider that question, and inform you later on of our decision. Have you any further questions to ask Sir Edward Henry?

(*Dr. Gerothwohl.*) No, I have none. From the course the whole action has taken with regard to my complaint and my request for an inquiry, and so forth, it appears to me that Scotland Yard did not take an altogether unbiassed view, as they should have done.

(*Chairman.*) We quite follow your suggestion, but we cannot allow you to argue the matter now. You have no further questions to ask Sir Edward Henry?

(*Dr. Gerothwohl.*) No.

(*Chairman.*) I hope there is no misunderstanding, Dr. Gerothwohl, on your part or on my part with regard to this correspondence. I first of all asked you whether your application was to see the letter.

(*Dr. Gerothwohl.*) Yes, it is.

(*Chairman.*) There is all the difference in the world between your seeing the letter and the document being published and made part of the evidence. I do not think you apprehend the distinction.

(*Dr. Gerothwohl.*) I want to see the document and to examine Sir Edward Henry on it afterwards if the occasion should arise.

(*Chairman.*) I think you understand the difference now. Is your request limited simply to a request that your yourself should look at the letter?

(*Dr. Gerothwohl.*) And ask questions about it.

(*Chairman.*) That means that you want the letter to be published, because if you ask questions upon it it must come into the evidence.

(*Dr. Gerothwohl.*) Yes, I presume that is so.

(*Chairman.*) We will consider what answer we will make to that request. In the meantime you have no further questions.

(*Dr. Gerothwohl.*) No, sir.

(*Mr. Rufus Isaacs.*) So that we may be clear with regard to this, upon Dr. Gerothwohl's application to see the letter personally, you intimated that he might see the letter, and we saw no objection to his seeing it, but when it came to a question of publishing the letter, that introduces at once other matters of precedents of greater importance than this one particular case. We have no objection, as I understand the Chairman's view, in which we all agree, to you, Dr. Gerothwohl, seeing the letter so as to satisfy yourself that there is nothing in the letter except that which bears upon the evidence in the case, which is all before us with this copy of the letter.

(*Dr. Gerothwohl.*) It may be that when I have seen the letter I may withdraw my application to examine the witness upon it.

(*Mr. Eldon Bankes.*) The precedent applies to seeing it as well as using it, because it is a document passing between various branches of a Government department, and with great submission I think the rule is almost uniform that those documents may be used as they have been supplied to the Commissioners, but not to be used for any other purpose.

(*Chairman.*) The only material application for the purpose of to-day is that the letter should be made public—in other words, you wish to have the letter in

Sir E. R. Henry.

16 Oct. 1906.

your hand and then you want to cross-examine Sir Edward Henry upon it.

(*Dr. Gerothwohl.*) Yes.

(*Chairman.*) In answer to that, at present I can only say that we will consider it, and inform you later on whether we will allow that course to be taken. Do you wish to ask anything, Mr. Bankes?

(*Mr. Eldon Bankes.*) Yes, sir.

4707. Was it on Wednesday, the 11th April, that the case was before the magistrates on the second occasion when the defendants were acquitted?—I think so.

4708. Will you tell the Commissioners the time it was when Dr. Gerothwohl came on what he calls the evening of the 11th?—It was just before midnight on the 11th. He asked to see me. The inspector on duty said ——.

4709. We can call him if necessary, but the time was just about midnight?—Yes.

4710. You were not at the office at that time?—No, I was in bed, I think.

4711. The next day was Thursday, the 12th, and you told us you were occupied by some public duty, and arrived late at the office. Were you fully occupied with your official duties until the time came when you left the office to go away for a holiday?—Yes, until quite late.

4712. And the time at your disposal did not enable you to reach this particular communication?—No, it did not. I never heard of it.

4713. So you left without having seen it?—Yes.

4714. You came back, I understand, on the Monday?—No, I came back to the office on the Wednesday.

4715. Of course, by that time the application had ceased to be of any importance, because it was for an appointment on the Thursday or the Friday?—Yes. I presume my secretary when he looked through the papers saw those and took it for granted that it had been disposed of in his absence, and therefore did not bring it to my notice.

4716. At any rate, the application was for an interview on the Thursday or the Friday, and the letter did not come to your notice until the Wednesday?—Yes. I may say if Dr. Gerothwohl had written on Monday, Tuesday, or Wednesday, or on any day, and asked for an interview, he could have had it, of course.

4717. With regard to the other dates, the Police Reports were made in the ordinary course on the 13th, that would be the Friday. They are dated the 13th?—Yes.

4718. They would be made in the ordinary course in consequence of the acquittal of the defendants. Is that so?—Yes.

4719. And I think the inquiry before Major Wodehouse was on the 25th?—Yes.

(*Mr. Rufus Isaacs.*) When you say "in consequence of the acquittal," does that follow?

(*Mr. Eldon Bankes.*) I thought you had that last time.

(*Mr. Rufus Isaacs.*) You used the expression.

(*Mr. Eldon Bankes.*) The reports commence by the statement by the officers that a report has been called for. The reports begin "With reference to the report called for *re* the arrest."

(*Witness.*) I presume that on reading the accounts in the papers it was looked upon as a case in which reports should be called for, and they were called for by the superintendent in the ordinary course.

4720. Am I right in saying that in every case of acquittal a report is called for, or is a report called for when the superintendent thinks it is a special matter?—I think in many cases of acquittals reports are called for in most of them.

4721. (*Mr. Rufus Isaacs.*) Not in every case?—No.

(*Mr. Rufus Isaacs.*) That is what I was objecting to you putting.

4722. (*Mr. Eldon Bankes.*) My recollection of the evidence was not quite accurate, but at all events those reports were called for and made on the 13th?—Yes.

4723. Then on the 25th the inquiry was held before Major Wodehouse?—Yes.

4724. After that you wrote your letter to the Home Secretary?—Yes.

4725. You have been asked as to why you did not summon Dr. Gerothwohl to give evidence. Have you any jurisdiction to hold any inquiry except amongst your own officers?—None whatever.

4726. Was the fullest inquiry held that it was competent for you to hold?—Yes.

(*Mr. Eldon Bankes.*) I can call Mr. Edwards, the secretary, if you think it necessary to go into the question about the letter.

4727. (*Chairman.*) What is the general practice on the receipt of a complaint from a member of the public?—The superintendent of the Division would be called upon to make a report upon the facts. Then he would make his inquiry, and submit his report, and that would be considered, and if it was deemed advisable, as it was deemed advisable in this case, the particular officers concerned would be sent for and examined and questioned separately, and a conclusion come to.

4728. Examined separately before you?—Before the Assistant Commissioner. He would probably have one in at a time, and he would put to him such questions as he thought were necessary.

4729. That examination is not upon oath, I suppose?—No, we have no power to administer an oath.

4730. Can you recollect what took place in this particular matter of Dr. Gerothwohl and Mr. Lavalette, which Commissioner examined the constables in that case?—Major Wodehouse.

(*Mr. Eldon Bankes.*) You have his report, I think, before you, sir.

(*Mr. Rufus Isaacs.*) I do not think so.

(*Mr. Eldon Bankes.*) Have you not an account of the whole inquiry?

(*Mr. Rufus Isaacs.*) No. I am speaking of the documents before me.

(*Chairman.*) I remember we have had the fact that an inquiry did take place before Major Wodehouse, but I have never seen any shorthand note or any note of what took place before him.

(*Mr. Rufus Isaacs.*) Or any report by Major Wodehouse to Sir Edward Henry.

(*Mr. Eldon Bankes.*) It can be supplied if you wish it.

4731. (*Chairman.*) We should certainly like it. Were there any notes kept of the proceedings before Major Wodehouse?—Oh, yes.

(*Chairman.*) We should like to have those notes and the report which he made to the Commissioner.

(*Mr. Eldon Bankes.*) Certainly, sir.

4732. (*Mr. Rufus Isaacs.*) So far as I understand, the only information that you had was such as was supplied to you by the reports of the police-constables themselves, by the inspector's report, and then eventually by Assistant-Commissioner Wodehouse?—That would be all.

4733. You, personally, would have no knowledge of it, except what you could get from those reports?—None whatever.

4734. It is upon those reports that you wrote that letter of April 25th to the Home Secretary?—Yes.

4735. I want to ask you about the reports that the police made of this case. You said (I do not remember the exact words) that very often the police did not put in their reports everything that had happened, but what I wish to point out to you is, suppose in this case the persons arrested protested from the first moment against the arrest, and said that they had come to the police station for the purpose of complaining of the brutality of the police, do you not think that that ought to have appeared in the reports made by the police-constables?—The great difficulty about reports by police-constables is that they are sometimes extremely illiterate; a better procedure would be to take from them a statement. Many of these men find great difficulty in writing reports. Their education when they join the force is defective, and it is not always remedied, and the consequence is that when they have to make a report about anything it is not a very satisfactory document, and I myself think it would be a better procedure if a statement were taken from them which they should sign. Owing to their defective education they do not really put into the report all that they might put in.

4736. There are the three reports in this case of the three constables, Isaacson, Wallington, and Divers,

and no doubt you have also read or heard the questions that have been put to them upon these reports, because in those reports which were submitted to you they omitted a very important thing, namely, that Dr. Gerothwohl and Mr. Lavalette protested from the first against the arrest?—Yes.

4737. It is quite plain, is it not, with the knowledge that you now have, that that is not a satisfactory report to have made to you?—It is not a satisfactory report. The report was not full enough. They ought to have mentioned that.

4738. Is it not rather more important than that. Does it not give a wrong impression of what has taken place. I will tell you what I am rather anxious to get your views about. The three reports say that no answer was made to the charge, but omitted the fact that these two gentlemen had been protesting for some time before the charge was read against the arrest, and stating their view of why they were there. Is not that a very important factor which ought to have appeared in the reports?—Yes, I think it ought to have been in the reports.

4739. Without it, apparently, as I read those reports the impression would be created that they had never denied the charge, and that therefore it was to be taken that they admitted it?—Yes, the reports are no doubt defective, and, as I say, a statement ought to be taken from the constable, which he should sign, because his education is so defective that he is almost certain to leave out points that are of material importance when he tries to make a report, and, of course, there is always the danger that we have experienced that they talk it over together, and perhaps they are rather inclined to write the same sort of report, which throws discredit really when no discredit should be thrown, and it is a great difficulty. It is because of defective education. We are trying to remedy it.

4740. I point out, in view of the questions that I have put, that Inspector Berry's report was sent to you which did state the important fact. Inspector Berry said that which the other constables had apparently omitted?—Yes, but he is more accustomed to writing reports.

4741. I was wondering whether there was any reason for the police not having stated it except the reason that you have given?—No, I think there was no reason whatever except that. Their reports are frequently very defective.

4742. In this particular case, when the reports came before you, you had got the important fact which I have just been referring to contained in Inspector Berry's report supplementing the police-constables' reports?—Yes.

4743. Reference was made to some rule which I will not say was suggested as a justification, but which was put forward as the ground of the police having made a mistake in omitting this important fact from the reports. Can you give me the reference to that rule?

(*Mr. R. D. Muir.*) It is Rule 209, page 253.

(*Mr. Rufus Isaacs.*) "The charge as entered upon the sheet is always to be read over to the prisoner, not with a view of extracting an answer, but to inform him of the nature of the offence with which he is charged, but any observation he makes is to be noted and attended to." I suggest to you that that rule is one which makes it necessary for the police-constables to note any observation which the prisoner makes which may relate to the charge?—Is that after the charge has been read over?

4744. "The charge as entered upon the sheet is always to be read over to the prisoner"?—And after it is read over any remark that falls from him is to be noted. That rule would apply to that?

(*Mr. Eldon Bankes.*) If you look at Rule 284, on page 266, that is a rule dealing with the statement made by the prisoner when charged, and if you read that with Rule 282 there is rather an indication that they are to disregard anything that happens before.

(*Mr. Rufus Isaacs.*) Surely Rule 282 has no reference to this matter. That is dealing with a confession.

(*Mr. Eldon Bankes.*) I am not arguing it, sir, but Rule 282 conveys the view that you are not to attempt to get anything in the nature of a confession, and then Rule 284 says a statement made by a prisoner when charged is to be accurately written down at the time by the sergeant and reported to the magistrate who hears the case.

4745. (*Mr. Rufus Isaacs.*) It is quite plain, is it not, that the duty of the police would be, upon a charge being made as was made in this case, to put in the report not only what the answer to the charge is, but the statements which had been made by the prisoner with reference to the charge. I thought you agreed that?—I think he certainly ought to if he is capable of doing it, but I think you would like to consider the question of what happens on occasions like this. On a particular night like this there is a great number of prisoners very often. On one occasion there were as many as 87 prisoners one night at Vine Street, all of whom had to be dealt with during the course of the night. Whether it was possible to attend to all the requirements in the instructions on that night I cannot say, but I should think not.

4746. I am not dealing with the question of what they would have to do that night. I am dealing with the reports that the police made on the 13th April, which is four or five days afterwards?—But I mean to say there would be a good deal of confusion on a night like that if there were 87 prisoners there. They would very rarely have as many as that, but they sometimes have as many as 20 or 30, and that makes it difficult for the police to attend to all the directions they ought to attend to. On ordinary nights there is no excuse for them not doing so, but on these special nights there is some little excuse.

4747. But they are not making the material statements till four or five days afterwards?—You find it in the statement of the Inspector, because he is a man of better education. You do not find it in the reports of the constables, because of their defective education, and, as I say, that is really the only explanation I can give.

4748. I understand that, but what I want to make quite plain in the questions I am putting to you, so that there should be no confusion about it, is that there is nothing in the rules which would justify the policeman not giving the report of the statements made before the charge?—There is nothing in the rules which would justify a policeman in suppressing anything that tells in the prisoner's favour. That is absolutely certain.

4749. I read those rules because it was suggested by one, at least, of the policemen that that is what justified him in not having stated it?—That is an instruction which is specially laid down for their guidance when they join the Force, and they are personally told that. I see every recruit who comes in, and he is always told that one thing he has to remember is to be fair, and if he knows anything in a man's favour, he is bound to state it, just as much as if he knows anything against him. We always try to make them understand that. Therefore if they suppressed something which told in favour of the accused on an occasion like this they were doing that which was wrong.

4750. What would happen supposing in an ordinary case a constable did that and suppressed something which was in favour of an accused person?—I have no doubt he would be dealt with—that is to say, if he purposely suppressed it.

4751. Supposing he purposely suppressed it, would he be dismissed the Force?—Not necessarily dismissed the Force, but he would be punished. There are graduations of punishment. I do not know that he would be dismissed the Force. But if he purposely suppressed anything that brought about a serious miscarriage of justice, no doubt he would be dismissed the Force.

4752. Could you give me any instance in which a policeman has been punished for having suppressed a statement which told in favour of a prisoner or an accused person?—I have no doubt I could get cases of making misleading reports.

4753. That is not quite the same thing. A man may make a misleading report, but what I wanted to get at was the suppression of something which tells in favour of the prisoner. You would agree, would you not, that is a most important element that should be stated by the police-constables upon the report?—Yes.

4754. I wanted to know whether there is any instance on record?—Of course I could not say whether there is an instance on record, because it might be on record without my knowing it, but that is a very difficult question to answer. I do not remember an instance my-

Sir E. R. Henry.

16 Oct. 1906.

self. I could not answer the question in the form in which you put it with any accuracy at all. Sins of omission are always so much more difficult to deal with than sins of commission.

4755. With regard to this letter which you did not reach on the 12th, in the ordinary course is there any note made of letters which you have dealt with? Sometimes an initial is put to show you have dealt with it. Is that your practice?—I should think probably in the case of a letter like that I should write across it, "Fix such and such a date at such and such a time."

4756. I do not quite follow why the Secretary, if he saw you had not reached that particular letter, did not bring it to your attention again. According to what you have told us you never heard of it again for some six weeks?—I really could not tell you why, but my Secretary is here, and he could tell you all about it.

4757. It rather looks as though he ought to have brought it before you?—I dare say he ought. He might be able to say. It is such a very unusual thing for a man to come at midnight and ask for an interview the next day, that such cases do not often occur. If it had come by post the letter would probably have reached me. When Dr. Gerothwohl did not get an answer, it was quite easy for him to have written and said, "I wrote you for an interview, and you have not answered me." He could have got an interview by writing. Letters occasionally do go wrong. If he had written afterwards, and I had not answered him then, then I should certainly have treated him with discourtesy, but as a matter of fact it was a very unusual course to adopt to come at midnight and ask to see an official the next day.

4758. It occurred to me there might be another reason for it (I do not know whether it is right or wrong), and that is that soon after that request had been made the matter was discussed publicly, and reports were called for from the Police?—It was not because he called at Scotland Yard that reports were called for.

4759. No, but what occurred to me was that he had called and asked for the interview, and then, almost the next day before you had reached the letter from him, this matter of the arrest of Dr. Gerothwohl and Mr. Lavalette was being discussed in the Press, and you had asked for reports, or one of your officials had asked for reports, and that, therefore, you did not deal with the letter. I do not know which it is, and I only want to ascertain?—Oh, no, I never saw the letter. I did not see it till six weeks afterwards, when Dr. Gerothwohl complained to the Home Office that he had asked for an interview, and I had not granted him one. Then they sent his letter over to me, and I said, "What is this? I did not know of any interview," and then we looked up the papers and found he had applied on the 11th, and I never saw the letter. But my Secretary can tell you more about it than anybody else, really.

4760. (*Mr. Dickinson.*) You said just now with reference to the illiteracy of the constables that that resulted sometimes in their being obliged to draw up their reports together?—No, I did not say that. I said there was always that danger.

4761. Is that a danger which has actually come to your notice?—Yes.

4762. It is common to find reports drawn in a similar manner?—No, we have taken steps to try and prevent it. It has been brought to our notice, and has come out in court, that the reports were obviously so much alike that it looked as if one had written a report and the others had copied it. That has happened, but it is owing to the fact that it is such a difficult task for an uneducated man to make a report.

4763. Is it a common practice?—No, I should hope not.

4764. You say it is not?—I hope not.

(*Mr. Eldon Bankes.*) Do you wish to hear Mr. Edwards upon this point of the letter?

(*Chairman.*) If he wishes to give his explanation, we will hear him, but we attach no importance to it.

(*Mr. Eldon Bankes.*) It is no good taking up time if you do not attach importance to it, but he is here, willing to give you full information, if you wish it.

(*Chairman.*) Very well. Before we go into another case, the Commissioners wish to confer for a few moments on the question of the correspondence referred to by Dr. Gerothwohl.

(*Chairman.*) The Commissioners do not think it necessary to publish the correspondence between the Home Office and Sir Edward Henry. The Commissioners have heard all the evidence on both sides, and the correspondence referred to which has been before us from the commencement of the Inquiry does not throw any further light upon the matter.

4765. (*Mr. Rufus Isaacs.*) Dr. Gerothwohl, I should like to ask you this question: P.C. Wallington in his evidence at Question 1428 says that you said to him that he would lose his coat. Did you ever make that statement to him?—I never made the slightest statement. I never made any statement to him.

4766. Did you know the meaning of that expression?—No, I did not know it. I never heard it before I heard it here.

4767. (*Chairman.*) I do not think we ever asked you what your age is?—It was given. It is 29.

4768. Was Mr. Lavalette's age given?—Mr. Lavalette is 27.

JAMES CLINCH, sworn.

Mr. J. Clinch.

4769. (*Earl Russell.*) Do you live at 5, Benson Avenue, Upton Park?—Yes.

4770. You are in the service of the Post Office, in the Letter Section, at Mount Pleasant?—Yes.

4771. For how long have you been there?—14 years.

4772. You are a married man?—Yes.

4773. It is part of your duty to go to your work at various hours of the day and night?—Not recently—not for the last 12 months. I have been at one fixed time for the last 12 months.

4774. Were you going to your work on the 16th October, 1905?—Yes.

4775. Will you tell the Commission in what way you were going. You were going to Mount Pleasant?—Yes.

4776. About what hour of the night was it?—At 12.10. I had to be on duty at 20 minutes past 12. I was passing Rosebery Avenue at 10 minutes past 12.

4777. On your way you came to a place called John's Mews?—Yes.

4778. Will you tell the Commission what happened there?—I was going down Rosebery Avenue to the Inland Section, and I suddenly called in at John's Mews for a necessary purpose, and just as I pulled up at the second cart in John's Mews I was surprised to hear a shuffling of feet. I at once observed a constable.

4779. Where was the shuffling of feet?—Between the carts against the wall.

4780. On which side of you?—In front of me. I observed a constable with a female, which surprised me very much; the female's clothing was very much disarranged, and he was acting in an immoral manner.

4780*. About how far from you were these people?—About the width of a cart really; that is, taking the circumference of the front wheel of one cart and the back wheel of the other cart, and the woodwork between the two carts, it would make about the width of a cart.

4781. Was there anything between you and them?—Nothing whatever.

4782. When you observed this did anything further happen?—I noticed the female's clothing fall. I observed the white clothing. It was a great surprise to the policeman, I suppose, to find me pull up against the wheel of the cart while he was acting in this immoral manner, and he pulled his overcoat over him in *that* way (*illustrating*). He turned round and asked me what did I want there. I said "Nothing; I simply came here for a necessary purpose," or "to make water" to explain myself more straightforwardly. He said, "Have you any property here?" I said "None whatever; I only came for what I have told you." With that he said "Out of it," and he gave me a severe blow behind my head, at the same time walking on my heels. The first blow on my head which I received

from him seem to stun me somewhat. I went out of the mews in a dazed condition, and as I got to the entrance to the mews he also struck me another blow on the left side of the face, at the same time knocking my cap off my head. He at once kicked my cap, and told me to pick up my cap. I really did not know what to do at the time as I was in rather a fixed position, having to be on duty at 20 minutes past 12, and this was at 10 minutes past 12. I shouted for the police.

4783. When was that?—After he had knocked my cap off.

4784. Where were you when you shouted?—I was at the entrance of the mews.

4785. You had moved out?—Yes, I had moved out. Three young men stood next door but one from the entrance to the mews. I should say, roughly speaking, it would be about 7 or 8 yards; they stood at the top of the steps of No. 77, Rosebery Avenue. I drew their attention to the matter and asked them if they saw the policeman strike me. I found they were not Englishmen, but foreigners. Whilst I was asking them if they saw what had taken place, one of them directed me to a policeman who was crossing the road.

4786. How did he direct you?—They were at the top of their own steps, and whilst I was asking them if they saw what had taken place, one of them pointed out a sergeant crossing the road. I thought, "I am relieved," because I wanted——

4787. Never mind what you thought. What did you do?—I ran off to the sergeant and told him I had been assaulted and struck twice by a policeman who was in the mews; and I said I wish him to come to the mews and see for himself the woman and the policeman together.

4788. What had the policeman done after this. Where was the policeman at this time?—The policeman was still in the mews with the woman. When he knocked my cap off he returned back to the mews and was still in the mews with the women when I reported the matter to the sergeant.

4789. When you saw the sergeant what happened?—I said: "Come with me to the mews; there is a constable and a woman in there; he struck me, and I wish to charge him with assault; he struck me on two occasions." He said "Where is the policeman now?" I said "The policeman is still in the mews with the woman." "With the woman?" I said "Yes." I said "Do come in and go up the mews for yourself and see that the policeman and woman are there." He said "Keep quiet; if the policeman and woman are up there they must come out this way because there is no other way out." Whilst we were waiting at the entrance to the mews—I, the sergeant, and the three witnesses—we waited, I think, for about four minutes—the sergeant endeavoured to take the names of these witnesses. I said "Never mind the names; go in there and see for yourself." He said, "You keep quiet, they must come out this way." After waiting for about four minutes the woman came out in a crouching manner, and she turned to the left of Rosebery Avenue to run towards the Angel. The sergeant called after her to stop, but she took no notice. The sergeant called a second time, and she took no notice; but when the sergeant (I believe it was Sergeant Lane, No. 18) attempted to run after her she stopped. As she came back to the sergeant, and just before she got up to the sergeant, out came the policeman. The sergeant told the policeman that I charged him with an assault, and he made no reply. The sergeant told the constable and the woman that they would have to go down to the police station, and also the witnesses.

4790. Did the constable say anything at all apart from making no reply to the charge? Did he make any charge against you?—No; we all went down to the station. On getting into the station there is a room on the right which, I think, but I do not know, is a sort of sitting or recreation room. I saw several policemen in there. On the left, where we went, was the place where the charge was taken. The policeman went into that room where the remainder of the police were, and as he opened the door he said something which caused the other policemen to laugh. The female, the witnesses and I went into the charge room, where I charged the constable with the assault.

4791. Where was the constable who you say had been in the mews? Did he go into this room with you, or not?—No. The policeman went into the room where the remainder of the policemen were sitting, and as he went in there he turned to the right, and we turned to the charge room.

4792. The constable who had come out of the mews did not accompany you to the charge room?—Not when we first got in; he went into the room where the other police were; and as he opened the door he made some remark, which caused the other policemen, who were in the room, to laugh. I charged him with an assault of having struck me on two occasions.

4793. Whom did you see in the charge room?—The Inspector.

4794. You made the charge to him?—Yes. When I made the charge to the Inspector he called the policeman from the other room, and he came in.

4795. Did you make the charge verbally at that stage?—Yes. The Inspector then asked me if he should write it down or I. I said, "I prefer to write it down myself." He said, "You prefer to write it yourself?" I said, "Yes." He said, "All right: just as you please." With that he gave me a pen and paper, and I wrote down my charge concerning the whole facts of the case, and handed it to the Inspector.

4796. You wrote it down yourself, and gave it to the Inspector?—Yes.

(*Earl Russell.*) I call for that document. It is in the custody of the Police. (*Statement produced*).

(*Chairman.*) Do you wish to put that in?

4797. (*Earl Russell.*) Yes. I propose to put it in after showing it to the witness.

4798. Is that the statement you wrote out at the time?—Yes.

4799. The head of the statement, of course, is not in your handwriting?—No.

4800. The centre part of it is in your handwriting?—Yes.

(*The Secretary.*) "Metropolitan Police, G Division, King's Cross Road, 16th October, 1905.—Statement of James Clinch, porter at Post Office, Mount Pleasant, 5, Benson Avenue, Upton Park, E.—I beg to state that whilst walking along Rosebery Avenue, I went up a mews behind some carts to make water. Whilst there I observed the Policeman 215 G with this woman in the corner against a cart, the woman at the time having her clothes in an improper manner. She at once dropped her clothes, when the said policeman came up to me and struck me a severe blow, at the same time remarked to be off, and if I had any property up there, and he also walked on my heels until I got on the footpath, when he struck me another severe blow on the left jaw, knocking off my cap. I at once reported the matter to the sergeant who was passing across the road, when he took the case up. I was on my way to the G.P.O., Mount Pleasant, due on duty at 12.20 a.m. —Yours sincerely, James Clinch. The P.C. asked no questions.—F. Gadd (inspector); W. Hammond (superintendent.")

4801. (*Earl Russell.*) After you had written that statement did anything take place with regard to the woman? Did the Inspector say anything to the woman?—Yes. The Inspector asked the woman to make a statement, and after a little time she wrote out a statement. The statement was read over to me, and it ran as follows, to the best of my recollection.

(*Mr. Eldon Bankes.*) Had not we better have that statement produced?

(*Mr. Rufus Isaacs.*) We had better have the statement, Lord Russell.

(*Earl Russell.*) Certainly.

(*Mr. Eldon Bankes.*) I do not know whether we might have the witness's recollection. He volunteered his recollection.

(*Chairman.*) I understood you to ask that the statement should be put in.

(*Mr. Eldon Bankes.*) Yes; but it was only as regards the sequence of events. I am entirely in your hands.

(*Earl Russell.*) It is a matter of perfect indifference to me.

4802. (*Chairman.*) We had better have the woman's statement. (*To the Witness.*) Did you hear the statement of the woman?—I heard it read out. I should be sorry to give the statement verbally at the present time as it was read out to me. I should be very sorry to read out the statement of such immoral people. If

Mr. J. Clinch.

16 Oct. 1906.

you do not mind my giving it verbally as it was read out to me in the presence of ladies, of course I do not object.

(*Earl Russell.*) I think perhaps the Commission had better have the statement itself. I am quite willing to test his recollection of it, if you like.

(*Chairman.*) He need not read it out.

(*The Secretary.*) "Metropolitan Police, G Division, King's Cross Road Station, 16th October, 1905.—Statement made at King's Cross Road Station on 16th instant, by Freya Lehmann, 23, Swinton Street, W.C. (housemaid).—I was making water in the corner from the mews, and the policeman say to me, 'What you doing here?' I said, 'I have been in the corner.'—Freya Lehmann. No questions.—F. Gadd (inspector); W. Hammond (superintendent.")

4803. (*Earl Russell.*) When these two statements were written was the constable who had been in the mews present?—Yes.

4804. Was anything done then by the Inspector? What did he do with the statement you had made?—I had to get on duty as quickly as I possibly could. He kept my statement, as far as I know.

4805. Was it read over while you were there to anyone?—My statement was read over to the constable and the female.

4806. While you were there?—Yes.

4807. Did the Inspector do anything after reading it over to the constable?—The statement of the lady was read over to me first, but the statement of the lady during my presence varied very much from what has been read out now.

4808. I want to know about the reading over of your statement. You said your statement was read over to the constable by the Inspector?—Yes.

4809. Did the Inspector do anything after reading it over, or say anything to anybody about it?—No.

4810. Did the constable say anything?—No.

4811. Did the Inspector say anything to the constable after that?—He simply told the constable, "You understand what charge he has made against you?" He said, "I fully understand it."

4812. Did the Inspector ask the constable to say anything, or to make a remark, or anything of that sort, while you were there?—The constable made a report whilst I was there. He went into the room where all the other policemen were. I think he was there about three-quarters of an hour making out the statement. I asked the Inspector to see about it, as my time was limited, and I wanted to get to the Post Office, and as he was a long time, would he kindly see if he was making it out. With that the Inspector went into the next room, and spoke to him about it. Soon after the constable came in with the statement.

4813. To whom did he give that statement?—To the Inspector.

4814. Was that read over to you?—Yes.

(*Earl Russell.*) Will you, Mr. Bankes, please produce that statement?

(*Mr. Eldon Bankes.*) Yes. (*Statement produced.*)

4815. (*Earl Russell.*) When this constable wrote that statement, had he heard your statement read out or not?—He had heard my statement, in fact he was there when I was writing it out, and he wanted to look over my shoulders. I asked him to mind his own business, as it was not for him to look at what I was writing about.

4816. It was after that he wrote his statement?—He wrote the first statement in the other room.

(*The Secretary.*) "Metropolitan Police, G Division, King's Cross Station.—I beg to report at 11.50 p.m., 15th instant, I was on duty in Rosebery Avenue, when I saw a man and a woman go down John's Mews. I went down to see what they were doing, and saw the man coming up from the mews. I asked him his business, and if he had any property down there. He replied, 'No.' I then told him to get away home, and rushed him out of the mews. I went back and saw the woman, and asked her business. She replied, 'I have come down to make water.' I turned her out, then looked round the mews, went out, and saw her speaking to P.S. Lane, who stated that a man had complained of being assaulted by a P.C., and we accompanied complainant to the station.—Walter Gibbard (P.C. 215); G. W. Hammond (superintendent.")

4817. (*Earl Russell.*) The Inspector read that statement over to you?—Yes.

4818. What did you say?—I told him that every word was untrue.

4819. What did the Inspector do after that?—The Inspector went into the room where the other policemen were, and left P.C. Gibbard, the female, and I together.

4820. Was anyone else there?—No. My witnesses had gone then.

4821. What then took place?—Whilst we stood there in this room where everything was taken down, the policeman said, "Look here, old chap, the first time I see you out of doors, I'll lock you up: you would put a bloke away." I told him I did not want any threats from him or any accusation whatever, and that I would tell the Inspector when he came from the next room. When the Inspector came from the next room I told him what P.C. Gibbard had said. The Inspector said, "Why don't you be quiet, Gibbard? The case is bad enough."

4822. Did anything else happen in the way of statements. Were any more made or read?—No. I left the police station, and when I did so the woman, the constable, and the Inspector were in the station.

4823. You left them there behind you?—Yes.

4824. Did anything happen about a doctor?—I asked to see the medical officer.

4825. Whilst you were at the police station?—Yes. There was a medical officer brought in. I told him where I had been struck, at the back of the head, and on the left side of the jaw. He examined me. He said something to the effect, "You may have been struck, but I cannot feel your pain. As far as I am concerned I do not see a wound or any cut, or anything to indicate that you have been struck." He said "I see you have got a jagged tooth." I said "Yes." None the more for that, I told him I felt the blow on my left jaw very much, and my face was a very tender part, and even if there was no wound to be seen, or any blood flowing, if you get a blow with any force whatever there it will put you in very great pain, which I was suffering from.

4826. What was your condition the next day?—I felt very weak indeed; in fact, for a couple of days I hardly knew how to stand; I continued to come over dizzy, and, more or less, I have had more headaches since that time than ever I did have in my life before. I did not wish to go off duty ill; otherwise I should have done so. Being a Government servant I think it is nothing but my duty to keep on my feet and work as long as I possibly can.

4827. (*Chairman.*) Did you notice anything peculiar when you got home on the night that you were attacked?—I did not notice anything, only the side of my face felt sore, and also the back of my head.

4828. The next day, at any time, or the next night, did anything peculiar about yourself strike you?—On Tuesday night, being on night-work, and having to commence at 12.20, which would be like early morning on the Wednesday, I noticed blood continued to flow from my head into the throat in clots, and it continued so right until six in the morning, which I thought very unpleasant.

4828*. (*Mr. Rufus Isaacs.*) What was the day of the week in which you had been in the mews?—On Monday, the 16th October, 1905, at 12.20 in the early morning.

(*Chairman.*) When did the blood come?—On the Wednesday morning. As the doctor in the station remarked, if I had been struck in the manner that I said, the blow would show itself in due course.

4829. (*Earl Russell.*) You say this was Monday night?—I am not quite sure whether it was Sunday night or Monday morning.

4830. It was literally on Monday morning, because it was after 12 o'clock. Did you go off duty at all?—I went off duty at six o'clock on Monday morning.

4831. Did you ask for leave to go off duty?—Yes.

4832. To whom did you apply?—I went to the book room, and told the book inspector how I felt.

4833. He was the proper official to whom to go?—Yes. I had my handkerchief, covered with blood, in my hand at the time.

4834. What was his name?—Sandy. He was the book inspector.

4835. Did you see any doctor at the Post Office?—Not that time.

4836. At any time?—Afterwards; Mr. Sandy gave me leave to go home. Whilst I was speaking to him I brought up a clot of blood. He said, "Oh, dear; that's nasty." I said, "I feel weak, and I feel I want to go home." He said, "You must see to that." I went home at six in the morning.

4837. (*Mr. Rufus Isaacs.*) How long after was this from the time of your being struck?—That was on Monday morning, and this was Wednesday morning—two days afterwards.

4838. (*Chairman.*) On Wednesday at six o'clock in the morning?—Yes.

4839. (*Earl Russell.*) When did you see a doctor?—I came back and saw a medical officer at 10 o'clock in the morning, and explained the whole of the facts to him.

4840. On which morning was that?—On the same morning.

4841. On Wednesday morning, later?—Yes, at 10 a.m.—four hours afterwards.

4842. You mean you saw the official Post Office doctor?—Yes.

4843. What was his name?—Dr. Sinclair. I told him how I had been struck, and how it came about, and, whilst I was speaking to him, blood came up from my throat. I produced the same handkerchief to him.

4844. Now just go back for a moment to the time when you were at the police station in connection with the taking of this charge. The whole proceedings took some little time?—Yes.

4845. Was anything said to you about your being kept away from your work?—No, but the Inspector volunteered to send up to the Post Office and tell them I was there. I declined the offer.

4846. Did you see the Inspector again at any time?—Yes, I saw him about half an hour after I got into the Post Office, after I left the police station. The Inspector came and asked the doorkeeper if he might be allowed to see me. I was sent for, and when I came I saw the Inspector in the passage.

4847. At the Post Office?—At the Post Office, Mount Pleasant. He said, "I just thought I would drop in and see you with reference to this case. Of course, it is not for me to persuade you either one way or the other, what to do, but do you really intend to charge the constable, and to take it further?" I said, "Under the circumstances I feel that I must." He said, "Of course, it is rather hard that one servant should go against another."

4848. What did you understand he meant by that?—I took it that he was a policeman and that I was a Post Office official. I told him I felt I must under the circumstances. He said, "You cannot say for certain, then?" I said, "I will not say for certain, but I will think it over." He said, "By what time?" I said, "If I do not really intend to take the matter further I will call down at the police station when I leave off duty and tell you." After the inspector had gone, I thought the matter over very, very seriously, and I felt that I must take up the charge against him—it did not matter what came or went, or where I got the few shillings from to take out the summons against him.

4849. You did, in fact, proceed with the hearing of the charge against P.C. Gibbard for assault?—Yes.

4850. I think you had counsel?—Yes.

4851. Before the hearing came on, did anything happen as to putting off the hearing?—Yes.

4852. Was there any date fixed, and was a change made?—Yes, a great change, to my surprise

4853. What was the date originally fixed?—I could not just exactly say the date when the summons was fixed for, but I had a typewritten letter from the solicitors for the defence to say that the case would be adjourned for about eleven days.

4854. Had you had any notice of that adjournment before the letter?—No, none.

4855. You had not consented to it?—No. I was surprised when I got the letter from the solicitors to the defence.

4856. The case was ultimately heard at Clerkenwell on the 7th November, by Mr. Bros?—Yes.

4857. After hearing the evidence the summons was dismissed by him?—Yes. *Mr. J. Clinch.* 16 Oct. 1906.

(*Earl Russell.*) This is the letter from the solicitors for the defence. (*Producing.*)

(*The Secretary.*) "103, King's Cross Road, London. 24th October, 1905. Sir,—Yourself *v.* P.C. Gibbard. We beg to give you notice that, on our application this morning, the magistrate adjourned the summons herein, which was fixed for hearing on Friday next, until Tuesday, the 7th prox., at 2 o'clock. You and your witnesses need not attend the Court until the latter date. Yours obediently, W. T. Ricketts and Sons. Mr. James Church, 5, Benson Avenue, Upton Park, E."

(*Mr Rufus Isaacs.*) They were solicitors for the defendant?

(*Earl Russell.*) Yes.

(*Mr. Eldon Bankes.*) Do you make any point of that?

4858. (*Earl Russell.*) Yes; the point I make is that the case was adjourned without any notice to the complainant, on an *ex parte* application. Is there any truth at all in the suggestion made by P.C. Gibbard that you accompanied this woman down the mews?—No.

4859. Is it a fact that you were in the mews, as he suggests, with this woman, when he was not in the mews?—No. I was passing the mews. I had just filled up my pipe; I wanted a smoke. To wait until I got to the office I should have had to go through the office yard to the lavatory, and throw my pipe full of tobacco away. As a rule, if I want to finish my smoke, I stand at the gate or in the main thoroughfare in Farringdon Road and smoke, and then go in. I did not like the idea of lighting my pipe and going to the office for a few minutes and then coming out again and throwing my tobacco away; and, by the time I went in and came out again, it would be 12.20.

4860. Did you know the woman before?—I never saw her in my life.

4861. Did you know the constable before?—I never saw him in my life. May I also say that, when I received the letter from Messrs. Ricketts, I at once went to the Police Court and insisted upon seeing the Magistrate. I asked him why, and how, my case could not come off on the day it was dated for. He said: "I do not know; a remand has been asked for." The Magistrate said to me: "Have not you been informed, or was not your permission asked, that an adjournment should be made?" I said: "None whatever." He said: "Mr. Ricketts is for the defence, and if you will go over to Mr. Ricketts, he will tell you. Try and make an arrangement with him if your case can come off when it was first fixed for."

(*Chairman.*) Do you ask for liberty to cross-examine the witness, Mr. Bankes?

(*Mr. Eldon Bankes.*) The case has developed since I first heard anything about it, because there is now a reference to the Inspector, and so forth. I am not in a position to cross-examine this witness fully to-day, and it will be more convenient if you will allow me to get information and then ask the witness some questions later.

(*Chairman.*) Then I understand this is a case in which you do ask for liberty to cross-examine?

(*Mr. Eldon Bankes.*) If you please.

(*Chairman.*) But you say you are not ready to go on to-day?

(*Mr. Eldon Bankes.*) Of course, I could ask him some questions, if you thought it convenient, leaving it to a later period to ask anything further, or I will do it all at once.

(*Chairman.*) I do not think you had better cross-examine in that piecemeal way. You do not ask him any questions now, but you would like to cross-examine him at a future date?

(*Mr. Eldon Bankes.*) Yes.

(*Chairman.*) So be it.

(*Earl Russell.*) There is only this difficulty. This witness will attend as often as required, but, with regard to the Italian witnesses, and so on, it is extremely difficult to bring them before the Commission, and I should be glad if my friend would deal with them when they come.

(*Chairman.*) We will deal with the witnesses when

Mr. J. Clinch.

16 Oct. 1906.

they come. Would you be able to go on with the cross-examination to-morrow morning, Mr. Bankes?

(*Mr. Eldon Bankes.*) If it would equally suit your arrangements, it would be more convenient to those who instruct me to do it on Thursday.

(*Chairman.*) I think you ought to be able to go on to-morrow morning.

(*Mr. Eldon Bankes.*) I will do my best to-morrow morning.

(*Chairman.*) Have you any other witnesses in support of Mr. Clinch's evidence?

(*Earl Russell.*) I have the Italian witnesses, but I understand they were informed that they might go away until to-morrow.

(*Chairman.*) I understand what they said was that they could not attend to-day, as they had nobody to attend to their shops, but that they would come to-morrow morning. Have you any other witnesses, apart from the Italian witnesses?

(*Earl Russell.*) Yes, I could call Mr. Yelverton the gentleman who conducted the case before Mr. Bros.

(*Mr. Eldon Bankes.*) I do not know that I have any *locus standi*, but might I suggest that it should be indicated what this gentleman, Mr. Yelverton, is to speak to, and what points relative to this inquiry he can give any information about.

(*Chairman.*) This is a Royal Commission, and Lord Russell has called Mr. Clinch first. We consider that it is a case into which we may, to the public advantage, inquire. Lord Russell now says that he is going to call Mr. Yelverton. Mr. Yelverton is a member of the public, as far as that is concerned.

(*Earl Russell.*) I will call Mr. Yelverton, the counsel who appeared in the case, not with a view of his delivering arguments, but of stating certain things that occurred on that occasion. I think it would be more convenient if Mr. Bankes objected to the specific questions when I come to them.

(*Chairman.*) Do you wish us to hear you, Mr. Yelverton?

(*Mr. Yelverton.*) I do.

Mr. R. D. YELVERTON, sworn.

Mr. R. D. Yelverton.

4862. (*Earl Russell.*) You are a barrister, and you appeared at Clerkenwell Police Court on the 7th November, 1905, on behalf of James Clinch, to prosecute P.C. Gibbard for assault?—I did.

4863. Before the case came on did you think it necessary to see certain documents?—I thought it most essential.

4864. You addressed a letter to the Commissioner of Police asking for those documents?—I did.

4865. What were they?—They were the statements made by the respective persons which have been put in to-day, and also the report, or whatever it was, that the Inspector himself had made after those statements were made; that is to say, I wished to know what is called in France the *dossier*.

4866. Did you mention any date by which you wished to see these documents?—I asked that they might be furnished to me by the sitting of the Court, so that I might prepare the case on behalf of the complainant.

4867. Did you, in fact, get those documents?—No, I did not. I went specially to the police station, and I saw the Inspector, and he refused to show me any one line of them.

4868. Did you write a letter to the Commissioner?—Yes.

4869. (*Earl Russell.*) I call for that letter (*same produced*). "3, Pump Court, Temple, London, November 4th, 1905.—Sir,—I am, as a member of the Bar, supporting the summons at the Clerkenwell Police Court, on Tuesday, against P.C. Gibbard, for assaulting a person named Clinch, who has for 13 years been in the employ of the General Post Office. It is in my opinion essential for the interests of justice that I should see, before Tuesday, the statements which were given in writing to the Inspector at King's Cross Police Station when the charge was entered—I believe, about October 16th. On inquiry at the police station I am informed that these statements have been sent to you, and that you will be returning them to the police station. I have to request that you will either fix a time on Monday when I can see them at Scotland Yard or that you will direct the Inspector to show them to me on Monday at King's Cross Police Station. In the latter event, kindly inform me.—Yours faithfully, R. D. Yelverton. The Commissioner, New Scotland Yard." Have you the reply?—I have not got the reply. I forget what it said. I think it was merely an acknowledgment of the receipt of the letter, but if Mr. Bankes has the reply it can be put in. I am not sure, it may have been said it was not according to the Regulations to show them, but I am under the impression that it was only an acknowledgment, or, I think I should have followed the matter up.

4870. You have not the original now?—No, I think I handed it to the solicitor, Mr. Phillimore.

4871. Was there any difficulty with regard to the questions put to the foreign witnesses?—Very considerable, and Mr. Bros unfortunately interrupted me so frequently——.

(*Chairman.*) You are not making any complaint, I presume, against Mr. Bros, the magistrate, and if you were, I am afraid we could not go into the question of the justice or injustice of your complaint. We will hear any evidence that Mr. Yelverton may give that bears upon the question of whether the police misconducted themselves or did not misconduct themselves in reference to Mr. Clinch.

(*Earl Russell.*) It is material only in this way. It may be put against me that this case has been heard by a judicial tribunal upon its merits, that all the evidence was called before the magistrate, and that the case was dismissed. I simply want to suggest that part of the reason is that the evidence was not properly understood, and Mr. Yelverton, who did conduct the case, does complain of the way in which it was conducted.

(*The Witness.*) Most decidedly.

(*Chairman.*) I do not think we can go into what took place at the police court. If you will call your witnesses we will hear them, and we will form our judgment upon the matter.

(*Earl Russell.*) If you please. If I may regard the inquiry as being in no way prejudiced by what took place at the police court, then I think I need not trouble the Commission with any evidence upon that head.

(*The Witness.*) I should like to say that the adjournment was most irregular. I was briefed as counsel. I was not communicated with in the slightest degree. I am entitled to say that it was most irregular to adjourn a case without any reference to the complainant or to his advisers.

(*Chairman.*) We do not wish to hear any evidence as to what took place at the police court.

(*Earl Russell.*) Then the other witnesses will be the Italian witnesses, who were standing at the mouth of the mews.

4872. (*Mr. Eldon Bankes.*) A letter has been put in which was read to the Commissioners. At the time were you instructed on behalf of Mr. Clinch?—I was.

4873. By whom?—Mr. Phillimore, I believe it was.

4874. Are you not sure. I should like to know the name of the solicitor who was instructing you at the time you wrote that letter to the Commissioner?—Mr. Phillimore instructed me in the case on behalf of Mr. Clinch.

4875. Is Mr. Phillimore a solicitor?—He is a solicitor in Chancery Lane.

4876. Were you instructed by him at the time to write that letter to the Commissioner?—May I look at that letter again? (*The letter was handed to the Witness.*) It is dated November 4th. I imagine I was.

4877. Is that all you can say to the Commissioners—that you imagine you were instructed by a solicitor at the time you wrote that letter?—Yes, because I had not had the brief at that moment.

Mr. R. D. Yelverton.

16 Oct. 1906.

4878. But had you had instructions to act on behalf of this man from Mr. Phillimore?—Yes.

4879. That is all you are able to say?—That is all I am able to say.

4880. Did you keep the reply you received from the Commissioner?—I think I handed it to Mr. Phillimore.

4881. Is that all you are able to say about the reply?—That is all I am able to say about the reply.

4882. From whom first did you hear of this case of Clinch?—From the gentleman who sits behind you, Mr. Timewell.

4883. Who is Mr. Timewell?—He sits behind you. I only know him as Mr. Timewell.

4884. Why should Mr. Timewell mention Clinch's case to you?—He came down to see me.

4885. Is Mr. Timewell a solicitor?—He is not.

4886. He came to see you about this case, did he?—He did.

4887. Is he the gentleman who is responsible for the publication of this pamphlet?

(*Earl Russell.*) I think my learned friend had better wait until Mr. Timewell goes into the box, if you are willing to hear him. It has nothing to do with this case.

(*Chairman.*) The only evidence of which I have taken a note is that Mr. Yelverton wrote a letter to the Commissioner of Police.

(*Mr. Eldon Bankes.*) Do you want to know the reason why I ask these questions, because they are relevant?

(*Chairman.*) If you say they are relevant, go on.

4888. (*Mr. Eldon Bankes.*) Can you fix the date at all when it was Mr. Timewell came to see you?—I cannot, but probably it was very early in November.

FERDINAND ALTFULDISCH, sworn.

Mr. F. Altfuldisch.

4889. (*Earl Russell.*) You are a German subject?—Yes.

4890. You have been in England about sixteen years?—Yes.

4891. During that time you have carried on business as a tailor?—Yes.

4892. Not on your own account, but working for other people?—I am a journeyman tailor.

4893. You worked for Carr and Son, of Conduit Street, for four years, Hodgkinson's, in Pall Mall Place, ten years. Eade, Peckover and Company, of Sackville Street, for eight years, and Harman and Company, Duke Street, for seven years?—Yes.

4894. You do your work in your own home?—Yes.

4895. Employing how many people there?—It all depends on the season—between five and six.

4896. Since you have been in England you have lived two years in Wardour Street, four years in Carnaby Street, three years in Ganton Street, where you were a householder, and for the last six years you have occupied the upper part of Mr. Lombarde's house, 17, Great Marlborough Street, which is three doors from the police station?—Yes.

4897. What rent do you pay there?—£100 per annum.

4898. You are a life governor of the German Hospital at Dalston?—Yes.

4899. Have you ever had any charge before this incident we are going to deal with brought against you?—Never before.

4900. On Saturday, the 16th December last year, did you go to a meeting of a society in Greek Street?—Yes, to a meeting of a Florists' Society, held at Wede's Hotel, Greek Street.

4901. At whose invitation did you go?—A friend of mine who is a florist, Mr. Ruppert.

4902. You had known him before for some time?—I had known him for close on two years.

4903. About what time in the evening did you arrive there?—About 10 o'clock.

4904. While you were there did a man named Reuscher come in?—Yes, he was invited as well by Mr. Ruppert to be present that night.

4905. Up to what time did you stop there?—Up to closing time, just before 12 o'clock.

4906. What did you drink in the way of intoxicating liquor while you were there?—I did not have very much to drink, not above half a glass of lager beer, because I did not feel well that night.

4907. When you came out, just before 12 o'clock, who came with you, if anybody?—Reuscher came out with me.

4908. What did you do as you came out?—We had to wait outside for Mr. Ruppert, because he had to stop behind to settle the account of the people and pay the bill, and he requested us to wait outside for him.

4909. How far from the house were you waiting?—Just on the pavement, three or four yards away from the door.

4910. Was anything going on in the street?—The street was very noisy and very full of people that night.

4911-2. Did you see the police at all?—Yes, I saw them engaged in moving about the crowd.

4913. After you had waited there a few minutes was there still a big crowd?—After a little while the crowd was cleared away, and there was no one round me within quite ten or fifteen yards.

4914. At that time the street was clear?—Quite clear. There was no one round me.

4915. Did Reuscher do anything then?—Reuscher said, "While you wait for Ruppert here I will go off and get my bag," because we live close together, and wanted to go home together.

4916. Where did he go to get his bag?—To Wardour Street, quite near, and it would not take him many minutes to go there and get his bag.

4917. At that time the part of the street where you were was quite clear?—Yes.

4918. How clear, should you say?—There was no person near me within ten or fifteen yards.

4919. While you were standing there you were alone?—Yes.

4920. What happened?—I was suddenly attacked from behind and pushed across the pavement. I looked round and saw a policeman behind me. I know him now as a police inspector. I did not know then who he was.

4921. Was anybody with him?—No one; he was quite by himself. He gave me a push, and I went across the pavement, and he used very violent language towards me.

4922. Did anything pass between you? What did he say to you first, when he pushed you?—"Clear off here; what are you standing about here for?" I said I was waiting there for a friend of mine who was inside.

4923. Who was that?—Mr. Ruppert.

4924. Did the Inspector say anything to you then?—He said, "Come off, what are you standing there for; we know you; you are very well known to us," and then he used very insulting words to me.

4925. Let us hear what he said to you?—Excuse me, but he called me a b—— ponce. Of course I was very much annoyed at that, because it was insulting to me, and I said to him how dare he call me such a name, and I told him he would have to prove it to me, and he said, "I know you very well, and I will prove it. You are very well known to us; you are just the very man we want." He never let go of me, and I could not go away at all.

4926. When did he take hold of you?—At the same time as he first touched me. He never let go of me.

4927. What did he do with you?—He arrested me, and took me away, and at the same moment Mr. Ruppert came out from the place.

4928. Was anybody else there besides Mr. Ruppert?—No one at all. When I turned round I saw another policeman, who I now know as an Inspector, come along, but he never touched me or spoke to me.

Mr. F. Altfuldisch.

16 Oct. 1906.

4929. How far off was the other Inspector?—When I turned round he was then behind me.

4930. He neither touched you nor spoke to you?—No.

4931. Did he say anything to the other policeman?—No.

4932. Did you say anything to Ruppert?—I called out to him in German to tell my wife what had happened to me, and the Inspector asked me what I wanted from Mr. Ruppert.

4933. What words did you say, can you remember?—I told him to go home and tell my wife what had happened, and that I was locked up. Then he said to me, "Who is Ruppert, and what do you want from him?" I told him "He is the man I told you I was waiting for," then we went along towards Soho.

4934. Did he say anything in answer to that?—No, he did not say anything. Except when he got a little further up the road he said, "I will teach you lazy loafers to walk about here with big walking-sticks."

4935. Had you got a big walking-stick?—I had. Then nothing occurred. I saw my friend Ruppert following me, and nothing occurred till we got to Dean Street, and the Inspector who had me in charge turned round.

4936. Do you know his name now?—McKay. He turned round to my friend and asked him what he wanted, and my friend answered him.

4937. Your friend Ruppert?—Yes. He said he was going home to tell my wife what had happened, and then he said, "Well, then, go your way," and Ruppert said, "I am going my way."

4938. Did Inspector McKay say anything further?—He then turned to the other Inspector and told him quietly, "You had better take him, too," and Ruppert, my friend, stood perfectly still, and the other Inspector—I do not know his name—took him in charge without any provocation.

4939. What happened to you and your Inspector?—Then he let go of my arm and he took hold of the collar of my coat, and pushed me along violently.

4940. How far did he push you along?—He pushed me to and fro until we got to Great Marlborough Street, just outside the De Dion Bouton Motor Garage, and asked me quietly, "What are you doing for a living now?" I told him I was not going to answer him; there was a proper place and time for that. I was too disgusted with the treatment I had received and with everything altogether, so I was not going to answer him. Then he said, "Won't you answer me?" And he said, "I will teach you then." And he pushed me down, and shook me violently till my cap fell off. He asked me to pick the cap up, and I did not do that at once, so he pushed me right down on the pavement to pick the cap up.

4941. Did he use any expression to you during that shaking?—Yes. He said, "I will shake your very entrails out, you thin-gutted herring." And at that time my friend, Mr. Ruppert, was marched past by the other Inspector.

4942. What do you say the Inspector did after your cap fell off?—He pushed me down violently to pick it up.

4943. Where had he hold of you?—By the neck—by the collar.

4944. When that was happening, what happened to Ruppert?—At the same time Mr. Ruppert was marched past by the other Inspector, and nothing occurred until we got to the station. My friend, Ruppert, was led into the charge room—what I now know as the charge room—and I was taken into a dark room in the back, where I was assaulted—struck.

4945. Can you describe exactly where this room was as you got into the station?—Straight through at the back, if you go in at the front door.

4946. On the same level as the door?—Yes.

4947. Who took you in there?—Inspector McKay.

4948. What happened after he had taken you in?—He shut the door, and he began to strike me both on the head and shoulders and all over my body.

4949. How?—With his fist, and saying at the same time, "I will teach you dirty ponce not to answer me." And he struck me so long that I shouted "Murder" and "Help," till I slid down on a seat—what I discovered was a seat afterwards—quite exhausted.

4950. What were you doing when he was striking you?—I protected my head. I did not know what was happening to me. He struck me very violently.

4951. After the Inspector had done that, what happened?—Then he went outside, and a few moments after a plain clothes man came in, and he began the same treatment with me, only not striking me so long.

4952. What did he do?—He knocked me about as well, with his fist.

4953. After this had happened, what next took place?—Then I was taken into the charge room and charged.

4954. Up to this time you had not been taken to the charge room, and you had not been charged?—No.

4955. You were taken into the charge room, and what happened when the charge was made?—Then I was charged with disorderly conduct. That was all.

4956. Did you make any complaint to the Inspector?—No, not at all. I was too frightened to say anything, because I did not know what would have happened to me if I had complained. I was too frightened. I was determined to state my case, at any rate, to the magistrate, and I thought I would get satisfaction there.

4957. After being charged, what happened to you?—Then I was taken up to the cells, and I asked if I could have bail. The police constable or the officer who took me upstairs said, "I will see about that later on."

4958. What time was it when you were put in your cell?—I looked at my watch, and it was about 12.45.

4959. About what time was it when you were arrested?—I should say a little after 12—10 minutes after 12. It would not be more. I do not know the exact time.

4960. After you were in your cell, did you feel any effects of this treatment?—I was very ill, and did not know what to do with myself. When I sat down I thought I was going to die. I had to lie down, and when I laid down I had to get up again, so I rang the bell dozens of times, but no one came answered it.

4961. What kind of bell was it?—An electric bell. I could hear the bell ring plainly. Later on I heard a noise outside in the gangway, and I knocked, and a little hole in the centre of the door opened, and a police constable asked me what I wanted? I said, "What about my bail, and I should like to have a doctor, because I feel ill. I have been ill-treated down there in the station." He said, "Oh."

4962. You made a complaint to him then?—Yes.

4963. Who was he, do you know?—No.

4964. Was he a person in uniform?—He was in uniform.

4965. What was the complaint you made to him exactly?—I told him I was ill-treated and knocked about in the station, and I should like to have my doctor. He said, "Then you had better give me your bail, and I will see about it," and I was bailed out about 5.30 in the morning.

4966. Who by?—By my wife.

4967. What did you do as soon as you were bailed out?—I went at once to my doctor.

4968. What is his name?—Dr. Groth.

4969. You were examined by him?—I was examined by him.

4970. And by another doctor afterwards?—Yes, because Dr. Groth was very ill at the time, and he thought it better to have another medical man, who could appear at the hearing.

4971. Who was the other doctor?—Dr. Frye.

4972. Had you been guilty of any disorderly conduct in the street?—No.

4973. Had you been swearing or shouting or anything?—Nothing at all.

4974. Were you drunk?—I was not drunk.

4975. Did you say anything to the policeman beyond what you have told us to provoke him in any way?—Not a word.

4976. Will you explain to the Commission what the meaning of this word "ponce" is, that you say he used to you?—I did not know the meaning exactly, but I know the meaning now more fully than I did at that time. I should not like to be called that by any man on the earth.

4977. (*Chairman.*) What do you say now is the meaning of the word?—It is a man who lives on the wrong earnings of a woman.

4978. (*Earl Russell.*) On the earnings of immoral women. That is what you understand the word to mean?—Yes. I was not charged with that, but he called me that.

4979. Can you identify any of the other officers besides Inspector McKay? Do you know now who they were? Do you know who the second man was who came in and knocked you about?—Yes.

4980. What is his name?—I do not know his name, but I can identify the man if I see him.

4981. (*Mr. Rufus Isaacs.*) That is the man in plain clothes?—Yes.

4982. (*Earl Russell.*) Have you identified him since that day?—I was never asked to do so. I had never seen him before, and I have never seen him since.

4983. Were you abusive to the policeman in any way?—Not at all. I was very angry, of course, to be called such names and to be arrested for doing nothing. I was not abusive, but I was very angry.

4984. Was the question of the injuries you received at the station gone into at the hearing of your case or not?—Not at all.

4985. What happened. You were in fact fined 20s. for disorderly conduct, were you not?—Yes.

4986. (*Chairman.*) Were you represented by counsel or solicitor?—I was represented by a solicitor and by counsel.

4987. (*Earl Russell.*) Did you find out afterwards from your wife at what time she was asked to come and bail you out?—Yes.

4988. What time did they come to her?—A little after four, as far as I remember.

4989. And you had asked for bail at what time?—I could not say what time it was. I asked for bail before I was put into the cell.

4990. (*Mr. Eldon Bankes.*) This incident took place on the 16th December, did it not?—As far as I remember.

4991. You tell us that you made no complaint to the Inspector of this ill-treatment, because you were afraid, and reserved it for the Magistrate?—I did.

4992. You were brought before the Magistrate on the 18th, were you not?—The case occurred on the Saturday, and I was brought up on the Monday.

4993. You made no complaint on the Monday to the Magistrate of ill-treatment by the police at all, did you?—Because I wanted more witnesses to bring up, and asked for a remand.

4994. That was the reason you made no complaint at all. Then your case was remanded till the 26th, and you were then represented by counsel and solicitor?—Yes.

4995. And you told your story then to the Magistrate at length, did you not?—The same as I have done now here.

4996. Did you say anything then of any other constable having assaulted you, except McKay?—I did.

4997. Did you make any complaint to the Magistrate about having rung the bell, and nobody coming?—I did.

4998. You are quite sure of that?—Quite sure.

4999. You had been examined by a doctor, had you not, shortly after you were bailed out?—Yes.

5000. Did you call the doctor before the Magistrate?—I was not allowed.

5001. Your counsel and solicitor knew that you had been examined by a doctor?—They did.

5002. Had the doctor spoken to the solicitor, or had your solicitor seen the doctor who examined you?—Yes.

5003. And although he had seen him he was not called before the Magistrate?—He was not called. I do not know for what reason.

5004. At any rate, that doctor could have told the Magistrate the state in which he found you quite shortly after you were released?—Yes.

5005. Can you tell the Commission what time it was the doctor examined you?—About 6 o'clock in the morning, or a little after 6.

5006. On the Sunday morning?—Yes.

5007. Now I will go back to the occurrence on Saturday night. You say you had been to a florists' meeting?—Yes.

5008. Was it a dinner or a supper?—No, not at all. It is a florists' society, and they hold their meeting once a month in this place.

5009. Do they discuss business?—They discuss business.

5010. How came you to go there?—My friend invited me because I interest myself in flowers.

5011. Do they discuss flowers?—All sorts of questions, and putting young men into places, if they are out of a place.

5012. How many people, about, would be at the meeting?—I should say between twenty and thirty; that is a rough guess; I did not count them.

5013. Had any dispute taken place at the meeting?—Not at all.

5014. Did you all leave the room together?—Not altogether, but one after the other.

5015. Did the meeting close and everybody leave at the same time?—As the landlord said it was time to go, everybody put their coats and hats on as quickly as they could and went out.

5016. When you got out was there any crowd in the street other than the people coming out of this meeting?—There was a rare lot of noise and a rare lot of people about the road.

5017. Were those people fighting and quarrelling amongst themselves?—I did not take particular notice of that, because it had nothing to do with me.

5018. What did the noise sound like?—Like people who were angry?—It was a buzzing noise.

5019. Like people who were angry?—I did not take any particular notice. It was a buzzing noise; people rushing up and down, and it was just closing time, and the people were coming out of the public-houses. I did not see any fighting whatever going on.

5020. Were they mostly foreigners who were in the street as far as you could see?—I did not speak to any of them.

5021. You are not in a position to say who they were? Is that so?—Not at all. The people I was with that evening were mostly foreigners.

5022. The street you were in when you came out of this place was Greek Street, was it not?—Yes.

5023. Before anything happened to you did you see the police arresting a man?—I did not see any arrest whatever made.

5024. In answer to your counsel you said just now "The street was very noisy and full of people, and I noticed the police moving them away." Is that right?—That I did see. I saw the police coming up and down the street, and saw them moving people on, but I did not see any arrest made.

5025. You saw them moving people on?—Yes.

5026. You saw the police there and you saw a crowd?—I did.

5027. You did not see any man arrested?—No.

5028. Do you suggest the first thing that happened was that you were pushed across the road from behind?—I stood on the edge of the pavement with my back towards the door of the hotel waiting for my friend, and I was attacked from behind from the road side.

5029. Do you know Inspector Manning?—I never saw Inspector Manning before or after this occasion. I saw him that night after I was arrested, and I saw him at the station

5030. Did he speak to you?—Not a word.

5031. I must put this to you. Did he speak to you and tell you to pass along?—Not a word.

5032. And did you move on a few yards?—No one spoke to me to tell me to move on.

5033. After that did McKay come up and did he tell you to go away?—I was attacked from behind, as I told you a little while ago.

5034. When he told you to go away did you shout out and say, "We shan't; why should we go for"—using an offensive word—"the English police?"—Nothing of the sort.

5035. That is an invention?—Yes.

Mr. F. Altfuldisch.

16 Oct. 1906.

5036. Did you say "Don't think you have a ponce to deal with?"—Nothing of the sort. I never used that word.

5037. Did you or did you not know the word at that time?—I knew the word, but I had no occasion to use such a word at all.

5038. Did you know roughly what it meant?—I did.

5039. Was it after you had said that, and only after you had said that, that he arrested you?—I did not say anything of the sort.

(*Mr. Eldon Bankes.*) I do not know that it is necessary for me to go through this story if there is a direct conflict?

(*Chairman.*) You must do as you think fit, Mr. Bankes.

5040. (*Mr. Eldon Bankes.*) There are one or two points I must put to you. After you were arrested did you go from Greek Street into Soho Square?—We did.

5041. Did you go from Soho Square into Carlisle Street?—We did.

5042. And from Carlisle Street into Poland Street?—Yes.

5043. And so to the station?—And so to the station.

5044. That is the way you went?—In Carlisle Street my friend Ruppert was arrested.

5045. I am not sure about that. Were you struggling and resisting?—Not at all.

5046. Did Inspector McKay fall down at all?—Not at all. He might have fallen down, but not while he had me in charge.

5047. I am speaking of while he had you in charge?—Not at all.

5048. Did he fall down because you tripped him up or tried to trip him up?—Not at all.

5049. Did you catch hold of the railings of Soho Square?—We were not at the railings at all; we were in the middle of the road.

5050. Did you call on your friend Ruppert to assist you?—I called him to tell my wife what had happened to me, and that was all.

5051. That was in Greek Street?—That was all I called to him.

5052. I suggest that this happened in Soho Square or Carlisle Street. Then your friend was arrested, was he not?—He was arrested at the crossing of Dean Street and Carlisle Street.

5053. And he also was brought before the magistrate?—He was.

5054. And he has never made any complaint up to this moment as to the way in which he was treated. Was he convicted by the magistrate?—Yes.

5055. And up to this moment he has never made any complaint at all about the way in which he was treated so far as you know?—So far as I know.

5056. And he was arrested because he attempted to rescue you at your request?—I never requested anything of the sort.

5057. That is what the police said against him at the Police Court in your hearing?—I was not there at the hearing.

5058. At any rate, he has never complained in any sort of way so far as you know?—No.

5059. When you got close to the station did some constables come to McKay's assistance because you were so violent?—I did not see any constable at all. I saw a constable passing down Wardour Street who saluted McKay and passed along, but nothing else.

5060. Will Sergeant Crayfourd and Police Constable Miles stand up? Did you see either of those men before you got to the station?—No.

5061. Did either of them take any part in bringing you to the station?—No.

5062. Or did either of them deal with you in any way when you were in the station?—Not at all. They had had nothing to say and never did anything to me.

5063. Just a word about Sergeant Crayfourd. Is it a fact that Sergeant Crayfourd and Police Constable Miles together went from Great Marlborough Street and met you with Inspector McKay, and that you were then shouting and struggling, and that Sergeant Crayfourd assisted to take you to the station by taking you by the wrist and the arm?—Most decidedly not.

5064. And that Police Constable Miles assisted?—Most decidedly not.

5065. As a matter of fact, you arrived at the station with Inspector McKay and Sergeant Crayfourd and Police Constable Miles?—Most decidedly not.

5066. All assisting in taking you?—Most decidedly not.

5067. Is it the fact that after you got in the station you were very violent and that the sergeant and Police Constable Miles assisted in quieting you and holding you?—Nothing of the sort.

5068. And that it was Sergeant Crayfourd who took you into the charge room in order to be charged?—Nothing of the kind.

5069. You suggest that Inspector McKay pummelled you with his fist until you did not know where you were. Where do you suggest he struck you?—On the head and shoulders, because I protected my face with my arms.

5070. You say another man came in afterwards and pummelled you?—Yes.

5071. Can you give me any indication as to who that man was?—I never saw the man before, and never saw him after.

5072. Can you describe him in any way, was he in uniform?—He was in plain clothes, a dark man.

5073. Can you give me any other description that would enable me to find him?—I dare say I could pick him out if he was in plain clothes again.

5074. You say that you rang the bell dozens of times, and that you were put into the cell. Did you say that you said something about that before the Magistrate?—I did.

5075. I do not find it in the note of the evidence given before the Magistrate. Before coming here to-day had you read what had been said by Dr. Gerothwohl as to what happened in his case? Did you read the account in the newspapers, or anywhere, of the evidence that Dr. Gerothwohl gave here before this Commission?—I had nothing to do with Dr. Gerothwohl.

5076. Had you not taken any interest in his case?—Not at all.

5077. Did you not read any account of what he said before the Commission?—I did, but not all of it; I only looked at the papers just when I had the time. I did not take any interest at all in it.

5078. Did you read his description of what happened to him in the cell?—No.

5079. Are you sure?—Yes, because I have not the time to read newspapers.

5080. But you read some account of what he said?—When I had the time I did read it, but I did not read just that.

5081. That was the one part you did not see?—It might not have been the only part. It might have been dozens of different parts I have not seen.

5082. Did you read about any complaint being made that persons that Dr. Gerothwohl wanted were not sent for?—No.

5083-4. Did you not read anything about that?—No.

5085. Have you ever said before that too long a time elapsed before you were bailed out?—I do not know what you mean.

5086. Have you ever said before to-day that you think the police did not bail you out or allow you to be bailed out as soon as you ought to have been?—I made a complaint that morning in the police court.

5087. Did you say so before the Magistrate?—Yes, I did.

(*Earl Russell.*) This is a case in which we have not had the depositions of what took place before the Magistrate. If my friend has them I should be glad if the Commission would order that we should be furnished with a copy.

(*Chairman.*) Have you applied at the police court for a copy of the depositions?

(*Earl Russell.*) No, sir, we have not in this case.

(*Chairman.*) Is there any difficulty about obtaining copies of the depositions if you do apply?

(*Earl Russell.*) There has been in some cases. I cannot say whether there would be in this case. Of course, if the Commission expressed a view, there would not be any difficulty.

(*Chairman.*) What are the rules relating to the supply of depositions according to your information?

(*Earl Russell.*) The usual rule is that you do not get depositions except when you want them for the purpose of appealing to Quarter Sessions, or something of that sort. We have been refused depositions before in cases we wanted to bring before this Commission. I do not know how far they are material, because the important part of the case is not the hearing before the Magistrate or the disorderly conduct.

(*Chairman.*) They are material for cross-examination of the witnesses?

(*Earl Russell.*) Precisely so. I have not had the opportunity of knowing yet what has been said.

(*Chairman.*) The witness has been cross-examined by Mr. Eldon Bankes apparently from the account of what he said before the Magistrate?

(*Mr. Eldon Bankes.*) I have a copy of what he said.

(*Chairman.*) Is there any objection to your showing it to Earl Russell?

(*Mr. Eldon Bankes.*) I will show it to Earl Russell, certainly.

(*Chairman.*) If you ask for a copy at the police court I do not suppose, after what has been said here to-day, they will refuse you.

(*Earl Russell.*) May I say the Commission think it a fit case to grant it?

(*Chairman.*) We think it is quite a fit case for your having a copy of the depositions.

(*Earl Russell.*) If you please, sir. Now I do not propose to re-examine this witness on the questions Mr. Bankes asked originally as to why a portion of his case was not gone into, because I propose to call Mr. Cockle, who conducted the case, and who will tell the Commission why it was not gone into. He probably understood a great deal better than the prisoner.

(*Chairman.*) You mean you wish Mr. Cockle to give an explanation of that circumstance?

(*Earl Russell.*) Yes, sir.

5088. Dealing with Mr. Bankes's last question, this occurrence took place on the 16th December last year. When did you first make this statement to your representatives about the treatment you received at the police station?—I could not do it on the Sunday, because I could not find any solicitor's office open, but I went the first thing on the Monday morning.

Mr. F. Altfuldisch.

16 Oct. 1906.

5089. Anyhow, it was before the hearing on the 26th December, 1905?—It was on the Monday morning, after the Saturday I was charged.

5090. At that time you made a statement about this ill-treatment?—Yes, to the solicitor, Mr. Wisbey.

5091. (*Chairman.*) You saw him on Monday, that would be Monday, the 18th?—I saw him on the Monday morning before going into Court.

5092. Then you were remanded, as I understand?—Mr. Wisbey, my solicitor, told me he could not properly conduct the case the same day, and he had better ask the Magistrate for a remand, and so I was remanded till Boxing Day.

5093. December 26th?—Yes.

5094. You do not mind answering the question, but of course it is private, and if you do not want to go into what took place between your solicitor and yourself you need not?—I will answer any question for your information, sir.

5095. Did you make a full statement to your solicitor of the facts in much the same way as you have told them to us to-day?—Yes.

5096. Then it was arranged that counsel should be instructed?—Yes.

5097. And counsel did appear for you on the hearing of the case on the remand?—Yes.

5098. Did you make any complaint to any public authority after the result was known to you? You were present in Court, I suppose, on the 26th?—Yes.

5099. And the Magistrate convicted you?—Yes.

5100. And fined you 20s.?—Yes, or 14 days.

5101. Did you make any complaint to anybody thereupon?—Only to the Magistrate.

5102. What did you say to the Magistrate after he had convicted you?—I did not say anything after I was convicted. I did not know if I was allowed.

5103. Who asked you to come here to give evidence before us?—I had to have counsel, and I am not in a position to pay for a counsel, so I knew there was the Public Vigilance Society, and I gave my case into the hands of this Society. I am very much indebted to the Society for what they have done up to now for me in this case, and the Society has conducted the case up to now.

5104. You have not written to the Home Secretary?—Not at all.

5105. I suppose in due course you received a communication from somebody connected with this Vigilance Society?—Yes.

(*Chairman.*) That is all we require from you at present.

Mr. Ernest Cockle, sworn.

5106. (*Earl Russell.*) You are a barrister practising at 2, New Court, Lincoln's Inn?—Yes.

5107. You were instructed to appear for the defence of Ferdinand Altfuldisch on the 26th December, at Marlborough Street?—Yes.

5108. You were instructed by Mr. Wisbey, of 8 Argyll Place, Regent Street?—Yes.

5109. Is this the brief you had on that occasion (*handing document to Witness*)?—Yes, that is so.

5110. Does that contain proofs of witnesses, including one of Altfuldisch?—Yes, marked by myself.

5111. That was handed to you before the hearing of the case?—Oh yes. Mr. Wisbey brought it personally to the conference when I first heard of the case.

5112. I put that in because there has been a suggestion that this statement was made subsequent to reading something in the newspapers, and therefore I will put in the whole brief?—I had that before I had the conference with him at my chambers.

5113. (*Chairman.*) I have not gathered what the charge was. Do you remember the exact words in the charge book?—No.

(*Mr. Eldon Bankes.*) I have it here, sir—"Disorderly conduct and using obscene language in Greek Street."

(*Chairman.*) Under what section would that be?

(*Mr. Eldon Bankes.*) Under the Vagrancy Act.

Mr. E. Cockle.

5114. (*Earl Russell.*) Was any evidence given on the hearing of the charge of obscene language?—I believe so.

5115. Apart from the actual charge made against him of this disorderly conduct and the obscene language, there was a complaint made of ill-treatment in the Police Station?—Yes.

5116. Did you call the defendant as a witness?—I called the defendant as a witness, and as it appeared to me that everything that happened on that occasion and everything which was done by the constables also was relevant I proposed to go at some length into the question of the defendant's treatment by the police constable, not only while he was being taken to the Police Station, but also in the Police Station. The Magistrate at once stopped me and said that anything that happened after he got into the Police Station was irrelevant. I argued strongly against that, but it was not admitted.

5117. Did you also tender some medical evidence?—I had two doctors there to speak to serious injuries. I had seen them myself personally, and I was most anxious to call both of these doctors to speak to these injuries, but as the magistrate said that anything that happened after the defendant got into the station was irrelevant, and as these injuries were undoubtedly

Mr. E. Cockle.

16 Oct. 1906.

chiefly occasioned there, I did not call them simply for that reason, because the magistrate had ruled that.

5118. (*Mr. Rufus Isaacs.*) Had you proofs of their evidence?—Yes. That proof was marked by myself before I had the conference.

5119. (*Chairman.*) I suppose the Magistrate in the course of the argument referred to the exact nature of the charge before the Court?—Yes.

5120. And said it did not matter what had taken place in the Police Station, because it was not relevant to the case before him?—Yes, that was his argument. I argued against that, but he would not admit the evidence.

5121. (*Earl Russell.*) The Magistrate was Mr. Denman?—Yes.

5122 (*Mr. Eldon Bankes.*) The last witness then was under a misapprehension when he told me that he had told the Magistrate all about this violence and about the ringing of the bell? Was he not referring to the first occasion when he was there alone?—I was not there then.

5123. I think no evidence was given by him then at all?—I do not know what happened.

5124. On the second occasion he is under a misapprehension that he told the Magistrate about it?—No, I think not, because he certainly answered the first question or two to the effect that he had been assaulted by these police officials, and of course that much had got out before Mr. Denman said: "This is inadmissible," and, being held to be inadmissible, I presume the answers did not get on the depositions.

5125. You have not got the depositions in your mind. He spoke about Inspector McKay having struck him, and that appears on the depositions, but he did not say anything about any constables having assaulted him other than Inspector McKay?—I am not sure. He gave some evidence to the effect that he was assaulted after he got to the police station.

5126. (*Chairman.*) Tell us exactly what the order of proceedings was. Was there any opening statement of the case on the part of the prosecution. Did any policeman speak, or were the witnesses called simply?—I think Inspector McKay gave his evidence first, but I really forget, as it is nearly a year ago.

5127. When the case for the prosecution closed, did you make any statement or did you call your witnesses?—No, I believe I commenced by calling my first witness. I know I addressed the Magistrate at the end.

5128. It was while you were examining the defendant and leading up to what took place in the Police Station that the Magistrate interposed?—I think in cross-examination, when I was putting questions to Inspector McKay, the question was first raised. It is nearly a year ago, and I had not occasion to refresh my memory until yesterday.

5129. You did not make any note of that on your brief?—No, I made no note of that point at all.

(*Mr. R. D. Muir.*) The Statute is the 2nd and 3rd Victoria, Chapter 47, and Section 54, Sub-section 12, makes it an offence for any person to use any profane, indecent, or obscene language to the annoyance of the inhabitants or passengers. The section which deals with disorderly conduct is Section 64 of the same Act, which gives power to any constable to take into custody without a warrant all loose, idle, and disorderly persons whom he shall find disturbing the public peace.

THEODORE RUPPERT, sworn.

Mr. T. Ruppert.

5130. (*Earl Russell.*) You live at 23, Blandford Street, Baker Street?—Yes.

5131. And you are a florist in the employ of Messrs. Anthos and Co., of 72, Baker-street?—Yes.

5132. You know the defendant, Mr. Altfuldisch?—Yes.

5133. How long have you known him?—About two years.

5134. Have you seen him at home as well as at other places?—Yes.

5135. What should you say about his character?—I know he has a very good character, as far as I know.

5136. What do you say about his temper?—He is a good-tempered man. I could not say anything else.

5137. On Saturday, December 16th, you were present at the social evening we have heard of of the Florists' Society, which was held at Wede's Hotel, in Greek Street?—Yes.

5138. How long has that society been using that same house for their meetings?—As far as I know, for twenty-seven years.

5139. You were the host on that occasion, and you invited Mr. Altfuldisch and another man, Mr. Reuscher?—Yes.

5140. They came about what o'clock?—Mr. Altfuldisch about ten o'clock, and Mr. Reuscher a bit later.

5141. How long did they remain?—Till just about 12 o'clock.

5142. When you were leaving did you make any request of them?—I said: "Just wait outside for me," as I had to settle the bill with the restaurant keeper.

5143. You let them go on while you stopped to do that?—Yes.

5144. About how long did that take you?—Not quite ten minutes.

5145. When you got outside what was the first thing you saw?—I came out of the restaurant and I saw Mr. Altfuldisch arrested, standing between two inspectors. I was surprised to see him, and I did not know what to make of it.

5146. About how far from the door was he when you saw him there?—About fifteen or twenty yards.

5147. What did Mr. Altfuldisch say?—Mr. Altfuldisch called me twice, and asked me: "Will you go home to my wife, and tell my wife what is the matter with me." Certainly I did not know what had happened before.

5148. Did you know why Mr. Altfuldisch had been arrested?—No, I did not know anything about it.

5149. What did you do when you saw him arrested?—I said I would send some other friends who had been at the same meeting, and I turned down the street to find some of his friends. I found some about ten yards or further down the street, and I asked them, "Do you know why Mr. Altfuldisch is taken by the police?" No one could tell me.

5150. You inquired the reason for his arrest, but could not find out?—No.

5151. With regard to character, have you ever known him use obscene language?—As far as I know, no.

5152. What did you do when you were unable to find out why he was arrested?—I was returning back the same way. I certainly had to go the same way as Mr. Altfuldisch with the Inspectors, and I was coming behind the Inspectors.

5153. On your way to where?—On my way to the station. Mr. Altfuldisch lives three houses from the station.

5154. Where were you on your way to?—To Baker Street. I went to his wife.

5155. She lives three doors from the station?—Yes.

5156. You were coming along. How far behind were you?—I was about five yards behind him at first; suddenly the police told me to go away, and I stopped about ten yards behind the police and Mr. Altfuldisch.

5157. Did the police ask you anything?—They said, "What do you want here?"

5158. Who said that?—Inspector McKay.

5159. Did you tell him what you wanted there?—I told him I must go the same way to see Altfuldisch's wife. He said, "We do not want you here; move along," and at the same time he said to the other Inspector, "You had better take him as well," and I was taken as well.

5160. Did you understand then that you were arrested?—Certainly not. I had never been arrested in England. I thought I must go to the station and explain to the police what I knew.

5161. You did not know you were under arrest?—No.

5162. Did you struggle at all on your way to the station?—Not at all.

5163. You went quietly?—I went quietly.

5164. You made no complaint of your own treatment?—No.

5165. And you never have made any complaint of your own treatment?—No.

5166. Were you able to see what was going on between the Inspector and Mr. Altfuldisch on the way to the station? Were you in sight of them on the way to the station? Could you see them?—I was behind them walking along, and coming to Great Marlborough Street I was near to the Inspector and Mr. Altfuldisch.

5167. Do you mean nearly level with them?—Nearly level.

5168. Then did you see anything?—Yes, I saw the Inspector push Mr. Altfuldisch along a few times, and he pushed him very hardly.

5169. Just explain. How did he push him along?—He had him by the neck, and he pushed him like this. (*Illustrating.*)

5170. Did you see Mr. Altfuldisch struggling?—No.

5171. Was he shouting or crying out?—No, he was very quiet.

5172. Did you see anything in Great Marlborough Street, just before you reached the station?—Yes; I saw Mr. Altfuldisch pushed along. I saw he was pushed.

5173. (*Chairman.*) What policeman had hold of you?—Another Inspector.

5174. (*Earl Russell.*) Do you know his name?—I know his name now. It was Mr. Manning, I believe.

5175. Is that the Inspector?—Yes.

5176. (*Chairman.*) How had he got hold of you?—He had my arm—simply walking.

5177. He did not say, "Consider yourself under arrest," or "Come to the station with me," and not touch you. He touched you in some way?—Yes. They were taking Mr. Altfuldisch, and they said, "Take him as well." It was a mistake. He took me walking along with him.

5178. What did he do with you?—He only took hold of my arm.

5179. (*Earl Russell.*) You knew you were being taken, but you did not know you were being taken as a prisoner?—I did not know I was being arrested.

5180. What did you think you were going to the station for?—Only to explain to the officer there what I knew and what I had seen.

5181. When you got to the station, what did you find then?—I was put in the charge room. The Inspector came in there and pushed me in a chair, and said, "Sit down." I did not know I must sit down. I stood up again. He said, "Sit down."

5182. You do not make any complaint of your treatment?—No.

5183. You were charged?—Yes.

5184. With what?—With standing in a crowd of foreigners, fighting, and using bad language, and with interfering with the police.

(*Mr. Eldon Bankes.*) I have not the charge sheet, but I think it was for obstructing the police in the execution of their duty.

5185. (*Chairman.*) You were put in the charge room?—Yes.

5186. Who spoke to you there?—Not in the charge room. I heard in the police court the next day I was charged with standing in a crowd of foreigners, fighting, and using bad language.

5187. Before you were taken to a cell, did anybody in the charge room at the police station speak to you?—Only asked me my name and where I lived.

5188. (*Earl Russell.*) When you were brought into the charge room were you not told to stand up in a certain place, and told what you were accused of?—Yes, certainly. I was not asked what I was doing.

5189. But were you told what the charge against you was?—Yes.

5190. What did they say the charge against you was that night?—I cannot remember. Certainly I did not take much notice. I did not know I was arrested like this.

5191. Anyhow, you understood that you were taken to a cell and locked up?—Yes. I did not know anything about it.

5192. (*Chairman.*) Who spoke to you about a cell, or who ordered you to be taken to a cell, or what took place?—A policeman took me to the cell.

5193. Which policeman?—The policeman who took the charged people to the cell—the policemen who were in there. I did not know anything about what I had done.

5194. Do you mean to say that you did not know that you had been arrested until you actually found yourself in the cell?—Quite right, I did not know I should be put in a cell. Two men coming in the cell asked me if I had friends to fetch me out. I did not know I could do this. I said if I could be fetched out I will ask for a friend, and I did.

(*Chairman.*) I think, Lord Russell, you might ask him a little more particularly with reference to what took place upon his arrival at the police station.

(*Earl Russell.*) I have extracted from him all I can. He did not understand the procedure in the charge room, and not unnaturally, being a foreigner, and no charge having been made against him before.

5195. (*Chairman.*) There is no charge made against him, as far as I am concerned. I only want to know what took place when he got to the charge room. Apparently, if I rightly followed him, he said nothing took place in the charge room, and he did not know he was arrested?—I did not know it. Certainly I was surprised to be charged like the other people who had been there before me.

5196. Were there many people in the charge room when you got to the police station?—Three or four.

5197. Three or four men in plain clothes—I do not mean constables, but not in uniform?—Quite right.

5198. Where were they standing or sitting?—Round the wall.

5199. Was there a table in the room?—I think so.

5200. Was there any inspector or policeman of any kind at the table?—No.

5201. Was there any book in the room?—Yes.

5202. Where was the book?—In the middle of the room.

5203. On the floor or on a table?—On a table.

5204. On a table in the middle of the room?—Yes.

5205. Did anybody write anything in that book while you were in the room?—Yes.

5206. Who did that?—The Inspector.

5207. Which Inspector?—I could not say.

5208. Was it the Inspector who had taken Mr. Altfuldisch or you into custody?—It was another Inspector.

5209. A third one?—Yes.

5210. Did you see him write in a book?—Yes. He signed the names of the people in the book which was there.

5211. He wrote the names of the people who were there before you in the book?—Yes.

5212. Did you notice him before he spoke to Mr. Altfuldisch? Did he write anything about him?—I did not see Mr. Altfuldisch after he had been taken to the station.

5213. He was not in the room when you got there?—No, I was in the room about eight minutes after Mr. Altfuldisch.

5214. Were you there eight minutes at least before you were taken away to the cell?—Yes.

5215. Did anybody charge you, or read you anything, or say anything to you?—Yes.

5216. Who did that?

(*Mr. Eldon Bankes.*) I think I can identify him. It was Inspector Remfry.

5217. (*Chairman.*) Is *that* the man?—Yes.

5218. What did he say to you?—I cannot remember. I only gave him my name. Certainly I was not asked for anything but my name and address.

Mr. T. Ruppert.

16 Oct. 1906.

5219. You understand English, do you?—Yes, I understand English, but I cannot speak very well.

5220. After the Inspector had asked your name and address, and you had given it to him, what did he say to you before you were taken to the cell?—I do not think he said anything.

5221. (*Earl Russell.*) After you were charged you were taken to a cell?—Yes.

5222. Let me take you back again for a moment. Before you got to the police station you passed Mr. Altfuldisch in custody just before you got there?—Yes.

5223. How far off from the door of the police station?—I could not say.

5224. Was it 10 yards, or 100 yards?—As far as I can remember it was about 20 yards.

5225. You got into the police station about 20 yards in front of Mr. Altfuldisch?—No, not quite so much—I passed him.

5226. How long were you in the charge room?—About five to eight minutes.

5227. Did you see other prisoners there being charged?—Yes.

5228. During the time you were in the charge room was Mr. Altfuldisch brought into the charge room?—No.

5229. Did you see him again?—No.

5230. When did you next see him?—At the time his wife fetched him out, about five o'clock in the morning.

5231. You got bail too?—Yes.

5232. You saw him next when you were both bailed out. Is that right?—Yes.

5233. When you got to the cell did you hear anything unusual?—Yes. I heard three or four times loud screams, and I knew Mr. Altfuldisch's voice.

5234. You recognised it was Mr. Altfuldisch?—Yes. I could not say what he was screaming for.

5235. Could you hear at all what he said?—"Help." It was very near to my cell. I could not say how far it was.

5236. Did he continue to scream loudly, or did the screaming go on for any length of time, or not?—He screamed a few times loudly.

5237. You were ultimately bailed out, I think, at four o'clock?—Yes.

5238. Did you say anything to Mr. Altfuldisch when you met him the next morning, about what you had heard?—Yes. I asked him what was the matter.

5239. Did he say anything to you?—He told me——.

5240. (*Chairman.*) In consequence of what took place did you go somewhere with Mr. Altfuldisch?—Yes; his wife was there with him, and I was going in his house close to the station. He showed me his collar and his neck. His collar was quite black. You could see marks of fingers on the collar, and on the neck as well.

5241. At what time do you say you saw these marks?—About half-past five or a quarter-past five.

5242. As soon as you two met the next morning?—Yes.

5243. You made no defence to your own charge?—No.

5244. You were brought up and fined?—Yes.

5245. (*Mr. Eldon Bankes.*) I understand you to say you heard your friend Mr. Altfuldisch cry out "Help" after he got into the police station?—Yes.

5246. Did you hear him crying out for help on the way to the police station?—No.

5247. You did not hear that?—No.

5248. Was he shouting out for assistance, and shouting out to you and others to help him on the way to the police station?—No.

5249. You did not hear it on the way to the station, but you heard it after he got into the station?—Yes; but it was after I was in the cell.

5250. Mr. Altfuldisch was actually arrested, as I understand, before you came out of the restaurant?—Yes.

5251. And the first thing you saw was that he was standing in the custody of two Inspectors?—Yes.

5252. You are quite clear about that?—Yes.

5253. And then they marched him off to the station, or one of them did (McKay) and you went from Greek Street into Soho Square and Carlisle Street and Poland Street?—Yes.

5254. And you were following?—Yes.

5255. You were arrested in Carlisle Street?—Yes.

5256. You understood quite well that you were being arrested?—I did not know. If I had not done anything, certainly I did not know why I was arrested.

5257. We will come first of all to the place. It was in Carlisle Street?—Yes.

5258. It was Inspector Manning who took you?—Yes.

5259. He took hold of you?—Yes.

5260. And he led you away?—Yes.

5261. Did you understand that he was arresting you?—I understood I must go with him, and it could not be helped.

5262. That is your understanding of being arrested, is it?—Yes.

5263. So that you understood quite well in Carlisle Street that you had been arrested?—But it was a different meaning on his part.

5264. You mean you had not done anything worthy of being arrested?—Yes.

(*Chairman.*) Of course he is a foreigner, and he has said in examination in chief that he thought he was bound to go to the police station at the request of authority.

(*Mr. Eldon Bankes.*) What I understood was in his mind was that he did not understand he was arrested; he thought he was going as a witness, or something of that sort.

(*Chairman.*) That is exactly what he says.

5265. (*Mr. Eldon Bankes.*) He says he did not think he ought to have been arrested, but he realised that he was arrested.

5266. You understood you were arrested, but you did not think you ought to have been?—Certainly not. I did not think I must go in a cell and stop there.

5267. When Inspector Manning arrested you did he speak to you? Did he tell you why he had arrested you?—No.

5268. Before he arrested you had your friend been calling upon you to help him?—No.

5269. And had you gone up to help him, and taken hold of Inspector McKay's arm?—No. I do not know anything about it.

5270. You say that did not happen?—I do not know anything about it.

5270*. You went with Inspector Manning to the station?—Yes.

5271. He had hold of you all the way?—Yes.

5272. And you went quite quietly?—Yes.

5273. You have no complaint to make of the way in which he treated you?—No.

5274. After you got into the station were you put into the dock?—Yes.

5275. Did Inspector Remfry speak to you when you were in the dock?—Yes

5276. Did you understand then that you had been arrested?—Certainly. I was taken away to a cell.

5277. You understood then that you had been arrested, and were not taken there merely as a witness?—Yes.

5278. You were placed in the dock, and then Inspector Remfry began to speak to you. You then understood you had been arrested. Did Inspector Remfry ask for your name?—Yes.

5279. Did he write that in a book?—Yes.

5280. Did he ask you for your address?—Yes.

5281. Did he write that in a book?—Yes.

5282. Did he then write in the book the charge that was made against you by Inspector Manning?—Must be, perhaps.

5283. But after he had written in the book the charge against you did he read out to you what the charge was. Did he tell you you were charged with disorderly conduct, and with obstructing the Inspector in the execution of his duty?—I could not remember it.

5284. You are not prepared to say it did not happen?—I do not know.

5285. After he wrote in the book surely he told you what you were there for. He told you why they had brought you there?—They did not tell me. I did not know at the time. He did not speak to me like this—"You have been arrested for this and for this." I could not say so.

5286. Did he not say, "The charge against you is that you have been guilty of disorderly conduct, and of obstructing the Inspector in the course of his duty"?—I cannot remember this. Certainly I was not obliged to be taken away like this, like other people in the room. I did not listen to this.

5287. At any rate, you did not say anything to the Inspector. You did not tell him you had been wrongly taken?—No, I did not know I was allowed to speak anything.

5288. I am not going into the reason, but as a matter of fact you did not complain, and you did not tell him that anything was wrong?—No.

5289. You then went down to the cell?—Yes.

5290. And someone there told you that you could get bail. Did you ring the bell?—Yes.

5291. And someone came?—Yes.

5292. Did you ring once or more than once?—More than once.

5293. How many times?—About three or four times.

5294. Quickly, one after the other, was it?—Yes, certainly. The police were walking about in the passage. I knocked on the door as well.

5295. They came reasonably quickly after you rang?—Yes.

5296. You make no complaint about that?—No.

5297. Then you told them you wanted bail, and you gave them some names?—Yes.

5298. Did they get the bail as quickly as you thought it could be got?—I think so.

5299. There is no complaint made about that. The next day, on the Monday, you went before the Magistrate?—Yes.

5300. Did you hear the police give their evidence against you?—Yes.

5301. Did you hear Inspector Manning say that you had attempted to rescue your friend, Mr. Altfuldisch from the custody of Inspector McKay?—I cannot quite understand it.

5302. You went before the Magistrate, did you not?—Yes.

5303. Amongst the witnesses who were called against you was Inspector Manning?—Yes.

5304. Did he tell his story to the Magistrate?—Yes.

5305. Did he tell the Magistrate that you had attempted to rescue your friend, Mr. Altfuldisch?—I think so.

5306. Did he tell the Magistrate that he had arrested you because you had attempted to rescue your friend?—I am not quite sure.

5307. Did the Magistrate ask you whether you had got anything to say?—Yes.

5308. And you said you had nothing to say?—I explained to the Magistrate everything, the same as I have said to-day.

5309. Did you?—Quite the same.

5310. (*Chairman.*) Were you sworn?—Yes.

5311. (*Mr. Eldon Bankes.*) Did you give evidence?—Yes.

5312. I am afraid I have not any note of what took place. Who else was called as a witness, besides Inspector Manning?—I do not know.

5313. You say you were sworn?—Not on Monday, but the second time we went to the Court.

(*Chairman.*) Mr. Bankes is now dealing with Monday.

5314. (*Mr. Eldon Bankes.*) I think there is a mistake about this. You were called as a witness for your friend, Mr. Altfuldisch at a later date?—Yes.

5315. I am now only speaking about your own case, when you came up before the Magistrate on the Monday?—Yes.

5316. The Magistrate asked you whether you had anything to say?

5317. (*Chairman.*) Was that before or after Inspector Remfry had spoken?—I cannot remember. I cannot say.

5318. Do you remember your case being called on?—Yes.

5319. I mean at the police court, before the magistrate on the Monday?—Yes.

5320. Did you go into the dock?—Yes.

5321. Did the Magistrate speak to you?—Yes.

5322. At once?—Yes.

5323. What did the Magistrate ask you?—I cannot remember. I cannot say.

5324. The Magistrate did ask you something?—I think so.

5325. Did the Inspector then give his evidence?—Yes, I believe so.

5326. Just apply your mind to the question?—I do not know anything more about his case. I cannot remember it.

5327. We are dealing with your case on the Monday?—Yes, I understand. I was very busy in the shop, and I could not stop any longer. I did not make any explanation about my case.

5328. (*Mr. Eldon Bankes.*) Evidence was given against you. I am not going into the reason for the moment, but the fact is you did not contest it. The fact is you did not say anything to the Magistrate to suggest that all that was said against you was not true?—Yes; as far as I know I explained it the same as what I have said to-day.

5329. I am asking you what happened. Perhaps we may get more information from somebody else, but the result of it all was that you were fined 20s.?—Yes.

5330. You have never made any complaint about that, have you?—No, I could not. I would not take the case further. I thought I had better lose the 20s. I did not wish to lose my time.

5331. Here is the charge, which was that Theodore Ruppert was behaving in a disorderly manner at Dean Street, and further with resisting and wilfully obstructing McKay in the execution of his duty at the same time and place. I thought it was at Carlisle Street, but I am told that they are the same. You were called before the Magistrate to give evidence for your friend?—Yes.

5332. And then you gave evidence for him?—Yes.

5332*. Did you say this: "When I left, the prisoner then left with other friends. I asked him to wait outside for me." Did you say that?—Yes, quite right.

5333. "When I left I saw the prisoner in the hands of two Inspectors, about twenty yards from the house. The prisoner called out for his wife"?—Quite right.

5334. "There was no crowd, no people about, and no disturbance"?—No.

5335. "The street was very quiet"?—Quite quiet.

5336. Do you want to represent that as being accurate?—It is quite right.

5337. You have said that you saw marks on your friend's collar?—Yes.

5338. Do you mean the collar of his shirt?—Yes.

5339. What sort of marks were they?—Finger marks.

5340. You had seen the Inspector, had you not, with his hand on his neck?—Yes.

5341. You had seen that as they were going along together?—Yes.

5342. That would account for the finger marks on the collar, would it not?—Yes.

5343. Did you see anything else about your friend?—He was pulling him.

5344. Did you see any other marks on your friend, except the marks on his collar?—On his neck.

5345. What sort of marks were those?—His neck was quite red.

5346. Did you see any other marks on him anywhere?—No.

5347. But you looked for them, did you not?—Certainly, because he told me, "I feel very bad in my neck."

Mr. T. Ruppert.

16 Oct. 1906.

5348. Were there any marks on his face that could be seen?—No.

5349. You looked for them and there were none?—Yes.

5350. The only marks you saw were finger marks on his collar, and redness on his neck?—Yes.

5351. (*Mr Rufus Isaacs.*) How long have you been in this country?—Three years.

5352. Have you been in employment the whole time?—Yes.

5353. In the same employment during those three years—where you are now?—In the same employment.

5354. I mean you are there now?—Yes, at 72, Baker Street.

5355. On the Monday morning when you saw your friend Mr. Altfuldisch, did you know he was going to apply for a remand for the purpose of calling witnesses?—Yes.

5356. So as to set up a defence?—Yes.

5357. Did he know you were going to allow your case to be dealt with on the Monday. Did he know that you were not going to ask for an adjournment?—Yes, he did know it.

5358. That you were not going to call any further witnesses?—Yes.

5359. Did he ask for his case to be put off before yours was heard?—I do not know.

5360. Did he ask that his case should not be taken that day before your case was heard?—No, he did not ask.

5361. When did he ask for his case to be put off from that day to another day?—After I was finished. My case was coming first, and Mr. Altfuldisch's case was coming afterwards.

5362. Then your case was heard first. Is that it?—Quite right.

5363. Do you mean he did not ask for his case to be put off until you had been fined 20s.?—I do not think so. I could not speak to him.

5364. (*Mr. Dickinson.*) When you came out of the hotel, or wherever you were, what made you stay behind? You came out from the hotel. Your friend came out first, and you came out afterwards?—Yes.

5365. What made you stay behind?—I had to pay the account of the restaurant keeper.

5366. How long were you?—Not quite ten minutes.

5367. When you came out, where was Mr. Altfuldisch?—Opposite the hotel, between two Inspectors.

5368. Just in front of the door?—Yes.

5369. (*Earl Russell.*) When this happened you had only been two years in this country?—Yes.

5370. Have you improved in your English since then? Are you able to speak English better now than you were?—No.

5371. About the same?—Yes.

5372. Did you see anything on Mr. Altfuldisch's neck when you were looking at the collar of his shirt?—Yes.

5373. What did you see?—Red points, or red marks, on his shirt.

HERMANN REUSCHER, sworn.

Mr. H. Reuscher.

5374. (*Earl Russell.*) You live at 50, Munster Square, Regent's Park, and you are a hairdresser?—Yes.

5375. You have known Mr. Altfuldisch about two years now, have you?—Yes.

5376. For about 12 months at the time of the charge?—Yes.

5377. You have both been members of the same cycling club?—Yes.

5378. What do you say about his general character?—As far as I know him, he is a very quiet man, and a very peaceful man.

5379. We have all heard that you were one of the last witness's guests at this entertainment. You were a guest of Mr. Ruppert, were you not?—Yes.

5380. And you were there about an hour and a half with Mr. Altfuldisch?—Quite right.

5381. Did you take any notice of what he had to drink?—He had hardly anything to drink. While I was there he had nothing. He had one half glass of beer standing there, and he did not even finish that.

5382. You and Mr. Altfuldisch left the house together?—Yes.

5383. What was Mr. Ruppert doing?—Mr. Ruppert was waiting behind to pay the bill.

5384. You got down to the street. While you were waiting there was there any sort of disturbance in the street?—Some more people came out that were a bit jolly, but we were quite apart from those people, and two Inspectors came and told them to move along, which they did. Then we went along and waited by ourselves.

5385. Did the Inspectors move along with them?—Yes.

5386. (*Mr. Rufus Isaacs.*) Did I catch your answer just now that people came out who were "a bit jolly"?—Yes.

5387. (*Earl Russell.*) The Inspector told them to move on, and as far as you saw they went off, and the Inspectors after them?—Yes.

5388. After that what state was the road in. Was it noisy?—No, a little while after that it was quiet, and I went round to a friend's to fetch my bag.

5389. When you left you left Mr. Altfuldisch there?—Standing by himself.

5390. Was anyone else near him—any policeman?—Not near him.

5391. No other member of the public or anybody?—No.

5392. You came back how long after?—It could not have taken me long. I went round to Wardour Street, a couple of hundred yards, and when I came back he had gone.

5393. That is all you know about it?—Yes. I never saw him any more. I went home.

5394. (*Mr. Eldon Bankes.*) When you came out of the restaurant was there a noisy crowd about there?—There was a noise. There were some more people coming out of the restaurant.

5395. Did the noisy people come out of the same restaurant, or out of another one?—There were several people, and some came out that were a bit jolly, I daresay.

5396. Did these jolly ones come out of the same restaurant that you had been in?—Yes, there was one.

5397. Was there any fighting in the street?—There was no fighting whatever—nothing of that sort.

5398. Was there any shouting?—I could not say there was shouting—not near me.

5399. From which direction did you see the Inspectors approaching? As you came out of the restaurant and stood in the street, in which direction were the Inspectors when you first saw them?—We were standing in the road, and the Inspectors came from my left and went down that way.

5400. In the direction of which street?—I do not know in which direction. I only saw them when they were close by.

5401. To your left?—My left.

5402. Were they driving the people in front of them?—They told them to move on, and they walked with them.

5403. People were passing you and going to your right?—Yes.

5404. Did the Inspectors go past you?—Yes.

5405. They passed you before you left your friend to go to Wardour Street?—Yes.

5406. Had they passed right by you before you went to Wardour Street?—Yes, some distance.

5407. Then you went to Wardour Street?—Yes.

5408. What happened afterwards you do not know?—I came back in a few minutes. I do not know what happened.

5409. You had to go 200 yards?—Perhaps more than 200 yards.

5410. Can you give us an idea how long it would take you?—About five minutes.

5411. Five minutes to go and five minutes to come back?—No, altogether, because I was running.

5412. (*Mr. Rufus Isaacs.*) You have said that some of them who came out were "a bit jolly." How did that show itself?—Speaking and larking together.

5413. Singing?—One of them sung, but he left off when the Inspector told him to leave off.

5414. Were they shouting to one another?—No, no one shouting to one another.

5415. Were they speaking loudly at all?—There was some loud speaking, but I did not take any notice of it, because they were of another party.

5416. (*Mr. Dickinson.*) Did the Inspectors tell you to move on?—When they came on the Inspectors came along and asked them to move on.

5417. Did they ask you to move along?—No.

5418. He did not speak to you?—No, he did not speak to us.

5419. And you did not speak to him?—No, I was standing speaking to my friend.

5420. Why did you move on?—My friend and I were a little further away.

5421. You did go away?—There did not appear to be anything but a crowd. We went a little further along.

5422. Although the policeman had not spoken to you?—No, not to us; he only spoke to the people near the pavement.

5423. (*Chairman.*) Did I understand you to say the people who were "jolly" were the people who had been at the society meeting that you had been at?—Some of them came out of the house a bit jolly.

5424. Does this society meet in a public room or in a private room?—In a private room.

5425. About how many had gathered together there that evening?—I dare say about twenty or thirty. By the time we left there were some fifteen to twenty. Some left before that.

5426. Is there not a public room? It has been described as a restaurant?—I do not know. This was the first time I had been in the restaurant.

5427. Would there be a room where people take supper or meals?—I cannot say.

5428. Did the door you came out by open into Greek Street?—Yes.

5429. Is that the only door from the hotel into the street?—I went in at the door, walked up the passage, and up the stairs.

5430. This was an ordinary passage?—A passage on the ground floor, and I went upstairs.

5431. Was the room on the first floor?—The room was on the first floor.

5432. You say about fourteen or fifteen men were left in the room?—Yes.

5433. And all except Ruppert went out of the house about the same time?—Yes.

5434. There would be about fifteen altogether?—About.

5435. And Ruppert remained behind to pay the bill?—Yes.

5436. Were you among the first of these fourteen or fifteen people?—That I could not say. We all walked out. I cleared out of the room as quickly as I could with my friend.

5437. Did the others disperse in different directions?—Yes.

5438. Who is the man you referred to as singing?—I did not know anybody there except Mr. Ruppert and Mr. Altfuldisch.

5439. The man who was singing in the street I was referring to. Had he been a member of your party?—That I could not tell you.

5440. There were fourteen or fifteen of you left at the end of the entertainment, I understand?—Quite right.

5441. Mr. Ruppert remained behind. You all went down about the same time, and on leaving this room you went downstairs along the passage and came to Greek Street?—Yes.

5442. Were you amongst the first of these fourteen men?—I expect we were about the first.

5443. That is you and Mr. Altfuldisch were?—Amongst the first.

5444. When you got to the door what did you and Mr. Altfuldisch do?—Walked out of the door into the road, and waited there for Mr. Ruppert.

5445. Into the middle of the road?—Yes.

5446. Not standing on the pavement?—At first we stood on the pavement, and afterwards we got into the road.

5447. When you got into the road was there a large crowd of people?—Not a large crowd, but people were coming out, and standing there, and one was singing, and the Inspector came and told him to move along.

5448. Then I understand one of the 14 was singing?—Most likely; I did not take particular notice who it was.

5449. Was this knot or group of 14 the only party, so to speak, in the street?—There were 14 or 15 standing at the door when I went out.

5450. You said you were about the first to come out. What did you notice the others do?—Some went in different directions home.

5451. Some went one way and some went another. Did any of them remain near you?—That I do not know. At first they came out, and then we went into the middle of the road.

5452. Were there any other public-houses, or places of public entertainment, disgorging people at that time?—Some public-houses round there people were coming out of; and there were some other people moving about at that time.

5453. Was the street there full whichever way you looked?—You saw people nearly everywhere, but it was quiet; and by the time I left my friend there was nobody near us; we were standing quite alone.

5454. You say you moved on. Did you move back to the pavement further on in the street?—Not on the pavement at all.

5455. Then you left Mr. Altfuldisch standing in the road?—We were standing on the pavement at the time I left him.

5456. You went back to the pavement?—Yes.

5457. How far were you then from the door of the restaurant or hotel that you had left?—I did not judge the distance.

5458. Some ten yards?—We were some yards away from the door when I left him to fetch my bag.

5459. (*Mr. Rufus Isaacs.*) How many do you think were "a bit jolly"?—I did not take particular notice of that. There were one or two speaking and larking altogether—what I call "jolly."

5460. When the police came upon the scene were they good tempered when you saw them?—Yes.

5461. Apparently they told the people to move on?—Yes.

5462. (*Chairman.*) In saying that were they speaking without offence to your party?—No, not to us.

5463. Were they speaking to the gentlemen who had come out of the hotel?—They said "Move along."

5464. It was said to the people in whose company you had been, and who had just come out of the restaurant. The command to move on was given to them, was it not?—I expect so.

5465. (*Mr. Rufus Isaacs.*) A number of people were coming out of a number of places?—Yes, and they went along quietly, too.

5466. (*Chairman.*) They were not addressing themselves particularly to your friends?—No.

5467. Are you certain that your friend Mr. Altfuldisch was perfectly sober?—Quite sober.

5468. And Mr. Ruppert, too?—Yes.

(*Earl Russell.*) The only other witness I have is Dr. Frye, but I am afraid I cannot get him here until to-morrow morning.

(*Mr. Eldon Bankes.*) Is he the gentleman whose report you have?

(*Earl Russell.*) Yes.

(*Mr. Eldon Bankes.*) I have no objection to your putting in the report.

Mr. H. Reuscher.
16 Oct. 1906.

(*Earl Russell.*) You have the report of Dr. Groth. If we may put that in that will satisfy me without calling Dr. Groth. I should like to call Dr. Frye to-morrow. I am told that Dr. Frye is ill in bed.

(*Mr. Eldon Bankes.*) I do not mind this report being read at all. This is, apparently, a certificate by Dr. Groth. It is headed: "22, Panton Street, Haymarket, S.W.," and it is signed by "H. Groth, M.D. Berlin, L.R.C.P."

(*Mr. Rufus Isaacs.*) Anyhow, we might hear what that says.

(*Mr. Eldon Bankes.*) Yes. "On Sunday morning, December 7th, 1905, at 6.45 a.m., I was called up by Mr. Ferdinand Altfuldisch, of 17, Great Marlborough Street, whose regular medical attendant I have been for several years past. He stated that he had been released from custody but a short time previously, and while so in custody he had been assaulted by the police, and he complained of pains in the head and tenderness about the neck, scalp, and shoulders. Upon examination I found a slight superficial scratch upon the right side of the neck about the level of the upper part of the thyroid cartilage, and on the left at about the same situation were three or four livid spots. His left ear was red hot, with marked tenderness behind it. The scalp upon palpation was tender in spots, especially over the occipital region, or posterior part; there was, however, no swellings or visible signs of marked injury. He was in a high state of nervous tension; his pulse was rapid, but the pupils were normal—that is to say, they were equal and reacted to light and accommodation; he was coherent, not thick in his speech, his gait was steady, and in my opinion he showed no signs of either present or recent intoxication. I prescribed an opiate, together with nerve sedatives, and sent him to bed in the evening. I again saw him about 7.30; the head pains still persisted, his temperature had gone up from normal 98.4 deg. Fah. to 99.8 deg. Fah., and his pulse had quickened to 98 per minute. I recommended rest, continuation of the medicine, and a calomel purgative; but in consequence of my own serious indisposition I transferred the case to Dr. Henry Frye, of 23, Hampstead Road, in whose hands Mr. Altfuldisch now is. In my own mind the opinion I formed was that I was dealing with a man who had recently gone through great mental stress, and whose condition was compatible with the statement that he had been buffeted about the head, and the line of treatment I adopted was that usually indicated in cases of injury to the head and scalp."

(*Earl Russell.*) With the exception of Dr. Frye that concludes the case of Mr. Altfuldisch.

(*Chairman.*) You have no further evidence with regard to the complaint made by Mr. Altfuldisch?

(*Earl Russell.*) No. That disposes of everything as regards Mr. Altfuldisch.

(*Chairman.*) Are you, Mr. Bankes, ready to go on with the police evidence?

(*Mr. Eldon Bankes.*) Quite.

(*Chairman.*) Then you might call one of your witnesses.

(*Mr. Eldon Bankes.*) Certainly.

Inspector FRANCIS MCKAY, sworn.

Inspector F. McKay.

5469. (*Mr. Eldon Bankes.*) I think you are Subdivisional Inspector attached to the Marlborough Street Police Station?—Yes.

5470. I believe about 12.30 a.m. on the 17th of December last you were in company with Inspector Manning?—Yes.

5471. In the course of your duty you had to pass through Old Compton Street, Soho, to come to Greek Street?—Yes.

5472. Will you tell the Commissioners what you found when you got into Greek Street?—When we were at the junction of Greek Street and Old Compton Street we saw a crowd in Greek Street; we hurried up there, and on arriving there we found two men rolling on the ground; they were fighting, and they were making use of obscene language to each other. We got them up, and they started to renew the fight. I took one into custody. I then called a constable who was coming down the street, and I handed this man over to him.

5473. That man's name, I think, was Mander, was it not?—Yes, and he took that man away to the station. We remained behind, trying to disperse the crowd, which became very hostile. It appeared to be some squabble between two gangs that had met there. One party had come out of Wedes' Hotel, or Restaurant, and the other out of the Café Turk. Both places are close together. I knew a large number of those who were present, including Mr. Altfuldisch.

5474. Had you known him for some time?—Yes.

5475. Did you know what his occupation was?—I did.

5476. Did you know where he lived?—I did.

5477. He is a tailor he has told us?—Yes. I first came in contact with him whilst attending those meetings at Wedes' Hotel. It was a place that was under my observation for some time, and I visited it for that purpose.

5478. You have told the Commissioners you noticed him there?—Yes.

5479. Would you mind going on from that point, and tell us what took place?—We were trying to get them away. I told them to go away myself several times, and Inspector Manning did likewise. They moved slightly down towards the Café Turk, where the crowd increased. Mr. Altfuldisch turned round and said "No we shall not." That was after we had told him to go away. "Why should we care for the f——— English police. You are not dealing with ponces." Things began to become serious, and I took him into custody. He screamed and shouted to the crowd to assist him. I told Inspector Manning to keep the crowd back and I would manage him. We struggled along till we got to Soho Square, right opposite the Hospital. He was shouting all the time to his friends, and said "I will show you what I will do with your bulldog English policeman," and at that moment he threw his legs around me. We struggled and fell. He seized hold of the railings of Soho Square and had to be forcibly dragged away.

5480. Did you do that yourself, or did Inspector Manning help you?—Inspector Manning assisted me. We then went along to Carlisle Street, when Ruppert came in front. He was shouting and saying, "You shall not take him," and he got in between Altfuldisch and myself. We could not get rid of him. Inspector Manning took him in custody, and we decided to send for more assistance.

5481. Then I think Inspector Manning went on ahead with Ruppert?—Not exactly then. We went on until we came to Portland Street—that is a few yards further, about 20 yards further. Mr. Manning passed me there and went on ahead.

5482. With Ruppert?—Yes. When I got into Poland Street, at the junction of Marlborough Street, Sergeant Crayfourd and Police Constable Miles came running to my assistance. Altfuldisch struggled all the way, and he threw his legs out to one side first and then to the other. He was taken to the police station.

5483. Who was taking him at that time?—I was, with Sergeant Crayfourd.

5484. Was Sergeant Crayfourd helping you?—Yes, he had hold of his right side or his left side, I am not very positive which.

5485. At any rate, he had hold of him?—He had hold of one side.

5486. And so you went to the station?—Yes.

5487. When he got to the station, what was done with him?—He was put in the waiting room by me.

5488. Why was that?—Because the charge room was full of people, and there were charges being taken. I saw it was utterly impossible for the officer to get on with his work with the disturbance Altfuldisch was making.

5489. So you put him in the waiting room?—So I put him in the waiting room.

5490. Did you go in the waiting room with him?—I did.

5491. Did you stay there with him?—For a few minutes. I put him on the seat in the waiting room, and as soon as I turned my back he rushed after me. I pushed him back on the seat again, and he struggled

and screamed. He sat down for a few moments, and Sergeant Crayfourd and Constable Miles stood in the doorway. I stood by him till some of the charges were disposed of.

5492. And you say he screamed. What was he screaming out?—About "You b—— policeman," and all sorts of things.

5493. His friend says he heard from the cell that he was shouting for help. Was he shouting for help?—I believe he was.

5494. Had he been shouting in that sort of way the whole way from the point at which you had arrested him?—He had.

5495. Did he make any difference in the kind of shouting or screaming after he got into the waiting room from what he had been doing before. Was it the same kind of shouting?—He became more fierce when he was in the waiting room.

5496. (*Mr. Rufus Isaacs.*) Will you tell us what he shouted when he was in the street?—About "You b—— English police," and "How dare you talk to me," and some words to that effect.

5497. (*Mr. Eldon Bankes.*) Did he call for help when he was in the street?—Yes, he did several times.

5498. Did you remain in the waiting room until he was brought out into the charge room?—Not in the waiting room; close to the door.

5499. Was Sergeant Crayfourd and Police Constable Miles in the waiting room with him?—Yes, they were standing in the doorway.

5500. Were they in a position to see all that happened from the moment you took him into the waiting room?—Oh, yes, they were between him and me.

5501. You were not in the room alone with him, so that nobody could see what was going on?—Never.

5502. Is there any truth in the suggestion that you hit him or ill-treated him in the waiting room?—Not at all—not a particle of truth in it. There certainly was a struggle in the waiting room.

5503. What was the reason of that?—His own conduct. He tried to rush out when I put him on the seat in the first instance.

5504. Then he was taken or went from the waiting room into the charge room, and the charge was taken in the usual way?—He was placed in the dock, and the charge was repeated to him. My evidence was repeated to him in front of the Inspector who took the charge. The charge was taken down in writing, and put on the charge sheet. After it was put on the charge sheet it was read over to him. First of all, he was asked for his name and address in the usual way, and his age. He was then taken out of the dock and asked if he had a knife, and I put my hands in his pockets to see if he had a knife or anything to injure himself with, and he was put back in the cell.

5505. (*Chairman.*) I thought he had come from the waiting room?—After the charge was taken he was put in the cell.

5506. (*Mr. Eldon Bankes.*) Did you remain in the station after that, or did you leave?—I remained for a short time, not long.

5507. You do not know anything that happened after that?—No.

5508. He says now that he rang the bell ever so many times. You do not know anything about that?—No, that was not so. There were several persons who said they had informed his wife of his being in the station.

5509. (*Mr Rufus Isaacs.*) I did not catch what you said just now in answer to Mr. Bankes about the bell. You said "No," which was an answer to Mr. Bankes's question that you knew nothing about it, but I understand you to go on and say "that was not so"?—About the bell being rung—no, I could not say that.

5510. (*Mr. Eldon Bankes.*) He said at the time you arrested him you called him a ponce. Is there any foundation for that?—No foundation whatever. I knew the man perfectly, and I knew those who were in his company perfectly. There certainly were, if I may be pardoned the expression, ponces there, because I knew them.

5511. But you knew this man?—Yes, I knew him well. I had known him for some time.

5512. (*Chairman.*) You knew of this meeting on this Saturday night?—Yes.

5513. (*Mr. Eldon Bankes.*) Then on the Monday he was brought up before the Magistrate?—Yes.

5514. And was the case of Mander the first case that was dealt with?—Yes.

5515. He was the man you had arrested on the ground fighting?—Yes.

5516. Did he in any way contest the charge before the Magistrate?—No.

5517. Whose was the next case that was dealt with?—Ruppert's.

5518. (*Mr. Rufus Isaacs.*) What happened to Mander?—He was fined 10s.

5519. (*Mr. Whitmore.*) Did Mander come out of the same restaurant?—Yes, Mander was one of the men we found fighting on the ground when we reached there.

5520. (*Chairman.*) He was one of the Florists' Society?—Yes.

5521. (*Mr. Rufus Isaacs.*) Coming out of the Wede's Hotel?—Yes.

(*Earl Russell.*) This was not put to my witness.

(*Mr. Rufus Isaacs.*) The name was not put, but it was said that somebody was arrested there.

(*Earl Russell.*) I am told that it is not so.

5522. (*Mr. Eldon Bankes.*) It is said that that statement is going to be challenged. How do you know that Mander had been in these men's company?—Mander told me himself he had been there. Mander is himself a gardener, and that was what they call the gardeners' meeting.

5523. The next case that was dealt with was Ruppert's?—Yes.

5524. Who gave evidence against Ruppert?—Inspector Manning.

5525. Did you give evidence or not?—I corroborated Inspector Manning's statement.

5526. He was the person who gave evidence, and you went into the box to corroborate him?—Yes.

5527. Did Ruppert say anything to the Magistrate?—No.

5528. And he did not contest the case either, did he?—No.

5529. (*Mr. Rufus Isaacs.*) Did he give evidence?—No.

5530. Did Mander give evidence?—No.

5531. (*Mr. Eldon Bankes.*) He was fined 20s.?—Yes.

5532. Then I think Altfuldisch's case was remanded to the 26th?—Yes.

5533. And then he was defended by counsel?—Yes, he was defended in the first instance by Mr. Wisbey. I gave the whole of my evidence then on the first day, and so did Inspector Manning.

5534. Were you cross-examined by the solicitor?—No.

5535. Were you cross-examined on the further hearing?—I was cross-examined on the further hearing, but Mr. Manning was not.

5536. (*Mr. Rufus Isaacs.*) When you gave this evidence in Altfuldisch's case was Ruppert present on the first day?—That I could not say. There was a number of people at the back of the court, and I could not say whether he was there or not.

5537. As I understand, Ruppert's case had been dealt with? There was first of all Mander's case, then Ruppert's, and then Altfuldisch's case, and then on that day you gave your evidence in Altfuldisch's case against him, did you?—Yes.

5538. On the same day?—Yes. The charge against Altfuldisch was some considerable time after Ruppert's. I know Ruppert paid the money and went out shortly afterwards, but whether he stayed behind at the back of the court or not I could not say.

5539. You did not know whether they were taken one after the other?—No.

5540. (*Mr. Eldon Bankes.*) On the second occasion, with reference to the case of Altfuldisch, you were called after Inspector Manning was called?—Yes.

5541. Was the sergeant called?—No.

5542. No question was raised at that time that made it necessary to call him up to that point?—No.

Inspector F. McKay.

16 Oct. 1906.

5543. (*Mr. Rufus Isaacs.*) Was Sergeant Crayfourd present?—Yes.

5544. And Police Constable Miles?—Yes.

5545. (*Mr. Eldon Bankes.*) Then Altfuldisch himself was called?—Yes. After I was cross-examined Altfuldisch was called. Inspector Manning was not cross-examined, so he gave no evidence on the second day.

5546. Then Ruppert was called?—Yes.

5547. And Reutscher was called?—Yes.

5548. And Burton was called?—Yes, and Peckover.

5549. Those two last witnesses were witnesses to character?—Yes.

5550. It was after hearing all that evidence that the Magistrate gave his decision?—Yes.

5551. There were no summonses taken out against the police for assaults upon this man, were there?—No.

5552. Although the case had at the request of the solicitor been remanded till the 26th?—I had no idea why it was remanded in the first instance. There was no suggestion made to us that it was because the man was assaulted.

5553. The remand was granted, so there was an opportunity of taking out a summons if he wanted to?—Distinctly.

5554. But, as a matter of fact, no summonses were ever taken out against the police for assault?—No.

5555. And then when the question came up the Magistrate then said that that question was not material?—No. I think the question was gone into rather fully.

5556. Tell us what your recollection about that is. I do not see any note with reference to that, but we have been told that the Magistrate said that the question of violence was not material.

5557. (*Chairman.*) Violence in the police station?—This is as near as I can recollect the text of my cross-examination; in fact, I believe these are the notes of my evidence. (*Referring to a document.*)

5558. (*Mr. Eldon Bankes.*) What were you asked?—These are my answers. "Someone had been previously arrested. There was a crowd when prisoner was arrested and still disorder. Prisoner was in the crowd. I spoke to him there. I arrested him on the pavement near the door of the restaurant." That is near the Café Turk, not Wede's Hotel. "He was not waiting quietly. There were a number, who claimed to be his friends; I knew prisoner; I used no nasty names to him. I did not say: 'We want you, you b—— ponce.' I know him well. I do not think he is a ponce, and I did not then. On the way to the station he struggled and tried to trip me up, and called on the crowd to release him. I do not know that he received injuries. I should not be surprised if he was injured. I used force. It was necessary. I did not ask him what he was doing for a living now. His cap fell off several times. I did not put him into the cell; I brought him into the waiting-room. There were several others there. He lives at 17, Great Marlborough Street. He has not been charged before. I was astonished at his behaviour. I think he is a hard-working man. I was not alone in the room with him. I did not assault him."

5559. Are those your answers to the questions put to you by his counsel?—Yes.

5560. Are you now reading from the Magistrate's clerk's notes or a copy of them?—Yes.

5561. (*Earl Russell.*) How long have you known Altfuldisch?—Close upon three years.

5562. About two years at the time of this occurrence?—About that.

5563. How well do you know him?—I had seen him daily or nightly—mostly at night I used to see him.

5564. Walking about the street?—No, I have seen him standing at his own door and I have seen him at Wede's Hotel, in Greek Street.

5565. You have seen him at this place before?—Once or twice at meetings.

5566. Did you know his occupation?—I did.

5567. I think I understood from those answers you read that you already agree that he is a respectable man in regular employment?—Yes, he is a working tailor.

5568. Of good character?—I have nothing to say against him.

5569. That is as far as the police ever go, is it not? He did live three doors from the police station, and I suppose most of you knew him. Do you say you knew him well?—Yes.

5570. Did you speak to him often, and that sort of thing?—I might have passed the time of day, and no doubt I have.

5571. You knew him to be a man of quiet disposition and good behaviour as a rule?—Yes, although I certainly did not admire the company he kept on several occasions I had seen him.

5572. What sort of company?—I would call them undesirables.

5573. Undesirable aliens?—Yes.

5574. That is short for it, is it? But you do not apply that to Mr. Altfuldisch himself, do you?—No.

5575. In answer to Mr. Bankes you said: "There were ponces there." What do you mean by "there"?—In the crowd.

5576. In the crowd in the public street?—Yes.

5577. You do not suggest there were ponces among this party at the hotel?—I have no hesitation in saying there were.

5578. Among this party that took place at the hotel?—The ponces came out of the hotel.

5579. The hotel has more than one room in it?—I was not in the hotel. I did not see the party in the hotel that night.

5580. The hotel has more than one room?—Yes.

5581. You told us it was your special duty to watch this hotel for some time, and therefore you knew it?—Yes, it has been.

5582. You knew this party that attended at the Florists' Society took place in a private room?—It is not a private room, it is a public room. There are no private rooms in the hotel with the exception of a few bedrooms.

5583. Do you believe they had the room to themselves for the night?—Anyone can walk in there who likes to.

5584. Are you really prepared to say that?—I am. I have never been challenged, and I have seen other people walking in there without being challenged.

5585. I understood it was your official duty to inspect the place?—That is so, but I have never seen anybody challenged going in.

5586. How do you know they were not invited guests?—They may be so.

5587. In the first place are we agreed when you use the word "ponce" you mean a person who lives on the earnings of immoral characters?—I do.

5588. Do you say amongst this party of the Florists' Society there were ponces?—I say amongst the party who came out of the hotel all standing round there there were ponces, well-known ponces, and ponces who have since been expelled from the country.

5589. You say there were some in the street?—Yes, there were a number.

5590. You do not say there were ponces at this party?—I could not tell you whether there were ponces in the society or not.

5591. Or if they had been at this party?—I know this, the very last man I have dealt with, and who has been recommended for expulsion, had a card belonging to this society found upon him.

5592. That is not what I asked you. What I asked you was whether ponces were present at this party, and whether you can say there were some in the street afterwards?—There were a number.

5593. If a party came out from a private room in the Criterion into Piccadilly Circus I suppose there would be a good many undesirable characters in Piccadilly Circus, would there not?—Yes, there are a number.

5594. What made the conversation between you turn on these curious people at all when you met Altfuldisch. Was there any conversation between you when you met him in the street?—On that night do you mean?

5595. Yes?—No.

5596. He said you started by calling him a ponce?—Nothing of the kind. The word "ponce" was certainly freely used there amongst the crowd.

5597. You did not even call him what you called him just now—an associate of ponces.

(*Mr. Eldon Bankes.*) He has not called him that.

(*Mr. Rufus Isaacs.*) No, I do not think so. He said "I have seen him in company with men who are undesirables." He did not say he was an associate of ponces.

(*Earl Russell.*) I understood him to begin by saying that among this company there were ponces.

(*Chairman.*) That is not the same as calling him an associate of ponces.

5598. (*Earl Russell.*) No, perhaps it is not. You do say he is an associate of undesirable characters?—I say I have seen him in the company of undesirables.

5599. More often than you would like?—It is not a question of my liking. It is his own liking.

5600. Do you include among "undesirables" ponces?—Yes.

5601. You do say now he is an associate of ponces?—I do not.

5602. He associates with them, but he is not an associate of them?—Yes.

5603. I will follow you to the police station without troubling about how you came to take him. You say on the way to the police station he was very violent and very excitable?—Yes.

5604. Screaming?—Yes.

5605. Kicking?—Yes.

5606. Struggling?—Yes.

5607. Holding on to the rails in Soho Square?—On one occasion he did.

5608. When he was in Soho Square?—Yes.

5609. Shouting all the way, every kind of shouting, including the word "help"?—Yes. He was shouting to his comrades to come and help him.

5610. Calling on people to come and rescue him?—Yes.

5611. Do you say he was the worse for drink in any way?—I did not suggest at the time he was. I made no mention of drink. He had had quite sufficient. He was not drunk, but I say he had had quite sufficient.

5612. You have heard the evidence about his only having half a glass of Lager beer?—I have heard of these things before.

5613. You do not accept that?—No, I do not, because I know what goes on there better than you do.

5614. On general principles you think he must have been drunk?—I do not suggest it.

5615. He said quite distinctly that he had only half a glass of Lager beer, and the other witnesses said so also?—It depends on the size of the glass. *Inspector F. McKay.*

5616. Do you say that is not true. Do you say from your own opinion of his condition you do not believe it?—I say it entirely depends on the size of the glass. When Lager beer is sold, it is sold in various kinds of glasses. 16 Oct. 1906.

5617. Have you ever known of a glass that held more than a quart?—I have known them to hold a quart.

5618. Do you suggest that there are such glasses at that hotel?—Yes.

5619. Then half a glass would be a pint?—Yes. I would call a glass half a pint.

5620. You will not tell me whether you think his condition was consistent with that?—No. It depends on a man's constitution entirely how drink affects him.

5621. Do you accept the evidence of the witnesses as to his being quiet, sober, and well-behaved at this period, or up to the time when he came down into the street?—I cannot say what he had been doing there.

5622. What was he doing when you first set eyes on him?—He appeared to be rather excitable, and I should think he was debating the point with someone over some dispute; he appeared rather excited when I first set eyes on him.

5623. What was he doing when you first set eyes on him?—He was talking to someone in German in rather an excited tone.

5624. How far from the door of the hotel was this?—He was, I should say, about halfway between the "Café Turk" and the timber yard—that is, opposite Bacon Street, or near it.

5625. About how many yards from the hotel?—About ten yards, as near as possible.

5626. Talking to one other person?—There was a crowd there.

5627. Do you know who the other person was?—No, I do not. There was a crowd there. That was immediately I picked up this man who was fighting out of the street.

5628. When you first saw him he was talking rather excitably in German?—Yes.

5629. To one person, or more?—There were several others there.

5630. Were they all excitable?—He was the principal speaker.

5631. Were they fighting?—They were not fighting, but they were certainly on the borders.

5632. Using bad language?—I could not say what they were saying then. They were speaking in German, and I do not understand it thoroughly.

5633. You desired them to move on?—Yes.

5634. What did they say then?—They moved away down towards the "Café Turk."

SEVENTH DAY.

Wednesday, 17th October 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).

Rufus Daniel Isaacs, Esq., K.C., M.P.
Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law).
Charles Algernon Whitmore, Esq. (Barrister-at-Law).
J. W. St. Lawrance Leslie, Esq., (Barrister-at-Law), (*Secretary*).

(*Chairman.*) Earl Russell, have you got your two Italian witnesses here?

(*Earl Russell.*) No, not at present, but I have Dr. Groth here, whose certificate was put in yesterday. Mr. Bankes tells me he has no questions to ask him, so, unless the Commissioners wish to call him, I should not propose to call him.

(*Chairman.*) Is Dr. Frye here?

(*Earl Russell.*) Dr. Groth has seen Dr. Frye, and tells me he is not in a condition to attend to-day, and will not be in a condition to attend to-morrow. Dr. Frye has sent a certificate, but Mr. Bankes says he cannot admit that without having him here to cross-examine.

(*Chairman.*) Have you seen Dr. Frye's statement, Mr. Bankes?

(*Mr. Eldon Bankes.*) Yes, I have, sir.

(*Chairman.*) You do not care to admit that without he submits himself to cross-examination?

(*Mr. Eldon Bankes.*) No. It seems to have been written either to-day or yesterday, and it was not written at the time. There is a distinction between that and a certificate.

(*Chairman.*) We quite understand.

Inspector FRANCIS MCKAY, recalled.

Inspector F. McKay.

17 Oct. 1906.

5635. (*Earl Russell.*) I do not want to take up the time of the Commission longer than is necessary, and perhaps you will answer one or two questions shortly as to Altfuldisch's character, so that we can finish with that. I understand you stated at the police court he had a good character, and you say so still as far as you know?—Yes.

5636. All you do say is that you think he associated with undesirable people sometimes?—I have seen it.

5637. I would like you to be definite about that. Can you give me the name of any person with whom he associates who lives upon the immoral earnings of women?—I do not use the word "associate." I say I have seen him in the company of those people. I would not call it associating. I would not call it being in close friendship with those people.

5638. Will you tell the Commission exactly what you do mean. In what relation have you seen him with these people?—I have seen them talking—several of them together.

5639. In the street?—Yes, and at Wede's Hotel.

5640. (*Mr. Rufus Isaacs.*) Several of whom together?—The class of men I referred to yesterday.

5641. Undesirables?—Yes.

5642. (*Earl Russell.*) You have not seen him in what you call friendly relations with them except by having conversation in the street?—That is so.

5643. Apart from that particular class of undesirables can you give me the name of any person who has been convicted criminally who you say he associates with?—No, I could not.

5644. As to this Wede's Hotel, did I understand you to say yesterday that Mr. Altfuldisch has been there frequently?—I have seen him there.

5645. Inside the hotel, or coming out of the hotel?—Inside the hotel.

5646. About how often?—I should think about seven or eight times, roughly speaking. I could not say exactly.

5647. You heard the evidence given as to what was going on in the hotel, and you told us that you saw him talking excitedly or somewhat excitedly with other people?—Yes.

5648. But not in such a way that you would call that disorder in the street. You would not have arrested him for that, I understand?—No, if he had gone away when I asked him I should certainly not have done so.

5649. Was that all you meant, that he was talking excitedly, when you stated at the police court that he was not waiting quietly?—Yes.

5650. You did not mean that he was fighting?—No, he was not fighting.

5651. You said at the police court also, and it is consistent with what you told us yesterday, that on the way to the station he behaved like a wild beast?—He did.

5652. Can you tell me what, in your opinion, caused him to change suddenly into behaving like a wild beast from the inoffensive behaviour that was described before?—He was not behaving quietly when I saw him, because when I saw him first he was labouring under a very strong excitement over some matter, and that excitement only increased until it became what was nothing more than outrageous.

5653. You cannot give any reason why he changed into a wild beast except that his excitement increased?—That is so.

5654. I suggest to you that it was due to your arresting him and to the way in which you handled him?—No, it was not. There was no roughness used. The roughness was commenced entirely by himself.

5655. Did Inspector Manning have to assist you in actually holding the prisoner on the way to the station?—Yes, he did.

5656. You were not able to control the prisoner yourself?—No, he assisted me once or twice.

5657. I know the occasion you have spoken of with regard to pulling him away from the railings, but apart from that did he have to assist you in holding him while you were on the way to the station?—Yes, between Soho Square and Carlisle Street.

5658. What was the prisoner trying to do at that time?—He was struggling.

5659. Were you afraid he would escape?—No, I was not.

5660. Now, with regard to his cap falling off. You said at the police court that it fell off several times on the way to the station?—I did.

5661. Did it, among other times, fall off in Great Marlborough Street opposite the De Dion Bouton shop?—I do not think it did. I am not positive, but I do not think it did fall off there.

5662. It fell off in several places?—Yes. I had assistance there, so that I do not think it fell off.

5663. Whose assistance had you there?—Sergeant Crayfourd.

5664. Were you in court when Ruppert gave evidence yesterday?—Yes.

5665. You heard Altfuldisch describe how you made him pick up his cap in Great Marlborough Street?—Yes.

5666. Do you say there is no truth in that?—I say it is wrong.

5667. The whole thing is an invention?—It is.

5668. Nothing like it happened?—It did not.

5669. Will you tell me exactly what the change was in the behaviour of Atlfuldisch that caused you to arrest him. The words you used yesterday were that things became serious?—Yes.

(*Mr. Eldon Bankes.*) I think he said: "Things looked serious."

(*Chairman.*) I think the word he used was "looked."

5670. (*Earl Russell.*) Anyhow, you tell us to-day when you first saw Altfuldisch he was doing nothing that made it necessary to arrest him?—If he had gone away.

5671. How had his conduct changed?—I saw he was not taking any notice of what I told him to do, and he was surrounded by a number of persons who were looking to him as their leader. The mob that he was surrounded by, as I have said before, was a very undesirable mob, and with a man like him acting in the way he did I could only see one ending to it. He was defying me to clear these people out of this street, and they were looking to him for their leadership, as it were. They were following his advice.

5672. The actual thing which he did, which you thought made it necessary to take him into custody, was to refuse to go away when you ordered him?—Yes, and making use of the words he did.

5673. So that you agree with him that that was the immediate cause of his arrest, that you ordered him to move on and he did not?—It was not the immediate cause.

(*Mr. Rufus Isaacs.*) The words were, "Things began to become serious." Those were the actual words used yesterday?—

(*The Witness.*) I may say this, that Greek Street, Soho, is one of the very worst streets I have to deal with, in fact it is the worst street in the West End of London, without exception. There is a crowd of people that gather there nightly, and they are nothing more nor less than pests, and I go further than that, and I say this, there are some of the vilest reptiles

in London living there and frequenting there, and I think for a respectable man to take up the position he did and try to obstruct the police, making out that they had no right to interfere with these people, was serious.

5674. (*Earl Russell.*) You heard his account of this, that you addressed him with an offensive name, and he said he would not be called such a name?—I did not.

5675. You used no language of that kind, and made no suggestion of that kind?—I used no language of that kind. It was continually referred to, as I said yesterday, and the word was frequently used amongst the crowd. "Why do not you clear away these dirty ponces" some people were shouting from the windows in the street.

5676. You mean other persons were asking you why you did not clear them away?—Yes. They were shouting, "Clear them away."

5677. Persons of a more respectable character than the usual frequenters of the street who you have described?—Yes.

5678. Is it true that the first intimation that Altfuldisch had of your presence was that you pushed him from behind?—No, it is not. I did not speak to him first, according to the evidence.

5679. He spoke to you first?—No, another inspector spoke to him—Inspector Manning—first.

5680. You say you were both there together when he was first spoken to?—We were not exactly together, we were perhaps one or two yards apart. We came out of Old Compton Street together, and we started to deal with this crowd together.

5681. You were near enough to hear what Inspector Manning was saying, and to see what he was doing?—No; the row was too great. I could not hear him distinctly.

5682. There was some conversation between him and Inspector Manning before you came up that you did not hear?—No. I was there; but Inspector Manning was ordering him away.

5683. That is what I asked you just now, whether you were near enough to hear what passed between Altfuldisch and Inspector Manning?—I could not say, I was not paying attention to what Inspector Manning was saying at that particular moment, but I know he was trying to disperse the crowd, the same as I was.

5684. I quite understand that; but there was some conversation between Altfuldisch and Inspector Manning, according to you, which you did not hear?—According to the evidence I am going on that was given in Court.

5685. You also told Altfuldisch to go away after that?—I did.

5686. Is Altfuldisch correct in saying that another inspector who was there did not touch him or speak to him?—He is not.

5687. Did you hear Altfuldisch, when you had arrested him, call out something to Ruppert?—No, not to Ruppert. He was calling on the crowd.

5688. Did you hear him call out something in German?—He was speaking in German sometimes and sometimes in English.

5689. Can you say that he did not call out the name of Ruppert?—I could not. What he said in German I certainly could not say, because I am not conversant with German.

5690. Did you ask him who Ruppert was?—No, I did not.

5691. Did he say anything to you to the effect that he was waiting there for a friend?—He did not.

5692. He did not give that as his reason for not moving on?—He did not.

5693. Now, tell me exactly what Ruppert did on the way to the station that made it necessary to arrest him?—He was aggressive from Soho Square, and when we got into Carlisle Street, near Dean Street, he got right in front of us and got in between us.

5694. Between you and your prisoner?—Yes. He was talking wildly, and sometimes in German and sometimes in broken English.

5695. What sort of thing was he saying?—Something about "You shan't take him" and a lot of things. Really it is so long since that I could not for the moment say.

5696. He stood in front of you, and to what extent did he get in between you and your prisoner?—He came in between us *so* (*describing*), and caught hold of the prisoner's arm and my arm, and began to clamber round me and pushing himself in sideways.

5697. He physically threw himself in between you?—Not physically; he more pushed his way, if I can so explain it. I would not say he threw himself right in between us.

5698. Still, he took hold of your arm?—Yes.

5699. Where was Inspector Manning at that time?—He was behind.

5700. Walking close behind?—Not closely, because I did not want the people who were following to come very close.

5701. Five yards?—About that.

5702. Did you ask Ruppert where he was going and what he wanted?—No. I do not think I had any conversation with Ruppert at all.

5703. You did not tell him to go away?—Not that I recollect. I told him to go away certainly when he came too near me. I certainly said that to him; but as regards any other conversation I do not think I had any.

5704. Did Inspector Manning take Ruppert into custody on his own account, or on your instructions?—On his own account.

5705. Did you not turn round to him and say, "You had better take him along too"?—No, I did not.

5706. Then you say Inspector Manning took him into custody because he saw what he was doing?—Yes, I think so.

5707. Did you ask your prisoner Altfuldisch on your way to the station what he was doing for a living now?—I did not, because that question would be ridiculous. I knew perfectly well what the man was doing for a living.

5708. Do you deny altogether any conversation between you, and any irritation on your part on account of his objecting to the names you called him?—That is so.

5709. There is not a word of truth in that?—There is not a word of truth in it.

5710. Now we come to the police station. What is the position of this waiting room that you say you took him into?—It runs direct from the front door parallel with the charge room. When we come in at the front door we go along so that the charge-room is here and the waiting room is here. (*Describing.*)

5711. It is, as he has described it, at the end of the passage as you come in at the door?—Yes.

5712. How long after Ruppert did you get to the station?—That I could not very well say, because he was some distance in front of me.

5713. You saw him go into the station?—No, I did not.

5714. How far in front of you were they—more than twenty yards?—Oh, yes; they must have been a considerable distance more than twenty yards.

5715. Tell me what happened to cause that delay, because Ruppert at the time he was arrested was actually alongside you and Altfuldisch?—He was arrested close to us.

5716. How came he to get to the station so long before you?—He would not have got to the station before me if my prisoner had walked away quietly and walked along quietly as the other prisoner did, but he did not do so; he was struggling.

5717. How long did it take you from the time that Ruppert was arrested to get your prisoner to the station?—I should think about eight or ten minutes.

5718. And what was the distance?—About 200 or 300 yards, probably.

5719. And you had the assistance of another constable?—No, I did not—not all the way. I did not get the assistance of the other constable until I came to Poland Street at the junction of Great Marlborough Street.

5720. How far did you have to take him to the station?—I had to take him from Carlisle Street or from

Inspector F. McKay

17 Oct. 1906.

Dean Street, to the junction of Great Marlborough Street and Poland Street.

5721. That is about how far—200 yards?—Yes, about 200 yards as near as possible, roughly speaking.

5722. What happened during that time to the crowd which Inspector Manning had been keeping back behind you?—Some of them came along to the station.

5723. Was there any other constable behind you then, keeping the crowd back?—No, there was not.

5724. Was any attempt at rescue made by this crowd?—No.

5725. After that 200 yards you got the assistance of Sergeant Crayfourd?—Yes.

5726. Anyone else?—Police-constable Miles.

5727. Both of them?—Yes.

5728. Did those two accompany you and your prisoner up to the door of the station?—Yes.

5729. You say that distance took you eight or ten minutes?—Oh, no.

5730. The whole distance of 300 yards?—From Dean Street.

5731. From the time that Ruppert was arrested?—No; the distance I was assisted by Sergeant Crayfourd I do not suppose took more than two or three minutes.

5732. The whole time from the time when Ruppert was arrested took you eight or ten minutes?—Yes.

5733. A distance of 300 yards, about?—About that. It may be a little more or less.

5734. According to you, how long before you had Ruppert got into the station? You did not see him in Great Marlborough Street at all?—No, I did not.

5735. It is not true that you and Altfuldisch were passed by Ruppert in custody when Altfuldisch was in front of the De Dion Bouton shop?—No.

5736. You are sure of that?—I am positive.

5737. When you got to the station you took your prisoner to the waiting-room, you say?—Yes.

5738. Why?—Because he was so disorderly and making such a tremendous row that it would be impossible for the Inspector who was taking the charges to get on with his work, and there were several other charges there waiting.

5739. Were you able to see that as you came into the station?—Yes.

5740. You were able to see it for yourself?—Yes.

5741. Has the waiting-room a door?—Yes.

5742. Did you shut it?—No, I did not shut it.

5743. Did you close it?—No.

5744. You did not push it to at all?—No.

5745. That statement is false?—Yes.

5746. Were you alone with him in the waiting-room?—No.

5747. Who was there?—Sergeant Crayfourd and Police-constable Miles.

5748. Where were they standing?—In the door some part of the time.

5749. In the open doorway?—Yes.

5750. Where were you standing?—I was holding the prisoner when I went inside first.

5751. Inside the room with the prisoner?—Yes.

5752. Is it true that you assaulted him there in any way?—It is not true.

5753. You did not force him down on the bench?—I did force him down on the bench.

5754. But you did not strike him any blows with your fist?—I did not.

5755. Did you let go at all while you were in the room?—Oh, yes.

5756. After you forced him down on the bench?—Yes. In fact, we both almost fell down on the bench.

5757. And after that you took your hands off him?—Yes, he sat quieter then.

5758. Where did you stand then?—I went out in the passage leading to the waiting-room.

5759. Why?—Waiting till the Inspector got rid of the charges to take mine.

5760. Have you any instructions in your instruction book as to where you should take a prisoner when you take him into the station?—Oh, yes; we are to take him into the charge-room if there is room, but we cannot take more people there than they can deal with. It is important that the charge-room should be kept as orderly as possible, so that everyone can hear and carry on their business properly, and to bring a man in there who was screaming and shouting and behaving disorderly, and could not do it.

5761. And if you cannot take him to the charge-room where are you to take him to?—To the waiting-room.

5762. Were there any men there in plain clothes?—Yes.

5763. Who were they?—Sergeant Crayfourd and Police-constable Miles.

5764. They were both in plain clothes?—Yes.

5765. (*Chairman.*) In the waiting-room?—No; they came to my assistance. They were the two officers who came to my assistance.

5766. (*Mr. Rufus Isaacs.*) Were they in plain clothes when they assisted you at the junction of Great Marlborough Street and Poland Street?—Yes.

5767. (*Earl Russell.*) Do you agree with Altfuldisch to this extent, that you did take him into this room?—Yes.

5768. You agree with him that after you had taken him into this room you went out?—Yes. I did not go out of the room because I was standing close to the room—as close as I am to this bench here.

5769. I thought you said you went out in the passage leading to the waiting-room?—Yes.

5770. Then you did not go out of the waiting-room?—Not in the sense of going right away.

5771. (*Chairman.*) You did not shut the door?—These two officers stood in the doorway and stood between me and the prisoner.

(*Earl Russell.*) What I meant by going out of the room was that you passed through the door which led out of the room.

5772. (*Chairman.*) You went into the passage but you did not go far off?—No; I stood immediately outside the door in the passage.

5773. (*Earl Russell.*) You agree with Altfuldisch to this extent, that there was a man in plain clothes there?—There were two.

5774. (*Chairman.*) Where do you say there were two plain clothes men? Were they in the waiting-room or in the passage then?—They assisted me in with the prisoner, and they remained in the doorway while I was struggling with the prisoner in the first instance.

5775. (*Earl Russell.*) Do you agree with him that it was after he had been in the waiting-room that he was taken to the charge-room and then charged?—Yes.

5776. But you say that while he was in the waiting-room the door was not shut, and no assault of any kind took place?—I do.

5777. How soon after he was charged did you go out of the station?—It might be, I should think, from twenty minutes to half an hour. I could not be positive now. It is rather a long while since. I know I came back to the station again about two o'clock.

5778. Did you take him down and put him in a cell yourself?—No.

5779. Who was the gaoler?—The officer on duty.

5780. You had nothing more to do with him after he was charged?—No, nothing.

5781. You can tell us nothing about what happened to him after he was charged?—No.

(*Chairman.*) Have you any question to ask, Mr. Bankes?

(*Mr. Eldon Bankes.*) No, sir; I have no question.

5782. (*Chairman.*) At what time did you go into Greek Street on Saturday evening?—It would be very shortly after twelve o'clock, as near as I can remember now. I know the houses had closed, and they close at twelve o'clock on Saturday nights.

5783. You were, of course, not on the beat on that night, as I understand?—No, I was patrolling my sub-division.

5784. Was Inspector Manning also with you out

patrolling that evening?—Yes, I saw Inspector Manning in Compton Street.

5785. Then you and Inspector Manning were in and about Greek Street in addition to the constables who were on the beat?—Yes.

5786. Something, I think, was said by you in your examination in chief, as to meetings being held in various houses in that street?—Yes, that is so.

5787. And then these houses would empty, I suppose, at midnight?—Yes, they are licensed houses. Some are licensed by the Inland Revenue, and some by the Justices, so that all houses that are licensed have to close at the hour of 12 on Saturday nights, and 12.30 on other nights.

5788. Under which category does the Wedes Hotel fall?—It is a Justices licence, it is a wine licence for the sale of wine on the premises.

5789. Is there often considerable disorder when these houses shut and people come out of them?—It depends upon the locality. In some parts we have no disorder at all and no trouble. My subdivision I take from High Street, Bloomsbury, to Park Lane, along Park Lane to Mount Street, and then I come along through Regent Street, Compton Street, taking the Seven Dials to High Street, Bloomsbury, again. That is the circumference. The western portion of my ground, that is west of Regent Street, I have no trouble with at all, but the eastern portion is where we have all the trouble, because, I suppose, about 95 per cent. of the population are foreigners.

5790. The thing, if I recollect rightly, that first attracted your attention on this evening, was a fight going on between a man who was arrested, named Mander, and somebody else?—Yes.

5791. Did you see the fight commence?—No, I did not see it commence. I saw them on the ground. They got up, and we tried to get them away, but they would not go, and they started again, so I took Mander into custody.

5792. Did anything suggest to you that they belonged to different clubs or gangs, or parties of men?—There are two different gangs, undoubtedly, that meet at this very spot, because one gang that goes there frequents a place called the Café Turk, which is a very low class place, and the second gang frequents the Wedes Hotel.

5793. Is the Café Turk a licensed house?—It is licensed by the Inland Revenue as a refreshment house.

5794. (*Chairman.*) Both houses then are in the same category?—Yes; Italians and Frenchmen frequent one place, and Germans the other.

5795. You do not know what was the cause of the quarrel, if quarrel it was, that led these men to fight?—No, I could not say.

5796. Was there considerable excitement on the part of the men who were round about the people fighting?—Yes, there was. They conversed in foreign languages, and, as they always do, they were throwing their arms about and shouting wildly.

5797. It is not very important, and you need not, so far as I am concerned, answer the question unless you like, but you had no special information about this so-called Florists' Society, had you?—No.

5798. It is a *bonâ fide* society?—Oh yes, distinctly so. I had this information, if I may say so, that there were a number of people going there mixing amongst these working men. Some of them are respectable men, undoubtedly, but a number of people were going there mixing with them, whom I call undesirables.

5799. Undesirables for different reasons, I suppose?—Yes, that is so. These men try to make themselves respectable by mixing with respectable men. That is one of the greatest difficulties we have to contend with.

5800. Some of the men were undoubtedly of the character that you have referred to as "ponces"?—That is so. I know them very well, because I have found these cards of respectable societies on these men when I have searched them, and they do that to give them an air of respectability.

5801. But, apart from that class of undesirables, there are also men, I suppose, who are associated with political societies?—Yes, there are.

5802. (*Mr. Rufus Isaacs.*) Did you anticipate any trouble at all in Greek Street that night?—I do every night; every Saturday night especially.

5803. Saturday night is worse than any other night?—Yes, it is, and we have a difficulty in this way, that constables are called away to take charges to the station, and for the time being their beats are left alone.

Inspector F. McKay.

17 Oct. 1906.

5804. How many constables were there in Greek Street that night when you were there? Were there any that you saw?—Yes, there was a constable that I handed the prisoner over to.

5805. (*Chairman.*) You mean you handed Mander over to the constable on the beat?—Yes.

5806. (*Mr. Rufus Isaacs.*) Were there any other constables on the beat who would have been there, if they had not been taking prisoners to the station?—Yes, there are three or four beats that pass through that street. We always keep as many men round there as we possibly can, but when these charges arise, the men are taken away, and they are frequently called away for some reason or another, and they are absent. It is a matter that cannot be very well met.

5807. Was it for this reason that you were patrolling Greek Street at this time?—It was. On each Saturday night, I make it a standing rule to patrol that part of my district.

5808. Because of the difficulties that you know arise?—Yes, that is so.

5809. You told us you were keeping watch—I do not know if I am using the correct expression—on this particular hotel?—No, I was not keeping special watch myself, but I will use this term, the place has been under my notice for some considerable time, and I have directed special attention to be paid to it.

5810. I do not want details at all, but is that because it was frequented by undesirable persons. Is that the reason?—That is so.

5811. It was not because there was any question of infringing the Licensing Act?—No.

5812. But because of the persons who frequented the place, or some of them?—Yes. There is a number of those undesirable men, Germans, who make that their headquarters, and they gather there. I can generally find one when I want him there.

5813. When you want a particular man?—I can find him there.

5814. Was there any reason if Alfuldisch was standing alone without anybody near him, for some ten or fifteen yards, why you should have arrested him?—I certainly would not have arrested him. I should be the very last man in the world to interfere with him if he was standing alone.

5815. As far as I understand, you knew him as a respectable man?—Yes, a man I had seen, I suppose, almost daily.

5816. Sergeant Crayfourd and Police Constable Miles were not called at the police court, were they?—No.

5817. I do not think we have heard who were called. Did you conduct the case?—I simply gave my evidence. I have a note of my evidence here that I gave in the first instance that I can read.

5818-9. We have got it before us?—I simply gave my evidence on the first day, and Inspector Manning gave his, and on the second occasion I was called back into the box and cross-examined, as I said yesterday, and Inspector Manning was not, so there was no further evidence called for the police.

5820. Who would have to decide whether further evidence should be called for the police?—The Magistrate.

5821. Would he call the police?—Yes, he would if he thought it necessary.

5822. You say Sergeant Crayfourd and Police-constable Miles both assisted you at the junction of Great Marlborough Street and Poland Street to take charge of the prisoner?—That is so.

5823. That, according to his story, is quite incorrect?—That is so.

5824. It was of some value, was it not, to have the corroboration of these two constables as to what you had stated as having taken place at the junction of Great Marlborough Street?—Yes. Of course, when our case was closed, I had no idea what they were going to say.

5825. Crayfourd and Miles had not seen what had taken place when you arrested the prisoner?—No. Of

Inspector F. McKay. 17 Oct. 1906.

course, if I had known the attitude the defence were going to take up, I should have adopted a different policy.

5826. You would have called the sergeant and the police-constable to state what happened?—Yes, and we should have been represented, so that these witnesses could be cross-examined.

5827. (*Chairman.*) According to the depositions, the case for the prosecution closed with the end of the evidence of Inspector McKay on the second day, and the defendant himself was called, and witnesses as to character, and then the Magistrate convicted?—Yes.

5828. But the Magistrate had declined, as we have heard from another source, to receive evidence as to ill-treatment?—I do not agree with that.

5829. (*Mr. Rufus Isaacs.*) Nor did I understand that that was so stated. What the Magistrate declined to do was to receive evidence of what had taken place in the police-station?—Yes.

(*Chairman.*) That is what I mean.

5830. (*Mr. Rufus Isaacs.*) The question I was putting was as to what took place when the prisoner was taken in charge before he was brought to the police-station?—If I may say so, I do not agree with that, because Mr. Denman heard the case at very great length. He occupied the greater part of the morning and the greater part of the afternoon in hearing the case, so the case was gone very fully into.

5831. You say the case was gone very fully into. Do you mean both as regards this incident of which we have heard, and the incident to which the Chairman referred just now, that is the alleged violence and ill-treatment at the station?—Yes, Altfuldisch certainly made reference to it in the witness-box, and that was brought out on every possible occasion it was possible to bring it out.

5832. I understand these witnesses were not called because they did not relate to the main incident, which was the arrest, and it was not thought necessary?—No, I certainly did not think it necessary.

5833. They were in Court ready to be called if the Magistrate wanted further evidence?—Yes. I had no idea, as I have said before, that the defence were adopting the course they were adopting.

5834. (*Chairman.*) The Inspector is right in saying that the Magistrate did receive some evidence of what took place in the station, because I find that Altfuldisch himself said, "There was a pair of steps there, the door was shut by Inspector McKay, and he then assaulted me." That is in the waiting-room in the police-station?—That is so, sir.

5835. (*Mr. Rufus Isaacs.*) I think I understand now what you mean about it, but there was your evidence and Inspector Manning's, and you also had there Sergeant Crayfourd and Police-constable Miles, they being all the police who had taken any part in the arrest and conducting Altfuldisch and Ruppert to the station?—Yes.

5836. But that was the only reason according to you why they were there?—That is so.

5837. It was unnecessary to call them owing to the course the case took?—That is so. Certainly, if I had known what I know now, I should have taken a different line altogether, as I said to the solicitor for the defence at the time. I said, although I was a police officer I was entitled to a little fair play, and I could not see why he should adopt the back door policy he did. If he wanted to make out that these outrageous things did occur, why not apply for a summons against me?

5838. There was no summons for assault against you applied for?—None whatever.

5839. With regard to Greek Street and these other streets I understand you that language is very often used there of a character that you do not understand, that is, some foreign language which presumably you cannot always understand?—Yes, frequently.

5840. That adds to your difficulties?—It does.

5841. You get a crowd of these men talking to one another in a foreign language which you do not understand, and I suppose that makes it more necessary that you should act swiftly?—It does, because they are so impetuous; they stab each other or shoot each other. We have had several cases of that kind occur. It is certainly, as I have said before, one of the worst streets we have to deal with.

5842. And I suppose that also involves the greatest danger to the police, who have to patrol the streets?—Yes, there is no question about that. Those persons are very dangerous, especially when a prisoner is being taken to the station; there is a danger of them coming behind and stabbing constables, or something of that sort.

5843. There is the danger of one of the prisoner's friends doing it?—Yes, it is a very great danger, and it is so difficult to recognise them afterwards.

5844. Have you known cases yourself in which policemen have been stabbed in the street?—Yes, it has occurred. We have had several cases of shooting and stabbing.

5845. Why was it that two Inspectors were there that night patrolling?—I met Inspector Manning more by accident, I think, in Compton Street. He is round that part at this particular time as well.

5846. Is that also a dangerous part?—Yes; that leads into Greek Street. That is a street which crosses several streets that run direct into the heart of Soho. Take Greek Street, Dean Street, Frith Street, Wardour Street—they all run into the middle of Soho, and Compton Street is the main artery.

5847. (*Mr. Dickinson.*) Is Inspector Manning one of your subordinates?—Yes.

5848. How many Inspectors have you got there?—Five.

5849. Does each have a particular district?—No; they take their turn of duty. They have to perform eight hours of duty during the day, and they have to take their tour of duty at intervals.

5850. Over the whole district?—Yes.

5851. You did not know Ruppert?—No, I did not.

Inspector William Manning, sworn.

Inspector W. Manning.

5852. (*Mr. R. D. Muir.*) Are you an Inspector of the C Division, stationed at Great Marlborough Street?—That is so.

5853. Were you patrolling in Old Compton Street on the early morning of the 17th December, about half-past twelve?—I was.

5854. And did you meet Sub-Divisional Inspector McKay there?—Yes.

5855. By accident?—Yes.

5856. Not by appointment, but quite casually?—Casually.

5857. Did you see anything when you were at the junction of Old Compton Street and Greek Street?—Yes.

5858. What was it you saw?—I saw a crowd some 100 yards up the street in the centre of the road.

5859. Was there any house or café opposite them where the crowd were?—Yes, the Café Turk, a little further up on the right by the Wede's Hotel.

5860. What did you do?—I went with the Inspector up the street. We hurried up the centre of the roadway into this cowd. I saw two men on the ground, and I saw the Inspector go to them. They got up. I was in the crowd trying to disperse it, and saying "Pass along." I saw Altfuldisch there. He was not on the pavement then; he was in the crowd. He was excited. I spoke to him, and said, "Pass along," in the ordinary course of business. He did move, because I passed him. I should think he stepped back two or three yards. I went round and saw Inspector McKay afterwards with this man in custody.

5861. (*Mr. Rufus Isaacs.*) Which man?—Mander. I followed him some six or eight yards, and I saw a constable come from the top of Greek Street from Soho Square down into Green Street, hurrying towards us. I let Inspector McKay go on then, and went back and helped to keep this crowd from pressing forward. In-

Inspector W. Manning.
17 Oct. 1906.

spector McKay came back, and I suppose he had handed the prisoner over to the constable who came up, and he and I afterwards passed one another in this crowd, and I was calling out "Pass along" until I saw him arrest Altfuldisch.

5862. (*Mr. R. D. Muir.*) Did you see the actual arrest?—Yes; I heard him make use of the expression "f——g police."

5863. (*Mr. Rufus Isaacs.*) You heard whom?—Altfuldisch, and "ponce." I heard that word repeated in the crowd. They were very excited, all of them—foreigners.

5864. (*Mr. R. D. Muir.*) How near were any other persons to Altfuldisch at the time that he was arrested by Inspector McKay?—They were all round us.

5865. Would it be true to say that he was standing alone?—No, not at all.

5866. They were close to Altfuldisch?—He would be there in the crowd exciting them. I heard him say, "Do not go away," and I recognised him as the man I had spoken to before.

5867. What was being said by you Inspectors at the time Altfuldisch was saying "Do not go away?"—"Pass along" and "Get away out of it," in the usual way with an excited crowd.

5868. And Altfuldisch was saying "Do not go away?"—Yes.

5869. To whom was that addressed?—To his particular friends in the crowd, I expect.

5870. When Altfuldisch was arrested what happened then?—The crowd surged behind, and I followed behind. I caught hold of him one side, on the right side, and we went into the square and I let go again.

5871. How did Altfuldisch behave after he was arrested?—He was very violent. We crossed the square to the enclosure side, and he caught hold of the railings there. I myself released his hands from the railings.

5872. At Soho Square?—Yes; he was still excited and violent there. We passed through into Carlisle Street. Where Carlisle Street crosses over Dean Street there was a temporary halt. I was keeping the crowd back, and I saw a man was in front of McKay and the prisoner, almost between them, and I got six or eight yards up to them again, and he got behind them, and he caught hold of Inspector McKay's arm, pulling it, I immediately arrested him.

5873. Who was that man?—He gave the name of Ruppert. I then followed Inspector McKay with his prisoner through the posts into Chapel Street, and crossed Wardour Street into Portland Street. There I passed him.

5874. You went on ahead?—Yes. Ruppert treated the matter with great levity. He hurried along. I had a job to keep up with him. We turned into Great Marlborough Street and into the station. When I got to the door I saw two plain clothes officers, and I told them to hurry down the street to Inspector McKay's assistance.

5875. Who were they?—Sergeant Crayfourd and Police-constable Miles. I took my prisoner into the waiting-room. There were, I think, two charges waiting then to be taken, and I saw Inspector McKay and these other two officers enter the station afterwards with Altfuldisch.

5876. How was Altfuldisch behaving then?—He was then very violent, struggling and shouting.

5877. Saying anything or making any noise?—I cannot exactly say the exact words he was using, but he seemed to make trouble of his arrest. He did not like being arrested, I should think.

5878. What tone of voice was he using?—"Why am I here for?" He was very excited.

5879. What was done with him?—I saw Inspector McKay stop and halt at the charge-room door and take him through the passage into the waiting-room. He was then brought out in his turn and charged.

5880. Did you hear him charged?—Oh, yes.

5881. Did he make any complaint at all of his treatment?—None whatever. He quieted down while he was in the dock. I do not think he spoke except to give his name, address ,and occupation to the Inspector.

5882. After he had been charged was Altfuldisch taken to the cells?—Yes.

5883. In the ordinary course?—Yes.

5884. Did you stay in the station?—No; I left the station to continue my patrol.

5885. (*Mr. Rufus Isaacs.*) Sometimes we have been speaking of Poland Street and sometimes Portland Street. Are they two different streets?—Yes; Portland Street runs into Poland Street opposite the infirmary. (*The witness explained the locality on the map to the Commissioners.*)

5886. (*Earl Russell.*) I do not understand, Inspector Manning, that you heard the conversation between Inspector McKay and Altfuldisch?—Some of it.

5887. The beginning of the conversation just before he arrested him?—I heard him tell him to pass along.

5888. He was saying that to the crowd in general or to Altfuldisch in particular?—Yes, and I saw him address Altfuldisch too.

5889. Did you hear Altfuldisch say that he would not go away?—Yes.

5890. You said you heard him say: "Do not go away," to his particular friends who were with him?—That is so.

5891. What language did he say that in?—In English.

5892. About how many of these friends were there round there at the time?—I should think at least forty to fifty people in the crowd.

5893. Among those round Altfuldisch who you refer to as his particular friends?—I could not say whether they were his friends or not. They were very antagonistic, some against the others.

5894. After he was arrested, the first time you handled him yourself was when you took him away from the railings in Soho Square?—No, I think I took hold of his arm in Greek Street into the square, and I let him go again to keep the crowd back.

5895. Did he become violent the moment Inspector McKay laid hands on him?—I should say yes, a certain degree of violence.

5896. How did he show it. Did he attempt to strike Inspector McKay?—He resisted his apprehension, trying to release himself, and pulling himself away.

5897. As a man might do, saying "What have you arrested me for; why am I in custody?"—That is so.

5898. You did, in fact, hear him asking even afterwards in the police station why he was in custody?—Yes, he asked me after he had been charged and the charge read over.

5899. He said: "What am I here for?"—Yes, he did.

5900. But you did not see him attempt to strike Inspector McKay in any way?—No.

5901. Did you hear him call on any persons in the crowd to rescue him?—I heard him say "Come along—come on," and that kind of thing to bring the crowd on.

5902. That is what you took it for?—Yes.

5903. Did you hear him speak to Ruppert or cry out to Ruppert?—No, I cannot say that I did. Ruppert is the man I saw in front of Inspector McKay in Dean Street and behind him on his arm, but before that I had not seen Ruppert—at least, not to recognise him.

5904. You cannot say it is not true that he called out in German to Ruppert to go and tell his wife that he was arrested?—No, I cannot say.

5905. The first time you took particular notice of Ruppert you say you saw him throwing himself between the Inspector and his prisoner?—That is so.

5906. What did you understand Ruppert to be doing?—Endeavouring to pull them apart to get Altfuldisch away.

5907. To effect a rescue?—Yes.

5908. Did Inspector McKay say anything to you when Ruppert interfered with him?—No, I cannot remember that he did. I do not believe that he did.

5909. Did you hear Ruppert say that he was going to Altfuldisch's wife to tell her that he was arrested?—No.

5910. If he had been going there he would have been going the same way as you, would he not?—Yes.

5911. She lives three doors from the police station?—Yes.

Inspector W. Manning. 17 Oct. 1906.

5912. You would both have been aiming at the same place?—Yes, that is so. After I saw Ruppert in front he got behind, and that caused me to come up again and arrest him.

5913. Was there much of a crowd following you at the time you arrested Ruppert?—Yes, some twenty or thirty people, or there might be more.

5914. They were only following you?—They were rather angry.

5915. Were they trying to pass you?—No, I was trying to keep them back, and some would be getting on in front on the pavement while I was in the road, and I would drive them back.

5916. Still, it was such a crowd that, although there were twenty or thirty of them, they did keep behind you when you made them?—That is so.

5917. Not a very dangerous crowd?—I should not like to say that.

5918. How long before Inspector McKay did you get to the police station?—I should think some five or eight minutes.

5919. You got there some five or eight minutes before him?—Yes. It is some time to throw one's memory back, but I should say it was between five and eight minutes.

5920. When you saw Inspector McKay come into the station with his prisoner had your prisoner been charged?—No.

5921. How many were there in front of you to be charged when you came in?—Two, I think.

5922. You brought your prisoner straight into the charge room, and found two prisoners in front of you?—Yes, one was the man previously arrested, Mander, and another was a woman, I think.

5923. Then those two had to be charged first, and your man was the third, you think?—Yes, and I believe Altfuldisch was the last.

5924. Before your man was charged you saw Inspector McKay come into the station?—Yes.

5925. You think that was as much as five or eight minutes after you got there?—I should say it was, to the best of my recollection.

5926. Where did you find Crayfourd and Miles?—They were standing at the station door.

5927. In plain clothes?—Yes.

5928. Were they on duty or off duty?—I think they were going off duty. I do not know whether they had reported off-duty or not. I think so.

5929. What were your instructions to them?—"Hurry up the road," I said, "Inspector McKay has got a violent prisoner." He was not then in sight. I looked round the corner.

5930. There was, I suppose, plenty of opportunity while you had Ruppert in custody and Inspector McKay had Altfuldisch in custody for the two men to shout to each other. They were near for a good part of the time?—I think I passed Inspector McKay in Portland Street, so we would be behind him some 150 to 200 yards. He was still then violent, as I say.

5931. Did you see Altfuldisch when he was charged?—Yes.

5932. Was there any mark upon his face then?—I never saw one—none whatever.

5933. By the time that Altfuldisch was brought into the station how many of the two prisoners waiting in front of you had been disposed of?—I think all had been charged when Altfuldisch was brought into the room.

5934. Not when he was brought into the charge room, but when you saw him brought into the station?—None of them.

5935. You mean, although you had been there five or eight minutes, none of the three had been disposed of?—No, I think the Inspector was taking a charge when I entered; in fact, there was a prisoner in the dock.

5936. Making a fourth?—Yes.

5937. About how many minutes does it take to take a charge?—That all depends on the investigation.

5938. You said that Ruppert almost ran to the station?—Yes, he did. He hurried on. I had a job to keep up with him.

5939. Wat did you say to him when you laid your hands upon him?—I said, "I shall take you to the station." He said, "What for?" I said, "You have obstructed that officer, and I shall arrest you."

5940. He came across quite quietly, and quite easily and willingly?—Yes.

5941. So far, that would be consistent with his story that he thought he was going there to give evidence on behalf of Altfuldisch?—It would be consistent in one respect. He said he did not know what he was arrested for, but I told him.

5942. Supposing he had not understood you, the way he came with you would be quite consistent with his wishing to come, in order to help the other prisoner?—Yes.

5943. What had happened to Altfuldisch to turn him from this raging wild beast into the quiet man that he was when he was put in the dock?—I cannot say.

5944. How had he been quieted down in those few minutes?—I suppose he had had time to sit down and calm himself in this room.

5945. What went on in the room, you, yourself, know nothing about?—No, there was nothing, only this shouting. If he had been assaulted, I should have heard that.

5946. You heard shouting?—Somebody said they heard cries of "Help."

5947. I ask you what you heard?—I never heard that. If it had taken place, I should have done.

5948. If there had been any cries of "Help" from this waiting-room you would be bound to hear it?—Yes, decidedly.

5949. (*Mr. Eldon Bankes.*) With regard to the state of the light in this waiting-room, there was a point I omitted. I think Altfuldisch said he was taken into a dark room and assaulted?—I can hardly think that. There is a light there that has a by-pass to it, but at night time, when it is being used, this light would be always on. But if the by-pass was down it would not be dark.

5950. On the night in question, are you able to say, from looking into the room, whether the room was light or dark?—I cannot say. I do not remember.

5951. You did not happen to notice?—No.

5952. You have been asked as to whether Ruppert knew what he was charged with. Did you tell him?—Yes. I told the Inspector the circumstances of his arrest.

5953. But when you arrested him, did you tell him what you were arresting him for?—Yes. I said, "You have obstructed that officer."

5954. And when the charge was made against him, was it read over to him?—Yes.

5955. (*Mr. Rufus Isaacs.*) Did he answer anything to that when you said, "You have obstructed that officer"?—No, he did not answer.

5956. (*Mr. Eldon Bankes.*) But he came with you?—Yes, he treated the whole matter as a joke, I thought.

5957. Then the charge was read over to him, and did he say anything then?—Nothing at all.

5958. Then when the evidence was given by you before the Magistrate about what had happened, did he say anything to the Magistrate then?—I do not think he did. I believe he pleaded guilty. I am not sure. He never contested the case.

5959. (*Mr. Dickinson.*) How long does it take you to get from Greek Street to the police station?—Six or seven minutes.

5960. Can you fix at all the time you were in Greek Street?—It was after 12 o'clock I know, because when I met Inspector McKay it had gone 12, and I had been keeping observation on a licensed house that was rather late in closing.

5961. When does it close?—12 o'clock.

5962. You did not see anybody coming out of this hotel?—No, it was already closed.

5963. (*Mr. Rufus Isaacs.*) Did you know Altfuldisch before?—No, I did not. I cannot say I had seen the

man before, although I have seen him several times since.

(*Earl Russell.*) I am very sorry to interpose, but the Chairman was good enough to say that when these two Italians arrived, I could call them. I am told they are here, and we cannot guarantee them being here after this morning.

(*Chairman.*) It will not discompose you, Mr. Bankes, I suppose, if we interpose them now?

(*Mr. Eldon Bankes.*) Not at all.

(*Chairman.*) Their evidence relates to Clinch's case.

(*Earl Russell.*) Yes, sir.

Inspector Manning.
17 Oct. 1906.

FRANCESCO D'ANGELIS, Sworn.

(*Earl Russell.*) I am told the witness does not understand English.

(*Mr. Eldon Bankes.*) I am quite willing that the statement that this man made at the police station and the evidence that was given at the police court should be used if it is of any assistance to my learned friend.

(*Earl Russell.*) I am told the other Italian witness can speak English, and can interpret this witness's evidence.

(*Mr. Rufus Isaacs.*) What do you say to Mr. Bankes's suggestion?

(*Earl Russell.*) I cannot accept it.

(*Chairman.*) Then the other Italian gentleman will kindly act as interpreter, and the oath had better be administered to the witness through the interpreter.

Francesco d'Angelis.

ANGELO DELICATES was sworn as Interpreter.

FRANCESCO D'ANGELIS sworn, the oath being administered through the Interpreter.

5964. (*Earl Russell.*) Do you live near John's Mews, at 77, Rosebery Avenue?—I do not live there.

5965. Where do you live?—31, Warner Street.

5966. Do you remember a night in October, 1905?—I say what I said before.

5967. Did you see Mr. Clinch on a night in October, 1905?—Yes, I did see him.

5968. Did you see anyone else on that night with Mr. Clinch when you first saw him?—I only saw Mr. Clinch.

5969. Did you see Mr. Clinch going into or coming out of John's Mews?—I saw him when he went in.

5970. When did you next see Clinch?—I saw him about a minute or two afterwards.

5971. What was happening then?—I saw a constable come out, and saw him pushing Mr. Clinch—pushing a gentleman out of the mews.

5972. What was Clinch doing?—He started shouting out.

5973. Where did Clinch go to then?—He came forward twice.

5974. What did Clinch do or say?—He asked me to be a witness that I saw the policeman strike him.

5975. Was any other policeman seen?—The sergeant came afterwards.

5976. Where did he come from?—He came out of another street.

5977. What happened then?—After this the sergeant came across and asked Mr. Clinch what was the matter.

5978. What happened then?—Then the sergeant ordered the policeman to follow to the station with him.

5979. Did you see anyone else beside the sergeant and the policeman?—I saw a young lady.

5980. What was she doing, and where did she come from?—She came out from the same mews.

5981. What did she do when she came out?—As soon as this young lady came out she started running on the footpath, and the sergeant called upon her to stop, but she would not stop.

5982. Will the young woman stand up? Do you recognise her? Is that the woman?—Yes.

5983. What happened then? What did the sergeant do when the woman ran away?—He ordered her to stop, and then the sergeant ordered her and the constable to go to the station with him.

5984. What did you do when the other people went to the station?—I went to give my evidence.

5985. Where to?—To the police station.

5986. At once?—At once.

5987. Did you make a statement at the station?—Yes, I gave my evidence to the inspector.

5988. Did you make it yourself, or was there an interpreter?—There was an interpreter.

5989. (*Mr. Eldon Bankes.*) How long had you been standing outside the mews before you saw Mr. Clinch go into them?—About ten minutes. My friend was speaking with me.

5990. Did you see the woman go into the mews?—Yes.

5991. How long did she go into the mews before Mr. Clinch went in?—About five minutes before.

5992. Did you see the policeman go into the mews?—When he came out, but not when he went in.

5993. You did not see the policeman go into the mews at all?—No.

5994. You say the woman went in about five minutes before Mr. Clinch. Did you pay any particular attention to the time at the moment?—I paid no attention to that.

5995. It is the fact, is it, that the woman went into the mews shortly before Mr. Clinch went in?—Yes.

5996. You went to the police station, did you not, and you wrote a statement there?—Yes.

5997. This gentleman here, your friend, acted as interpreter for you?—Yes.

5998. What you said in your statement was: "I saw the policeman push him (Clinch), and he said to him 'Pick your hat up'"?—Yes.

5999. That statement was correct, was it not?—Yes.

6000. What you saw was that the policeman pushed the man. You did not see the policeman strike the man?—I only saw the policeman push him, and not punch him.

6001. Was he pushing him out of the mews with his hands on his back in *this* sort of way (*illustrating*)?—He was only pushing him.

6002. Was Clinch pushing back? Was Clinch resisting? Did Clinch appear anxious not to come out of the mews?—He did not do any act back.

6003. I do not convey my meaning exactly. Did Clinch appear reluctant to come out of the mews?—No, he did not.

6004. (*Mr. Dickinson.*) How long had you been standing at the doorway of that mews?—About ten minutes.

ANGELO DELICATES, sworn.

6005. (*Earl Russell.*) On the 16th October, 1905, you were living at 77, Rosebery Avenue?—Yes.

6006. The last witness on that occasion was there talking to you?—Quite right.

6007. Whereabouts were you standing when you were talking?—Just near the door.

6008. Whose door?—My door. I was unlocking the door.

Angelo Delicates.

Angelo Delicates.
17 Oct. 1906.

6009. When you first saw anything happen, about how long had you been standing there—the two of you?—About ten minutes, or a quarter of an hour, or something like that.

6010. What was the first thing you saw happen in John's Mews?—I saw a constable striking a gentleman. I heard the constable say "Pick up your cap and go," and this gentleman went back to the mews again.

6011. When you say "this gentleman," do you mean Mr. Clinch?—Yes. I did not know his name at the moment.

6012. You saw a constable. What was the constable doing exactly?—I saw him punching him. He was striking him, and this gentleman was holding his hands up.

6013. (*Mr. Rufus Isaacs.*) Can you show us with your arm what you saw the policeman doing with his arm?—I saw him go like *that*. (*Illustrating.*)

6014. (*Earl Russell.*) Clinch, you say, was doing what?—He was holding his hands up.

6015. What sort of light was there in the mews? Was there a good light or a bad light?—There was no light there.

6016. You heard the constable say "Pick up your cap and go," you say?—Yes.

6017. What happened after that? What did Clinch do then?—He came forward at once, and he asked us if we saw the constable strike him. We answered "Yes." In the meantime, when speaking to us, I saw a sergeant crossing the road.

6018. The sergeant was not in the mews?—He was crossing the road.

6019. What did you say?—I said: "Here is a sergeant crossing the road; call him, he will put everything right for you." He did. The sergeant came across, and whilst he was taking our names this young lady came out.

6020. Did Mr. Clinch say anything to the sergeant when he came up?—He said he had been assaulted by a policeman.

6021. Then the sergeant started to take your names?—Yes.

6022. Whilst that was taking place what happened?—The young lady ran out on the footpath.

6023. Do you recognise her now?—Yes.

6024. What happened when she ran on the footpath?—The sergeant ordered her to stop. She still kept running, so the sergeant ran after her and stopped her, and brought her back to the mews. In the meantime the policeman came out of the mews.

6025. Before the sergeant came back, or at the same time?—At the same time. When the sergeant got to the mews the policeman was coming out.

6026. Did you hear the sergeant say anything to the policeman?—The sergeant said to the policeman, "This gentleman charges you with assaulting him."

6027. What did the policeman say?—The policeman denied it.

6028. What happened then?—The sergeant asked us to go to the station with him. I went to the station. The Inspector asked me: "Do you know anything about this?" I said "No," because I thought as a foreigner I ought to mind my own business, and I did not like to be in an affair like this. I was subpœnaed by the Magistrate to appear at the court.

6029. You told the Inspector at the police station you did not know anything about it?—Yes.

6030. After that you were subpœnaed to the court?—Yes, by the Magistrate.

6031. Were you in the charge room at the station when the charge was made?—Yes.

6032. Did you see Clinch and the Inspector in the room?—Yes.

6033. What happened after the statement had been made by Clinch? What did the Inspector do?—He said: "Gibbard, keep your place," or something like that.

6034. Did you hear the Inspector read the statement to the policeman?—Yes.

6035. What did the policeman say then, or what did the Inspector say? Did the Inspector say anything when he read it?—No.

6036. Did he ask any question of the policeman?—He said, "This gentleman is charging you with assaulting him, Gibbard; is that right?" The policeman did not answer.

6037. Did you hear Clinch ask the sergeant at the station anything about the woman coming out of the mews?—No, I never heard that.

6038. After you had been to the station you came away?—I came away.

6039. You and the last witness?—Yes, with my friend.

6040. Did you leave the others at the station?—The young lady.

6041. Who else?—Clinch and Gibbard, the constable.

6042. (*Mr Eldon Bankes.*) How many of you were there standing talking together at the entrance to the mews?—Three.

6043. You, the last witness, and another person?—Yes.

6044. Were you engaged in conversation talking with each other?—That is right.

6045. There is no light in these mews, is there?—No.

6046. You were standing in the street just at the entrance?—Not at the entrance. Where I live is three doors before the mews, and there is a lamp-post there.

6047. You were standing at your doorway, were you?—Yes.

6048. And your friends were standing with you?—Yes.

6049. Three doors away from the mews?—Yes.

6050. (*Mr. Rufus Isaacs.*) Do you mean there is a gas lamp there?—Yes, in the street.

6051. (*Mr. Eldon Bankes.*) There is a gas lamp in the street by your door?—Yes.

6152. Is there an archway over the mews?—Yes.

6053. There is no light there at all?—There is a lamp there, but that night there was no light at all. They had vans in there.

6054. You and your friends were standing close together?—Yes.

6055. What he saw you saw?—Yes.

6056. And what you saw he saw?—Yes. At the time this happened I was just putting the key in the keyhole, and was saying "Good night," and we saw the constable come out.

6057. Did you notice the woman go into the mews?—No.

6058. Did you notice Clinch go into the mews?—I saw Clinch go in. Neither did I see the policeman go in.

6059. I mean you, I suppose, were engaged in conversation with your friends, and not paying any attention to this; but you happened to notice Clinch go in?—Yes.

6060. The next thing you noticed was the policeman and Clinch coming out together?—Yes.

6061. Your friend has said that the policeman was pushing him?—That is what he says.

6062. But is that right?—Yes, it should be.

6063. Is that right? Is that what the policeman was doing?—No. I saw him strike him.

6064. Do you mean to say you saw him strike at him, or hit him?—Hit him. I saw him hit him at the back of the neck somewhere, and Clinch was going like *this* (*illustrating*). The constable said, "Pick up your cap and go," and he walked to the mews again.

6065. Your view is that he struck him with his fist, is it?—Yes.

6066. You gave evidence at the police court, did you not?—Yes.

6067. When you went to the police station you told the Inspector you did not know anything about it?—That is right.

6068. But afterwards you did give evidence? We will just see what you said there. You said: "I was standing outside my door." That was right?—That was right.

6069. "Near John's Mews I saw the complainant and

defendant; I saw the police-constable go to strike Mr. Clinch." Is that what you said?—To strike him?

6070. That is what was taken down.

(*Chairman.*) We have not got that.

(*Mr. Eldon Bankes.*) We have not copies. I have the original note. This is the clerk's note of evidence at the police court.

6071. "His cap fell off; the police-constable said, 'Pick your cap up and go away'"?—That is right.

6072. That is what he was telling him—to go away?—Yes.

6073. "Clinch spoke to me. The police-sergeant came up and took my name. I stood at the entrance to the mews. A woman came out and commenced to run on the footpath. The police-sergeant called on her to stop. She would not. The police-sergeant run after her and brought her back. The police-constable came out. The prosecutor said, 'I charge this man with striking me while I was making water'"?—Yes, that is right.

6074. The charge was not striking him outside, but striking him inside?—No, outside.

6075. Listen. You told the Magistrate that Clinch said "I charge this man with striking me while I was making water"?—Yes, but this happened after—when the striking came.

6076. Mr. Clinch made a statement in writing. The Inspector read it out. The police-constable said nothing?—The Inspector said, "Did you strike the man." The police-constable said, "I pushed him"?—That is what he said. That is right.

6077. If that is right, how came you to tell these gentlemen a moment ago that when the Inspector read out what you said was the charge the constable said nothing?—When this occurred at the police station, I told them I did not know anything about it.

6078. You told the Magistrate that the Inspector said, "Did you strike the man"?—That is right.

6079. "The constable said 'No, I pushed him.'" Is that true?—I did not say that. I said the policeman struck him.

6080. No. You were telling the Magistrate what you heard take place at the police station. Did you hear the Inspector say to the constable, "Did you strike him"?—Did I hear that at the police station?

6081. Yes, did you hear the Inspector say to the constable, "Did you strike the man"?—That is right—"Did you strike the man or push the man."

6082. Did the constable say, "No, I pushed him"?—The constable said, "I pushed the man" only.

6083. If that happened, how came you to tell these gentlemen that the constable said nothing? A moment ago you told these gentlemen the constable said nothing.

(*Chairman.*) No, that was when he was charged before the sergeant.

(*Mr. Eldon Bankes.*) Both, I think. There was no charge made. In this case the man was not in custody, and no charge is made except where a man is in custody.

(*Chairman.*) I took down a very hurried note that, when charged by the sergeant, the policeman did not answer.

(*Witness.*) That is quite right.

(*Chairman.*) That is what I took down.

(*Mr. Eldon Bankes.*) That is right. He said both.

(*Witness.*) When the sergeant said, "This gentleman charges you with assaulting him," Gibbard did not answer at all.

(*Chairman.*) I took that down with reference to what took place in the street.

(*Mr. Eldon Bankes.*) That is right; but he also said that when the charge was made by the Inspector the constable said nothing.

(*Mr. Rufus Isaacs.*) That is only giving a technical meaning to the word "Charge." He used the same expression, but he probably did not mean it to have the same technical effect as you do.

(*Mr. Eldon Bankes.*) Quite. My point is that when before the Magistrate he did say that when what he now calls the charge was made by the Inspector, the constable's answer was "No, I only pushed him."

(*Chairman.*) He agrees to that now.

(*Mr. Eldon Bankes.*) Yes, he does.

6084. You were cross-examined. Listen to the cross-examination: "I went to the police station. I interpreted my friend's evidence"?—That is right.

6085. "I live about two doors away. I agreed with what my friend said"?—No, that is not right.

6086. It is written down here.

(*Mr. Rufus Isaacs.*) Is that signed?

(*Mr. Eldon Bankes.*) No, it is the clerk's note.

6087. Do you say you never said that?—I never said that.

6088. "My friend said he saw the police-constable push the prosecutor. He said nothing about the police-constable striking the prosecutor. I said I did not see anything; I did not want to go against the Force"?—Quite right.

6089. Did you say "My friend said he saw the police-constable push the prosecutor"?—Yes. I interpreted for him.

6090. "He said nothing about the police-constable striking the prosecutor"?—No.

6091. Did you say "I agreed with what my friend said"?—No.

(*Chairman.*) I do not know whether you make any point of distinction between pushing and striking, but the dramatic action of the witness in the box suggested to myself a push, although he called it a strike.

(*Mr. Eldon Bankes.*) It will be for you to say. You have the medical evidence, and you will hear our witnesses.

(*Mr. Rufus Isaacs.*) It was consistent with either, but it looked to be more like a push than a blow. A push might be a blow.

(*Mr. Eldon Bankes.*) It is difficult to draw a line when a push ceases to be a push and becomes a blow.

6092. (*Earl Russell.*) Both when you gave evidence at the police court, and to-day, there has been a difference between you and Francesco de Angelis. He said it was a push, and you said you thought it was a strike?—Yes.

6093. How long after Clinch went into the mews did you see him come out again, followed by the policeman?—About three or four minutes.

6094. (*Mr. Rufus Isaacs.*) How long have you been in this country?—Since I was eight years of age.

6095. That is how long ago?—I am twenty-five now.

6096. That is seventeen years ago. And your friend?—Four years.

6097. What is your occupation?—A hairdresser.

6098. Do you carry on that business at 77, Rosebery Avenue?—No, at 19, Great Bath Street. I live at Rosebery Avenue.

6099. How long have you lived at 77, Rosebery Avenue?—Three and a half years. I am living there now.

6100. I do not think we heard what your friend's business is?—He is a hairdresser, too.

6101. Does he work for you?—No.

6102. He works somewhere else?—Yes.

6103. He is an assistant hairdresser?—Yes.

6104. When you interpreted your friend's evidence at the police court, did you interpret it sentence by sentence?—Not at the court, but at the police station.

6105. I should like to understand what you did there. How did you interpret it?—Just the same as I did just now. The Inspector told me to ask him what he saw, and I told him what he said.

6106. You repeated it in English?—Yes.

6107. (*Mr. Dickinson.*) After Clinch went into the mews did you see the policeman go in?—I did not see the policeman go in.

6108. Were you not sufficiently observant of what was going on to look?—No, I did not pay attention to that. I was with my friend. I did not see the policeman or the young lady go in. I only saw Clinch go in, and I saw him when he came out with the constable.

6109. Perhaps you do not understand the question. Between the time when Clinch went in and went out was only two or three minutes?—Yes.

Angelo Delicates.

17 Oct. 1906.

6110. In those three or four minutes are you able to say that no police constable did go in?—Yes, no one went in then. It is not very far. It is only about ten yards.

(*Mr. Eldon Bankes.*) He did not see the woman go in.

(*Mr. Dickinson.*) I said between the time when Clinch went in and went out.

6111. (*Chairman.*) I saw you recognise a young woman in court?—Yes.

6112. Is that the young woman who came out of the mews?—Yes, that is the young woman who came out of the mews.

6113. Had you seen her before that night?—I have seen her going home sometimes at night. I have seen her visit a coffee-stall there.

6114. Had you seen her before you saw her come out of the mews that night?—Only that night I saw her come out of the mews and run on the footpath. I never did before.

6115. This was a little after 12 o'clock, was it not?—About ten minutes past 12.

6116. You did not see her go into the mews?—I did not.

6117. You saw her come out?—I saw her come out and run on the footpath.

6118. Was that the first time you had seen her that night?—Yes.

6119. Did you know her at all?—No. I never spoke to her at all. I know her by sight.

6120. Does that mean that you had seen her going along the street?—Yes, I have seen her pass by. There is a coffee-stall there, and I have seen her visit the coffee-stall.

6121. There is a coffee-stall there, and you have seen her at it occasionally?—Yes.

(*Mr. Rufus Isaacs.*) Mr. Bankes, I want to call your attention to this. This witness and Delicates say that Clinch made a statement in writing. Someone read it out.

(*Mr. Eldon Bankes.*) The Inspector.

(*Mr. Rufus Isaacs.*) "The police constable said nothing. The Inspector said, 'Did you strike the man?' the police constable said, 'No, I pushed him.'"

(*Mr. Eldon Bankes.*) That is what I was reading.

(*Mr. Rufus Isaacs.*) That is at the end of the evidence in chief.

(*Mr. Eldon Bankes.*) Yes.

(*Mr. Rufus Isaacs.*) Then he is cross-examined. He says: "I went to the police station; I interpreted my friend's evidence. I live two door away." Then he says: "I agree with what my friend," and then it stops there.

(*Mr. Eldon Bankes.*) I am afraid I put in the word "said."

(*Mr. Rufus Isaacs.*) It goes on as if he were making some correction, because the next sentence is "My friend said he saw the police constable push the prosecutor." He said nothing about the police constable striking the prosecutor. Apparently he is drawing a distinction.

(*Mr. Eldon Bankes.*) There is a word there omitted.

(*Mr. Rufus Isaacs.*) There is the cross-examination, and there are at least two questions before the one upon which you lay stress.

(*Mr. Eldon Bankes.*) Certainly. The only reason I called attention to it was because I understood the witness to say here with regard to his recollection that when the Inspector made the charge, or said whatever he did say to the constable, the constable said nothing.

(*Chairman.*) This is in cross-examination, so that he may not have finished the answer. The note runs thus: "I agreed with what my friend," and then it stops. "My friend says he saw the police constable push prosecutor." That may have been an unfinished sentence.

(*Mr. Eldon Bankes.*) The answer I relied upon came next after that: "The Inspector said, 'Did you strike the man?'"

(*Mr. Rufus Isaacs.*) No, forgive me, that comes before the cross-examination. The question you are referring to is at the end of the examination-in-chief, where the police constable said, "No, I pushed him." That is the point you are making.

(*Mr. Eldon Bankes.*) Yes. Does it make any difference where it comes?

(*Mr. Rufus Isaacs.*) I am not going to argue that with you. I am only pointing out that you are wrong in saying that it is after the statement you are referring to; it is before it. The statement is made at the end of the examination-in-chief of this witness that the police constable said, "No, I pushed him." Then he is cross-examined. The only point of my calling your attention to it is that you were putting to this witness that he had agreed with the statement that his friend had made.

(*Mr. Eldon Bankes.*) So I thought.

(*Mr. Rufus Isaacs.*) I am pointing out to you that that is in answer to a question in the Clerk's note: "I agreed with what my friend," and then it stops, and goes on to point out a distinction between what his friend had said and what he, the witness, was saying.

(*Mr. Eldon Bankes.*) Quite. I do not understand exactly what the point is. There are two quite distinct questions. One is whether the constable pushed the man or whether he struck him. These two men did not agree on that.

(*Chairman.*) I pointed out that this witness in his dramatic action made such an ambiguous action that as far as I am concerned I should have thought it was a push rather than a blow.

(*Mr. Eldon Bankes.*) I am obliged to you. Therefore we have got rid of that point. The other point was in his evidence he led you to think that the constable said nothing when he was charged with striking the man, and therefore in substance he admitted it, whereas when he gave evidence either in chief or in cross-examination, I do not care which, at the police court, he said, on the contrary, when the Inspector asked him whether he struck the man, his answer was: "No, I pushed him." Those are two quite distinct points.

(*Earl Russell.*) The passage Mr. Isaacs read out first was that he answered nothing when the whole thing was read over to him, and when the Inspector said: "Did you push him or strike him?" he said: "No, I pushed him."

6122. (*Mr. Dickinson.*) You say you saw Clinch go into the mews?—Yes.

6123. The statement written by the constable says: "I beg to report that at 11.50, 15th inst. I was on duty in Rosebery Avenue when I saw a man and a woman go down John's Mews." You say there was no woman with him?—There was no woman with him.

(*Mr. Eldon Bankes.*) It is not suggested that they went together.

(*Mr. Dickinson.*) I only want to know whether Clinch when he was in the mews went down with the woman or not, because the statement of the police constable is that a man and a woman went in.

(*Mr. Eldon Bankes.*) Yes, but it is not suggested that they went together. If you look at the evidence which the police constable gave before the Police Magistrate it is plain that he does not suggest that they went in together. That statement may possibly lead you to think that his suggestion is that they went in together. I am only explaining that that is suggestion.

(*Chairman.*) I daresay he will be called before us.

(*Mr. Eldon Bankes.*) Yes. There are one or two other questions I should like to ask the witness.

(*Chairman.*) Yes.

6124. (*Mr. Eldon Bankes.*) I understand that you and your friend were standing talking at your doorway?—Yes.

6125. You had no particular reason for watching the mews?—No, we were not watching the mews at all.

6126. You did happen to see Clinch go in?—We saw him go in.

6127. You all of you saw Clinch go in?—Yes.

6128. Your friend saw the woman go in, but you did not?—I did not.

6129. You did not happen to see the woman go in?—I did not.

6130. You did not see the constable go in?—I did not see the constable go in.

6131. But you know he went in?—No.

6132. You saw him come out?—Yes.

6133. Therefore he must have gone in. There is no other way of going in except that way?—No.

(*Mr. Dickinson.*) I understand him to say the constable did not go in after Clinch. He told me that he was perfectly certain the policeman did not go in after Clinch.

6134. (*Mr. Eldon Bankes.*) You have told us you were all talking together. You did not happen to notice the woman go in?—No, I did not see either the woman or the policeman go in. I only saw Clinch go in, and, afterwards, Clinch and the constable come out again.

6135. After Clinch went in, did you watch the mews, or did you go on talking with your friends?—We were smoking.

6136. Did you watch the mews after Clinch went in?—We watched the man go in.

6137. Did you keep your eyes fixed on the mews, or did you go on talking?—We were not talking. I was saying "Good night" when the constable and Clinch came out.

6138. You saw Clinch go in?—I saw Clinch go in.

6139. What were you doing after Clinch went in?—We were still speaking.

6140. Doing exactly what you were doing when the woman went in?—No, we were still speaking.

6141. That is what you had been doing when the woman went in?—Yes, but at that time there were three of us together on the footpath, and after I said "Good night" I put the key in the door. The mews was on *this* side, and we were saying "Good night," and then we saw the constable come out.

6142. *Here* is the street, *here* is the entrance to the mews, and *here* is your house?—Yes.

6143. You three men were standing on the pavement talking together?—Yes.

6144. Whilst you were so standing, a woman went into the mews?—I did not see her go in.

6145. No, you did not, but your friend did. That means he happened to notice her and you did not happen to notice her?—I did not notice her.

6146. Shortly after Clinch went in?—Yes.

6147. And you happened to notice him?—I happened to notice him.

6148. After Clinch had gone in, did you continue standing on the pavement talking?—Yes.

6149. And you were continuing standing talking in exactly the same position?—No, not in the same position.

6150. Why?—I was unlocking the door when I saw the constable come out.

6151. But after Clinch came in, did you for a minute or two stand talking where you had been talking before?—We were not in the same place. I was at the door and they were on the footpath.

6152. That was when the constable came out?—Yes. But before, when Clinch came in, we were on the footpath.

6153. How soon after Clinch had gone in did you move from the footpath?—About two or three minutes after.

Angelo Delicates.

6154. So that for two or three minutes after Clinch had gone in you remained in the same position?—About two or three minutes. 17 Oct. 1906.

6155. And you were standing for those two or three minutes after Clinch went in in exactly the same position as you had been standing before Clinch went in?—No, we were not standing in the same position at all.

6156. You were standing on the pavement?—Yes.

6157. You know now that a woman went in without your seeing her?—I did not see her.

6158. Then Clinch goes in?—Yes.

6159. You saw him go in?—Yes, but in the meantime we had changed our positions.

6160. To what extent did you change your positions?—The mews was *here*, the three of us were standing *here*, and I was standing *here* after the young lady went in. I said, "It is late, I must go to bed," and I turned round and said "Good night." After that I was unlocking my door.

6161. Had you your back to the mews?—No, the mews was on *this* side, and I go in on *this* side. If I had my back to it I should see neither Clinch nor anyone else. I was on *this* side when Clinch and the constable came out of the mews.

6162. Did you change your position after Clinch went in?—Yes, because I went to open my door. That changes the position, does it not?

6163. The constable says he went into the mews after Clinch?—No.

6164. You say "No"?—No, I only saw Clinch go in.

6165. I agree you only saw Clinch go in; but the question is, whether you were observing the mews in such a way from the time Clinch went in that you are prepared to swear that no one went in after him?—No, no one went in after him.

6166. (*Mr. Dickinson.*) Were there any other people in the street?—No, only the three of us.

6167. In the whole street?—In the whole street. It was late. It was Sunday night. All the people were away.

6168. (*Chairman.*) You have no doubt that the police-constable did not go in after Clinch had gone into the mews?—No, I did not see the constable go in.

(*Mr. Eldon Bankes.*) We quite agree you did not see him go in.

(*Earl Russell.*) I am very much obliged to the Commissioners for allowing me to interpose these witnesses.

(*Chairman.*) Now, we must revert to the Altfuldisch witnesses.

(*Mr. Rufus Isaacs.*) Is that your evidence, Earl Russell, in Clinch's case?

(*Earl Russell.*) There is only the medical evidence, but the doctor is not here.

(*Chairman.*) Apart from the medical evidence, you have called all your witnesses on your side?

(*Earl Russell.*) That is so.

Sergeant CRAYFOURD, sworn.

6169. (*Mr. Eldon Bankes.*) Are you a sergeant attached to the C Division, stationed at Great Marlborough Street?—Yes.

Sergeant Crayfourd.

6170. Were you on duty on the night of the 17th December?—I was.

6171. We heard that you were standing outside the station when Inspector Manning came up with his prisoner?—That is so.

6172. Were you in plain clothes at the time?—Yes.

6173. Were you on duty, or had you come off duty?—I was just going off duty.

6174. Did Inspector Manning speak to you?—He did.

6175. What did he say?—I would not be sure of his words, but he told me something to the effect that Inspector McKay had a violent prisoner, and he wanted me to go to his assistance.

6176. Did you and Police Constable Miles go in consequence of that communication?—Yes.

6177. Where did you go to?—We ran along to the end of Marlborough Street.

6178. Did you run?—Yes.

6179. What happened then?—I met Inspector McKay with Mr. Altfuldisch. They were struggling. They appeared to be at a standstill. I took hold of Mr. Altfuldisch's left arm and assisted him to the station.

6180. At what point exactly did you come up to them?—It was near the refuge in the centre of Great Marlborough Street, at the corner of Poland Street.

6181. At that time did you help the Inspector to take Mr. Altfuldisch to the station?—Yes.

6182. Did you hold him the whole way?—All the way.

Sergeant Crayfourd.

17 Oct. 1906.

6183. What part of him had you hold of?—I had his left wrist in my hand, and I held his arm with my right hand.

6184. How did he behave?—Violently—kicking, struggling, and shouting all the way.

6185. When you got to the station, what happened?—We took him to the charge-room door, and from there straight through to the waiting-room.

6186. What happened in the waiting-room?—He continued his violence for about three minutes, and I assisted Inspector McKay to restrain him. After that he got somewhat quieter, and sat down by himself.

6187. What was the state of light in the waiting-room when you took him in?—A bright incandescent gaslight.

6188. Was Inspector McKay at any time in the room with that man alone?—No.

6189. Was any violence used towards him in that room?—No violence. There was restraint put upon him.

6190. Just describe to the Commissioners what sort of restraint was put upon him?—After we took him into the room he was asked to sit down. He sat down at first, and then he jumped up and rushed towards the door as if he was going out of the police station. He was then restrained by Inspector McKay and myself, and he sat down again.

6191. Was anything more done to him, or did he remain seated?—He remained seated.

6192. Did he remain seated until his turn came to be taken into the charge-room?—That is so.

6193. He has suggested that the Inspector struck him continuously whilst in that room. Is there any foundation for that?—That is false.

6194. Was the door shut at all?—It was not.

6195. Were you and Miles there the whole time?—Yes.

(*Mr. Rufus Isaacs.*) It is suggested also that somebody else struck him.

(*Mr. Eldon Bankes.*) He has spoken of a plain clothes man besides the Inspector assaulting him.

6196. Were there any plain clothes men there except yourself and Miles?—No.

6197. Did either you or Miles assault him?—No.

6198. Then he was taken into the charge-room and put into the dock. What was his condition then?—He seemed to get excited again after he got into the charge-room. He shouted and screamed for a bit, and then he got quieter again.

6199. Was the charge taken down and read over to him?—Yes.

6200. Did he make any complaint then of an assault?—He said nothing at all.

6201. Had you anything to do with him after he had been put into the dock and charged?—No.

6202. Who was it took him to the cell?—The man on reserve—the jailer and the officer on duty.

6203. (*Earl Russell.*) What is his name?—The officer on duty?

6204. Yes?—Inspector Remfry was on duty.

6205. I want the name of the officer who took him to the cell?—That was Inspector Remfry.

6206. The same man who took the charge, was it?—That is so.

6207. When you first joined Inspector McKay at the junction of Poland Street and Great Marlborough Street was there a large and violent crowd still around them?—When I arrived there there were about ten or a dozen, I should say.

6208. Around Inspector McKay?—Behind him.

6209. He was without assistance other than yourself at that time?—Yes.

6210. What was the crowd doing?—They did not appear to be doing anything in particular. They were shouting something in a foreign language that I did not understand.

6211. There was no attempt at a rescue by this crowd of ten or a dozen when you got there?—I did not see it.

6212. They were not taking hold of Inspector McKay or taking hold of the prisoner?—No.

6213. Was the prisoner rather violent?—I was rather struck with the force he used.

6214. Was it as much as Inspector McKay could do to hold him?—It appeared to be so.

6215. He had this crowd of 12 people around him who were not helping the prisoner to escape?—That is so.

6216. Although he had his hands full. Did you hear Mr. Altfuldisch's story about his cap falling off and that he was forced on to the pavement to pick it up?—I do not remember it falling off, but I will not say it did not.

6217. The statement that he was forced to pick it up is entirely false?—It is.

6218. If it was picked up, who picked it up?—It might have been Miles. He was behind the prisoner.

6219. He was with you?—Yes.

6220. Did you hear the prisoner asking what he was arrested for?—I do not remember that. He may have asked, but I do not remember.

6221. You do not remember his asking "What am I here for?" when he was brought into the station?—I do not remember that.

6222. You remember Inspector Manning saying in the charge-room he heard that?—Yes.

6223. You were nearer to him than Manning?—Yes.

6224. You do not remember his saying it?—I do not remember his saying it.

6225. You took no notice?—No.

6226. I understand you to say when he was first taken into this waiting-room he sat down quietly himself by the bench?—He sat down in the natural course of events.

6227. Do you mean because you lent heavily on him and made him?—No. That is the usual place where they sit down when they are taken into the station.

6228. You did not have to force him down?—No, we did not force him down in the first place.

6229. Did you hear Inspector McKay say that when he was first taken in he had to force him down on to the seat?—Not when he was first taken in.

6230. You say he sat down in the first instance fairly quietly, and then bounced up and made a rush?—Yes.

6231. You and Miles were in plain clothes?—Yes.

6232. Were you on or off duty?—I was just coming off duty.

6233. Had you been on duty?—Yes.

6234. You were just going off duty?—Yes.

6235. You are accustomed, I suppose, to taking in prisoners. It happens often, I think, at Marlborough Street?—Yes.

6236. What is the largest number you generally have in the charge room? Do you not often have half a dozen there at a time?—Not at a time. I have seen three or four there frequently.

6237. When you came in with this man there were three, were there not?—About that I should say.

6238. You have heard what he said. Is it not true that the door was shut?—It was not shut.

6239. It is not true that he was left along with Inspector McKay?—No.

6240. It is not true that you hit him at any time?—I did not hit him. I helped to restrain him.

6241. Gently. You did not shake your fist and strike a blow?—No.

6242. Nor in your presence did Inspector McKay or Miles?—No.

6243. You are perfectly positive that the whole three of you were practically all together while he was in that waiting room?—That is so.

6244. When he says he was left alone with the door shut that is false?—That is false, absolutely.

(*Earl Russell.*) May I make an application with regard to two witnesses in Clinch's case? Mr. Sandy, who is an Inspector in the Inland Section at Mount Pleasant, and who saw Clinch after the occurrence, and Dr. Sinclair, the official doctor of the Post Office. I

shall be glad if the Commission would issue an order to these two gentlemen to attend, because it would facilitate their coming. We are not able to enforce their attendance without such an order. I understand there will be no difficulty in their attending the first thing to-morrow morning if that is convenient to the Commission.

Sergeant Crayfourd.

(*Chairman.*) We will summon them for to-morrow and see when their evidence can be taken.

17 Oct. 1906.

Police-constable ALLEN MILES 79 C, sworn.

P.C. A. Miles.

6245. (*Mr. Eldon Bankes.*) I think you are a police-constable attached to the C Division at Marlborough Street Police Station?—Yes.

6246. Were you coming off duty on the night of the 17th December in company with the last witness, Sergeant Crayfourd?—Yes

6247. Did Inspector Manning speak to you just outside the station?—Yes.

6248. What did he say?—He told me to hurry to Poland Street, as Inspector McKay had a violent prisoner. I immediately ran with Crayfourd there.

6249. I do not know whether it is necessary to go through the story at length, but have you heard the sergeant's account of what took place?—Yes.

6250. Is that accurate?—Yes.

6251. Did the sergeant take hold of Altfuldisch?—Yes.

6252. Did he keep hold of him until he got to the station?—He did.

6253. What was Altfuldisch's condition? How did he behave?—Very violent—shouting; he was very violent indeed. "You b—— English police" was his principal expression.

6254. After you got to the station where was Altfuldisch placed?—In the waiting room.

6255. What was the state of light in that room?—It was lighted.

6256. Did the Inspector remain in the room alone with him at all?—No.

6257. Were you in the room the whole time or in the doorway?—In the room standing by the doorway.

6258. Did you hear what the sergeant said as to what happened?—Yes.

6259. Is that accurate?—Yes.

6260. Is there any foundation for the statement that the Inspector struck the man?—None whatever.

6261. Is there any foundation for the statement that either the sergeant or yourself struck him?—No.

6262. Were there any plain clothes men there except yourself and the sergeant?—No.

6263. (*Earl Russell.*) May I see the charge sheet? (*The same was handed to the learned Counsel.*) After you had got into the station and been in the waiting room did you accompany Inspector McKay to the charge room?—No, I went down stairs to the section house.

6264. Did Sergeant Crayfourd accompany him?—Yes.

6265. Sergeant Crayfourd accompanied him, and you did not?—Yes.

6266. Is the charge sheet signed by the police-constable making the charge as a regular thing?—Yes.

6267. But only by one of them, not by all of those who are concerned in the arrest of the prisoner?—No.

6268. Were you in court when the case came on against Altfuldisch?—Yes.

6269. On both occasions?—Yes.

6270. And Sergeant Crayfourd?—Yes.

6271. Have you any occurrence book or any book in which you make a note of what happens?—Do you mean myself?

6272. Yes, yourself. Would you make a note of an arrest?—I should if I had one.

6273. Would you make a note of assisting to take a violent prisoner?—No.

6274. What would you make a note of?—If I had arrested a person myself I should make a note.

6275. But not if you had arrested a violent prisoner?—No.

(*Mr. Eldon Bankes.*) You mean assisted in arresting.

(*Earl Russell.*) Yes, assisted in taking a violent prisoner to the station. What would be the object of the note if you had arrested a man?—To keep in remembrance the times and things.

6276. When you came to give evidence the next day?—Yes

6277. Would you not have the same object if you had assisted in taking a violent prisoner to the station?—For such a short distance you would think you might keep it in your mind.

6278. But if you had effected an arrest at that distance you would still write it down in your book?—Yes.

6279. The object is to refresh your memory before you give evidence of what happens?—Yes.

6280. In the case of assisting to take a violent prisoner, although you would have to give evidence you would make no note?—I should think of it.

6281. You have never made a note in a case like that?—No, I do not remember it.

6282. You were both in plain clothes and both just coming off duty?—Yes.

6283. Did you make any written report, either you or, to your knowledge, Sergeant Crayfourd, about the assistance you rendered in taking this violent prisoner to the station?—Yes.

6284. You made a written report?—Yes.

6285. When?—On the 18th June.

6286. And the occurrence took place on the 16th December?—The 17th December.

6287. That was six months afterwards?—Yes.

6288. Is that the first time you ever wrote anything about it?—Yes.

6289. It is the first written note you ever made?—Yes.

6290. That was, I suppose, in answer to some inquiry from Scotland Yard, was it not?—I really do not know now. I think Sergeant Crayfourd mentioned it to me and we made out reports.

6291. You made them out together?—No, I made out mine, a very short one, of what had taken place.

(*Earl Russell.*) May I have the report? (*Document produced.*)

(*Mr. Rufus Isaacs.*) It appears to be dated the 19th June.

6292. (*Earl Russell.*) This is the report:—"I beg to report that about 12.30 a.m. on the 17th December, 1905, I was at Great Marlborough Police Station, when I was directed by Inspector Manning to go to the assistance of Sub-divisional Inspector McKay. I accompanied Sergeant Crayfourd and met the Subdivisional Inspector in Poland Street with the prisoner, who was struggling and shouting. I assisted to get him to the station, and to restrain him in the waiting room until he was charged. He was not assaulted by me or any other officer." You do not know how you came to make that report on the 19th June? You do not recollect?—I really do not know. It is a long time ago.

6293. The 19th June?—Yes, but Sergeant Crayfourd said something to me to the effect that I had to make a report. Where he got his information from I do not know, but it was Sergeant Crayfourd who spoke to me about it.

6294. The 19th June is only four months ago, and the report relates to occurrences six months old when you wrote it, of which you made no note at the time?—Yes.

6295. You had no occasion to think of the occurrences in between?—I had, because the case was cited in the Police and Public Vigilance Society book, and there were pamphlets about it.

P.C. A. Miles.
17 Oct. 1906.

6296. When did you first hear of that?—It might have been a month after, or longer, but I remember the case very well from these pamphlets that were distributed, and I kept the matter in my mind.

6297. And yet you made no note of what happened until the 19th June?—No.

6298. Do you say the story of Altfuldisch is quite untrue?—I do.

6299. Nobody struck him in the waiting room, or, at any rate, you in plain clothes did not strike him?—No.

6300. And you swear you did not leave him alone with Inspector McKay?—Yes.

6301. And he was not brought to the station alone by Inspector McKay?—He was not.

6302. When you were in the police court was any note of the evidence you were prepared to give, or that Sergeant Crayfourd was prepared to give, given to the Magistrate, or to anybody, or to the magistrate's clerk?—No, I do not think it was.

6303. It simply remained in the knowledge of Inspector McKay himself that you were there and would give this evidence, if necessary?—Probably.

6304. You, of course, heard Inspector McKay give his evidence?—Yes.

6305. Did you hear him say in his evidence, or any part of his evidence, that he was assisted in bringing the prisoner to the station?—I could not say that I did. I do not remember all that Inspector McKay said.

6306. Did you hear Inspector Manning give his evidence?—Yes.

6307. You did not hear him say anything to the effect that he had sent you to assist Inspector McKay?—No.

6308. It was not brought to the knowledge of the Magistrate or of the defendant in that case at that time that you and Sergeant Crayfourd had assisted in the arrest, that is supposing he did not know it before?—I do not think he did.

6309. To whom did you first make any statement other than to Inspector McKay that you had assisted in the arrest?—No one else.

6310. (*Mr. Rufus Isaacs.*) Can you give me any reason why the report was made on the 19th June?—From what Sergeant Crayfourd told me, that we had to report on Altfuldisch's arrest.

6311. Did he tell you why?—No.

6312. Have you never heard why?—No.

6313. And you do not know, except that you were told to report?—Quite right.

6314. (*Mr. Whitmore.*) To whom would the report be directed?—To Sub-divisional Inspector McKay.

Inspector JOHN REMFRY, sworn.

Inspector J. Remfry

6315. (*Mr. R. D. Muir.*) Are you an Inspector of the C Division stationed at Great Marlborough Street?—Yes.

6316. In the early morning of the 17th December last was a man named Mander brought into the station?—Yes.

6317. Charged with disorderly conduct?—Yes.

6318. And also Altfuldisch?—Yes.

6319. Charged with disorderly conduct and using obscene language?—Yes.

6320. As well as Ruppert?—Yes.

6321. Charged with obstructing an officer in the execution of his duty?—Yes, and disorderly conduct, too.

6322. Did you take the charges?—I did.

6323. How did the prisoner Altfuldisch behave in the station?—When he was brought into the station he was very noisy and was shouting.

6324. When he was put into the dock to be charged, did Inspector McKay make a statement?—He gave me the information of the nature of the disorder and the obscene language.

6325. Did he state the facts of the arrest?—Yes.

6326. Can you remember what he said?—That he saw prisoner, with a crowd of others, behaving in a disorderly manner, shouting, and that he was told to move away. He declined to do so, and said that he was not going to move away for no f—— policeman—something similar to that. On those statements, of course, I took the charge.

6327. Did Inspector McKay say how Altfuldisch behaved on the way to the station?—He said he was violent on the way to the station.

6328. Did you take down the particulars of the charge?—I inserted them on the charge sheet.

6329. And read it over?—And read it over.

6330. Did Altfuldisch make any reply at all?—None whatever.

6331. Did he complain of the conduct of the police towards him?—None whatever. He made no complaint whatever.

6332. Was he taken to the cells?—Yes.

6333. Who took him to the cells?—Myself, assisted by the gaoler—the other police-constable on reserve.

6334. What took place? Did you hear anything afterwards of the ringing of bells—Probably he rang the bell, but there were other prisoners there as well ringing the bells.

6335. Did you go to the cells?—Yes, I went once, to my knowledge, afterwards.

6336. But did Altfuldisch speak to you when you went there?—Yes, on the question of bail.

6337. How long would that be after you had taken him to the cell?—I can hardly say now, because I was up and down the cell passage half the night really with other prisoners.

6338. You only went there once?—To my knowledge I only went personally to the cell once.

6339. What did Altfuldisch say to you?—I went to ask him a question about his bail—if I could send for bail for him.

6340. Was he bailed?—After I was relieved at 2 o'clock. I was only there till 2 o'clock.

6341. Before 2 o'clock you had gone to ask him some questions about his bail?—Yes.

6342. Before 2 o'clock you had gone to ask him some questions?—If I should send for bail for him—whether I should inquire at his address.

6343. Did he give you his address?—He said: "My wife knows I am here; she will see to it. I do not want you to go to the door to disturb her." I think that is just about the gist of what he did say.

6344. Did you know that he lived about three doors from the station?—No, barring the fact of the address that he gave me.

6345. That showed you?—Yes, but I could not say it was correct, because the man was a total stranger to me. I had not known him before, and had not seen him.

6346. You accepted it as correct?—I put it down on the charge sheet, but I could not say it was correct, because we get false addresses nightly.

6347. (*Earl Russell.*) Was Altfuldisch violent at all when he was in the charge-room?—He shouted a bit, but not when he was in the dock.

6348. Not when he came officially before you?—No.

6349. But when he was first brought into the door of the charge-room he shouted a bit?—When he was first brought to the station he was shouting.

6350. What sort of things was he shouting?—"Leave go my arm." Just the usual sort of shouting we hear every night from disorderly persons.

6351. Did you hear him asking anything about why he was brought there?—Not to my knowledge.

6352. You did not hear him say that?—No, because I was dealing with other prisoners.

6353. You are in the habit of being on this charging duty frequently?—It is my duty.

6354. You have a bench alongside the room where

the prisoners wait their turn to be charged, have you not?—There is a bench there where they sit down.

6355. When would you consider the charge-room full? How many would you bring in at a time?—If I only had two prisoners there and they were very noisy I should consider it full. It is not giving prisoners a fair hearing, and not dealing fairly with them, if they cannot hear what the officer has to say.

6356. You want to keep your charge-room quiet?—Certainly.

6357. Was it by your direction or of his own motion that Inspector McKay took this man to the waiting-room?—He was taken there because Inspector McKay knew the work had to be done. It was no direction of mine. It is an understood thing.

6358. The waiting-room is a regular place to take prisoners to?—If the charge-room is noisy and full.

6359. What you say about the bell is that very likely Altfuldisch rang the bell and was not attended to for some time?—He may have rung the bell, and we have a lot of work to do, so that we cannot be running up and down; but I was up and down the passage all the night till about 2 o'clock.

6360. Are you perfectly certain that it was you yourself who asked Altfuldisch about the bail and not some other officer?—It was myself; I went myself.

6361. Are you certain?—Yes.

6362. Was it not an officer marked with smallpox?—I cannot say. That may have been the reserve man, and he might have put the question to him. I could not say; but I went myself.

6363. (*Mr. Whitmore.*) What is the practice of the police at your station about answering bells rung in the cells?—If we hear a bell rung we should go down to the cell as soon as possible.

6364. You would yourself as Inspector?—Yes. Of course, if I was engaged the other police-constable on reserve naturally would go down; but we get prisoners in the cells, drunken persons, and there they will stop, and will simply ring the bell, and if you go down you could stay outside the cell with them all night.

6365. Would you think it your duty to answer the first bell that was rung by such a prisoner?—Yes, it would be our duty; and if we saw there was that state of things we should know it was all right, and that it was simply done out of wantonness.

6366. Supposing you yourself were engaged in other duties and some other policeman was there?—I should order the police-constable on reserve to go down and see what was the matter.

6367. (*Mr. Dickinson.*) How is it that it took such a long time before the prisoner was bailed out in this case?—He declined to allow us to inform his wife or make inquiries at his address. That was up to 2 o'clock, when I was relieved.

6368. Did you know him personally?—No, he was a total stranger to me.

6369. But he lives three doors away from the station?—It may be so, but I do not live in the neighbourhood, and I only go in and out of the station on duty.

(*Mr. Rufus Isaacs.*) How was Mander described in the charge-sheet?

(*Mr. R. D. Muir.*) A gardener—a German subject.

6370. (*Mr. Rufus Isaacs.*) That is what you took down from what he said?—Yes, from what he told me.

6371. Was Mander violent?—He was just like the usual disorderly persons coming in who shout and rave.

6372. But all disorderly persons when arrested are not violent when brought to the station?—He may have been violent. I could not say. It is so long ago now.

6373. Was there any difficulty in bringing Mander into the police station?—No, I do not think there was. There was a good deal of shouting going on the whole of the time.

6374. Was Ruppert violent?—He was shouting.

6375. Ruppert was?—Yes, shouting. There was a deal of shouting with him.

6376. What was Ruppert shouting?—"Let go of my arm." That is the usual shouting.

6377. You seem to have a form of putting this—"It is the usual thing." What I am asking you is about a particular case. Have you any recollection of this particular case?—It is a long time ago.

6378. But if you do not recollect it it is better to say so?—I cannot recollect definitely.

6379. Have you any recollection at all of Ruppert being brought to the station?—Certainly.

6380. Have you any recollection as to whether he was violent?—The only thing is that he was shouting. I know that.

6381. Do you recollect sufficiently to pledge yourself that Ruppert was shouting when he was brought to the station, or are you speaking from what you say is the usual thing?—I should say he was shouting.

6382. Do you recollect it?—He was shouting.

6383. Do you recollect that he was shouting?—Yes, I think I do. I think he was shouting.

6384. What was he shouting, do you remember?—"Let go my arm. What are you catching hold of me for?" He was shouting that probably. The exact words I cannot say.

6385. I want to understand what your evidence is. You say he may have been shouting, and probably he was shouting. I am asking you on oath to state what your recollection about it is. If you have no recollection about it I want you to say so. I do not want you to tell me what he probably did or what he may have done?—I cannot give the exact words.

6386. Was Altfuldisch violent when he was brought in?—Yes.

6387. Was there any difference in the behaviour of the three?—Yes.

6388. What was the difference?—Altfuldisch had to be brought into the station. He was resisting his way into the station.

6389. Altfuldisch was more violent than the others?—Yes.

6390. He was brought in with difficulty?—Yes.

6391. And the others were not brought in with difficulty?—No.

6392. Is that what you mean?—That is what I mean.

6393. That is what you recollect?—Yes.

6394. Are you clear about that?—Yes.

6395. Is your memory as good as it was when you made the report?—Yes.

6396. How came you to say this in the report dealing with Mander, Ruppert, and Altfuldisch, all three: "The prisoners were shouting, behaving in a very violent manner, and were brought into the station with great difficulty"?—Dealing with it as a general term I embodied it for the three—as a general term.

6397. Dealing with it as a general term you embodied it for the three. Is that your answer?—Dealing with it as a general term I described it in that way.

6398. Dealing with what as a general term?—That they were violent; Altfuldisch was violent on being brought into the station. The others were shouting, and I should class that as being violent.

6399. You say they were brought into the station with great difficulty. According to your evidence just now given to me in a series of questions the only one who was brought into the station with difficulty was Altfuldisch. How came you to say all the three were brought into the station with great difficulty?—I should say they were brought in; they were shouting and they had to be brought into the station. They were resisting.

6400. Who was resisting?—Altfuldisch was resisting; Ruppert was resisting and shouting, I should say.

6401. If Ruppert was resisting and shouting, do you mean he was brought in with difficulty?—I should say so if he was resisting.

6402. I do not understand you, because you told me just now that he was not?—If he does not come freely I would call that resisting, and violently, too.

6403. If struggling and not coming freely and resisting you are right in describing him as brought into the station with difficulty or resisting, but I should like to know which of the two is it you wish us to understand took place. Was Ruppert brought in with diffi-

Inspector J. Remfry.

17 Oct. 1906.

culty or was he not?—Ruppert was resisting, and was brought in with difficulty. I will put it in that way, he was resisting.

6404. What about Mander?—Mander was resisting.

6405. Brought in with great difficulty?—I cannot say with great difficulty.

6406. I am using your own words. Have you got this report of the 19th June, 1906, before you. Look at the report that you signed, and if it is a mistake say so. Do not answer till you have looked at the report? (*Report handed to Witness.*)—All the three prisoners were shouting when they were brought in. They were resisting coming to the station.

6407. Do look at your report and tell me whether you say that is true which you say there, "Prisoners"—that is all three of them—"were shouting, behaving in a very violent manner, and were brought into the station with great difficulty." Is that correct, or is it a mistaken impression of what had happened?—It is correct.

6408. Can you explain to me why it was that you told me just now they were not brought in with difficulty except Altfuldisch?—What I mean to say is that they were resisting when they were coming into the station, and, of course, you had to force them in.

6409. Do you mean that Ruppert was forced in?—Ruppert was brought in. He was forced into the station and brought in. He would not sit down when he was brought into the station. He had to be pushed on the seat and he got up again.

6410. Ruppert?—Ruppert. He was asked to sit down.

6411. Do you remember how you came to be asked to give this report?—I was told by Inspector McKay that the report had been called for, and I was directed to make a report.

6412. Were you told who had called for the report?—The Superintendent.

6413. In consequence of the Superintendent having asked Inspector McKay to get reports?—Yes.

6414. That is six months after the event?—Yes.

6415. You made no report before that?—None whatever.

6416. Did you hear any conversation with anybody about what had happened before you made the report?—None whatever.

6417. Was there anything to bring to your recollection what had happened?—Simply the charge book. I turned to the charge book and saw the prisoner's names and so on. Of course, I had seen the reports in the papers.

6418. But the reports in the papers were just shortly after the occurrence?—I had seen nothing since. It was the first intimation I had of it.

6419. At this time did you know that this case had been circulated in the Police and Public Vigilance Society's report or publication?—No.

6420. Did you tell Altfuldisch that he could have bail?—Yes.

6421. When was that?—After he was charged.

6422. You mean at the time he was charged?—Yes, at the time he was charged.

6423. Did he say he did not want it?—He said he did not want it. His wife knew where he was, and he did not want her disturbed.

6424. (*Mr. Dickinson.*) Did you tell Ruppert he could have bail?—Yes, it is the usual procedure.

6425. You know he said he did not understand anything about bail until he got into the cells?—Yes, I have heard him say that.

6426. Can you say from your recollection that you actually told him he could have bail?—To the best of my belief I did.

6427. Do you tell every prisoner he could have bail?—Yes, we will send to anyone. It is my usual practice as soon as the man is charged in the case of disorder and drunkenness to say that we will send for bail for him to anyone he wishes, a respectable householder if he has not got a good address, or send to his address. In many cases they decline to let us go to their address because they do not want their friends to know where they are.

6428. At what moment is that done?—As soon as they are charged; on their way to the cells, or before they are taken out of the charge room.

6429. Is that an intimation that you, yourself, as Inspector, give, or do you leave it for somebody else to do?—I do it as Inspector in charge of the station and taking charges.

6430. You make that the regular rule?—It is the regular rule and the regular practice.

6431. (*Chairman.*) I understand you have a distinct recollection of this Sunday morning?—Yes.

6432. Why?—There was such a noise at the time bringing them in, and from the statements afterwards that were made at the court. I heard of the case at the court and the allegations that were made.

6433. I understand that Mander was the first prisoner of this lot brought into the charge room that night?—Yes.

6434. And you were in the charge room then?—Yes.

6435. It would be, as I gather, a little after 12 o'clock?—Yes, just after 12.

6436. Was Ruppert brought in while Mander was in the charge room?—Yes.

6437. How long after Mander had been in the charge room?—I could not say. A few minutes probably; about five minutes probably.

6438. Was there anybody else in the charge room when Mander was brought in?—I think there was one person there then.

6439. Had you proceeded to take down the particulars about Mander and to charge him before Ruppert came in?—No.

6440. You were dealing with the other cases?—Yes.

6441. And then Ruppert came in?—Yes.

6442. Was he put into the dock at once?—No.

6443. Was he told to sit on the bench you have referred to?—He was told to sit on a seat.

6444. Were you sitting down?—I was sitting down at the desk.

6445. Is the desk in front of the dock or at right angles to the dock?—In front of the dock.

6446. Not quite near it?—No, not quite near it.

6447. Where is the entrance into the charge room?—To the right of the dock.

6448. How far is the entrance to the charge room from the entrance into the police station? Are there steps leading up to the police station?—No, it is practically on a level. There is one step.

6449. About how many feet is the charge room door from the entrance?—About 15 ft., I should say—three or four yards. It is not very far. Practically, by going to the door you can see the entrance.

6450. From where you are sitting can you see the waiting room?—No.

6451. During the time that elapsed from Mander being brought in to Ruppert being brought in you were sitting in your chair?—Yes.

6452. And you continued to sit there?—Yes.

6453. After Ruppert was brought in was Altfuldisch the next prisoner brought in?—Yes.

6454. That, I suppose, was about eight minutes or so, was it not?—Probably about that.

6455. Had Ruppert been cleared out of the room by the time Altfuldisch came in?—No.

6456. You were sitting in your chair then during the time Altfuldisch was in the waiting room?—Yes.

6457. How do you know Ruppert was resisting when he was brought to the entrance of the police station?—I heard a noise at the door; I turned round and partially walked towards the door.

6458. You turned round and partially walked towards the door?—Yes.

6459. May I remind you that you said a few minutes ago that you were in your chair all the time?—Yes, I was dealing with the charges; I got up and walked back again.

6460. The question I asked you was, were you in the chair during all the time that elapsed from the time that Mander was brought in to the time at which Ruppert was brought in, and you said "Yes"?—But I

may have got off my seat. I had to take him to the cell. I should have had to have cleared the other prisoners out, and then, of course, I may have got off the seat when I heard the noise at the station door. I got off my seat when I heard the noise at the station door.

6461. You may have done so; but did you move from your seat between the time at which you took the charge against Mander and the time at which you took the charge against Ruppert?—No.

6462. Did Ruppert go out of the room before Altfuldisch was brought into it?—No.

6463. Did you leave your chair between the time at which you charged Ruppert and the time at which Altfuldisch was brought into the charge room?—No.

6464. Then when did you partially go towards the door?—When he was brought into the station.

6465. When who was brought into the station?—When Ruppert was being brought into the station I was dealing with another charge. Hearing the disturbance there, I got off my seat and walked towards the door, and he was brought into the charge room, and then I went back again and finished what I was doing.

6466. Did you leave your chair again?—Yes, I left my chair again when Altfuldisch was being brought in, owing to the shouting, to see what it was.

6467. You did not actually go to the entrance door and see the behaviour there of any one of these prisoners?—No, not to the entrance door.

6468. The only reason you have for saying that Ruppert, for instance, was resisting arrest and resisting being brought to the station is that you heard a noise at the door?—I heard a noise at the door, and saw him being brought into the charge room from the passage.

6469. "The prisoners were shouting, behaving in a very violent manner, and were brought into the station with great difficulty." That is in your report?—Yes.

6470. How do you know that?—When I heard the prisoners being brought into the station I was dealing with another charge, and I got off my seat and saw that they were being brought into the passage way and into the charge room. I saw that Ruppert when he was in the charge room was violent. He would not sit down. He was resisting, and had to be put down on the chair, and he got up again. When Altfuldisch was brought in, there was a noise at the entrance. I did the same thing, and he was conveyed from there into the waiting room.

6471. You did not see him taken to the waiting room?—Not after he passed the portals of the charge room door.

6472. You saw him pass the charge room door?—Yes.

6473. (*Mr. Rufus Isaacs.*) A question about your system of reports. First of all, when this report was asked for, do you mean that you had no idea what it was wanted for?—That it had been called for by the Commissioner from the Superintendent, and the Superintendent directed the Divisional Inspector to call for my report for the information of the Commissioner. That is what I should understand when Inspector McKay told me I should have to make a report on the matter.

6474. You have had a good many cases since then?—Yes.

6475. Did you talk it over with anybody?—No.

6476. Did you remember the names?—I was told the name of Altfuldisch.

6477. Did you remember who they were? Did you remember Ruppert and Mander?—Yes, it was the same case right through. The same officers were in the charge. *Inspector J. Remfry.* 17 Oct. 1906.

6478. Am I to understand that you did not have any conversation with anybody at all about this when you wrote the report?—No.

6479. That you had spoken to nobody about it?—No one whatever.

6480. You simply reconstituted in your mind what had happened, and then wrote it down in the report?—That is so.

6481. (*Chairman.*) Have you got here the original report that you wrote?—Yes. That is it. (*Handing report to the Chairman.*)

6482. Is it all in your handwriting?—It is all in my handwriting.

6483. (*Mr. Rufus Isaacs.*) Did you know that Inspector McKay had reported, or was reporting?—I knew he would have to report, because that would be the procedure. All the officers concerned would have to report.

6484. Did you ever hear from Inspector Manning that Ruppert had been brought into the station with considerable difficulty? Did Inspector Manning ever say that to you?—No.

6485. He was the man who brought him?—He was the man who brought him.

6486. He never, so far as I understand, made that complaint against Ruppert. I am speaking from recollection of the evidence, but I think he said he came quite quietly.

(*Mr. Eldon Bankes.*) Inspector Manning's statement was that Ruppert went so willingly that he outstripped the inspector.

(*Mr. Rufus Isaacs.*) So I thought. That does not look like a man who is brought to the station with great difficulty. He seems to have hurried on.

(*Mr. Eldon Bankes.*) I think it is an indication that there was no inter-communication in this case.

(*Mr. Rufus Isaacs.*) I am not going to answer that observation which you have made, Mr. Bankes, but you must not take that as admitted.

6487. (*Mr. Dickinson.*) Just take your report before you and look at this passage: "Sub-divisional Inspector McKay stated that he was dispersing a crowd of persons who had been fighting in Greek Street, when Altfuldisch shouted, 'We shan't go away for the f——g police,' and on being requested to go away he refused." When was it that Inspector McKay told you exactly that story?—Those were the terms used when he charged him.

6488. That was in December?—Yes. This is only a short report of the whole facts of the case. This report was made in June.

6489. You kept that in your memory from December to June?—Yes. On the charge of obscene language I should remember very little of it. It is a very small portion according to the other evidence.

6490. Did you know that Inspector McKay had drawn up a report on June 18th before that?—No, I did not know he had made a report on the matter.

(*Mr. Eldon Bankes.*) That is all the evidence I propose to give, but if there is any point the Commissioners desire to know about these reports, of course, we should be very please to deal with it.

(*Mr. Rufus Isaacs.*) I should like to ask a question from Inspector McKay about that.

Inspector Francis McKay recalled.

6491. (*Mr. Rufus Isaacs.*) How came these reports to be made in June?—I had a communication from the Superintendent asking for reports in connection with the case in question. *Inspector F. McKay.*

6492. From what Superintendent?—My Superintendent.

6493. Who would he be?—Superintendent Mann.

6494. Did he make that request in writing?—I think it was a telegram, as far as I can recollect now. A telegram was sent to him by the Commissioner. I think that arose from something that appeared in the book published by the Police and Public Vigilance Society.

6395. Calling attention to this case?—Yes.

6496. I see you signed this report of Inspector Remfry's?—Yes.

6497. Inspector Remfry seems to have made a mistake about it, does not he?—I think he does.

6498. That seems to me to be the only explanation of

Inspector F. McKay.

17 Oct. 1906.

it, that he remembered Altfuldisch's case, and thought that the other two cases were the same?—Yes. I saw each officer with the exception, I think, of Police Constable Miles, and I told the sergeant to tell him that I wanted a report of what occurred, and I think when I saw each officer I told him the facts of the case.

6499. Recalled them to their recollection?—Yes, that is so.

6500. (*Mr. Whitmore.*) As you recollected it?—Yes. That is how they made the reports, of course, getting the names and addresses from the charge book. Inspector Remfrey I know was extremely busy that night.

6501. (*Mr. Rufus Isaacs.*) I can understand him making a mistake, but I am very anxious to know whether I am to take it that this report, in your view, is mistaken or correct?—I think it really is a mistake, because I know that Ruppert went along very smartly.

6502. He was only violent as regards pace, from what I understand?—Yes. I do not know how he behaved in the charge room; I could not say, but I know he walked along smartly.

6503. (*Chairman.*) There is no complaint of violence in the charge room?—No. When I came in with my prisoner they were there then, and, of course, they were quite orderly.

6504. (*Mr. Dickinson.*) With regard to this particular report you have said that you refreshed Inspector Remfrey's memory with regard to the facts of the case?—Yes.

6505. Did he write out this report of his own accord entirely, or did he do it in consultation with yourself?—No, he wrote that, I think, some considerable time afterwards, as near as I can recollect. He left it on my desk, and I found it on my desk when he had completed it. As far as I can recollect at the time he was on night duty, and I think I told him he was on night duty at 10 o'clock, and I refreshed his memory with regard to certain facts.

6506. And I suppose you refreshed his mind simply with regard to these particular words that you alleged the prisoner used?—Yes.

6507. (*Mr. Rufus Isaacs.*) Is that the usual course, that the Inspector refreshes the recollection of the man who is to report?—Oh, no, unless it is in such a case as this that occurs so long afterwards. I mean an Inspector is dealing with hundreds and hundreds of charges, and it is impossible for him to remember every one without some assistance from the person who is dealing with them in the first instance.

6508. Without describing the case to bring it to his mind?—Yes.

6509. Did you read this report?—Yes.

6510. Did you notice that mistake in it?—I certainly did not notice it at the time.

6511. (*Chairman.*) I understand your signing it does not necessarily mean that you agree with the report, but it is simply to identify it?—Yes, that is so.

6512. (*Mr. Rufus Isaacs.*) And it is important from your point of view to point out that the complaint that was made with regard to unfair treatment was with regard to Altfuldisch and not with respect to Ruppert and Mander?—That is so. The difficulty is this, we are often found fault with in cases where we have to give evidence on these reports. Counsel very often raises objection if we tell a person what to say or ask him to make out more than one report. It is a very difficult matter, when we are dealing with reports of constables especially, to get them to keep to the point you want. I have myself in cases had to get them to make as many as five and six reports at one time before I could get what I wanted, and then I could not get what I wanted, and you cannot tell them because it is not considered right to tell them what to say. That is the great difficulty we have in dealing with reports.

6513. (*Chairman.*) Even when they are reporting as to facts which are within their own knowledge?—Quite so.

6514. (*Mr. Whitmore.*) That is the difficulty of expressing themselves in words?—They have a difficulty.

6515. What is material and important?—Yes, that is so. That is the great difficulty we have.

6516. (*Mr. Rufus Isaacs.*) It seems to me the difficulty would be none the less if the Chief Commissioner's suggestion was adopted, which is that the policeman should make a statement of what had occurred. That is what the report is meant to be?—I think that would be very much better in this way, because you would know what you want, and you ask him questions.

6517. You mean by question and answer?—By question and answer. I think it would be a much better policy, especially in cases where there is some importance attached to it. It is much the better course. I say, and I have said it over and over again, it is an awful difficulty and an awful strain on officers to get reports on these matters. It is so difficult to get them to come to the point.

6518. (*Chairman.*) Do officers sometimes say they have no recollection whatever of the case?—Yes.

6519. Why do not they report that if it be the case?—In a case like that they are bound to have some recollection of it, although their memory may not be so fresh on the matter.

6520. (*Mr. Whitmore.*) Do not take this particular report, but take a corresponding case. When you find an Inspector in his report that you had called for of a particular occurrence had made statements in his report which you knew were not at all accurate, on reading it through what course would you take?—If the matter came under my own observation I would call attention to that fact, but I could not in this particular case because I did not actually know what occurred.

6521. (*Mr. Rufus Isaacs.*) In this particular instance (I put questions to Inspector Remfry about it) the important matter at issue was what had happened with regard to Altfuldisch?—Yes.

6522. There was no complaint as to the other two at all. It seems to have been treated as all being in the same category?—Yes, there was no occasion to mention the other two.

6523. Was not a report called for in respect of Mander and Ruppert?—I do not think so.

6524. You did not report?—I probably should detail what occurred. The question I know which was asked was with regard to Mr. Altfuldisch. I heard Inspector Remfry say he came towards the door, and he certainly did come some few steps towards the door.

6525. Do I understand that no complaint was ever made either by Ruppert or Mander after what had taken place?—No, none whatever.

6526. The only complaint that was made was with respect to Mr. Altfuldisch in respect of his case?—Yes.

6527. Was the report which you had heard of or seen of the Police and Vigilance Committee with reference to Mr. Altfuldisch's case, and not with reference to the other two?—Not with reference to the other two.

6528. (*Mr. Whitmore.*) In giving your directions to make a report, do you refer specifically to the case of the one man?—Yes.

6529. (*Chairman.*) I rather gather that you hesitate, when you look at a constable's report, to tell him to make another report, because you properly fear that comment may be made afterwards on the fact that you rejected one report and that another report is substituted for it?—That is so. That question is very often raised. It is very unfair to the constables themselves to treat the reports from another point of view.

6530. (*Mr. Rufus Isaacs.*) I should suggest that when a constable does not recollect with regard to the behaviour of a man, he should state in his report when it is called for some time after that he does not recollect anything with regard to the behaviour of the particular man. Do they ever do that?—If it is a long while back we have frequently to call their attention to it.

6531. Supposing he says he does not remember. Supposing Inspector Remfry was asked for a report on the 18th June, six months afterwards, and supposing he had said, what appears to be the case, as far as I gather, that he really did not recollect much about Ruppert or Mander?—That would be very fair.

6532. Why does not he say that in his report?—He was going practically on the refresher that I gave him.

6533. (*Chairman.*) You would hardly have suggested to him that Ruppert was violent?—I did not do that. He was evidently misleading himself on that point.

6534. (*Mr. Rufus Isaacs.*) Does that mean this, and just follcw what I am going to put to you. Does that mean that you told him what had happened with regard to Mr. Altfuldisch in refreshing his memory, and that you think he understood that also to apply to Ruppert and Mander?—I think that is possible. I know I called his attention to how the arrest took place.

6535. His recollection was not of very much value with regard to Ruppert and Mander, but he took it as a refresher from you, and assumed that was what had taken place?—Yes.

6536. Is that the way a good many police reports are made?—No, I cannot say that; in fact, I do not know that I have had a report in a case so long after as this one.

6537. It is unusual to report long after?——

6538. (*Chairman.*) Just six months?—In all my experience I do not recollect such a case.

6539. (*Mr. Whitmore.*) I suppose it was brought to your knowledge afterwards?—I never heard a word about the matter at all from the time it was dealt with finally at the police court. I never heard a word about it.

6540. It was not drawn to your attention?—No.

6541. (*Mr. Rufus Isaacs.*) It was brought to your attention from the publication?—That was from the report.

(*Chairman.*) It was from seeing the pamphlet.

6542. (*Mr. Rufus Isaacs.*) I understood from Inspector McKay, that what led to the report was the publication dealing with this case of Mr. Altfuldisch. I suppose in consequence a request was made that you should send in reports so as to have them in writing?—I think I am right in saying that there were statements in the pamphlet, but I have not seen it yet. It is only what I have been told.

6543. (*Mr. Dickinson.*) What is the object of your signature being under all these reports?—They come through me. It might be a matter I should have to deal with.

6544. Do you make a report?—My report would be a covering report.

6545. You make a covering report in addition?—Yes.

6546. Reports by the constables and the Inspectors are all signed by you as well?—Yes, that is so, to signify that they have come through me, and that these are all the reports of the officers dealing with the case.

6547. Do you think it necessary to look through the reports first of all to see, as far as you are aware, that they are accurate?—Yes.

6548. Then the signature means more?—Yes, with regard to the accuracy of them. I mean to this extent, I would not be justified in altering them.

6549. (*Mr. Rufus Isaacs.*) Does that mean anything more than that you countersign the reports as having been received?—Yes.

6550. (*Mr. Whitmore.*) When you get a report, and you know it is not accurate, have you the power to alter it?—No, I have no power to alter a report.

6551. (*Mr. Dickinson.*) Suppose in a constable's report you find a mistake, what is your course? Would you send on the report?—No, I would not take the report under those circumstances. I am responsible for the whole thing that occurs in the division.

6552. (*Chairman.*) I should have thought that in your covering report you would have referred to the fact. Supposing a constable in the report makes a statement of fact which to your knowledge or in your opinion may be inaccurate, do you not make any report on that in your covering report?—I would get him to alter it. I would not take it from him if I knew it was wrong.

6553. (*Mr. Whitmore.*) In this particular case we are speaking of you raised no question, because you did not know what had taken place?—No, I could not say what had occurred in the station.

6554. (*Mr. Rufus Isaacs.*) If your attention had been directed to this passage which we have read several times you would have known from what had happened that this was incorrect?—I did know so far as the street was concerned, but I really did not know what had occurred in the station.

6555. (*Chairman.*) I understand you were not present on the occasion, but you knew by the 19th of June that Ruppert had not been behaving in a very violent manner, and had not been brought into the station with very great difficulty?—Yes.

6556. It escaped you, I understand?—As I said before, I certainly did not deal with Mander or Ruppert in that report.

6557. That is why you did not make any alteration?—Yes.

6558. It was true about Altfuldisch, and you did not direct your attention to the case of the other two men, that is what I understand?—Yes.

6559. Supposing Inspector Remfry had stated in this report, for example, that Mr. Altfuldisch had behaved quite quietly, entered the station quietly, and gave no trouble, and that disagreed entirely with your view, what would happen then?—I would not take it like that. I would certainly have some comment to make upon it.

6560. You would send the report back to him? Would you see him about it?—I would see him, certainly.

6561. Would you point out that you did not agree with him?—I would.

6562. Would you point out in what way you thought it ought to be corrected?—I would point out what occurred, being the person present there at the time, and knowing actually what did occur. I would simply call his attention to those facts. If he agreed with them would be a matter entirely for himself.

6563. Suppose he took the view that your recollection was wrong and that his was right, what would happen then?—I would not have power to order him to alter his report contrary to his recollection.

6564. You would not have power to order him to alter his report, but what would happen do you think?—Such a thing has occurred.

6565. I suppose his recollection would in the end agree with yours if you were his superior?—Not necessarily.

6566. Not necessarily, but most likely?—I have several officers who do not hold the same opinion as I do.

6567. This is a question of fact. It is not a question of opinion. If you pointed out what had happened, and you were the person in charge of this man, and you had brought him in and you said to Inspector Remfry "You are wrong about this. I brought the man in. He was very violent, and gave me a lot of difficulty." Do you mean that then Inspector Remfry would not have altered his report?—If that occurred, I would not expect him to put it in the report.

6568. If he had made a mistake and you had pointed that out to him in an ordinary case you would expect him to alter it?—Yes.

6569. But as it was true with regard to Mr. Altfuldisch's case you did not pay attention to the other two cases, which were unimportant?—I was not in the other two cases.

6570. (*Chairman.*) I suppose sometimes after conversation with a constable you would alter even your own report?—Yes.

6570*. When your recollection has been refreshed?—Yes.

6571. If a person deals with a matter directly, his memory has a better chance of being correct than the memory of a man who has had such a tremendous amount of work to do as Inspector Remfry has had to do. I may say, I suppose, that there have been just over six thousand prisoners since that time.

6572. Would it be his business to take charges?—No. They perform four hours' station duty. Their hours are these: The day duty Inspectors come on at six o'clock in the morning; one remains in charge of the station, and the other goes out patrolling. The one who remains in charge of the station remains there till ten o'clock. Then the officer who is out patrolling comes in and relieves him, and the other one who has been in first goes out for the next four hours. That is their eight hours. The same at two o'clock and the same at ten o'clock at night.

(*Earl Russell.*) There was a statement made about Mr. Altfuldisch which he is very anxious to contradict which was made by Inspector McKay. He was not cross-examined to-day. Perhaps you would allow me to ask him a question.

(*Chairman.*) Very well.

FERDINAND ALTFULDISCH, recalled.

F. Altfuldisch. 17 Oct. 1906.

6573. (*Earl Russell.*) You have heard Inspector McKay say he had seen you seven or eight times coming in or going out of Wede's Hotel?—Yes, I strongly protest against it.

6574. How often have you been there?—I have been there twice, on each occasion on the invitation of Mr. Ruppert.

(*Chairman.*) Do you wish to ask any questions, Mr. Bankes.

(*Mr. Eldon Bankes.*) I do not think it necessary to go into these details.

(*Mr. Rufus Isaacs.*) Before we leave this case, have you the letter from the Commissioner asking for the report.

(*Mr. Eldon Bankes.*) No. I am told it was a telephone message.

(*Mr. Rufus Isaacs.*) That explains it.

(*Chairman.*) Then that closes the evidence as to the case of Mr. Altfuldisch?

(*Mr. Eldon Bankes.*) Yes.

(*Chairman.*) Mr. Clinch has not been cross-examined. Are you ready, Mr. Bankes, to go on with Mr. Clinch's case now?

(*Mr. Eldon Bankes.*) Yes.

(*Chairman.*) Lord Russell, you have finished the evidence in Clinch's case?

(*Earl Russell.*) With the exception of those two Post Office officials whom you have been good enough to send for to-day.

JAMES CLINCH, recalled.

J. Clinch.

(*Earl Russell.*) Before Mr. Clinch is cross-examined may I ask permission to put one more question to him?

(*Chairman.*) Yes.

(*Earl Russell.*) Might the witness have handed to him the original statement made by the woman in the charge room?

(*Chairman.*) Yes. (*The statement was handed to the Witness.*)

6575. (*Earl Russell.*) When you were in the charge room at the police station a statement was made by the woman in the case, you told us?—Yes.

6576. Who wrote that statement?—The lady wrote it herself.

6577. Did she sign it?—Yes.

6578. Did you see that statement yourself?—Yes.

6579. Did you have an opportunity of reading it yourself?—Yes.

6580. Was it read out?—I read it myself.

6581. You had it in your own hand?—Yes.

6582. Will you look at that statement which you have before you. Is that the statement that you had in your hand at the police station?—No.

6583. In what respect does that statement differ, according to your recollection, from the other statement?—It differs a lot from the statement that I read.

6584. Will you tell the Commissioners how you say it differs?

(*Chairman.*) You say "This is not the statement I read"?—No.

6585. Do you mean to say that it is not the same sheet of paper that was handed to you?—It was a sheet of paper similar to that.

6586. But this is not the sheet of paper from which you read?—The writing is different from what I read.

6587. (*Mr. Eldon Bankes.*) Do you mean the reading?—The reading or the writing of the young lady on that paper was different to the one I read.

6588. (*Chairman.*) I want to proceed by steps. You say that is not the paper you had in your hand at the police station?—No.

6589. (*Earl Russell.*) Will you look at that paper and tell the Commissioners in what respect the contents of that paper differ from the contents of the paper you read yourself?—The paper I read was to the effect that the young lady went up the mews to make water and she asked the constable to go up there with her and cover her while she did so.

6590. Do you find that statement there?—No.

6591. Are you positive about that?—Positive.

6592. You held a piece of paper in your hand with that on it?—Yes.

6593. (*Mr. Eldon Bankes.*) Where is it you live?—5, Benson Avenue, Upton Park.

6594. I do not quite know where that is, but that is a long distance away?—It is the station this side of East Ham.

6595. And Mount Pleasant that we have been hearing about is in Finsbury?—In Farringdon Road.

6596. So that you do not reside anywhere in the neighbourhood of this Post Office?—No.

6597. Have you any reason to suppose that this man Gibbard knew you, or knew anything about you?—No.

6598. You do not reside in the neighbourhood where he is stationed?—No, I have never lived up that way.

6599. You had no reason to suppose that he either knew you or knew anything about you?—No.

6600. I notice that at the police court you told the Magistrate you had been a soldier. Is that right?—Some years ago.

6601. You did say before the Magistrate that you had been a soldier?—Yes.

6602. Is that a fact?—Yes.

6603. You had been a soldier?—Yes.

(*Mr. Rufus Isaacs.*) For three years, in the statement I have got.

6604. (*Mr. Eldon Bankes.*) What regiment did you serve in?—The Scots Guards.

6605. You had no reason to suppose that Gibbard knew anything about that until you mentioned it at the police court, as far as you know?—No.

6606. Have you a house of your own where you live?—No, I rent it.

6607. Do you have rooms or the whole house?—The whole house.

6608. Have you got a family?—Yes.

6609. You live at home with your wife and family?—Yes.

6610. At what time did you leave home that evening?—The Sunday evening, as this occurred early on the Monday morning.

6611. Yes?—When I left home it was twenty past ten.

6612. You would have to go by train, I suppose?—Yes.

6613. You found yourself in the neighbourhood of these mews just about 12 o'clock, was it?—It was 10 minutes past 12 when I went past them.

6614. How far is that from the place where you work?—The mews?

6615. Yes?—I should say about 300 yards—five minutes' walk.

6616. Is there lavatory accommodation where you work?—In the office, yes.

6617. Had you ever been in these mews before?—Never in my life.

6618. You knew nothing at all about them?—No.

6619. The fact is, when you got into the mews you found they were absolutely dark, were they not?—The mews were dark.

6620. I mean it was 12 o'clock at night in October?—10 past 12.

6621. There was no artificial light in the mews at all?—Not in the mews—only a light about six yards to the left of the mews.

6622. We have heard from one of the witnesses that at the opening from the mews into the street there is an archway?—Yes.

6623. And the mews are quite narrow, are they not? Supposing *these* are the mews, there is room for a van to stand lengthways, and then there is a passage of about 3 ft.?—Yes, 3 ft. or 4 ft.

6624. So that really the mews are only about 9 ft. or 10 ft. wide?—Yes.

6625. So it is a very narrow entrance?—When carts are there.

6626. It is a narrow entrance—it is only about 10 ft. wide?—Yes, and about 3 ft. wide when the carts are in there.

6627. When carts are standing there, there is a passage-way of about 3 ft.?—Yes.

6628. On that night there was no artificial light inside the mews at all?—Not inside the mews nor outside the mews.

6629. The nearest lamp was a lamp in *this* direction, close to the house where the Italians live?—Yes.

6630. You do not suggest that that light would throw any light into the mews at all?—Just slightly. The light from the road would throw a slight light into the mews.

6631. It could not throw light far into the mews?—Yes, just a faint light into the mews.

6632. You say you turned into the mews, and that that was the condition of things. Were there vans standing along the mews right up to the entrance?—To the entrance of the mews.

6633. So that anybody turning into the mews in *this* direction would find a van on his left?—If he turned into the mews coming from the right he would find the vans on his left.

6634. Exactly. *This* is the position. The vans were standing lengthways along *this* side of the mews?—On the left of the mews.

6635. The Italians' house is *here*?—No, not there—on the left of the cart—on the other side of the cart.

6636. We will assume that the white is the street?

(*Mr. Rufus Isaacs.*) Rosebery Avenue.

6637. (*Mr. Eldon Bankes.*) I mean the street, and *this* is the mews, opening out of the street. The vans are ranged along *here*?—Yes.

6638. And the Italians live *here*?—Yes.

6639. *These* are the mews, *here* is the street, and *this* is where the Italians live?—It does not run in that direction; it runs *that* way, from the way I am standing; but you are looking at it from the point of view of where you are standing.

6640. I have a plan here, but before you look at this plan, can you tell me this. How far does the mews go down from Rosebery Avenue?—I could not say exactly how far it goes down.

6641. You have never been down there and you do not know?—Never in my life.

6642. Do you know whether there is a corner, and that the mews turns round a corner and goes in another direction?—No, I was never down the mews; I have only passed it.

6643. Just look at that plan. (*Handing.*) Does that plan convey to you a correct impression? You see Rosebery Avenue at the bottom?—Yes.

6644. You see the mews, do you not?—Shall I take this broad arrow as the mews, up here?

6645. Yes. You understand the plan, do you not?—It does not state so.

6646. If you do not understand it, let me have it back again. (*The plan was handed to the learned Counsel.*) The broad arrow only points to the width of the road at that point?—If it had said "Mews," pointing that way, I should have understood it.

6647. Now, let us follow what happened on this night. You say there was a van. From which direction did you approach the mews—from the direction opposite to that in which the Italians lived?—Yes.

6648. So that you would turn to your right to get into the mews?—Yes.

6649. When you turned to your right you came into the narrow passage which the vans left?—Yes, leaving the vans on my left.

6650. Was there a van on that night which was just inside the mews?—The first van would be, I should say, a good yard inside the mews.

6651. A yard inside the mews?—About level with the brickwork of the other house.

6652. Had they got as many vans into the mews as they could get?—I do not know.

6653. That van nearest the road was almost up to the entrance to the mews?—I should say not, because the entrance to the mews would come right out to the end of the kerb.

6654. It would come in line with the archway?—Yes.

6655. Just tell us in your own way how far down the mews did you go?—I went against the first wheel of the second cart.

6656. Were they four-wheeled vans?—Yes.

6657. So you passed one van, you went as far as the first wheel, and you came to the second van?—It was the hind wheel of the second one.

6658. Of course at that point the mews would be quite in the dark?—Yes, with the exception of the light on the mews glittering from the roadway.

6659. With that exception it was quite dark?—It was not pitch dark, because I could discern anything.

6660. You told us when you were in that position you noticed the woman and the constable?—Yes.

6661. Just describe to the Commissioners where you say they were at that time?—When I pulled up against the hind wheel of the second cart, the policeman and the woman were between the first and the second vans. I stopped by the hind wheel of the second van. The hind wheel of the second van would be about a yard or so from the hind wheel of the first van, but there was quite sufficient passage between the two wheels, and you could go through, because the shafts of the van were tilted up, so between the wheels there was left a space. I pulled up at the rear wheel of the second van.

6662. You mean the first you came to?—Not the first wheel of the first van.

6663. It was the first wheel of the second van you came to?—Of the second van.

6664. Do you mean to say that the van was standing with its hind wheels towards Rosebery Avenue?—I could not say exactly whether it would be the hind wheels or the front wheels, but they were the wheels of the second van.

6665. The first wheels you came to of the second van?—Yes.

6666. Those were the wheels you were up against?—They were the wheels I stopped against.

6667. Where exactly do you say the policeman and the woman were between those two carts?—In opposition or in front of me where I pulled up.

6668. Just describe exactly how they were. Were they just standing between the two carts?—They were standing just between the two carts, with the woman against the wall.

6669. The woman was up against the wall of the mews?—Yes, on the left.

6670. How many statements have you made about this occurrence? Did you make a statement in the police station?—I made a statement in the police station.

6671. And you wrote down of your own accord what you had to say about it there, did you not?—Yes.

6672. Then you applied to the Magistrate for a summons, did you not?—Yes.

6673. And he told you you must put your statement into writing?—Yes.

J. Clinch.
17 Oct. 1906.

6674. So you made a second statement in writing?—Yes.

6675. Then you made a sworn information?—Yes.

6676. That was three. Then you gave evidence in the police court?—Yes.

6677. That was four?—I was compelled to do that.

6678. I am not saying you were not. I only want to know how many times you have repeated this story. That is four times before you came here?—Yes.

6679. Do you say it was light enough for you to see the woman's position in that mews?—Yes.

6680. You swear that, do you?—It was not only the light that enabled me to see the position of the woman in the mews.

6681. What else was there?—The disarrangement of her white clothing when I saw them fall.

6682. Do you think you could see that if there was no light at all?—Certainly. You can see white in the dark.

6683. So that, however dark it was, you think you could see a woman's white petticoat?—I think anybody could with eyesight.

6684. Was she standing up, or what was she doing?—Standing up.

6685. Was the constable doing anything to her?—Yes.

6686. If she was standing up he would have his back to you, I suppose?—Yes.

6687. What did you see the constable doing?—He was committing an immoral act.

6688. Actually committing an immoral act?—Actually.

6689. That is what you saw, was it?—Yes.

6690. You pledge your oath to that?—Yes.

6691. What was the first thing that happened? Did you say anything or do anything?—Nothing whatever.

6692. The constable had got his back to you?—He had got his back to me; but as soon as I pulled up to the wheel he very soon had his face to me, because he turned from the woman.

6693. When he turned round, what do you say he did?—He asked me what I wanted there.

6694. Was that the first thing he said?—Yes.

6695. He asked you what you wanted there. Had he turned completely round then?—He turned completely round, and left the woman against the wall.

6696. Had he moved towards you at all?—He was coming towards me, and as he came towards me so I walked away.

6697. I am asking about before you walked away at all. Did he speak to you before he left the woman?—As soon as he heard my footstep at the wheel, he turned from the woman at once. I was surprised to find him there.

6698. Do you mean to say that he first saw you when he turned round towards you?—Yes. I saw the back of him as soon as I pulled up against the wheel.

6699. Was he in uniform?—Yes; he had a big coat on.

6700. You say you saw him turn round. Did he turn round before he spoke, or did he speak before he turned round?—As soon as he heard my footsteps at the wheel he turned round at once, and the lady's clothing fell.

6701. Then did he come towards you?—At once.

6702. Did he speak as he came away?—He turned round in a quick way, and said, "What do you want here?"

6703. Did you answer him?—I said, "Only to make water."

6704. What did you do then?—I did nothing. I commenced to walk away out of the mews, and he came from between the carts and walked on my heels.

6705. So that, up to that point, he had not struck you?—He struck me as soon as I told him that I had simply come there to make water.

6706. You did not tell us that. I asked you to describe exactly what happened in the first place, in your opinion, and you said he asked you what you were doing there, and that you said you had only come to make water. I asked you what next happened, and you said you turned to go away, and he walked on your heels?—He told me to clear out, and he gave me a blow at the back of the head at the same time that he remarked "Clear out." That was just as I turned from the wheel, and he emerged from the wheels.

6707. Did he strike you before he emerged from the wheels?—He could not, because he was between the two carts.

6708. Do I understand, according to you, he spoke to you before he emerged from the cart?—He spoke to me as he was emerging from the cart.

6709. And you answered him?—Yes.

6710. Do you suggest he struck you then?—He struck me as he came from the carts.

6711. At that time you had started to go out of the mews?—I had not started. I was just turning away from the wheel.

6712. Can you understand why the man should have struck you?—I can suggest something.

6713. To an ordinary person it would occur to one, would it not, that if you had found the man doing this, the last thing he would have done would have been to strike you without reason. If you had found him doing this he would want to make friends with you, rather than offend you?—If I had known the man had been there I should not have gone near there. I should have left him there.

6714. Your suggestion is that without saying anything to him at all, except that you had gone there to make water, he struck you?—Yes.

6715. Then I understand you to say that he followed you up the mews treading on your heels?—He followed me out of the mews, and not up the mews.

6716. Is it up the mews towards the road?—I was going away then. I was going out of the mews.

6717. Outside you say he struck you again?—Yes, on the stonework.

6718. When you got to the police station you had full opportunity then to say anything you liked about, had you not?—I had full opportunity, but I was upset; I felt in great pain, and I was eager to get back to my work.

6719. Let me read what you said then. You said then, "I beg to state that whilst walking along Rosebery Avenue I went up a mews behind some carts." Did you ever go behind the carts at all?—Not behind the carts.

6720. This is your own statement which you made at the police station. Let us go by steps and let us see how accurate you are. "I beg to state that whilst walking along Rosebery Avenue I went up a mews behind some carts." The fact is, you never went behind the carts at all, did you?—It is not behind the carts, but I take it it is behind the carts from the direction I was passing.

6721. I will go on. "Whilst there I observed the Policeman 215 G with this woman in the corner against a cart." Is there any corner in that mews except where the mews turns round at the bottom to go in the other direction?—I do not know anything as regards where the mews turns to go in the other direction. I never was down there before. I placed, when I wrote that down, the position they were in against the wall, and in between the two wheels. I placed that as a corner under cover.

6722. This is what you said—"With this woman in the corner against a cart"?—Yes.

6723. There is no corner at all in the position in which you now place it?—I do not say as regards the corner of a building or a house, but the corner which I termed the corner is the position they were in. They were in a corner under cover of two carts and between the two wheels against a wall. I termed it at that time in a corner where they could not be seen.

6724. Your own language is "In the corner against a cart"?—In the corner between the carts.

6725. I will go on, "The woman at the time having her clothes in an improper manner"?—Yes.

6726. "She at once dropped her clothes, when the

said policeman came up to me and struck me a severe blow, at the same time remarked to be off, and if I had any property up there, and he also walked on my heels until I got on the footpath when he struck me." You do not say there a word about having seen the policeman in the act of connection?—Yes, I have stated that all along in that paper. I say he was committing an immoral act.

6727. Do you. Let me read it. "Whilst there I observed the Policeman 215 G with this woman in a corner against a cart, the woman at the time having her clothes in an improper manner. She at once dropped her clothes, when the said policeman came up to me and struck me a severe blow, at the same time remarked to be off, and if I had any property up there, and he also walked on my heels until I got on to the footpath, when he struck me another severe blow on the left jaw, knocking off my cap. I at once reported the matter to the sergeant who was passing across the road, when he took the case up. I was on my way to the G.P.O., Mount Pleasant, due on duty at 12.20 a.m."?—Yes. I put it by stating that I saw the woman and the constable in what I term a corner under cover between the carts out of sight, the lady being against the wall and the policeman in front of her, and her clothing disarranged, and seeing her clothing fall, I leave it to anyone with common sense to say that they were not acting in any way decent.

6728. You had full opportunity at that time of stating all you wanted to say and all that you had seen. You were asked to say what you knew about this?—Yes, I said it briefly.

6729. You say nothing about that, and you say nothing about the constable having pulled his coat across when he turned round?—I did not state it because I had not time to state everything. Had I been asked about the matter on the following morning I could have given further particulars of the case.

6730. You made another statement when you had more time to think about it, when the Magistrate told you to put the facts in writing. Did you say anything about the constable having connection with a woman or of seeing him having connection with a woman in the second statement that you made before the Magistrate?—The Magistrate simply asked me to state sufficient to grant a summons. I did not take any note of what I had previously stated on the first account. All I troubled about was to put sufficient on paper for him to grant the issue of a summons. I did not take notice of anything else. I may have made a mistake in a word occasionally.

6731. After you had further time to consider, you made a statement on oath before the Magistrate, did you not? You gave your evidence?—I gave my evidence.

6732. Did you say this: "I am a porter in the General Post Office. On the 16th of October I was in Rosebery Avenue. I got as far as John's Mews, about 18 feet wide. I saw vehicles in John's Mews, on left two or three; I called in for necessary purpose against wheel of cart. I heard shuffling of feet. I saw a police-constable turn round from a woman; as he turned, he struck me on the back of the head." Is that the evidence you gave on oath before the Magistrate?—It is near it.

6733. Is that true?—It is so far as regards the cart. I only went from the passage on the right about three feet wide. I simply could see by the reflection from the road a little way down, and I imagined there would be two or three carts.

6734. I am not speaking about carts: "I called in for a necessary purpose against the wheel of a cart. I heard shuffling of feet. I saw a police-constable turn round from a woman." That means to say he had got his back to you?—Yes.

6735. "As he turned he struck me on the back of the head"?—As he turned from the cart, and was coming away from the cart.

6736. Is this what you told the Magistrate: "I saw P.C. turn round from the woman. As he turned he struck me"?—I mean to say by that just before he got away from the cart he was standing against he struck me a blow as I was turning round from the wheel.

(*Mr. Rufus Isaacs.*) Is that the statement made upon which the summons was applied for?

(*Mr. Eldon Bankes.*) No; this is the evidence given on oath?—It is near it, as far as my memory goes.

J Clinch.
17 Oct. 1906

(*Chairman.*) We have not had the depositions in this case.

(*Mr. Eldon Bankes.*) No; because we have not had time to copy them, but you shall have them directly.

(*Mr. Rufus Isaacs.*) That does not profess to be a verbatim note, does it?

6737. (*Mr. Eldon Bankes.*) No; but you will see it is a full note. Perhaps it would be convenient if I read it? (Q.) You say: "I live at 5, Benson Avenue. I am a porter at the G.P.O. On the 16th October, I was in Rosebery Avenue. I got as far as John's Mews, about 18 ft. wide. I saw vehicles in John's Mews on left—two or three. I called in for necessary purpose against wheel of cart. I heard shuffling of feet. I saw a police-constable turn round from a woman. As he turned he struck me on back of the head. I noticed the woman's clothes disarranged and the constable behaving in an improper manner. As I came away from wheel the police-constable struck me on the back of my head, and then walked on my heels. He said, "Have you any property here?'" According to this statement up to this point, you found that he had struck you twice. He struck you as he turned round from the woman, and he struck you as you came away from the wheel?—He struck me as he turned from the woman, *so*—he stretched out like (*illustrating*)—making his way towards me and struck me. He simply turned round, one wide turn, and struck me as I was leaving the wheel of the cart.

6738. There was no room to make a wide turn between those two carts?—The circumference of the wheels of the first cart, and the circumference of the wheels of the second cart would leave almost the width of a cart between.

6739. When you were cross-examined about this you said: "At the Post Office we have ample lavatory accommodation. I was pressed at time, and rather than strain myself, I went down the mews. I saw no one about before going down the mews. I got about the second cart down. No room for two carts to pass." Did you relieve yourself in the mews?—No.

6740. Did you relieve yourself at the police station?—No.

6741. And as a matter of fact you remained for two hours after that?—Yes.

6742. Although you were so pressed at the time that you went to the mews rather than go to the General Post Office?—I went into the mews.

6743. But in spite of that you waited for two hours?—Yes; but it is not to say that I went two hours without going to a place of convenience. I do not say such a thing. I did go in the meantime.

(*Mr. Rufus Isaacs.*) Let me follow what he is saying.

6744. (*Mr. Eldon Bankes.*) I thought you told me you did not relieve yourself in the mews?—Not in the mews, and not in the police station.

6745. So for two hours you did not?—But I did other ways.

6746. What do you mean by "other ways"?—I made water down the leg of my trousers.

6747. Where?—Bit by bit, to ease myself.

6748. At the police-station?—Along the road going down to King's Cross Station.

6749. Will you swear that?—I will swear that.

6750. You did it bit by bit?—Yes.

6751. "I went down the mews. I saw no one about before going down the mews. I got about the second cart down. No room for two carts to pass, no light in the mews." I want you to say if anything put down here is something other than what you said. "I attempted to relieve myself against the wheel of a cart"?—Yes.

6752. "About 10 ft. from the entrance"?—The second wheel—just about 10 ft.

6753. "I heard a shuffling of feet between the carts. Police-constable was the width of the cart from me. He was between the first or second cart. I had reached to where he was. I was going to make water against outer wheel of cart. It was the first wheel of the second cart. Police-constable was between the first

J. Clinch.
17 Oct. 1906.

and second cart. I passed police-constable by about a foot"?—You may term it about a foot. That has all been explained; in fact I was practically in line, although I was against the second wheel of the cart, because where I pulled up I pulled up on the outer circumference.

6754. I do not understand the "outer circumference"?—The outer portion of the wheel.

6755. I understand your drawing up against the outside wheel of a van, but before you got there you say here: "I passed the police-constable at about a foot." If you did that he could not have been up against the wall with any woman, could he?—I would still be against the wheel, and still I could discern him.

6756. If you passed the police-constable at about a foot, do you mean you were about a foot away from him?—From the policeman?

6757. Yes?—No; I was the width of the cart from him.

6758. You say: "The police-constable was between the first and second carts. I passed police-constable by about a foot"?—I simply stood against the second wheel of the cart on the outer portion of the wheel, which would bring me parallel in line with the policeman.

6759. "I passed police-constable by about a foot. He was at off-side of cart." Which do you call the "off-side of the cart"?—I cannot tell the off-side from the on-side.

6760. But did not you tell the Magistrate this?—Not to my knowledge. I cannot say whether I used that word.

(*Mr. Rufus Isaacs.*) We have the original here; it looks like the word "or." It certainly is not "off."

6761. (*Mr. Eldon Bankes.*) "I passed police-constable by about a foot the *other* side of cart. I noticed no lantern. Police-constable struck me without saying a word." Is that right? You told us just now that the policeman came towards you, that he asked you what you were doing there, that you told him, and that it was not until he got from between the carts that he struck you after that conversation?—He had not got from between the carts. He struck me at the wheel. As he left the wall as I was turning from the wheel so he struck me.

6762. After he had spoken to you?—He simply asked me what I was doing there, and with that I got the blow.

6763. And you answered him?—I answered, "To make water."

6764. It was after that he struck you?—No, he struck me then. Then he struck me a second time on the paving-work of the entrance to the mews.

6765. Had he spoken to you before he struck you, or not?—As regards speaking to me, he simply said, "What do you want here?"

6766. That is speaking to you, is it not?—Yes. As he turned from the woman he made that remark, and at the same time he struck me.

6767. Did he speak to you before he struck you?—He simply made that remark.

6768. So that he struck you after he had spoken to you?—He simply spoke and asked me what I wanted there, as he turned from the woman, and struck me just at that second.

6769. After he had spoken to you?—Yes.

6770. How came you to tell the Magistrate: "He struck me without saying a word, on the back of my head"?—I meant to say by that I never said a word. "He struck me without saying a word." That is my statement. I did not say a word to him. He struck me without saying a word.

6771. I asked you to give your statement. You have just told me that he said, "What are you doing here?" that you told him you were only there to make water, and that it was after that he struck you?—He simply asked me what I was doing there; I said I had come to make water.

6772. You spoke to him, and he spoke to you?—He spoke to me first.

6773. And you answered him?—I answered, "To make water."

6774. You had spoken to him, and he had spoken to you before he struck you?—I had not spoken to him.

6775. You told him you had come to make water?—He spoke to me first, and I answered him.

6776. And it was after that he struck you?—After I had answered him to tell him why I was there.

6777. That excuse will not help you, because how came you to tell the Magistrate that the police-constable struck you without saying a word, on the back of your head, because you had spoken to him, and he had spoken to you?—That is my statement—that he struck me without my saying a word.

6778. But you had said a word?—No. He spoke to me first.

6779. But you had answered him?—Yes. He was the first to speak to me.

6780. Your answering is speaking a word?—And his questioning is speaking a word before the answering.

6781. You say: "I was unbuttoning my trousers; police-constable turned and came face to face. I turned to walk away. Police-constable struck me on the back of my head. Police-constable made a mumbling noise like 'Out of it.' I don't remember exactly what he said. He then walked on my heels. I first saw a woman when police-constable turned. He folded his overcoat. I never noticed a belt." Is it true that you first noticed the woman when the police-constable turned?—As he turned from her. I could not see the woman because the width of the policeman with the woman against the wall entirely covered her.

6781*. Is your statement that you never saw any woman at all until the policeman turned?—None whatever until he turned.

6782. Then how came you to tell the Commissioners just now what you did see was a woman with her clothes up, and that you could see her white clothing with the policeman's back?—That was when he turned. As he turned away to ask me what I wanted there then I could see the woman. It was the policeman hearing the shuffling of my feet at the wheels that disturbed him, and as he turned from the woman I saw her.

6783. I must put to you what really happened at these mews was this, that the policeman was going down the narrow passage of the mews between the van and the wall, and he met you coming up—No.

6784. And that he spoke to you and asked you where you were going to?—No.

6785. And that he told you to go away—No.

6786. And that you said "I can play the game of Tommy Atkins as well as you"?—Never.

6787. You had been a Tommy Atkins?—I never knew what Tommy Atkins meant until I once heard a song sung called Tommy Atkins.

6788. Are you telling the Commissioners that, having been three years in the Guards, you do not know who Tommy Atkins is?—No, because I do not consider I was there long enough to know much.

6789. That is your real suggestion, you had been three years in the Guards, and you do not yet know who Tommy Atkins is?—No.

6790. That is your deliberate statement?—I have heard a song of Tommy Atkins.

6791. You wish to say that although you had been in the army you did not know who Tommy Atkins was?—Yes.

6792. That is your deliberate statement on oath?—Yes.

6793. (*Chairman.*) When did you first know what Tommy Atkins meant?—I only heard that Tommy Atkins is a soldier. That was all I knew concerning the word.

6794. (*Mr. Rufus Isaacs.*) When did you know that?—I have oftentimes heard it, but not to make any great comment upon it.

6795. As long as you have been in the Post Office?—Yes, I have been connected with them more now than since I left.

6796. (*Mr. Eldon Bankes.*) When he told you to go out of the mews you said you could play Tommy Atkins as well as he?—No, I never repeated those words.

6797. And you pushed towards him as though you were going to resist him?—No, that is false.

6798. And that then he pushed you out of the mews, a distance of about five yards, or something of that kind?—No.

6799. That he pushed you out of the mews, and that, having pushed you out of the mews, he turned back and went into the mews?—No, nothing at all about that. I can say when he first got rid of me. After asking me what I wanted there, and thumping me at the back of the head, he asked me if I had any property up there whilst walking on my heels, and at the same time, just as I was approaching the entrance to the mews, he struck me a blow again on the side of the face, and knocked my hat off and kicked it, and told me to pick it up.

6800. When you got outside you complained to a sergeant?—Yes.

6801. I suppose at that time you were very angry with the constable?—No, I was excited.

6802. And I suppose you were very angry with him for having struck you?—I felt upset at the idea of his having struck me for no purpose whatever—for no cause.

6803. So you were upset with him?—Yes, I felt in great pain at the time; I was dazed.

6804. I think in one of these many statements you said that when you got outside you found it would be a relief if someone would come along to whom you could repeat the accusation?—Yes.

6805. That was your feeling?—Yes.

6806. You could let off steam against the policeman?—I was so upset at the idea of having been struck for nothing whatever that if anyone had happened to approach on the scene I could report the circumstance so he would have had an opportunity of finding the policeman there with his own eyes with the woman.

6807. That is what you thought?—Yes.

6808. You were very much vexed with the policeman, and if anyone came along you thought you would tell him because if they would go down they would have found the policeman and the woman there?—Yes.

6809. You knew in these dark mews there was a policeman, and you knew in these dark mews there was a woman?—I knew they were both together.

6810. They were both together after he pushed you out?—No, but he went back into the mews.

6811. Being vexed with the constable, you thought you might get hold of somebody who would be able to find the constable and the woman in the mews?—I wanted to get somebody of some influence that I could report the circumstances to of having been struck, so that he could see them for himself in the mews.

6812. Your suggestion would be that they were behaving wrongly in the mews?—They were.

6813. Afterward you went down to the station, did you not?—Yes.

6814. I think you arrived at the station about half past twelve?—Yes.

6815. You did not leave till about two?—Somewhere about that time.

6816. Now let us go shortly through what occurred. You were asked by the Inspector, were you not, whether you preferred to write your own statement or whether he should write it out for you?—Yes.

6817. And you preferred to write it out for yourself?—I did not mind him writing it out at first, but he suggested, when I told him what I wished to put on the statement, that I had better write it myself, because what I suggested should be put in the statement he did not seem to care about writing himself.

6818. It took you a considerable time to write it out, did it not?—No, it took me only a matter of a few minutes.

6819. You were a quarter of an hour or twenty minutes before you finished it?—In a case of that description when making a charge you want to think of what you are writing.

6820. Naturally. But it did take you a considerable time, did it not?—I should say about a quarter of an hour. That is the whole thing, thinking and writing and considering the state of myself at the time.

6821. Then the woman had to make a statement, had she not?—Yes.

6822. And then the Italians had to make a statement, and their statements had to be interpreted?—Yes.

6823. That all took time, did it not?—Yes.

(*Mr. Rufus Isaacs.*) Only one Italian made a statement.

6824. (*Mr. Eldon Bankes.*) The other was asked to make a statement, but he said he had not got one.

6825. After these statements had been taken, did you complain of feeling pain in your head?—I did.

6826. Did the Inspector then say to you "I wish you had complained of that before, because the surgeon has just been here for another case, and I would have asked him to have seen you"?—Something to that effect.

6827. But did he say: "I can send for him, and I will send for him"?—He did do so.

6828. The surgeon was sent for?—Yes.

6829. He did not come until 1.40, or thereabouts, did he?—I could not say. I did not take any particular notice of the time.

6830. After the surgeon had come and examined you it was that you then went away to your duty? The surgeon examined you about 1.40, I think the time was, and after he had examined you you had some discussion with him. You then went back to the Post Office to your duty?—Yes.

6831. Then I suppose you had to give some explanation of why you were late?—Yes.

6832. Before you went did the Inspector ask you what you wanted done about the matter?—Before I left the station?

6833. Yes?—How do you mean?

6834. Did he say: "You have made this charge against the constable; do you wish it to be dealt with by the Commissioner or will you take out a summons?"—No, not that I remember.

6835. Just think about that?—He may have asked me the question, and I may have answered in some shape or form.

6836. Did not the Inspector ask you before you left whether you would leave the matter or whether you proposed to apply for a summons for assault? Do you remember that?—What I do remember is that I intended to apply to the magistrate for a summons for assault.

6837. Did you say you did not know, but you must consider, and that you would be working till 7.30 a.m., and did the Inspector say to you that he would call at the Post Office to hear your decision about 3.30? Did the Inspector say to you that he would call at the Post Office to hear your decision?—No, he did not say anything concerning calling at the Post Office to hear of my decision, not at the police station.

6838. Do you say that?—Not that I am aware of. He called on me at the Post Office, and asked me a question at the Post Office, and not at the police station, if I would continue the charge.

6839. I suggest that before you left he asked you if you were going to take out a summons or would you wish it tried by the Commissioner?—Not to be tried by the Commissioner. I told the Inspector I was going to take out a summons against him, and that is why I wrote the charge against him.

6840. Did you say that you did not know at the moment, and did he say, as you were going to work until 7.30, that he would call at the Post Office at about 3.30 and ask you for your decision?—No.

6841. Did he call at the Post Office at about 3.30?—Yes, or twenty minutes to 4. It was about an hour after I got into the Office.

6842. Did you then have a discussion with him as to what you were going to do?—He asked for me.

6843. Did you then have a discussion with him as to what you were going to do, and did you say that of course you were all public servants, and so was the policeman, and that you did not really know exactly what course to take?—No. I will tell you the words used. I remember them quite well. The Inspector came into the Inland Section lobby and asked for me. I was sent for; I came into the lobby, and I was sur-

J. Clinch.
17 Oct. 1906.

prised to see the Inspector. He said, "I thought I would just call in as I was passing with reference to this matter," or something to that effect. "Do you really intend to charge the constable, or to take out a summons against him? Do you intend to follow it up?" I said, "It is very annoying, and of course, under the circumstances, I feel I must take out a summons and continuethe case." He said, "Well, of course, it is not for me to persuade you either one way or the other, but it is very hard for one servant to charge another."

6844. I suggest to you you said you had not made up your mind, that of course you were a public servant and so was the policeman, that he could not advise you, and that you said you would call round at the police station and tell him what your decision was?—He suggested (I did not suggest it) that we were both Government servants, and it seemed hard that one should charge another. I told him at the time I must think it over, and in all probability I would call at half-past seven at the police station and tell him what I intended to do. Instead of that I applied at ten o'clock for the summons.

6845. Now about the assault. Do you suggest to the Commissioners that you were struck two violent blows?—Yes.

6846. Really violent blows?—One blow would tell more than the other because, being struck on the head here, it is a much stronger part of the body than the side of the face.

6847. Which was the worst blow? The blow on the side of the face, was it?—They both felt very severe blows. The blow I received on the back of the head seemed to stun me, and I seemed to stagger as I went out of the mews.

6848. You went to your work on the Monday, you went to your work on the Tuesday, and you went to your work on the Wednesday.?—No, not on Wednesday.

6849. You told the Commissioners that the blood came from your throat?—The blood commenced to come from my throat on Tuesday about mid-day.

6850. You told the magistrate, "He struck me at the back of my head, and it seemed to stun me. Blood flowed from the back of my head to the back of my throat?"—It seemed to come from the back of my head into the back of my throat.

6851. Do you suggest that the blood that came into your throat came in consequence of the blow?—Yes; it seemed to be a kind of trickling noise through from the back of the head into the throat.

6852. You heard the blood trickling?—No. Inwardly the blood seemed to trickle through the head into the throat—not from the outside, because there was no outside.

6853. Did you hear or feel it trickling?—I seemed to feel it through the head.

6854. Trickling from the back of the head where he struck you?—Not from the back of the head, but through the face, as I put it.

6855. You felt it trickling from the back of the head through your head into your mouth—all inside?—All inside my throat.

6856. Did you tell that to the doctor at the Post Office?—I told him.

6857. He is the gentleman who is coming to describe that symptom, is he?—That I cannot say.

6858. You were examined, were you not, by the surgeon at the police station?—Yes.

6859. He said he could not find anything the world the matter with you?—He did not put it in that way.

6860. Not so bluntly?—Not by a long way. He spoke to me in a very gentlemanly way. He described things much different to the way you put it.

6861. Not quite so bluntly?—No. Later on I shall be able to explain.

6862 Then I think later you took the case before the magistrate?—Yes.

6863. Did you have a solicitor and counsel or only a solicitor?—A solicitor.

6864. Did you have a counsel too?—No, a barrister, I presume.

6865. Did you have a barrister?—A barrister only.

6866. No solicitor?—No, not that I am aware of.

(*Chairman.*) No solicitor took part in the conduct of the case in court, I presume he means?

6867. (*Mr. Eldon Bankes.*) I think it goes a little further. Who was your barrister?—Mr. Yelverton.

6868. You never heard mention of a solicitor in the case at all, did you? I mean you never employed a solicitor?—No, I never employed a solicitor.

6869. After the magistrate had heard the case did you hear what he said about it?—Yes.

6870. Is this what the magistrate said: "The evidence for the defendant contradicts that of the plaintiff, and if you wish me to say so, I say the constable was justified in pushing the complainant out of the mews. I believe the statement of the woman, who gave her evidence very frankly and fairly. To my mind it is not a question of the amount of violence used, but rather of the suggestion made against the woman and defendant by the complainant. The constable's duty was to protect property in the mews, and he was there for that purpose?"—That was a kind of a winding-up after the policeman had made his case good. It was previous to that.

6871. Then you admit the policeman made his case good?—But before that he was compelled to make his case good from the remarks made by Mr. Ricketts, the solicitor for the defence on his plea—whether it was taken down in writing or not I cannot say, but his plea was that he hoped the Magistrate would deal as leniently as possible with the constable, as if he convicted him upon the charge he would be dismissed from the service and stain the clothes which he wore. That was the plea of Mr. Ricketts to Mr. Bros.

(*Earl Russell.*) This is not quite consistent with your decision the other day not to go into what took place before the Magistrate. I called Mr. Yelverton, and he was stopped from going into what took place before the Magistrate, and to explain the reason why this was not gone into fully.

(*Mr. Eldon Bankes.*) It is because Mr. Yelverton made a statement of what took place that I desire to read what the Magistrate did say.

(*Chairman.*) Mr. Eldon Bankes has cross-examined the witness upon it, and I suppose he has some object in doing it, but the case may now present a different aspect to us, and if you wish to call further evidence as to what took place at the police court we will consider it. We said we did not think it was important to know what Mr. Yelverton thought of the Magistrate's method of conducting his cases.

(*Earl Russell.*) I feel equally satisfied you did not think it important to know what the Magistrate did after hearing the case, not at this length.

(*Chairman.*) We never said it was not important to know that the Magistrate had dismissed it, but we said we did not wish to take evidence of counsel as to the way in which the Magistrate had conducted the case. We would not try the case again. I said I did not understand you were making any complaint against the Magistrate, and if you were making a complaint we could not entertain it.

6872. (*Mr. Eldon Bankes.*) Will you please give careful attention to this, because it is an important matter. When yesterday you made your statement to these gentleman you said, as I wrote it down: "The Inspector asked the woman to make a statement, and after a time she made a statement. It was read out to me. I should be very sorry to say what was read out to me." The woman's statement was put in. Then you go on: "The statement by the lady read out to me varied very much from what I have heard now"?—From what I read then.

6873. First what I want to ask you is this, is it the fact that when the woman had made the statement the Inspector read it out to you, or is the fact that having made the statement the Inspector handed it to you?—The Inspector handed it to me to read to explain how the woman had gone there. I read it myself.

6874. If the Inspector handed it to you for you to read it for yourself he did not also read it himself to you?—He might have read it himself; I fancy he did. There were only two lines.

6875. Yesterday you said the Inspector read it to you?—Yes.

6876. Which is true—that he read it to you, or that

he handed it to you for you to read for yourself?—He handed it to me, and I read it myself.

6877. Then is it true or false that he read it to you?—That I would not say.

6878. You did tell these gentlemen yesterday that he read it to you. Now I suggest to you that you never had any statement of the woman's in your hand at all, but that all that happened was that what you said yesterday happened—the Inspector read it?—The statement that the woman made I read, and I have just stated the way it did read, and my reasons for remarking yesterday that I would not like to state what the statement was, was because I have got better thought and feeling for myself in the company of females, and that was the reason why I say that the exact copy read different to the copy that I have read a few moments ago.

6879. (*Mr. Rufus Isaacs.*) You told us what the statement did contain?—Yes, that is how it read.

6880. (*Mr. Eldon Bankes.*) Was there anything in that statement that was read out to you that you would be sorry to repeat?—Yes.

6881. You are alluding to that passage in it?—Yes.

(*Mr. Rufus Isaacs.*) He has told us to-day the only addition is the covering by the policeman.

(*Mr. Eldon Bankes.*) Yesterday he said he would be sorry to read out what was in the statement.

(*Chairman.*) Because he observed there were ladies in the court.

(*The Witness.*) That was it, sir.

6882. (*Mr. Eldon Bankes.*) Do you say on your oath that that woman ever wrote down there any statement to the effect that she asked the constable to come up and cover her?—While she made water? Yes, on my oath, sir.

6883. Who heard that statement besides yourself?—The Inspector, the woman, the constable and me.

6884. You four?—Yes; I came away from the station and left them three altogether.

6885. (*Earl Russell.*) Do you remember going to a Mr. Phillimore?—In Chancery Lane?

6886. Yes?—Yes.

6887. You made a statement there about your case, did you not?—Yes.

6888. It was after that that Mr. Yelverton appeared in Court for you?—Yes.

6889. Do you know what Mr. Phillimore's occupation is?—He is a solicitor.

6890. You stated in one part of your evidence that in going down the mews, when you reached the wheel of this cart, you had passed the policeman by a foot. What exactly did you mean by that?—You may term it a foot or half a foot, or you may term it in line, because as I stood against the wheel I stood on the outer portion of the wheel, not against the axle, and not against the centre of the wheel, because if I stood against the centre of the wheel I should pass the policeman and the woman about a good yard and a quarter from there where they stood in line.

6891. I do not think you understand my point. You did not mean by saying that you passed him one foot, that you were one foot distant from him, but you meant that you were one foot further into the mews than he was?—Perhaps a foot or half a foot. It brought me just parallel in line.

6892. What do you mean exactly by saying that the policeman struck you without saying a word. There had been a conversation, as Mr. Bankes pointed out to you. What do you mean by saying "without saying a word"?—He struck me without my saying a word.

6893. You had said a word?—Not until he questioned me and I answered. His question was "What are you doing here"?

6894. Is not that what you call saying a word?—I said a word after he spoke first, but I did not speak first.

6895. Are you perfectly clear about this arrangement with the Inspector about calling at the Post Office?—Perfectly clear.

6896. You did not ask him to call there and see you?—No.

6897. You were not expecting him?—No, he called on me by surprise.

6898. He did, while you were in the police station, offer to send to the Post Office to say where you were, and that you also refused?—I refused.

6899. Do you see this woman in question in Court now?—Yes.

6900. Had you ever seen her before this occurrence?—Never in my life.

6901. Have you ever seen her since?—I have seen her for four nights out of six for three months out of four.

6902. Whereabouts—what doing?—At the coffee-stall round Rosebery Avenue, close to the fire station. She is well noted there.

6903. At what sort of hours have you seen her?—I have seen her four nights out of six at a quarter past 12, as I have been on duty at 20 minutes past 12.

6904. (*Mr. Rufus Isaacs.*) When?—In the early morning.

6905. Just past midnight, you mean?—Yes.

6906. (*Earl Russell.*) Have you ever spoken to her either before or after this occasion?—Never in my life.

6907. Did you ever speak to these Italians before this occurrence?—I never knew them.

6908. (*Mr. Eldon Bankes.*) May I ask another question. I see you were asked at the police court some question about whether you had made a complaint against a City constable, and you said, "I do not remember making a complaint against a City constable." Have you thought it over since?—Not that I remember. I do not remember making any complaint against a constable.

6909. But surely that is a thing you would remember if you had done so?—In speaking to a friend I might say "That man did so-and-so," and I complained of him for that thing or the other, and that friend went and told him; that would be a complaint.

6910. You have made a complaint?—No, not that I know of.

6911. Surely you must remember whether you made a complaint against a constable?—If I made a trivial complaint of one person to another, would that be lodging a complaint?

6912. No, not as a formal complaint, certainly not; but have you made a formal complaint to begin with?—Do you mean have I made a complaint on paper?

6913. No, not necessarily a complaint on paper, but a verbal complaint?—To a policeman?

6914. Of a policeman to a police officer?—In the City?

6915. Yes?—Not that I know of; I cannot say.

6916. Surely you can remember?—I do not remember ever having made a complaint of a City constable.

6917. Is that all you can say?—Yes.

6918. The next answer seems to be also rather curious. You say, "There may have been reports against me at the Post Office"?—Sometimes these little trivial matters might come up as regards me speaking to an ordinary friend of mine, and I lodge a complaint to him about having seen a constable doing so and so.

6919. You do not understand. I asked you two separate questions; one was making complaints about constables, and the other was about reports having been made against you at the Post Office?——

(*Mr. Rufus Isaacs.*) Not in relation to constables at all, as I understand your question.

6920. (*Mr. Eldon Bankes.*) No, in relation to your conduct. I notice in the magistrate's clerk's note you give these two answers: "I do not remember making a complaint against a City constable"?—No, I do not remember.

(*Mr. Rufus Isaacs.*) Is that in the cross-examination?

6921. (*Mr. Eldon Bankes.*) Yes, in the very last two

J. Clinch.
17 Oct. 1906.

questions. "There may have been reports against me at the Post Office." Do not you know whether there were reports against yourself?—Official reports as regards the Post Office, the same as if a policeman commits himself on his duty, the same as I might commit myself in the Post Office, it would be recorded.

6922. (*Mr. Rufus Isaacs.*) Any little matter reported would be entered in a book?—Yes.

6923. (*Chairman.*) There is a book in which all these things are entered?—Yes, everything.

6924. (*Mr. Eldon Bankes.*) Have there been reports against you?—Not that I am aware of.

6925. Surely if reports had been made, you would know of it?—Fourteen years is a long time, but not that I know of.

(*Earl Russell.*) If there is any suggestion about it let us have the actual reports.

(*Mr. Rufus Isaacs.*) If you read to the witness the next answer, you will get an explanation of it.

(*Mr. Eldon Bankes.*) No, I think that refers to a third point.

(*Mr. Rufus Isaacs.*) I have a reason for saying that. If you do not read it I shall.

6926. (*Mr. Eldon Bankes.*) I will certainly read it. "Other persons suggested subscriptions." What was that an answer to. Was it with reference to taking these proceedings?—I cannot say about that, but what you are referring to was kept entirely from me until the matter was brought forward at the police court the day of the case, and as regards that, that is what I have just stated.

6927. There are three questions you were asked. The first is whether you have ever made a complaint against a constable, and your answer was, "I do not remember." I have dealt with that. Then the second question you were asked was, "Were there any reports against you at the Post Office," and your answer was, "There may have been"?—Yes, certainly.

6928. Do you really mean to suggest to this Court that you do not know whether there have been or not?—We have all got little reports of trivial matters recorded against us

6929. They may be trivial, but we know about them, The point I am asking you is this, Do you, or do you not, know whether there have been reports against you?—In my official capacity, do you mean?

6930. Yes?—Oh, yes, I am not infallible.

6930.* I know nothing at all about them, but what struck me as so odd was that you did not know whether they had been made or not?—There have been a lot.

6931. You say they are trivial. Were there any serious ones?—What I should term trivial or what I would term serious the outside public might say were nothing, simply because I am in the Government service, and we must abide by the rules, and if you break a little rule it would go against you.

(*Mr. Rufus Isaacs.*) Is not the test of this question, after all, whether he has risen in the Post Office while he has been there, because if it is, is it worth inquiring whether there have been small reports, which there must have been against everyone.

(*Mr. Eldon Bankes.*) Not in the least. But the witness seems to be so indifferent with regard to it. I am not suggesting he is a bad character.

(*Witness.*) What has my character at the Post Office got to do with my present case? I am not here on any question with regard to my official capacity.

(*Mr. Eldon Bankes.*) The learned Commissioner wants to know what the last answer has reference to, as I understand. I have a newspaper reporter whose ear seems to be open to tit-bits, because he produces this question: "He also denied that he had opened a subscription list amongst his colleagues at the Post Office for his benefit in this case, and that he was so disliked that the total had not exceeded 6d."

(*Mr. Rufus Isaacs.*) That is what I thought he meant by the reports.

(*Witness.*) With reference to that I have to answer that as regards that question, I knew nothing whatever about it until the day of the case being heard. The solicitor for the defence remarked about this in his statement, and asked me if I knew anything at all about it, and such a paltry sum having only been got together. I did not originate or cause this collection to be made to enable me to get a barrister, or to pay for a barrister or solicitor to defend my case. I did not bring that about at all, neither did I suggest it; but one or two, or perhaps a dozen, of my brother officers, who think I am worthy of something, suggested that such a thing should be done; but not to my knowledge and not with my sanction. They did it themselves, and also the week that this collection was being made there was also another collection being made for another gentleman, who was leaving the Service through consumption, and who was being dismissed from the Service, poor chap, with a little bonus and a collection that might be able to be got up amongst his brother comrades, and that is the reason why there was nothing subscribed towards me, because the majority of the men thought it would be far better to subscribe to the sheet that was very deserving, looking at it from a humane point of view, and let him have it, and I did the best I possibly could.

(*Chairman.*) I think you have given a very good explanation in answer to the suggestion made by the learned Counsel, who, I think, is very hard upon you.

(*Mr. Eldon Bankes.*) I made no suggestion. I merely read it.

(*Chairman.*) You read the cross-examination.

(*Mr. Rufus Isaacs.*) I think Mr. Bankes only read the words, "Other persons suggested subscriptions," in answer to my observation, because I thought it qualified what had been said before, as I had read that report which the enterprising newspaper reporter had given you. I thought the two might be connected together, and one would explain the other.

6932. (*Earl Russell.*) I should like to get it clear from this witness about the complaints, if he understands what is meant. You understand we are not talking of complaints about the police, such as a complaint made to a personal friend of yours; but have you officially complained, either verbally or in writing, to an officer of police or to a police station of the conduct of any policeman, either in the City or elsewhere?—No.

6933. (*Mr. Rufus Isaacs.*) How long have you been in the Post Office?—Fourteen years.

6934. And are you getting more money now than you were when you first started?—Yes.

6935. Whether there have been reports or not against you at the Post Office, they have not prevented your rising?—No. I have always got my increments. I have never lost an increment. I have never had a case serious enough against me since I have been in the Service. The reports have been very trivial, but I have not had a report serious enough against me which would enable the authorities to take away an increment or defer an increment from me.

6936. You have got every increment to which you were entitled?—Yes.

6937. And I suppose reports would be made supposing you were late or smoked when you ought not to?—Yes; it is put in the black book if you are late.

6938. Things of that character?—Yes.

6939. That is what you mean?—Yes.

6940. Then we need not waste any more time over it. There is one other thing I want to call your particular attention to. You stated, in answer to Mr. Bankes, that you relieved yourself on the way from the mews to the station?—Yes.

6941. Is your memory very clear about that?—Yes, very clear indeed.

6942. Then I do not understand how you came to make this statement to the Magistrate: "I did not relieve myself till after I left the police station two and a half hours?"—I meant to say by that, in an easy manner, as I would if I went out of here now.

6943. No, no; that will not do, because I am using the words, "relieve myself." The words are, "I did not make water till after I left the police station two and a half hours." What is the explanation of that? Just look at it yourself?—I have read that. I mean by that not in the presence of either the sergeant or the Inspector, or constable, or anyone in the Court while they were in my presence going from the mews to the

station; but I did not make it public, neither did I ask the inspector or sergeant going alone the road to tell them that I should step back for a moment, and I would catch them up in a second or two. I did not leave them like officially, which was an interesting and an important matter in the case; but I relieved myself easily a little bit at a time like, but not to have left anybody or for anybody to know that I had gone away to do such a thing. I could have done with so doing at the station, but I did not wish to leave the company that I was in for that purpose.

J. Clinch.
17 Oct. 1906.

EIGHTH DAY.

Thursday, 18th October 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).
Rufus Daniel Isaacs, Esq., K.C., M.P.
Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law).
Charles Algernon Whitmore, Esq. (Barrister-at-Law).
J. W. St. Lawrance Leslie, Esq. (Barrister-at-Law) (*Secretary*).

Mr. William Alexander Coote, sworn.

Mr. W. A. Coote.
18 Oct. 1906.

6944. (*Chairman.*) Are you secretary of the National Vigilance Association and Deputy Chairman of the London Council for the Promotion of Public Morality?—Yes.

6944*. How long have you been secretary of the Vigilance Association?—For the past twenty-one years If it would suit the convenience of the Commission I have prepared a statement which I could read, and then perhaps the Commissioners would ask me questions upon that statement.

6945. I think that would be a good course to take. Will you make your statement?—As Secretary of the National Vigilance Association for the repression of criminal vice and public immorality for the past twenty-one years, and for seven years Deputy Chairman of the London Council for the Promotion of Public Morality, I have personally, and through the agents of the two above-named societies, had a great deal to do with the police of the metropolis. In connection with our work our agents have been about at all hours of the night in various parts of London, and have been brought in personal contact with a large number of the unfortunate women who solicit in our streets, and whose lives are given up to public immorality. In connection with the London Council for the Promotion of Public Morality, we have specially dealt with the closing of disorderly houses, and this has naturally not only brought our agents in contact with women of the unfortunate class, but also with those who trade upon their vice. Having had such exceptional opportunities of judging of the way in which the police throughout London discharge their duties in connection with one section of your inquiry, the Earl of Aberdeen, as President of the National Vigilance Association, and the Right Rev. the Lord Bishop of London, as President of the London Council for the Promotion of Public Morality, thought that in justice to the police, and to assist as far as possible the inquiry undertaken by the Commission, I should offer to lay before you the evidence that has come into my hands. I should like also to mention that both the Earl of Aberdeen, within the last ten days, and the Right Rev. the Lord Bishop of London are prepared to stand to the statements which are made in this statement which I am about to make to you. During the twenty-one years that I have acted as Secretary of the National Vigilance Association, the question of public morality, with special reference to the condition of the streets in certain parts of the metropolis, has been one of the principal sections of our work, and in this connection I have interviewed hundreds of women of questionable character with the view of ascertaining how they became such, how they maintained themselves as such, and what treatment they received from the police in the various districts in which they plied their calling. While I have gathered interesting material on various phases of the social problem, I have not in one instance had a charge made against the police as a body, or against an individual policeman, of levying blackmail or of exacting bribes of any kind from these unfortunate women. On the contrary, I have known many instances in which the police have helped them with both money and advice. For many years I have made it my private business, in connection with my official duties, to question these women as opportunity offered, as to their relationship to the police in the pursuit of their calling, and the treatment meted out to them, in order to verify or otherwise the current statement as to blackmail. I have done this because in certain circles of good and bad society, amongst men, it has always been taken for granted that blackmail and bribery were weapons commonly used by the police in dealing with this class of women. Neither by foreign nor English women has it ever been admitted to me that they were asked to supply the police with hush-money, or that they were made the subjects of police tyranny owing to their refusal to give money.

The following case came under my notice, and as it relates to the police at Piccadilly Circus I quote it as emphasising the view I am stating:—A young woman, deserted, hungry, and in a fit of despair, betook herself one evening to Piccadilly Circus. She had been walking about for a short time when a policeman on duty spoke to her, and suggested that she was a stranger to that kind of life. She admitted that it was her first essay on that quest, and said that she had not a farthing in her possession, and was there from sheer necessity. He urged her not to start such a life, and told her of a home where she would be cared for. She agreed to go, and he saw her to the omnibus, and gave her the fare to Edgware Road, which was close to the home of which he had spoken to her.

Three years ago, when verifying evidence we were about to give before the Royal Commission on Aliens, we had occasion to seek private interviews with large numbers of the unfortunate women in certain areas of London, notably Piccadilly, Regent Street, Haymarket, Strand, Tottenham Court Road, Earl's Court Road, Whitechapel, etc. The object of our interviews was to ascertain what had led to their taking up such a life, and whether they would be willing to give it up if we returned them to their own country and gave them

Mr. W. A. Coote.

18 Oct. 1906.

a fresh start. The lady workers who interviewed these women were necessarily out at all hours of the night. While many of these latter complained bitterly of the harsh treatment they received at the hands of the police, not one of them made a charge or admitted that they had ever been asked for money by any member of the force. When asked to explain in detail the harsh treatment to which they referred, their reply invariably was that they were never allowed to stand still, they dared not speak to a man, and were constantly threatened with being run in.

During this midnight crusade, however, our workers frequently heard interesting stories of kindnesses shown to these unfortunate women by the police in different districts As our workers became known to the police, they were over and over again appealed to by the police to try and save some young girl who, as the constable said, had only just come to the district, adding, "She is young; you may succeed with her."

During the last two years, since I have been working in connection with the repatriation of foreign women under the International Agreement of 1904 for the Suppression of the White Slave Traffic, I have dealt with some striking cases where women have been charged before the magistrate with soliciting in the streets, and where the defence has been a complete and absolute denial of the charge. The undermentioned cases have been investigated by myself, with the result as shown:—M. G., 26, a Frenchwoman.

6946. That means her age was 26?—Yes. A magistrate sent to ask our help on behalf of a French girl who had been charged with soliciting and was on remand. We at once visited her in prison, when she strongly denied the offence with which she had been charged, alleging that she earned her living honestly at charing and needlework in order to support herself and her illegitimate child. Believing her story to be true, we attended the police court on the second hearing, and on our undertaking to look after the girl the magistrate handed her over to our care. As she expressed herself anxious to return to France, we sent her back the same day, recommending her to the care of friends in Paris. From subsequent inquiries which we were able to make, we found her statement to be utterly untrue. During her six months' stay in London she had been living in a disorderly house with a well-known procuress.

Then there is the case of J. G., 22, French. Our help was asked by a magistrate on behalf of this young woman, who had been charged with soliciting, and was in Holloway Prison on remand. We interviewed the girl. She denied the statement of the constable who had arrested her, and so strongly protested her innocence that there appeared to be more than the possibility of a doubt in the matter. She consented to be repatriated, whereupon the magistrate discharged her. Feeling, however, that in justice to the girl the case should be further investigated, we placed her in a home for a day or two and made inquiries. Within a day or two we obtained overwhelming evidence that she was a well-known prostitute. When taxed with this, she stubbornly adhered to her former statement, but finally admitted that for three years she had been leading an immoral life in London. As she proved very troublesome, we had to send an agent with her to Paris, who placed her in the care of her relatives. In that case, I should like to say, the investigation took a long time. We got addresses from her which were not always accurate, but we investigated the whole matter, and she finally capitulated in the office, after having been on her knees swearing—and I believed her—that she was perfectly innocent of the charge which had been made against her.

Then E. F., 22, German. A police-court worker called at the office, on instructions from the presiding magistrate, to ask our help respecting a German girl who had been charged with soliciting and remanded for a week. We at once sent to Holloway to interview her. She strongly denied the charge made against her, and protested that she was living respectably by needlework. Here again on investigation we found the charge to be fully justified.

Then J. D., 20, French. At the request of a police court missionary we sent to Holloway to interview a French girl, who had been charged on remand with solicitation. Her parents were respectable people, and she was most anxious that they should not know of her disgrace. She practically admitted that she had gone wrong, but did not admit the present charge. She was willing to be repatriated, and we put her in the hands of ladies in Paris who work in connection with us in connection with this work. Then M. R., 22, French. This case was also reported to us by the police court authorities. The girl had been arrested for soliciting. When interviewed she stated that she came to London a year previously to seek employment, failed to do so, drifted into bad company, finally took to the streets, and, while soliciting in the Euston Road, was arrested. I took the girl in hand myself, and questioned her as best I could in endeavouring to get from her some declaration with regard to the police. I put my questions all round, with a view of finding out for my own information. She denied from start to finish that she had ever been asked by a policeman for money, or that she had ever been threatened by a policeman if she did not supply money.

6947. (*Mr. Rufus Isaacs.*) With reference to the last case that you were dealing with, you did not say anything about the police? Will you look at your statement?—In this last case I said she practically admitted it, and all I did with her was to ask her whether she admitted that the charge was true, and whether there was any way of preventing getting run in by the police, and whether she had ever done anything to offend them, or anything like that, and whether she had ever been asked for money. That was the point with reference to her case.

6948. The case of J. D., aged 20, is the case I am referring to. What I wanted to know was, if you can tell us whether you made an inquiry from her as to the behaviour of the police?—Yes, I did. In everyone of these cases I made that a special point. When a girl admitted that she was run in, I put the question to her, "Why did the police select you? Why did they run you in when there are so many others? Is there any reason? Have you ever been asked for money?" I put these questions plainly sometimes for my own personal satisfaction, and in every case I have got this absolute denial. Only within the last three weeks I was sending a girl to Hamburg, and I said to her, "Well, but surely there must be some reason why the police got you. You do not give them money." "Oh," she said, "they would not take money; you dare not approach them." In fact, my evidence goes to prove that there is a wholesome fear amongst these girls. I cannot speak so authoritatively on the English side of it as I can on the foreign side of it, but in the case of the foreign girls there certainly is.

6949. (*Chairman.*) A wholesome fear of the police?—Yes.

6950. Why?—Because of the way in which they are run in if they are found loitering about, or if they are discovered approaching men. My workers who are out at midnight have seen girls run away on the approach of a policeman in the distance.

6951. (*Mr. Rufus Isaacs.*) Do you mean there is a wholesome fear on the part of these women of offering the police money?—A wholesome fear of coming in contact in any way with the police, either through bribes or their occupation being discovered.

6952. They would be afraid to offer the police bribes?—Yes. Then R. S., 35, Swiss: The police court missionary at Clerkenwell asked our help for this woman, who was under remand in Holloway Prison for soliciting. She strongly denied the offence, but her story was obviously untrue, and there was no doubt but that she had been leading an immoral life for the last fifteen years in London. We inquired of her as to the treatment she had received from the police, and she made no allegations whatever against them. We finally sent her to friends in Amsterdam. Then E. N., 20, German: While at police court in connection with the case of "J. D.," we were asked to interview a girl who had that morning been charged with solicitation, and was under remand, awaiting transfer to Holloway. We questioned her as to her experience of the English police, and, while complaining of the arbitrary way in which she had been treated, she stated that she had never been asked for or had given them money. She was handed over to our care, and we subsequently repatriated her.

That is practically the part of my statement referring to the National Vigilance Association. Then, as Deputy-Chairman of the London Council for the Promotion of Public Morality, I have had further opportunities of obtaining information. One section of the work of this Committee is to investigate evidence submitted with regard to disorderly houses in the Metro-

polis. We sift the evidence as a committee, and if we think it is good evidence, we pass it on to the Borough Councils, who, fortunately, in connection with the police, act energetically in this matter. Our agents have dealt with a great many such houses, and in their investigations have been brought in contact with the women who used them for immoral purposes. We have thus been in a position to unofficially obtain the actual facts concerning the police treatment of this unfortunate class. Here, again, the evidence corroborates my former statements. Many of these women have complained of the unfair way in which the police treat them, but have never uttered a suggestion as to bribery or blackmail being levied on them under any circumstances. The unfair treatment of which they complain is that they are compelled to keep moving, and that they are not allowed to speak to men, and that they are always in danger of being run in. I do not think it is absolutely a fact, but that is their feeling, and that is what they say. I do not say it is true. The question of the character of the streets has also formed the subject of much deliberation, and, while the Council feel that of late years a great improvement has undoubtedly taken place in what is understood and known as the area of vice, they would respectfully suggest that something further might be done to clear those thoroughfares of the flaunting vice, which is still too much in evidence there.

Having given the subject our most careful and serious consideration, we are more than conscious of the difficulties which always beset a special official effort to deal with this matter. The same difficulties would arise also in the administration of a new legislative enactment, unless it could be shown to deal equally with men and women. We feel, however, that such a law, to be effective, and to receive the support of the public, must inflict the same penalties upon men as upon women, where it can be shown that both have been guilty of the same offence. We would respectfully submit the following suggestion to the consideration of the Royal Commission. I may say we have had a number of meetings, and the names of those who have taken part in the discussion with regard to this question I am submitting would be a guarantee to you gentlemen that although it would not appear to be a solution, and may have some peculiar elements about it in the opinion of the public, yet, considering all the difficulties of this question, this is the combined wisdom of a number of experts on this very question. We suggest that a verbal or printed warning should be given to both men and women who in the opinion of the constables or constable on duty frequent a public thoroughfare for immoral purposes. After a second warning they should be liable to arrest, on the evidence of two policemen, for frequenting the place for the purpose of soliciting to prostitution. We further suggest that in the cases of minors charged with the above offence an effort should be made to place them under proper and legal guardianship rather than to send them to prison, or to inflict upon them a fine. We offer these suggestions as a method which, in our opinion, would effectually deal with this difficult problem, and at the same time safeguard the rights of the public, and to make it well-nigh impossible for official mistakes to be made in connection with solicitation in the streets for immoral purposes. We further think that as a warning and preventive power to men, especially young men, it would be all powerful in preventing the daily and nightly visits to the public rendezvous of vice, which are disastrous alike to the individual, the home, and the nation.

We venture further to call the attention of the members of the Royal Commission to the need of some alteration of the Act known as an Act to Amend the Vagrancy Act, 1824, wherein it is made a crime for a man to live wholly or in part on the earnings of prostitution. This Act has become largely inoperative in London owing to the legal difficulty of differentiating between personal means and those supplied by the women as the result of their immorality. If this Act were amended in the direction we suggest, and energetically worked, it would do much to improve the condition of certain streets in the Metropolis. I am therefore requested to respectfully suggest that the Act should be further amended in the following manner:—"Any man found to be living with a known prostitute shall be considered, for the purpose of the Act, as legally living upon her immoral earnings." I should like further to add that we are not feeling that London is such a very bad place. We are conscious that there has been a marvellous improvement in the condition of the streets, especially those streets which are regarded as the area of vice, and, knowing as I do pretty intimately Continental cities, I am prepared to say that our London streets can stand a very fair comparison with either Berlin or Paris at the present time on this very question of open solicitation in the streets. I am prepared to almost prove that from personal observation and from the evidence of others. We recognise, and it is in that connection that we are here to submit to you gentlemen, that this is owing to the judicious efforts of the police in connection with this subject, and we feel, and cannot help feeling, that the highest form of citizenship and national life is that where the citizens are able to link themselves with the officials in the interests of law and order. I have further to say that Mrs. Raspini, who is the head of the London Diocesan work for prevention and rescue in connection with the Church of England, was here yesterday to give evidence. Her evidence would be more in connection with English girls. She cannot possibly be present to-day, but she authorises me to say that her information and experience of the English girls whom she has had to deal with is on exactly the same lines as my experience with regard to foreign girls.

6953. (*Mr. Whitmore.*) Would she speak of the Diocese of London?—Yes.

6954. Not the Diocese of Rochester?—No. It is under the Bishop of Stepney. He is the chairman of the committee, and I think the Bishop of London is the president of it. The late Rev. George Brett was the secretary. Mrs. Raspini also conducts the whole of the mission work to fallen women.

6955. (*Mr. Rufus Isaacs.*) Is she willing to come another day to give evidence?—Yes, I think so.

6956. She was here yesterday with the object of giving her testimony in that connection?—Yes. I am connected with the Gentlemen's Jewish Society, not directly, but indirectly in work, and they would be willing to bear the same testimony in connection with their work in the streets.

6957. (*Chairman.*) What is the difference, if any, between the aims of the National Vigilance Association and those of the London Council for the Promotion of Public Morality?—The National Viligance Association was originally formed 21 years ago for the repression of criminal vice and immorality. It was national, not confined to London, but it has since then become international for the suppression of the white slave traffic. The London Council was organised seven years ago to deal absolutely with London as an educative power. The idea is that there should be a committee of influence, and they have been interesting themselves in the Borough Council elections in educating public opinion with reference to a better tone and higher moral conditions in London, and they have also been doing what they could to urge the officials to do the work that should be done by them, and they have so far succeeded that Borough Councils now are foremost in moral work. They consider they have as much right to look after the moral tone of London as they have to look after the sewage of London, and I think they ought to.

6958. I see in the title of this society the words "public morality" are used, and you have used them in the course of your evidence. What distinction do you draw between public morality and private morality?—My distinction would be, as an illustration, the hoardings of London, which have been the subject of our work. We consider it is a great educational force to the young of London, and we have gone ourselves to people who have placarded the hoardings with what we have considered objectionable matter, not altogether legally indecent, because if it had been we could have gone for them, but very objectionable placards. We have so far succeeded in that matter that the Bill Posters' Association, having become educated, say now, "You need not trouble about this matter any longer, we will form a censorship committee, and we will prohibit these bills," so that now all we have to do (and this is an illustration of the educative power of the work) is if we object to a bill on a hoarding we write to the Bill Posters' Association, and they will withdraw it. Much of the blood and thunder that is so objectionable has been prevented, and never seen the light of day. Only recently I burnt something like 400 posters, containing ten or twelve colours, with blood all over them, but they were surrendered; they were never posted, owing to the action

Mr. W. A. Coote.

18 Oct. 1906.

of the Bill Posters' Association. That is what we call public morality of the streets. That is an illustration of the public morality, and we are most concerned in preventing anything like the area of vice in London. I have known London for the last 40 years, and my memory goes back to quite 47 years. I knew the Haymarket and Piccadilly very well 47 years ago, and I say that London to-day, compared with what it was 40 years ago, is an open air cathedral. Then it was vicious in every particular. To-day the change is marvellous in the people, both in the crime and in the habits of the people. Everything has gone for the better. That is my conviction as a citizen of London, and I am proud of London.

6959. Do I understand you to say that for a grown-up man to meet a grown-up woman in a public street and to hold a conversation together, the result of which is they go away for the purpose of having connection, is an offence against public morality?—Yes, I do. That is my opinion, and I think we are coming to the time when the public will say so. In this last twenty years you observe there have been great strides in these questions, not only here in London, but throughout Europe.

6960. (*Mr. Rufus Isaacs.*) When a man and woman make that arrangement, does it depend on her being a known prostitute in order to constitute an offence?—There are so many contingencies.

6961. (*Chairman.*) You know what the law with regard to solicitation in the public street is, I presume?—Pretty well.

6962. I need not, therefore, restate it to you?—Practically there is no law against a man soliciting, but a woman must not solicit. She is laid hold of persistently, but they leave him free. The woman solicits to the technical annoyance of anybody, and she can be arrested at once as a rogue and vagabond.

6963. What do you conceive to be the basis of existing legislation on that subject?—The basis is that it was all against the woman and all in favour of the man. I am not expressing that as a prejudiced opinion, because if I had been in the Legislature with the education they had twenty or thirty years ago I should have gone the same way. But all that is altering. All the blame and abuse and punishment has been thrown on the woman, and the man has practically escaped Scot free both legally, mark you, and socially; and we are now aiming, and the public are aiming, at making a better equality in this matter. I know the difficulties surrounding it, but if the man commits the same offence as the woman he should be subject to the same penalties and the same punishment, which he is not to-day. For instance, it would be known to the police—take Piccadilly, for instance—that certain men frequent there occasionally—not habitually, but occasionally—for the purpose of this immoral conduct.

6964. Let me put my question a little more clearly. Do you conceive that the real reason for the law regarding solicitation is that, in the view of the Legislature or in the view of the community, what I would call illicit intercourse between the sexes ought to be prevented?—I take it so, because we have further laws which say it is a crime to keep a house for the accommodation of those people, so it must be so. The law goes further, and says it is not only a crime to commence this idea in the street, but it is actually a crime for anybody to provide the means for the consummation of that crime.

6965. You do not think that the real ground of the legislation about solicitation is the annoyance that is caused to the citizen by being solicited?—I think it gives him his opportunity to punish anybody, but I cannot say. "Annoyance" is a technical term. For instance, I have been solicited in the street, and I said to the woman who came up to me and said something, "Well, you know, this means 10s. or seven days," and she ran away as though I had shot her, poor woman.

6966. I will not pursue this, but those questions were suggested by the suggestion that you yourself made for an amendment of the law?—Quite so.

6967. In your conversation with the girls that you have referred to, did you find any reason for thinking that the police differentiated in their treatment of foreign and English girls in the street?—No; I have no reason to think so; not the slightest.

6968. These foreign girls have never suggested to you that the police treat them more arbitrarily or more harshly than they treat English girls?—Oh, no; but the foreign girl comes here with her ideas of liberty, and she thinks it very arbitrary if she is not able to do absolutely what she likes in this particular. She comes here to break our law, and she calls it freedom. That is the bottom of it. I would like to further point out to you, gentlemen, that of course most of these women unfortunately are the subjects of foreign men, and nothing would be more delightful to the foreign men than to be able to bribe the police through their women. It would give those men such a hold on the Force that the thing would come out at once. To me it seems almost impossible that it should be so, and I really say that from studying the question.

6969. Do you know what police rules with regard to solicitation in the streets are now in vogue in Paris?—I think they are very loose, if you ask me.

6970. Do you know them?—No, I do not; but I think after seven o'clock the girls are not interfered with. I have been solicited much more in Paris. I do not care about saying this in public, because I shall be there in a day or two, but I have been solicited much more in Paris than I have been here, and sometimes in a more hideous form. I think anyone who knows the Frederichstrasse in Berlin would certainly compare Piccadilly favourably with that place.

6971. I was not thinking of asking you to compare the state of Berlin and Paris with the state of London. I only thought that perhaps you were acquainted with the duties of the police in Paris?—No, I am not.

6972. (*Mr. Whitmore.*) Is your experience of the action of the police with regard to these matters gathered from the whole of London or from any particular part?—From the whole of London; that is Brixton in the south and Hackney in the east, and that way, but chiefly from the centre of London.

6973. It is not restricted to the centre of London?—No. Tottenham Court Road, Piccadilly, Euston Road, Regent Street, Oxford Street, and all these places. We look specially to these places, and the result of our census is that I think there is a great deal of fiction as to the number of women, either foreign or English, who are walking on the pavement of shame in London. I do not think there is anything like the number that there are reported to be.

6974. Have you got the figures?—They are not reliable, but I should put the outside, myself, engaged in this public prostitution, both English, foreign, and everything, at 8,000, which is startling when we know it has been stated publicly that we have 80,000 in London. The common statement is that there are something like 60,000 to 80,000, which is a perfect fiction, because the same woman parades 20 times round the same points.

6975. You say that the number has very much diminished in forty years?—Very much so; and from a public point of view I am glad to believe, on the evidence, that prostitution does not pay from an English point of view—that is after they descend from the theatres and the music-halls into the streets. From 18 to 24, yes, but then they leave the different music-halls, and they are out of the proprietorship, and on their own account, and it does not pay. That is my conviction from what I have seen, and I am glad to know that honest industry pays better than most of the forms of vice so far as the English girls are concerned. Some it may pay, but only for a time.

6976. (*Mr. Dickinson.*) I see you say that something further might be done to clear the thoroughfares of vice, which is still too much in evidence. Would you tell me what, under the existing law, you think could be done further?—Under the existing law, if the police might only go back to the time before this Commission, and act as they were acting then, I do not think we should have much to desire in London. I think there has been since this Commission a few more in Piccadilly. Whether it is that the police have held their hands I do not know, but up to that time we felt they were doing everything possible with the law, which was unequal, mind you—strongly unequal—and they were making a marked improvement all round. Piccadilly is only bad by name to a large extent, or was a few weeks ago. There were not many bad women

there, and those who were there were always kept on the round. There was no congestion.

6977. You are proposing that after one warning, then a person soliciting should be taken up. Are you aware that we have been told that the system of the police at present is that before a prostitute is taken up by a policeman he must on that same night have given a warning to her. Are you aware of that?—I am quite aware of that.

6978. Are you aware at all of the procedure in other towns with regard to this question?—Yes, I am, I think.

6979. Do you know whether that arrangement holds good in other towns?—In other towns you deal with a very, very small, narrow area, and the police know these women, and I do not understand that they warn them.

6980. We were told that that was the general construction of the rule, that they had to warn the girl before they could take her up, and then it is said that the girl is in the habit of going away to another beat. I want to ask for your opinion upon that as to whether that system could be improved?—It is complicated, but I think I suggested after the second warning they should be at liberty to arrest. Supposing a young man who is innocent is given this warning by the police, there is no publicity. The warning would state where it emanated from. He and his friends would go privately and have the whole matter investigated. It would obviate anything like a public mistake on the part of the police. Supposing a respectable woman was given a printed warning, her friends and she immediately—not in a police court, where everything is public, but in a private room before, say, the Chief Commissioner—could go and deal with it, and it would be investigated at once, and no harm is done practically. That is what we think, and, as I say, it would rid the place of the young men who would be in fear of getting this bit of paper.

6981. I only want to know exactly what you suggest. You suggest that after that warning has been given twice that then on any occasion when this person is seen carrying on that particular business he or she should be arrested?—Yes.

6982. Without any further warning?—Yes. Of course, there would have to be proof of these warnings. The details would be a little complicated, but it is a big question and worth dealing with.

6983. You told us that you think there is a very great improvement in London. Does what you say apply to that area immediately south of Euston Road, and all that part where we hear that a very great number of women and men who live on their immoral earnings reside?—Euston Road has always been a very bad centre. I do not think that I could say there is any very great improvement there, and, of course, of late years Tottenham Court Road has been made quite a centre of this vice.

6984. Have your Society made any special effort with regard to that area?—Do you mean to rescue women?

6985. Trying to rescue women or otherwise?—We do not do rescue work. We investigate, and send out information to the police. There is a large number of foreign women in Euston Road now who a few years ago used not to be there.

6986. Do you think those roads you have mentioned could be improved by further action by the police under the present law?—Undoubtedly.

6987. Are you at all able to say how?—I think that by using the same amount of energy as members of the Committee use in Regent Street and Oxford Street and Piccadilly that the thing would cure itself. As soon as ever the police make a certain area a danger zone, then the people get away from that area, and every effort—not at harassing these women, I do not say that—but every effort to make it more difficult for these women to ply their calling makes it less payable.

6988. I understand from what you say that the execution of these powers by the police is not uniform over the whole of London?—I cannot say that, of course. I can quite understand constables, owing to the public Press and public opinion, being afraid to tackle this question of morality to any great extent.

6989. If they are not afraid in one area, why are they afraid in another?—The public Press will not allow a constable to make a mistake, and that means official death. That is one of the difficulties they have to contend with, and rather than warn a women about whom he has some doubt—and it is a very difficult problem to decide in some areas, the arrest of the wrong woman from any point of view, even from associations and circumstances—sooner that risk it he lets it drift probably. I think I should do so myself if I was a constable. He knows, if he happens to make a mistake in speaking to the wrong woman or warning her, he may lose everything, and I say that should not be so. Public opinion should be a little more generous in these matters, because of the difficulty of the problem.

Mr. W. A. Coote.

18 Oc. 1916.

6990. (*Mr. Rufus Isaacs.*) Is the result which you have given us of what you have arrived at yourself from your own experience wholly, or is it the result of the experience of all your agents?—It is the combined experience of all our agents.

6991. How many agents have you?—We have a staff of between 40 and 50, and we have perhaps about 20 agents. Under the International Agreement for the Suppression of the White Slave Traffic we are authorised by the Government to put ladies at railway stations to look after these girls, and from that source one is in a position to get a great deal of information.

6992. That is when they arrive?—That is when the girls arrive, and if they are going into a wrong quarter, but it is from the combined work of the two Associations that I am able to speak.

6993. I was only seeking to arrive at what the experience is, and of how many persons who have been actually taking part in this work. I only want to know approximately?—During the last four years I should say 20 officially, and, of course, a large number outside that—ladies who go about.

6994. Twenty paid agents?—Yes.

6995. Are they all females?—Not all; there are three or four males.

6996. Now a question or two about the suggestion which you have made to us in order to ascertain your views. First, is it your view that, supposing a young man succumbs to temptation offered to him by the solicitation of a prostitute, that that is a criminal offence on the part of the young man?—I have to ask myself, Socratic like, as to whether it is a criminal offence on the part of the young woman, and the law says it is a criminal offence on the part of the young woman for soliciting.

6997. The law does not say it is a criminal offence on the part of the young woman to be a prostitute?—No; but if she plies for the purpose of prostitution. With regard to the young man, I should like to say that the man was a prostitute as well.

6998. I do not want to go into a long discussion about this very difficult subject, but I want to get your answer upon this point, so that we may consider it. There is one important distinction which I should ask you to bear in mind—namely, that the woman is a prostitute who has been carrying on her trade of prostitution for a considerable time, and is an experienced prostitute. That is the case I am putting to you. The young man comes along the street, and is tempted by the prostitute, and falls. In your view ought that to be a criminal offence by the young man?—My answer is no—with this qualification, that if he comes week after week, if he habitually comes there, yes. But not in the case that you put.

6999. If he makes a habit of resorting to the place?—If the woman does, but my answer is no to your question.

7000. With reference to this printed warning, I do not quite understand what you mean by that. I am dealing now with the suggestion which you make to us of a verbal or printed warning being given to both men and women. Is it suggested that the constable should carry a printed warning with him?—Of course, I am old enough to know that there is always trouble when you go into details, but may I illustrate what I mean? I am acquainted with the Chief Constable of a very important town, and he has told off several officers of high standing and good character, and he himself does some of it—to go round between 9 and 11 at night, and where they find a young man or a young woman in a compromising position—let me put it in that way—they demand the name and address of these two, and the next morning either himself or one of his chief officers visits the parents and warns them of the conduct of their children. That has had such a salutary effect—it seems Utopian probably—in the town that

Mr. W. A. Coote.

18 Oct. 1906.

there is even at present quite a transformation going on with regard to the character of the streets at night.

7001. (*Mr. Whitmore.*) Has he any right to ask the young man for his name and address?—I am afraid I should not like to answer that question. He does it as a friend, I presume. Of course, as a friend, I should have a right to do it. But I can tell you the result of it is that a number of parents have written to the Chief Constable and seen him and thanked him for the work he has done. That is a fact. Of course, I do not suggest the London police should do that.

7002. (*Mr. Rufus Isaacs.*) I suppose the difficulty would arise, if the young man refused to give his address, was he committing any offence?—Yes, of course legally it is out of court, and I would not suggest it for the London police. I am afraid they would get into more trouble than ever, but in a town it is a totally different thing.

7003. I do not quite understand what you mean by the printed warning. You would not suggest, would you, that the constables should carry it about with them and hand it to the persons?—I think that certain constables should. You see at present a woman says "I was never there before." The constable says "I have warned her several times." All he has got to do is to prove that he gave this warning.

7004. It is no easier for him to prove that he gave a printed warning than that he gave a verbal warning?—Yes, if he has someone with him.

7005. But he might have someone with him who heard the verbal warning?—Quite so. It is not so much on the part of the constable as on the part of the individual. Supposing a constable gave me one of these warnings if I was up Haymarket or round there. I am not run in, and I am not brought before a court, and there is not a public scandal. I go right to the Chief Commissioner and say "This is a mistake," and the matter is investigated. Many of these cases which have done so much harm publicly would be obviated by this process. I know it is a little difficult, and it is a new idea.

7006. It is for that reason I wanted to work out what you meant by that. Then with regard to the other matter, when you spoke of the Act amending the Vagrancy Act of 1824 you mean, I presume, the Act of 1898?—Yes.

7007. I am not clear as to the alteration which you suggest should be made, because it rather seems to me that the Vagrancy Act provides for the very thing?—It is assumed to do so, and, of course, it is a question of administration; but the Act throws upon the man the responsibility of proving how he is getting his living.

7008. The Act says that if a male person is proved to live with or be habitually in the company of a prostitute, and has no reasonable means of subsistence, then unless he can satisfy the court to the contrary he shall be deemed to be actually living on the earnings of prostitution. Is not that sufficiently far?—It does not practically work out.

7009. The Act in itself goes sufficiently far to meet your view. It seems to go rather further even than you have suggested, because it makes it an offence, not only if he is proved to live with a prostitute, but also an offence if he is habitually in the company of a prostitute and has no visible means of subsistence?—Yes.

7010. Then he shall be deemed to be living on the earnings of prostitution, and comes under the Act unless he can satisfy the court to the contrary. Does not that carry out the very thing which you are suggesting?—Yes, it do s, practically.

7011. What I presume you mean is that there is a difficulty in administering the Act?—I have really brought this forward because I think in London we are suffering from want of administration of that Act, owing largely, not to the police, but to the courts, because the Act is so clear that upon the man is thrown the onus and responsibility of proof; but I think in some cases the Magistrates do not take the trouble to make him prove it, but accept a specious bank book, or something like that.

7012. They have to prove, first of all, that he has no visible means of subsistence?—I would rather stake the legal side on the "living with" if he can be proved to be living with a prostitute.

7013. If a man is found to be living with a person whom he knows to be a prostitute, and he is carrying on presumably the work of a prostitute, that is what you mean?—Yes, independent of what he can prove in the matter of personal wealth.

7014. (*Chairman.*) You mean that even if he shows that he himself is earning, say, £50 or £60 a year at some trade, yet it is to be an offence to live with a prostitute?—If she is carrying on the trade of a prostitute, yes. That is my idea.

7015. (*Mr. Rufus Isaacs.*) That is to say, if you find him living with her, and getting the benefit really of her prostitution, you would make that an offence whether he has another means of subsistence or not?—Yes, I opine that the Act was for that special purpose.

7016. But in consequence of the words in the Act making it necessary to prove, in order to constitute the offence against the prisoner, that he has no visible means of subsistence, if a man is earning a small amount of money he says, "I have not committed the offence"?—Yes, "I am a waiter one day in a month."

7017. In reality he is committing, if anything, a worse offence?—Yes, that is exactly where we are.

(*Mr. R. D. Muir.*) May I call attention to the 2nd sub-section of Section 1 of the Vagrancy Act, which applies to the male?

7018. (*Mr. Rufus Isaacs.*) Under the Vagrancy Act of 1898 there is already a section, which says: "Every male person who (a) knowingly lives wholly or in part on the earnings of prostitution; or (b) in any public place persistently solicits or importunes for immoral purposes, shall be deemed a rogue and vagabond"?—Yes, with the ordinary male person we are absolutely ruled out of court. It does not touch solicitation. That was provided for a specific class of offence of a very heinous kind which is known to the police, and Sir Edward Clarke publicly stated that that clause was simply put in to lay hold of a certain kind of blackguard who is unmentionable in decent society.

7019. The Act of Parliament would have to be construed by the court according to the actual meaning of the words, and not according to the intention of the framers of the Act?—We have tried to go on that, but we have been beaten.

7020. I suppose that is really because of the word "persistently"?—Yes.

7021. Supposing you had the word "frequently"?—It is not so easy as it appears to the ordinary public.

7022. (*Mr. Dickinson.*) You say you have gone on that section, and you have been beaten?—We have not gone into court, but we have taken opinion, and we are advised it was provided for the special class of offence, and does not refer to ordinary solicitation by men.

7023. (*Mr. Rufus Isaacs.*) There is another matter dealt with in this Act—"Every male person who actually lives wholly or in part on the earnings of prostitution shall be deemed a rogue and vagabond." That seems almost to meet your case, does it not?—Almost.

7024. Because there you see if he actually lives in part on the earnings of prostitution it is constituted an offence?—My point would be, a man lives with a prostitute, and he says "No, I am not touching her money; I earn my own money." He is only evading the law. I want to lay hold of him, because he is living with her, and she is pursuing the calling of a prostitute.

7025. What you want to do is to make the proof easier of the thing which you know to exist?—That is it exactly.

7026. Which, by reason of the difficulties of giving legal evidence, enables the man to escape from the offence which he has undoubtedly committed?—That is exactly the position. I only wish the magistrates could hear that.

(*Chairman.*) I understand that the two Post Office officials are now in court in Clinch's case.

(*Earl Russell.*) Dr. Sinclair is here, at any rate.

(*Chairman.*) He is your witness, I think.

(*Earl Russell.*) Yes, sir.

Dr. John Sinclair, sworn.

Dr. J. Sinclair.
18 Oct. 1906.

7027. (*Earl Russell.*) You are one of the official doctors of the Post Office?—I am.

7028. (*Chairman.*) What are your qualifications?—I am a Doctor of Medicine, Member of the Royal College of Physicians, Licentiate also of the same body, and a Member of the Royal College of Surgeons.

7029. (*Earl Russell.*) Do you recollect, or are you able to tell us from any note, of a visit that Clinch paid to you on the 18th October, 1905?—The 16th October first.

7030. You saw him on two occasions?—Yes.

7031. What time on the 16th did you see him first?—In the morning I think it was.

7032. That was the actual day of the occurrence?—12.30 a.m. the occurrence was.

7033. (*Mr. Rufus Isaacs.*) What day of the week was it?—It was Monday morning that I saw him.

7034. (*Chairman.*) I understand that it was after midnight on the Sunday, so it would be Monday morning therefore?—Yes.

7035. (*Earl Russell.*) You saw him that same Monday morning?—Yes.

7036. (*Chairman.*) What time?—In the morning—before noon, I think.

7037. What was the next occasion you saw him?—On the 18th, that was the following Wednesday.

7038. Would you tell the Commissioners what you observed?—I only received the notice to attend here last evening, so I have not had time to make out a full copy of my notes, but I have here a copy of the report which I made for the information of the Postmaster-General on October 20th, and if that will satisfy you I will read it out to you. It contains the whole summary of the case. This is addressed to the head of Clinch's department: "The Controller. Porter Clinch attended this department on Monday, October 16th, and gave an account of an assault which he said he had suffered at the hands of a policeman the night before. Asked to state his injuries in order that the parts might be examined, he complained that he had been hit on the left side of the face, and this comprised the whole of his statement of injury. I examined him. I noticed a slight localised swelling of the skin and subcutaneous tissue over the seat of the articulation of the lower jaw, but was unable to discover anything else. The skin of the face and the inside of the mouth were devoid of any signs indicative of an act of violence having been committed. I did not see any signs of drink. On October 18th he attended again, and said that he was suffering from 'stunned feelings,' and that he was 'bringing up blood,' and added that he had been hit on his head by the policeman, and thought that the policeman must have used his truncheon. I examined his scalp, and was unable to find any signs of the alleged blow. I examined his nose and throat, and was of opinion that the blood which I saw upon his handkerchief came from his nose. As regards his 'stunned feelings,' I told him that these symptoms were appearing too late, that they should have been present on the morning of the 16th immediately after the assault. In both my examinations I did not see any signs of shock or concussion. I did not consider it necessary to recommend any sick leave."

7039. You did not see any spitting of blood except that which you have spoken of?—There was no spitting of blood. There was the blood on his handkerchief, and I examined his throat and nose, and I satisfied myself it came from the nose.

7040. You found no blood inside the mouth?—It was the back of the nose.

7041. The only injury you actually noticed was this external swelling over the lower jaw?—There was a little swelling there. There was no sign of abrasion. It might have been toothache or a little swelling from that.

7042. It was also consistent with a hard push?—No, a very slight blow. There was no abrasion of the skin.

7043. (*Chairman.*) There was no bruise there?—No.

7044. (*Mr. R. D. Muir.*) Did he bring up a clot of blood while you were examining him on the 16th or the 18th?—I cannot tell you. I do not think so; but these are my notes. I did not see it.

7045. You think you would have noted it?—Yes, it is not an unusual thing if a man has had his nose bleeding for him to swallow a little and then bring it up afterwards.

7046. You have not noted anything of the kind?—No.

7047. (*Mr. Rufus Isaacs.*) Supposing he had been struck a severe blow on the early morning of the 16th, in your view would it have been possible for him to have developed those symptoms only on the 18th—that is to say, the stunned feelings?—The stunned feelings should have followed immediately on receipt of the blow or the injury.

7048. Would it have been impossible for him to have felt stunned two days after the event?—Yes, in my opinion.

7049. It would be felt immediately after the blow?—It would be felt immediately after the blow.

7050. (*Mr. Whitmore.*) I understand on the first occasion when you saw him he only complained of a blow on the chin?—That is so. The statements did not coincide.

7051. He said nothing about a blow on the head?—No, on the 16th he said nothing about a blow on the head.

7052. (*Mr. Rufus Isaacs.*) He suggested, as I understand from your note, that he thought the policeman had hit him with his truncheon?—Yes. I could find no evidence of any blow or a sign of any blow, and I examined the scalp carefully.

7053. There would have been some indication?—There would have been some discoloration of the skin.

7054. Something from which you could have detected evidence of the blow?—Yes.

7055. There was no such evidence?—No such evidence at all.

Samuel John Sandy, sworn.

Mr. S. J. Sandy.

7056. (*Earl Russell.*) You are the official superior of this man Clinch at the Post Office?—I am an inspector, and I was on duty on the particular morning.

7057. It would rest with you to give him leave or anything of that sort?—Yes.

7058. When did you see Clinch first after this assault?—At 4 o'clock on the Monday morning.

7059. Will you tell us what condition you saw Clinch in then?—He came to me and complained of being unable to continue his duty. I questioned him as to the cause. He told me that he had suffered from an assault by the police when coming on duty at midnight on Sunday.

7060. About four hours before he saw you?—Yes. He explained to me the circumstances under which it occurred, and showed me his swollen face, and said that there was a cracking of the jaw—that is in the movement of the jaw—and he said he was suffering great pain. The suggestion was that it had almost been dislocated. He also said that he had received two or three severe punches on the back of the head, and blood was coming from his nose at the time, and his handkerchief was stained with blood.

7061. At the time you saw him?—Yes, that is at four in the morning.

7062. You saw the swollen face that he complained of?—Yes.

7063. And it was swollen?—Yes.

Mr. S. J. Sandy.

18 Oct. 1906.

7064. Did you see any blood coming out of his mouth?—Yes; both from his mouth and from his nose.

7065. Was anything said about his being dizzy?—Yes; he did remark that he felt in a dazed condition.

7066. Did you, as a matter of fact, allow him to go home after seeing him?—I relieved him, if I remember rightly, and suggested that he should attend the medical officer.

(*Mr. R. D. Muir.*) I have no questions.

(*Chairman.*) We will now take the evidence of Mr. Platt.

ALFRED FRANCIS PLATT, sworn.

Mr. A. F. Platt.

7067. (*Chairman.*) Your name is Alfred Francis Platt, and you live at Lambeth?—Yes.

7068. At one time you were a cabman?—Yes.

7069. From the year 1886 up to and including this year (1906) you have been a bookmaker?—Yes.

7070. In what way do you carry on your business?—In the streets. At various times during the twenty years I have conducted betting premises, but until Inspector Shannon came to Lambeth there was never a raid made in Lambeth. Previously I used to pay a rental and bet in Oakley Street, Lambeth, but after the raids we betted in the streets.

7071. Will you explain a little more in detail how you carry on your business in the street—you yourself I mean first of all, without any agents?—I simply stand in the streets, and there are different persons who require to have money on different horses, and I simply stand there and take it.

7072. You have a book with you?—I cannot say that I have a book, because I carry it in my head more or less, but I have a book, perhaps, for certain names in the way of strangers.

7073. (*Mr. Rufus Isaacs.*) Do you have what are called slips?—Yes, they always hand you slips.

7074. (*Chairman.*) We want to get upon the notes what you do. You stand in the street, and then what do you do?—In 19 cases out of 20 the people hand you a slip of paper with the names of horses and the amount they want on, and their names attached to it. It is quite possible for a man to come along and say, "I want five shillings on a horse," or "I want a sovereign on a horse." Knowing the man habitually, you know the man's name. It is recorded in the book, and you have done with it.

7075. You take a slip from him, and he pays the money?—Yes, at the very time.

7076. Then, when the race has been run, supposing he has won, what happens?—We pay him out the same evening or the following day.

7077. Then you go back to the place at a certain time?—Yes.

7078. And the men who have dealt with you expect to find you there at a given hour?—Yes.

7079. (*Mr. Rufus Isaacs.*) Do you pay in the street?—Yes; or it is quite possible it might be a shop of some description, or it might be a public-house.

7080. (*Chairman.*) An appointment is made?—Yes.

7081. You have been carrying on that kind of business for 20 years?—More or less.

7082. Did you get into contact with the police at all?—I have, to my sorrow.

7083. Explain how you came into contact with them?—I have been in connection with them all the years I have been betting. In the different divisions of the police I have conducted betting I have always found that if I gave a certain price I could always get a man to do what I required. I could always buy him at his price, and we men who are betting in the streets know best ourselves how to handle them.

7084. (*Mr. Rufus Isaacs.*) You say you could get a man. Do you mean a policeman?—Yes, or a detective officer.

7085. (*Chairman.*) You mean a police officer, to use the broadest term?—Yes.

7086. Where did you first start your business?—In Oakley Street, Lambeth.

7087. What police division is that?—The L Division.

7088. Did you make any arrangement with any of the constables of the L Division?—It was not necessary at that time when I first betted in Oakley Street.

7089. When did you first begin business in Lambeth, then?—In 1886.

7090. Did you commence paying your money as you say to the police?—I have always done so.

7091. From the very first?—Yes.

7092. What kind of arrangement did you make? What did you do, in fact, when you took up your stand in a particular street?—At that time the system was different from what it is at present. It was left entirely to a man like myself—what I thought of the man, and how I thought I could handle him and give him the least that I thought possible or as much as I thought. At that time the C.I.D. men, as they are termed, were the only officers of the police who arrested us sort of men.

7093. You mean the Criminal Investigation Department men?—Yes.

7094. They were the only kind of officers who at that time interfered with you?—Just so.

7095. You made these arrangements which you allege first of all with men of that division?—Yes.

7096. When did you make your first bargain?—I might say my first bargain was in 1903—what I would call a bargain—because there had been a system instituted, I really believe by the late Inspector Shannon, of sending out ordinary constables in plain clothes to arrest us sort of men, and I really believe that the C.I.D. department of the police, if it is fully traced out, the last twelve months or two years have not arrested any of us sort of persons.

7097. I want you to go back to 1886, when you first started this kind of business in Lambeth. When did you first have anything to do with any policeman at all?—The first day I started.

7098. The very day you started?—Yes.

7099. What happened on that day?—In a convivial way; a drink after I started business, which they very soon found out, and of course, "You can come round Monday, Tuesday, Wednesday, Thursday, whichever day is suitable and whichever hour of the day is suitable for you, and there is a trifle for you," whatever I thought at the time, according to what I thought of the man or according to his disposition, what I thought I would give him.

7100-1. And you habitually gave, I understand, from that time onwards certain sums of money to policemen?—Yes.

7102. Do you remember the names of any of the constables that you have bribed in this way in 1886, 1887, 1888, and so on?—Yes. If you ask me that question, there are several of them on pension, and several of them are dead. They are pensioned off at the present time.

7103. At what time did you carry on this kind of business in Lambeth?—I have never left off.

7104. Did anything take place in 1903 that altered your arrangements at all?—Yes.

7105. What was that?—The system at times was that they sent out police constables in plain clothes to arrest us sort of men, and knowing the feeling created amongst the different officers—it is a thing amongst us sort of men—we get hold of a constable by the ear. These men who were put on that special duty in 1903—I believe you will find it was continuous—were out for months, but I think at the present time they are changed every week, or every fortnight. At this particular time, 1903, these men were out continuously.

7106. What division of the police?—The L Division.

7107. Were they ordinary police constables?—Ordinary police constables sent out on this special duty in plain clothes. The first time that they apprehended me was in 1903. There was one senior officer who could not catch me.

7108. Until 1903 you had never been apprehended?—Yes, I was at Bow Street. I had a conviction for betting at Bow Street in the E Division, but I was never convicted at Lambeth until 1903.

7109. You had never been convicted in Lambeth until 1903?—No.

7110. Under what circumstances did your conviction come about?—Of course, I will say it was betting. One of these officers as well known as myself could never catch me because whenever he was within 100 yards, or 200 yards, I could always have a tip—I will put it in that way—that he was coming, and I discontinued my business for whatever time he was about. He brought out a fresh officer who was not well known to us at the time. It might be of service if we could have these men watched out of the station, and have a word of advice given to us. This man came and spoke to me—Police Constable Powell.

7111. What was his number?—206 L he was then, but I believe he is in another division now.

7112. He came to you, did he, on the same day?—Yes.

7113. On what day was that?—I would not be positive of that; it was in the month of April.

7114. In April, 1903?—Yes. He started speaking to me. Of course, I think it is very feasible for me, if I am looking at a man in the face, to look over his shoulder, and I suppose I can look at a man and stop him from coming near me, and that man has sufficient intelligence, knowing I am with a stranger, not to come near me, so I never took any bets.

7115. Did you have any conversation with Police Constable Powell?—Yes.

7116. What took place?—I represented myself as a clerk in an engineering department near where I was betting, and he really did not know any different till other officers who were with him sent out on duty 204 L, and he knew me as a bookmaker.

7117. But Powell did not?—Powell did not.

7118. Did Police Constable 204 L come with Powell?—No. We were in conversation for five or six minutes, and Powell was really walking away when Soer, 204 L, came up and said "We want you."

7119. Then Soer came up and arrested you?—Yes; he said I was wanted. Knowing I had betting slips on me, I knew——

7120. (*Mr. Rufus Isaacs.*) You had not much defence?—No.

7121. (*Chairman.*) You were convicted on that occasion?—Yes, I pleaded guilty.

7122. Had you been on friendly terms with Powell, do I understand?—No.

7123. Had you been on friendly terms with any of the police in the L Division?—Yes.

7124. Before this incident of your arrest and conviction?—Yes.

7125. Do you know their names or numbers?—Yes.

7126. Will you give me some of them? We will not go very far back. Before April, 1903, can you give me the names and numbers of any of the constables who had accepted bribes from you?—The generality of them are pensioned.

7127. I am only wanting to give you the opportunity of telling us. You continued doing your business in Lambeth after this conviction in 1903?—In telling you that it is the first time I have said it. I am paying men to do a thing I cannot do myself.

7128. How have you continued to carry on your business there?—Similarly, in the streets.

7129. Yourself personally?—No.

7130. Then how do you manage to do it?—There is a system in vogue with us men that we do not allow a man taking sums of money for us to pay just what he likes.

7131. Did you give any instructions to your agents as to their dealing with the police?—No.

7132. Have you made any complaints against the police at all?—Yes.

7133. What kind of complaints?—I have made complaints since October, 1903. In the first instance I made complaints against 204, 206, 209 and 180 of the L Division. They were the four officers that continuously during 1903 did that special duty of apprehending us sort of men. 180 L was discharged from the police.

7134. Can you give us their names?—Yes. Soer, 204.

7135. P.C. 180?—Deed.

7136. P.C. 206?—Powell.

7137. P.C. 209?—Gunn.

7138. All of the L Division?—All of the L Division.

7139. What complaint did you make about them?—My complaint in the first instance I sent by letter, which I received no acknowledgment of.

7140. It was sent by letter to whom?—To Superintendent Noviss, of the L Division.

7141. What did you complain of?—I complained of this police officer trying to obtain money under false pretences.

7142. Which one?—180 L, and at the same time complained of the various sums of money I was paying these various officers.

7143. Did you mention that in the letter?—Yes.

7144. To whom was the letter addressed?—To Superintendent Noviss, of the L Division.

7145. Did you receive any reply to that communication?—No.

7146. What did you do then?—This man, with others, came demanding a sum of money from me amounting to £22 16s.

7147. (*Mr. Rufus Isaacs.*) Was that 180 L?—Yes; and he threatened me.

7148. (*Chairman.*) Let me understand. £22 16s. I think you said was the amount?—Yes, which he tried to obtain by these means. Their pay day, as I term it, is on Tuesday.

7149. Whose pay day?—These officers'.

7150. Pay day by whom—by you?—Yes.

7151. Is there a kind of settled pay day between you?—Yes, whatever time suits their convenience. We arranged Tuesday. Of course, I have found them come round with a pitiful tale. They can come twice a week; it is quite possible for them to be greedy. Of course, I paid them the same amount again.

7152. Had you been in the habit of paying money to Deed on Tuesdays, or on other days?—Yes.

7153. What had you been in the habit of paying Deed?—A sovereign a week.

7154. How long had that been going on?—About eight months.

7155. Had you been in the habit of paying the other three?—The same sum.

7156. Each £1 a week?—Yes.

7157. That had been going on for some time?—For about eight months.

7158. You had apparently a dispute with Deed. What was that about?—It was not exactly a dispute in the way you put it. I have known them to come twice a week. On this particular occasion, in October, 1903, on a Saturday, which I think was the 15th of the month, I saw Deed and another officer, and we had a drink. He knows where I generally go. I went in. I had the two sovereigns in my hand ready to give them a sovereign each, when Deed turned round and made the remark, "We have not come for that Alf.; we have come to make a bet for the governor." Handing two sovereigns is not like handing 2s. I naturally opened the paper he gave me with the two sovereigns—there is a little counter with a little over-flap, so that anybody in the house should not see what I was doing—and I naturally looked at the paper like *that* (*illustrating*). I turned round to him at once, and said, "What races are these horses in?" "I do not know, Alf." The man never having had a bet previously with me, and never having talked racing to me, only more or less asking me how I had got on, I did not give him sufficient credit to have knowledge of these horses.

Mr. A. F. Platt.

18 Oct. 1906.

7159. (*Mr. Rufus Isaacs.*) At what time was this?—At 2.10.

7160. (*Chairman.*) In the afternoon?—Yes. A safeguard we have amongst us men is that as we take each paper after the time the first race is run we time each and every paper afterwards, so that if a man comes up at 4 o'clock in the afternoon and wants to be on the 2 o'clock race there is the time.

7161. (*Mr. Rufus Isaacs.*) Does he have to state on the slip the race for which he is backing the horse that day?—There is rather a loose way of doing it. Some punters have a very precise way of writing out papers. They write the name of the meeting, the time of the race, and the horse's name, but the loose way is this—the generality of them generally put down the horse's name and the amount they want to have on it.

7162. How would you do supposing the horse is entered in two races the same day?—It does not matter how many races the horse is in—the money is on the first time it runs.

7163. (*Chairman.*) You took the slip and the money from him?—Yes, I took two sovereigns from him.

7164. What happened about that transaction afterwards?—At 6 o'clock in the evening he came round to my house. Up to a month previously I always paid out the same evening, but I discontinued that as I found it was too much for me. He came round to my house about 6 o'clock in the evening, more or less in a state of drink, demanding the sum of money from me.

7165. Deed?—Deed.

7166. What was the sum of money?—£22 16s.

7167. He alleged the horse had won?—The horse had won, but at the time he gave me the paper, 2.40, which I timed, that horse had already run and won the 2.10 race—which he knew—which he got by telephone.

7168. You say that the horse that was named in the slip that he gave you at 2.40 was the name of the horse that had already run at 2.10 or in the 2.10 race?—Yes.

7169. (*Mr. Rufus Isaacs.*) When I asked you what time he gave you the slip you said 2.10 in the afternoon?—Yes.

7170. If the race was not till 2.10 the race had not been run?—It is quite possible for them to get a winner up. It was the 2.10 race. I think I told you I missed the clock.

7171. (*Chairman.*) I do not know whether it is necessary for us to consider who is in the right, you or he. You had a quarrel with Deed, and you would not pay him the £22 16s.?—No.

7172. What happened with regard to the police after this dispute between you and Deed?—I gave him this credit. He tried to catch me for this money. He came for it, but if he was a just and proper man, knowing the time I timed that paper—2.40—he would not come and ask for money over a horse that had already run and won the 2.10 race.

7173. I quite follow your point about that?—He came at 6 o'clock in the evening on the Saturday—two came—and asked for his money. I had well thought it over in my way, and I came to the conclusion that I would ask other people in my line of business what they would do under the same circumstances as I was placed.

7174. It was, of course, an element in your difficulty that he was a police-constable?—Quite true, else if other persons had done what he had done I should have had such as him there to arrest them for trying to obtain money under false pretences.

7175. That is your view of the case. You did not pay Deed?—No.

7176. What next did you do with regard to the matter?—I asked him to call back again, and during the time I had allotted out for him to call back I went round to different persons in the same position of life as myself, and asked them what they would do under the same circumstances. The remark was: "Well, once a fool always a fool; if you pay under these circumstances once, having all these sort of men to deal with, you will always have to pay," so I came to the conclusion not to pay.

7177. Was it in consequence of that you made a complaint against the police?—Yes. I made an appointment with Deed to be at my house, and I sent a letter to Superintendent Noviss, of the L Division, asking him to send plain clothes officers to my residence, so that when these men came and demanded the money under the circumstances that they did, I wanted them there to arrest them. I have had police officers come to my residence under the same circumstances when I have had other men to deal with.

7178. Was Deed in plain clothes when you had this transaction?—Yes.

7179. The superintendent did not reply to your letter, I understand?—No.

7180. Did you write again?—No.

7181. Was Deed in plain clothes again?—Yes. They came to my house. Deed came to my house three or four times, and we had an altercation, and almost came to blows. On the Monday (they know my time of being what we term on "the pitch"; whatever street we bet in we call our "pitch"; they know the time I leave my house to be there to enable me to do my transactions during the day) these men stood outside my house and watched me, and kicked me on the heel; they back-heeled me, as I term it, until I got to Waterloo Station. I was on private ground there. I turned round to Deed, and said, "Do you think I am a fool? Don't you think that after all the words that have passed between us you will come demanding this money, and threatening me with what you will do, and stopping me from betting, which you have succeeded in doing to-day. I shall not tell you what I shall do. I will go and do it." I got in a train at Waterloo Station and rode to Vauxhall, and from Vauxhall I took a 'bus to Kennington Lane Police Station, and went in there and lodged my complaint, telling the local Inspector what had occurred in almost the same words that I have told you.

7182. Can you tell us the Inspector's name?—Yes.

7183. What is it?—Local Detective Inspector Knell.

7184. That was at Kennington Lane Police Station?—Yes.

7185. What did you complain of to the Inspector?—I complained of not having had any answer to my letter, of having no police officers sent to my residence, and of the thing that Deed had done.

7186. What thing?—Making the bet.

7187. Making the bet with you?—Yes, and coming round and threatening me with violence at my house.

7188. What happened then with regard to the matter?—He told me to call back later.

7189. Did you?—I returned home. When I went to my home I found Deed and others outside there, and we had a further altercation.

7190. Who were the others? Were they in uniform?—No, in plain clothes.

7191. There were other policemen there?—Yes.

7192. You had an altercation?—Yes. I returned back at once to Kennington Lane Police Station, and made a further report of what had happened, and asked them to send police assistance to my house.

7193. Did you write again?—No. At 6 o'clock on the same day I returned to Kennington Lane Police Station.

7194. That was the third time that day?—Yes. I returned and asked for police officers to come to my house, having previously made an arrangement for Deed to call back. I wanted him to be caught in the act.

7195. Did you go again to the police station that day?—Yes.

7196. That was the fourth time?—Yes. Then I saw Superintendent Noviss.

7197. The officer to whom you had written?—The first letter. He listened to my complaint. I told him I had an arrangement to meet Deed and these others at 8 o'clock in the evening. He told me to go back home, which I did, there meeting Deed and another person. I felt so much out of temper that I kept them talking, and sent my eldest daughter round for one or two friends, because I did not mind whether they had a tanning or me.

7198. Whether they had a what?—A tanning—a hiding.

7199. What did all this lead to?—This led to this—we adjourned to two different public-houses, and an altercation took place. There were friends on both sides, as far as that was concerned, and I returned home. The next morning, Tuesday, at 9 o'clock, I

went to Kennington Lane Police Station and demanded to see Superintendent Noviss.

7200. Did you see him on that day?—Yes, it appeared that from after the time I went there at 6 o'clock on Monday evening to the time I met Deed at 8 o'clock he sent out Sub-divisional Inspector Spencer to watch my house and whatever took place with me. Sub-divisional Inspector Spencer gave a report in on Tuesday morning about what took place between Deed, others, and myself during the certain hours we were together.

7201. Did this lead to any inquiry?—I have made, repeatedly, applications. I think I have written as nearly as possible 112 letters.

7202. To whom?—The late Home Secretary and the Commissioner of Police, Mr. Henry.

7203. Did you keep copies of any of your letters?—Yes.

7204. Have you copies here?—No. They were impounded at Newington Sessions in 1904.

7205. When did you first write to Mr. Commissioner Henry?—On the 28th or 29th October, 1903.

7206. Did you receive any answer?—No.

7207. Did you write subsequently to Scotland Yard?—Yes, every other day.

7208. It might be convenient to ask you here how the documents came to be impounded at Newington Sessions?—Mr. Grain (I believe he is counsel for the police or assists the police in some shape or form) asked that the papers should be impounded. The next thing was this, Deed was dismissed from the force.

7209. Was Deed dismissed after inquiry?—He was dismissed within six days. I think my first statement was on the 13th October, and he was dismissed on the following Friday as I went at them on the Monday.

7210. You were not called before the Superintendent of Police or any other officer in connection with the dismissal, were you?—Yes.

7211. Where were you examined?—On the Tuesday morning I went to Kennington Lane, when, to my surprise (when Inspector Spencer had watched us), I was asked to make a statement.

7212. By whom?—By Superintendent Noviss in front of Deed. I went to Kennington Lane Police Station to make that statement, and Deed was in the same room as myself, and any questions that he wished to ask me he had to ask through Inspector Spencer, and any answer that I gave was replied through Inspector Spencer.

7213. Was what you said taken down?—Yes, I wrote it down and signed my name to it.

7214. Deed was, in fact, dismissed within six days?—Yes.

7215. How did you get to Newington Sessions?—Deed and Soer (204 L) had got various summonses over a man in the same occupation as myself. They came upon the day that Deed was dismissed. The man in the way of business came round and asked me positively if I knew he was dismissed. Within half an hour of Deed being dismissed from Scotland Yard he was in the same street as where I was betting and told me what a fine thing I had done for him, which I was very pleased with.

7216. What were the proceedings at Newington Sessions?—They were the summonses of Deed (180 L) and Soer (204 L); they had summoned another friend of mine.

7217. What was his name?—Chapman.

7218. The case came on for trial at Newington Sessions, did it?—No. The summons was at Lambeth Police Court. They came to me first knowing that Deed was dismissed, and knowing how they had obtained these summonses. We knew they had committed perjury. They appealed against those summonses.

7219. First, there were proceedings against Chapman in the Lambeth Police Court?—Yes.

7220. Was Chapman convicted?—He was fined, which he appealed against.

7221. Then he appealed to the Newington Sessions?—Yes, and the appeal came off at Newington Sessions.

7222. You took your documents to the Sessions, to the trial, did you?—Yes.

7223. Were you a witness at the trial?—Yes, I was a witness to what Deed had done, and to what business relations he had.

Mr. A. F. Platt.

18 Oct. 1906.

7224. Were you called before the Justices at Newington Sessions?—Yes.

7225. It was then that the copies of the letters were impounded?—Yes.

7226. Coming back to what I was asking you about these letters, how many times did you write to Scotland Yard or to Mr. Commissioner Henry?—I wrote to the Commissioner and I wrote to him in his private name as well—E. R. Henry, Esq. The letters I addressed to him in that way and registered. I really only got a formal acknowledgment that my letter had been received, and would be duly attended to.

7227. How many registered letters did you send altogether?—About 48.

7228. What were you writing about?—I was writing for the dismissal of these other three officers still in the police. At the same time I had a cab licence, and they took that away from me and gave me no reason why it was taken.

7229. (*Mr. Dickinson.*) Let me know who the three officers were?—209, 206, and 204.

7230. That is those about whom you wrote?—Yes.

7231. (*Chairman.*) Not only P.C. 180, but these three officers—204, 206, and 209—had been in the habit of receiving bribes from you prior to October, 1903?—Yes, dating back from April, 1903.

7232. A sovereign apiece, I understand, every week?—Yes. That is without any drink money.

7233. And in return for that they did not molest you on your "pitch," as you call it?—No.

7234. Without any drink money?—Or any money I would spend with them in the way of drink.

7235. Were they in the habit of going to public-houses with you?—Yes.

7236. In plain clothes, I presume?—Yes.

7237. What has taken place since October, 1903? I think you said you had carried on the business in Lambeth?—Yes.

7238. How do you manage to do that?—I pay men to do it, but I have been kept under the observation of the police. It came to my knowledge. How long they had been following me I could not say, but from the time I had a bother with the police—a fortnight after I lodged this complaint about the police. I deal in an article that I supply cabmen and 'busmen with, and of course a great number of cabs and 'buses go out of Waterloo Station, and I went up there to collect my weekly payments.

7239. From the cabmen and 'busmen?—Yes, and the railway men if they want anything. Inspector Spencer reported me to the South-Western Police that I was using their building for the purposes of betting, so to give them no chance whatever from the time I left my residence of a morning at 10 o'clock until after racing hours had concluded I never ventured on those premises or in the neighbourhood of where I live. Twelve months last February I had to undergo an operation in a hospital. When I came out I was more in the neighbourhood of where I live than I had been for two years. They caused inquiries to be made. Detective-sergeant Walton, late of the L Division—I think he is at Croydon at the present time—asked various persons I am acquainted with what I was doing. Then they had officers to watch me from my house in the morning, and what I did with my time during the day. On the 5th June, 1905, after they had followed me for three hours and 10 minutes (I walked them during that time), I went into Kennington Road Police Station and wanted to make a report to the effect that from five minutes to 12 as near as possible until 10 minutes past three by their clock I had been under the observation of their officers.

7240. What officers were they?—Police-sergeant No. 6.

7241. What are their names?—I cannot give you the numbers. I made that complaint, but the Inspector on duty refused to take it on the first instance unless I made it in front of the officers.

7242. What was the Inspector's name?—I could identify him, but I never asked for his name.

7243. That was at Kennington Police Station?—At

Mr. A. F. Platt.

18 Oct. 1906.

Kennington Road Police Station. The officers who had followed me about for three hours and 10 minutes were outside.

7244. Were you known to that Inspector before?—No, he was a fresh Inspector. He refused to take my complaint in the first instance, but when I turned round and told him I was going to notify the Home Secretary and the Commissioner and the Member for my Division —I suppose I spoke loudly—another Inspector came, and, knowing the complaint I had made, the complaint was taken down.

7245. What was that Inspector's name?—I should know him, but I do not know his name. I went from there, had my tea, and I went to Kennington Lane Police Station to see Superintendent Noviss, but he refused to see me. That was at six o'clock in the evening.

7246. You said you have been carrying on the business with certain other persons in Lambeth since this incident in October, 1903. Do they carry on business in the same way that you did?—Yes.

7247. Do you give them any instructions as to how to carry on their business? Mr. Rufus Isaacs reminds me that I am asking you questions which may tend to incriminate yourself, but I understand you are willing to come and make your own statement?—I am willing to do everything so long as I can have justice, but I do not wish to do a bad turn to men that I know are good.

7248. I will pass from the L Division now. You have been carrying on your business in the G Division as well?—Yes.

7249. Where is the G Division?—Clerkenwell.

7250. The G Division is in the Clerkenwell district?—Yes.

7251. Have you been in communication with the police of that division as well?—Yes.

7252. Will you tell us what you have done with regard to the police there?—I have been in the habit of paying 48s. a week there, but I really do not want to come to the front until I know how the case goes on.

7253. I think you must answer the question now that you have come voluntarily forward to give evidence, and although your answers may incriminate yourself, we have, under the Act of Parliament, power to give you a certificate of indemnity?—Why take the last thing that I quoted previously to the case that has been lasting three years? Why ask me that question?

7254. Because I think we have exhausted the L Division. You have given the names of four constables who received, according to your story, bribes from you?—Yes.

7255. We invite you to tell us the names of any other constables in the L Division who have received bribes from you or bribes from your agents. You say you have been carrying on your business by means of agents or persons in the L Division. We invite you to give the names of any constables that they have bribed, if it be the case that they have bribed them?—I think we have done our business so close that we will take a little less. At the present time I am paying nothing to the police in Lambeth, and have not done since October, 1903.

7256. You yourself have not done it?—No, nor any of the men in my employment. If they have done so it is not with my knowledge.

7257. We will now pass from the L Division to the G Division. You have told me that you give 48s. weekly to various officers there. Now I must ask you, if you please, to tell me what officers you have been giving 48s. weekly to?—I have not given it to them myself personally, but the men who are in my employment have given it to them. I have to consider those men's future days. I have to consider that they have to get their living in Clerkenwell in future days, but to prove my statement that I am doing such a thing, at the last, I will mention the officers' names to prove that I am speaking the truth—only I have got seven men working for me, they have families to keep, and I do not think I should be doing right unless I let them know in the first instance that I am doing it.

7258. (*Chairman.*) We have conferred, and we think that you ought to tell us the names of the officers in the G Division?—I will think over that. If I do not have the justice I am asking for in the L Division, it is very likely that I shall get the same in the G Division, and I am throwing seven men out of employment.

7259. You have made a very definite statement that you yourself have been paying 48s. a week to various officers of the G Division?—Yes.

7260. I am afraid we must ask you to tell us the names of the G Division to whom you have been paying 48s. weekly?—I do not think it would be fair to the men in my employment. I will willingly write them down. I do not think I am doing my men justice to make it public.

7261. Very well. Will you write down the names?—I was not exactly prepared to do that to-day, because that is part of the case I thought I would leave to see how I got on with my first complaint.

7262. You have said you are willing to write down the names. Will you write down the names and the numbers of the constables, and we will consider ourselves how far we will make it public. Will you write down the names and the numbers of the constables?—I have not the book with me. I have dates, but I will furnish you with the names of the officers and the numbers.

7263. Will you write down the names of the constables and hand in to us, and we will consider whether we will ask you to state their names publicly. (*Mr. Leslie, the Secretary, furnished the witness with a sheet of notepaper, upon which the witness wrote the names of the officers. The paper was then handed to the Chairman.*) For the present I will pass from that. I have taken these names, and at present they will not be made public, but you will understand that we do not give any undertaking in the matter?—If it has got to come out, I do not mind it coming out, but I want you to consider the first case first.

7264. We are not giving any undertaking that the names may not come out in public?—I do not mind, or else I should not have put them down.

7265. If you do not mind, shall I read them out now?—Not until the finish. I do not want them made public at the present time.

7266. We will now pass from the G Division to another division. I think there is another division in which you carry on your business, is there not?—I have done so.

7267. Which is that?—The W Division.

7268. What district is represented by the W Division?—I am not positive whether the W Division extends to Tooting or not. I do not know whether that is W or V. It is the V Division there in the first instance.

7269. How long have you carried on business in that division?—Five or six years.

7270. Did you pay money to constables in that Division?—Yes.

7271. Were you carrying on business in the W Division at the same time as in the L Division? This is all between 1897 and the present time?—Yes.

7272. We had better have the years in which you carried on business in the W Division?—From 1897 to 1902 or 1903.

7273. Did you make payments to police-constables in that division as well?—No, not to police-constables, but to detectives at that time, because we were not afraid of constables then.

(*Mr. Rufus Isaacs.*) Members of the C.I.D.?

7274. (*Chairman.*) Do you remember their names?—Yes.

7275. Will you write them down, please?—Yes. (*The witness wrote down the names of the officers.*)

7276. (*Mr. Rufus Isaacs.*) You have no objection to giving these in public, have you?—Yes, I have an objection to giving them in public at the present time.

7277. (*Chairman.*) Of the W Division?—Yes, I am against that.

7278. (*Mr. Rufus Isaacs.*) You would sooner not give those in public at the present time?—No.

7279. (*Chairman.*) Then will you write them down. (*The witness wrote down the names of the officers.*) What amounts did you pay there, do you allege?—Something similar.

7280. Do you carry on business also, or have you

carried on business also, in the V Division?—I think it is V.

7281. The W Division and the V Division are the same division, are they? The names you have given us are the names of two officers to whom you allege you paid bribes?—Yes. At the present time one is at Scotland Yard and the other is at Bow Street.

7282. I want you, in answering the next question, to deal with quite different years. Take the last four years. That would be part of 1906, 1905, 1904, and 1903. About how much do you say that you have spent upon bribing the police during the four years? Can you give me any idea?—A matter of £200 a year.

7283. Does that include what the agents in your employment have paid?—Bar the G Division, yes. To my knowledge, in the other division my men do not give a shilling.

7284. (*Mr. Whitmore.*) Does that include drink money?—That I would not think so much of—what I spent at the particular moment.

7285. (*Chairman.*) You spent about £200 a year?—That is what I call dry money.

Mr. A. F. Platt. 18 Oct. 1906.

(*Chairman.*) The Commissioners think it desirable that it should be stated publicly that under the Metropolitan Police Commission Act, 1906, giving statutory powers to this Commission, it is provided that a witness shall not be excused from answering questions on the ground that the answer may criminate, or tend to criminate him, and that if the Commission are of opinion that the witness has made a true and full disclosure, he shall be entitled to receive a certificate to that effect, and if a criminal proceeding should thereafter be instituted against him in respect of any matter about which he has been so examined, the court, having cognisance of the case, shall, upon his application, and on proof of the certificate, stay the proceeding.

(*Mr. Eldon Bankes.*) May I interpose to ask your direction on this matter. I have a doctor here who examined Clinch at the police station. He has been here for some time, and would be glad to get away if you are not going to hear his evidence to-day, or to have an intimation of when he is likely to be called.

(*Chairman.*) We will deal with your application presently.

ALFRED FRANCIS PLATT recalled.

7286. (*Chairman.*) You have heard my statement?—Yes. I wish to state this to you gentlemen. My experience of communications with the police has been so detrimental to myself that before you publish those names I should like you to have officers in my company and be with me to catch the officers in the act of doing what I have come here to say.

7287. You are willing to make a full disclosure?—I will at the finish.

7288. I understand you are willing to make a full disclosure of all these transactions with the police that have taken place between you and them?—Yes.

7289. Have you got books at home or any documents you would like to refer to?—I have got a good head. I should not like the names to be mentioned. I am open here to conviction, and I would willingly, after six o'clock this evening, go with any police officers, and they can come and see what happens. That is my experience of them, sir.

7290. You have given the Secretary of the Commission your address. I do not think we want to ask you anything further now, but I understand you are ready and willing to come before us when we require you again?—Yes.

(*Chairman.*) Do you make any application in this matter, Mr. Bankes?

(*Mr. Eldon Bankes.*) I did not happen to be here when this gentleman was giving his evidence, but I have heard the substance of it. I understand he has referred to certain officers, and handed their names to the Commission. Of course, I should ask to be furnished with the names of those officers, in order that I may make the necessary inquiries, and ask such questions as I may be advised by your permission after such inquiries have been made. At the present moment, of course, I am not in a position to deal with the question at all.

(*Chairman.*) You do not seem to have been fully made acquainted with the evidence that Mr. Platt gave. He has mentioned the names of four constables, distinctly giving their names and their numbers. They are in the L Division, that is the Lambeth Division. The names he does not desire to be made public, and which we allowed him to write down, and which he has handed to us, are in other divisions. Do you wish to cross-examine him now on those four cases?

(*Mr. Eldon Bankes.*) No, it is quite impossible. I cannot do it now because with regard to the four names that he has given I must make inquiries. I believe with regard to one or two of these cases they appear in the return which you have been furnished with.

(*Chairman.*) That is so.

(*Mr. Eldon Bankes.*) Of course, I must have an opportunity of investigating those cases, but when the time comes I shall ask the Commission to supply me or those who instruct me with the other names in order that we may investigate the truth or otherwise of the statements made with regard to those officers.

(*Chairman.*) My question was with reference to your own procedure. Do you ask leave to cross-examine Platt?

(*Mr. Eldon Bankes.*) Not at the moment.

(*Chairman.*) But you do ask leave to cross-examine him?

(*Mr. Eldon Bankes.*) Certainly.

(*Chairman.*) Then we will allow you to do that at a future time. That is all that we require from you to-day, Mr. Platt.

(*Witness.*) When am I likely to be called upon again?

7291. (*Chairman.*) The secretary tells me you have sent for a book that you have got?—Yes, you may as well have it and have done with it.

7292. How long will it take you to get the book and bring it here?—Three-quarters of an hour to an hour. It is possible I may be detained on some other business.

7293. Then you will bring it here by 4 o'clock?—Yes, sir.

(*Chairman.*) Then do that, please. Now, Mr. Bankes, there is a doctor you wish to call.

(*Mr. Eldon Bankes.*) If you please, sir.

DR. RICHARD LAWRENCE CAUNTER, sworn.

7293*. (*Chairman.*) What are your qualifications?—M.D., Licentiate of the Royal College of Physicians, Edinburgh, and Licentiate of the Royal College of Surgeons, Edinburgh.

7294. (*Mr. R. D. Muir.*) Are you Divisional Surgeon of the G Division, at King's Cross Road Station?—Yes.

7295. Were you called to that station in the early morning of the 16th October last to examine a man named James Clinch?—I was.

7296. What time was it?—At 1.40, I think.

7297. What did he complain of?—He complained of having received two blows on the left side of the face on the lower jaw.

7298. Did he point to the place?—He did.

Dr. R. L. Caunter.

7299. Did he complain of any other injury at all?—No. I asked him if he was injured in any other way, and he said "No."

7300. And did you examine the place he pointed to?—I did.

7301. Tell us what you found?—I found nothing whatever. I looked when I examined the inside of the mouth, and on the inside of the mouth opposite the place that he complained of there was a jagged pointed tooth pointing towards the near side of the cheek, and, in my opinion, if there had been any force used to the place he pointed out to me this jagged pointed tooth would have cut the inside of the cheek. There was no cut.

Dr. R. L. Caunter.
18 Oct 1906.

7302. Did you see any blood on his nose or about him at all?—There was no blood at all.

7303. Did you make an entry in the Occurrence Book at the time?—I did.

7304. Is that the entry, and is it in your handwriting (*handing book to the witness*)?—Yes, that is my entry, and in my handwriting.

7305. Will you read it?—"At 1.40 a.m. I examined James Clinch. This man complains of injury to his left jaw. On examination I cannot find any trace of injury either on the outside of the face or inside the mouth. In my opinion if there had been any severe blow on the spot pointed out to me by this man there would be as a result a cut on the inside of the cheek, as there is a jagged tooth in the upper jaw in this position."

7306. I think you gave evidence on behalf of Clinch, or you were called by him, before the magistrate, Mr. Bros?—I gave evidence before Mr. Bros.

7307. Did he mention any blow on the back of his head at all?—At that time, yes.

7308. At what time?—I believe he did during the magisterial proceedings.

7309. And when you examined him on the morning of the 16th did he mention any such blow?—No.

7310. (*Earl Russell.*) I think you told us that when you first saw him he complained of having received—did you say two or three blows?—Two.

7311. At the back of his head?—No, on the side of the face on the left jaw.

7312. Both on the side of the face?—So I gathered.

7313. Did you examine the back of his neck at all?—I asked him if there was any other injury, and he said "No." I did not examine the back of his neck.

7314. Did he say that he was in pain?—Simply in the jaw.

7315. He said that he was in pain?—In the jaw.

7316. Did you tell him when he told you that and you looked for these injuries, "I cannot feel your pain, but the marks will show later on"?—I might have said that, but I really do not remember. I did not say "The marks will show later on." I said "If there is an injury the marks will show later on." I might have said that.

7317. That is what I mean. What you meant was that although he might be feeling a pain you could not tell about it until the marks showed?—Quite so.

7318. (*Mr. Rufus Isaacs.*) How came you to be sent for?—I am Divisional Surgeon to that particular station.

7319. Did he say anything to you about having been struck, as he thought, by a truncheon?—No.

7320. Was his cheek swollen?—No, not at that time.

7321. Would it swell afterwards if he had been struck?—It might.

7322. It is consistent if he had a blow that there was no swelling when you saw him, but that it should be noticed next day?—Quite possible.

7323. (*Chairman.*) Did you make this entry on the same morning?—Yes.

7324. At once?—At once; we always do.

7325. This is the only note that you have got of your examination of this man Clinch?—Yes.

7326. Did he make any statement to you as to why he was being examined or why he wished to be examined?—He told me he had been struck twice by this policeman on the side of the jaw, and he wished me to examine him.

7327. Was that examination made in the charge room?—In the Inspector's room, I think.

Police-constable Walter Gibbard, 215 G, sworn

P.C. W. Gibbard.

7328. (*Mr. Eldon Bankes.*) Are you a constable in the Metropolitan Police Force?—Yes.

7329. I think you are attached to the King's Cross Road Police Station?—I was. I am now at Old Street Police Station.

7330. At this time you were at King's Cross Road Police Station?—Yes.

7331. Were you on duty on this evening of the 16th October?—Yes.

7332. What day of the week was that?—It was the Sunday, I believe.

7333. Is this John's Mews within your beat?—Yes.

7334. Have you had occasion to go down that mews before after people?—Yes.

7335. Have you had occasion to turn people out of the mews before?—Yes.

7336. On this evening did you notice anybody going into the mews?—Yes.

7337. Whereabouts were you at the time you first noticed anybody going in?—I was about 30 yards along the Rosebery Avenue.

7338. Who was the first person you noticed going in?—I saw the woman going down the mews.

7339. Did you notice anyone going in after the woman had gone in?—Yes.

7340. Who was that?—The man Clinch.

7341. What interval elapsed between the time the woman went in and the man going in?—About a minute, I should think.

7342. What did you do?—I went down the mews.

7343. Is it the fact that there is an archway over the entrance to the mews?—Yes.

7344. What about is the width of the mews when you get inside?—I should think about four or five yards.

7345. You understand a plan, do you not?—Yes.

7346. Just look at that plan (*handing plan to witness*). Do you see the footway?—Yes.

7347. You see the mews?—Yes.

7348. Does that accurately give the way in which the mews runs? It runs at right angles to the street for a certain distance, and then turns round the corner, and goes parallel to the street?—Yes, that is quite right.

7349. The dimensions are figured on that plan, and, if necessary, I can prove them. I think the width of the entrance is marked there nine feet two. What is there on each side of the mews? Are there houses or stables on both sides?—A dead wall.

7350. A dead wall on which side?—On both sides; and there are vans on one side, and just room to get past on the other side.

7351. There are dead walls on either side, are there?—Yes.

7352. Then where are the stables?—All the way round the mews.

7353. For instance, when you get in from the roadway into the mews, is there a dead wall on each side of you?—Yes.

7354. For what distance down?—For about 10 yards.

7355. Then do you get to the stables?—Yes, they commence there about another 15 yards.

7356. On the right hand or the left?—On the right hand.

7357. Is it the practice of people to range their vans up against the dead wall on the left-hand side as you go in?—On the left-hand side.

7358. That leaves a small passage on the right as you go in?—Yes.

7359. On this night in question were there vans ranged in that way right up the entrance?—Yes, right up the entrance.

7360. Was there any light in the mews that night?—No.

7361. What kind of a night was it? Was it a light night or a dark night? Was there any moon that you remember?—I forget.

7362. Was it possible when you got into the mews to see anything? Was there light enough to see things

in the mews when you got in?—You could not see anything unless you had a light.

7363. Can you tell the Commissioners what happened after you got into the mews?—I went into the mews, and I met the man Clinch coming out of the mews about 10 yards down. I asked him his business in the mews, and he said, "I have come down to make water and to have a look round." I asked him if he had any property in the mews, and he said, "No." Then I said, "You had better get home." He said, "When I please." He said, "I can play the game of Tommy Atkins as well as you can," and then I pushed him, and his hat came off. He went out at the end of the mews.

7364. When you say you pushed him, and his hat came off, was that at the point you met him 10 yards down the mews?—No; about 5 yards from the point.

7365. He had got a little way in the direction of the entrance when you first pushed him?—Yes.

7366. Then you say you went out of the mews, and what did you do?—I went back down in the mews.

7367. Did you push him once or more than once?—I only pushed him once.

7368. Was that at a point where you could be seen by those Italians?—No; it was inside the mews.

7369. How far down?—About five yards in the mews.

7370. After he had left the mews—you say you pushed him and he left the mews—what did you do?—I went back down in the mews, and I saw a woman about three parts of the way down the mews, hiding behind a van. I asked her what she was doing there. She said, "I have come in the corner to make water." I said, "You had better get out and get home," and she went. I watched her out of the mews, and I went back and examined the padlocks on the doors, and then I went out.

7371. Had you got your lantern with you?—Yes.

7372. Was it alight?—Yes.

7373. And were you using that to see what was in the mews?—Yes.

7374. Did you discover the woman by means of your lantern?—Yes.

7375. Could you have seen her without your lantern?—I could not have seen her without the lantern.

7376. Had you got your lantern when you met Clinch?—Yes.

7377. Was it alight then?—Yes.

7378. Where was it?—On my belt.

7379. You were wearing it on your belt?—Yes.

7380. After you had examined the padlocks, you came out of the mews?—Yes.

7381. Who did you find outside when you got there?—I saw the woman and the sergeant about 20 yards away from the corner of the mews.

7382. Tell us what took place then?—The sergeant said, "This man has complained of your assaulting him, striking him on the head." I said, "It is a lie, sergeant; I have not," but he said, "He says so, and you will have to come to the police station," and we went there.

7383. It is said that when you got into the station you looked into some room where constables wait?—No; we went straight in to the Inspector's desk.

7384. Who was there in the station that night beside the Inspector on duty—what officers?—There was a man on reserve; I forget now who was on reserve in the other room.

7385. Anyone else?—No, I did not see anyone.

7386. The Inspector will tell us about that. You went straight up to the Inspector's desk?—Yes.

7387. Did Clinch go too?—Yes.

7388. And the woman?—Yes.

7389. And the two Italians?—Yes, all went to the front.

7390. And the sergeant?—Yes.

7391. What did the inspector say?—The sergeant told the Inspector what Clinch had said, and then the Inspector asked for reports.

7392. Did you prepare your report?—Yes.

7393. Where did you prepare it?—In the charge-room.

7394. Did you go into the room in which the sergeant was and another man to prepare it, or did you do it there and then in the charge-room?—I went in the charge-room. The sergeant was at one end of the table and I was at the other.

7395. Is that the same room where Clinch prepared his?—Clinch prepared his on the desk in the Inspector's office.

7396. Clinch prepared his on the desk in the Inspector's office?—Yes.

7397. And you went in the charge room to do it?—Yes.

7398. So you did it in a different room to what Clinch did it?—Yes.

7399. Who was in the room in which you did it?—The sergeant was at one end of the table and the policeman on reserve.

7400. Those were the only people present when you were making your report?—Yes.

7401. After you had made your report, did you bring it into the Inspector's room?—Yes.

7402. Then were all the reports read?—Were they read at the same time or read at different times?—No, they were not read.

7403. Was your report read?—No.

7404. Did you hear the woman's report read out?—The Inspector read the woman's report.

7405. You heard him do that?—Yes.

7406. Was that after you had made your report or before?—Before.

7407. Did you hear what the woman said in her report?—Yes.

7408. It is suggested that in your presence the woman had made two reports?—No.

7409. And that one report was handed by the Inspector to Clinch for him to read. Is that so?—No.

(*Mr. Rufus Isaacs.*) I did not understand that it was suggested two reports had been made. I understood Clinch to say that the report that was made was not the one that was produced.

(*Mr. Eldon Bankes.*) Then there must have been two.

(*Earl Russell.*) There was not a word said about "In your presence."

(*Mr. Rufus Isaacs.*) It was only a correction I was making to what you were saying was the evidence.

(*Mr. Eldon Bankes.*) I may have misunderstood that. (*To the witness.*) Have you seen or heard in this Court the report that the woman is said to have made? Just look at that. (*Handing document to witness.*)

(*Chairman.*) Clinch distinctly said that though a report was read, the paper he had in his hand did not contain the same report that he heard read.

(*Witness.*) This is the report the Inspector read to Clinch.

7410. (*Mr. Eldon Bankes.*) What was the next thing that happened after you had made your report and taken it to the Inspector? What happened to you, or what did you do?—I went on my beat again afterwards.

7411. Before you went on your beat again were you left in the room with Clinch and the woman, the Inspector having gone out?—By the side of the Inspector's desk.

7412. Did you speak to Clinch then?—Yes.

7413. What did you say to him?—I said to Clinch: "You are a beauty making this false charge against me and telling a lot of lies."

7414. What did Clinch say to that?—"I do not want to speak to you, I will speak to the Inspector." That was all that was said.

7415. And after the Inspector came in, I think, he did complain that you had been speaking to him?—Yes.

7416. What did the Inspector say to you?—He said: "Oh, that is enough," or something like that. "Do not speak to him."

7417. Now, I must just go back. Clinch says that

P.C. W. Gibbard.

18 Oct. 1906.

the woman was in the mews between the first and second carts?—There were about eight vans, perhaps three in one length and four or five in the other.

7418. So that where you found the woman was about eight vans down? Is that it?—Yes, nearly down to the end.

7419. Is there any foundation for the suggestion that you were behaving improperly with that woman in any part of the mews?—No such thing.

(*Chairman.*) According to the plan you have handed up there is only one line of vans.

(*Mr. Eldon Bankes.*) Yes, but he says about eight vans down.

(*Chairman.*) There are not eight here.

(*Mr. Rufus Isaacs.*) There is only room for four according to this. I do not quite understand what he meant by it.

(*Witness.*) The mews goes round.

7420. (*Mr. Rufus Isaacs.*) Do you mean there were vans along *this* way (*pointing on the plan*)?—Both ways up to *here* and along *here*.

7421. (*Mr. Eldon Bankes.*) She was round the corner, was she?—Yes.

7422. (*Mr. Rufus Isaacs.*) Where was the woman—in *this* part or in *that* part (*pointing on the plan*)?—In *that* part.

7423. Towards the end?—Yes.

7424. Almost at the end of the piece that runs parallel with Rosebery Avenue?—Yes.

7425. And in *this* part, I understand, there were the eight vans?—About three in *this* part and about four in *that*.

7426. (*Mr. Eldon Bankes.*) It is said that you struck the man twice?—No.

7427. Did you strike him at all?—No.

7428. And it is said that when you came out the sergeant told you what the charge was and that you made no reply. Is that true?—I said, "It is a lie, sergeant."

7429. And it is said when the Inspector was out of the room you said to Clinch: "Look here, old chap, next time I see you I will lock you up. What do you want to put a man away for?"—No, sir, I never said any such thing.

7430. (*Earl Russell.*) You have made altogether more than one statement about this, I suppose? The first statement you made to any superior official at all was when you met this sergeant at the mouth of the mews?—Yes.

7431. That was the first statement you made about this occurrence to any superior official?—Yes.

7432. And you have told us that what you said to him was: "It is a lie, sergeant; I have not done so," or something of that sort—"I have not struck him"?—Yes.

7433. "It is a lie, sergeant; I have not struck him." Is that what you said?—Yes.

7434. Did you say anything besides that to the sergeant at the time?—I think that is all I said to him.

7435. What exactly did the sergeant say to you when you first came out of the mews?—He said, "This man complains of your assaulting him, and we shall have to go to the station."

7436. I understand that you agree that you pushed him out of the mews?—Yes.

7437. Were you here when the Italians were giving evidence?—Yes.

7438. Did you see the Italian who said you pushed Clinch out like *that* (*describing*)?—Yes.

7439. Do you agree with that?—Yes.

7440. (*Chairman.*) You do agree with that?—Yes.

7441. (*Earl Russell.*) The next statement you made was your report at the police station. Have you made further reports on this occurrence since?—No, not since.

7442. There was a hearing before the Magistrate. You did not make any further report before that?—No.

7443. Has any report been called for since by your superior officers?—Not that I know of.

7444. You know whether you have written one or not?—I have not written one.

7445. You have not written any further report yourself about it?—No.

7446. Then this and the statement to the sergeant and your evidence in the police court are the only reports that you have made?—Yes.

7447. According to your own account, when Clinch was in the mews did he go quietly when he was told to go, or did he not go quietly?—He would not go. He said he would not.

7448. Did he show fight in any way?—He formed up to me as if he was going to strike me, and then I pushed him.

7449. He did not go at once when you told him?—No.

7450. That was your reason for pushing him?—Yes.

7451. Did you state that to the Inspector on duty at the station?—Yes, I believe I did.

7452. You said he sparred up to you?—Yes.

7453. Why did you not say anything about that in the report you wrote at the station?—I did not think it was so important at the time.

7454. You were asked, were you not, for an excuse why you had pushed the man out of the mews—why you had struck him or pushed him? If the man had gone quietly you would not be authorised to push him?—I was not asked.

7455. If you tell a man to go and he goes quietly, it is no part of your business to push as well?—No.

7456. What you say in the report which you wrote at the police station is this: "I told him to get away home, and pushed him out of the mews." Why did you not say when you were writing that report that "because he would not go, or because he squared up to me, or because he answered back, I pushed him out of the mews"?—I did not think of it at the time. I did not think it was so important. I did not think all this trouble was coming of it.

7457. This happened on the 16th October. What was the date of the hearing in the police court?—The 7th November, I believe.

7458. That was 24 days afterwards, rather over three weeks afterwards?—About that.

7459. During that time you had instructed a solicitor or one had been instructed for you?—Yes.

7460. Did the police authorities do that for you?—I did that.

7461. You did that yourself?—Yes.

7462. Of course, you made inquiries about this man who was bringing a charge against you?—No more than what had been said at the station.

7463. But you found out who he was. You found out that he was really a Post Office servant, as he represented himself to be, and all that sort of thing?—Yes, I heard so.

7464. You tried to find out who this man was who was bringing a charge against you, and also, I suppose, what his character was?—Yes.

7465. Did you make those inquiries yourself, or were they made for you by your solicitor?—I made them myself.

7466. Did you find out what he had been doing for a living and how he had been getting on?—Yes.

7467. You found out he had been in the Army?—Yes.

7468. You did not mention he used any expression about "Tommy Atkins" until you came into the police court, did you?—No.

7469. I understood you to say something just now about the way in which he went out of the mews when you first met him. Just see if this is right. This is what you said, I think: "I met Clinch coming out of the mews." Is that right?—Yes.

7470. He was walking towards the mouth of the mews when you met him?—Yes.

7471. I think you told Mr. Bankes it was about 10 yards from the entrance. Is that right?—About that.

7472. I think you said he had walked five yards towards the entrance. He had got within about half the distance of the entrance when you thought it was necessary to push him the rest of the way because he was not going?—Yes.

7473. You met him again about 10 yards down the mews, and you said: "As you have no property here, come out of it"?—Yes.

7474. When he got about five yards you thought he was sparring up to you, and he was not going as quickly as he could, and you pushed him out?—When he said, "I can play the game of Tommy Atkins," and refused to go.

7475. That was about five yards from the entrance?—Yes.

7476. Did he make any attempt to go further down the mews or not?—No.

7477. He did not go back again. From the time you first spoke to him, although he went slowly at one period, or stood still, he continued all the time to go towards the entrance?—He stopped again about five yards.

7478. He did not go backwards at any time?—No.

7479. (*Chairman.*) He did not go back at all?—No.

7480. (*Earl Russell.*) After he had got to the top of the mews you pushed him to the top, did you not?—When he refused to go I pushed him.

7481. Did he come back into the mews after that?—I did not see him after until I saw him with the sergeant.

7482. From the time you pushed him you did not see him come back at all?—No.

7483. What does this mean which you said at the police court: "I asked him if he had any property there, and he said no." Is that right?—Yes.

7484. "I said, 'You had better get home.' He went to the top of the mews." What do you mean by "the top of the mews"? Do you mean he got into Rosebery Avenue?—Right at the entrance.

7485. "He came back 10 yards." What does that mean?—I cannot remember him doing that.

7486. (*Chairman.*) You have just told Lord Russell that after he had got to the top of the mews he did not come back?—Yes.

7487. Lord Russell has read what you said before the Magistrate. There you used the words, "He came back 10 yards." Which is true?—I do not remember it.

7488. You do not remember what?—I do not remember him coming back after he went out.

7489. Do you remember saying so before the Magistrate?—No.

(*Mr. Rufus Isaacs.*) Are the original depositions in court?

(*Mr. Eldon Bankes.*) Yes.

(*Mr. Rufus Isaacs.*) I should like to see them.

(*Mr. Eldon Bankes.*) Certainly (*handing*).

7490. (*Earl Russell.*) That is all you can tell me about that?—Yes.

7491. Now just look at the woman in question. What is her name?—Lehmann; I do not know her Christian name.

7492. What is her occupation?—I could not say.

7493. What?—I could not say.

7494. What is her occupation?—I do not know.

7495. Do you seriously tell us that?—Yes.

7496. After all this time, after a year, with all the knowledge of the police, you do not know what her occupation is?—No.

7497. How often have you seen her?—I have seen her about the streets.

7498. What do you think she was doing?—I should think, to see her about, she was looking after men.

7499. You really tell us you do not know now?—I do not know any more.

(*Chairman.*) He says he thought she was about looking after men.

7500. (*Earl Russell.*) Yes. Have you ever seen her doing that?—No, I have never seen her with a man.

7501. How long have you known her?—Since the case.

7502. Do you know where she lives?—Yes, I have found out since.

7503. Have you seen her often since?—I have seen her about three times since—two or three times.

7504. About the streets?—Yes.

7505. Although you have only seen her three times you have formed the opinion from those three times that she was looking after men, as you put it?—Yes.

7506. You went down these mews, you tell us, after you have seen Clinch and this woman go down. Is that right?—Yes.

7507. You saw the woman go first?—Yes.

7508. And Clinch one minute after?—Yes.

7509. Then you followed?—Then I followed.

7510. At that time you were standing about thirty yards from the entrance?—Yes.

7511. Did you see these Italians standing there when you went down?—I think I did, about ten yards away from the corner of the mews.

7512. How many?—Two or three men were standing there.

7513. You saw them again a very few minutes afterwards, when you came out and saw the sergeant there?—I saw them with the sergeant.

7514. That was the first time you saw them?—That was the first time I saw them.

7515. Were they in there when you went down?—I cannot say they were not there, but I saw two or three men about 10 yards away from the corner of the mews. I could not say it was them.

7516. Were they standing on the same side of the mews as you were standing, or on the opposite side?—On the opposite side.

7517. Can you tell me whether you saw them there, or whether you did not?—I could not swear to it, because it was 10 yards away. I did not take that notice.

7518. You saw quite clearly a man and woman go down the mouth of the mews 30 yards from where you were standing?—Yes.

7519. Could you see three foreigners standing 40 yards from where you were standing?—No, not 40 yards, but when I got to the corner of the mews these men were standing about 10 yards.

7520. When you saw Clinch go down the mews, did you see the Italians?—Yes, I saw them. I could not swear it was them—I did not take that much notice; I saw some men standing there.

7521. You had a reason to believe they were not the same men you found there when you came up from the mews afterwards?—I could not say at all.

7522. Were they standing in the same place?—No.

7523. Nearer to the mouth of the mews?—They had followed the sergeant up right away from the mews.

7524. You saw these people, or some people, standing there at the same time as you saw Clinch and the woman go down the mews. Is that right?—Yes.

7525. Of course, you were in sight of them, too?—Yes, I was in sight of them.

7526. And in uniform?—In uniform.

7527. Properly equipped for night duty?—Yes.

7528. In order to go down the mews you had to walk 30 yards along Rosebery Avenue towards these three people, had you not?—Yes.

7529. Could you have done that without their seeing you?—Perhaps they could see me. I did not take that particular notice. I went straight into the mews.

7530. How many other people were there in the street?—I did not see anyone. There might have been people passing on the opposite side; I did not take that much notice.

7531. You suggest it is possible you could have walked 30 yards from the mouth of the mews and turned down the mews without any of those people seeing you?—Yes.

7532. What did you do when Clinch told you he had come to make water? Did you believe that explanation?—No, I did not.

7533. What did you assume his purpose to be?—I thought he was after the woman.

7534. From which side did the woman approach the mews to go down them?—From the same side that I was.

7535. On the opposite side to where the Italians were standing?—Yes.

P. C. W. Gibbard.

18 Oct. 1906.

7536. Did she pass you before she went down?—I did not notice her pass me.

7537. What were you doing exactly in the street—walking along, patrolling it, or standing still?—I was walking along.

7538. Getting nearer to the entrance to the mews?—Yes.

7539. 30 yards before you reached the mews you saw this woman going down the mews?—Yes.

7540. She had approached the mews from the same side as you were going and on the same pavement?—Yes.

7541. Did she pass you before she reached the mews?—I did not notice.

7542. You did not notice whether she passed you before she turned down?—I did not notice her as she passed. I saw her back turn into the mews.

7543. Where was Clinch coming from?—I believe he came the other way—past where the Italians were.

7544. (*Chairman.*) She came one way, not passing where the Italians were?—No, not passing the Italians.

7545. He came the other way?—Yes.

7546. Then he passed the Italians?—Yes.

7547. (*Earl Russell.*) You say he approached from the other end of the road?—I do not know whether he approached from the opposite side or whether he passed the Italians. He came from that way.

7548. He did not pass you or come along your pavement?—No.

7549. Do you only think that, or are you sure of it?—I am not sure of it, whether he crossed the road or passed the Italians, but I saw him go down.

7550. At what sort of pace was he walking?—Ordinary pace.

7551. The ordinary pace of a man going to his work, not slouching?—I could not see; he walked into the mews. I was a distance away.

7552. You saw him a minute or two before he actually disappeared into the mews, did you not?—Yes, at a distance.

7553. Was he loitering, or slouching along, or walking in the ordinary way?—He walked straight in.

7554. In the ordinary way?—Yes.

7555. At what sort of pace were you walking?—Ordinary duty.

7556. Ordinary slow patrol?—Yes.

7557. Did Clinch stop on his way to the mews, I mean just before he got there? How long before he entered the mews did you see Clinch altogether?—I did not see him before he turned in.

7558. Not more than five yards from the mouth of the mews?—Not more than that.

7559. You did not see him speaking or standing anywhere?—No.

7560. Where do you suppose Clinch was when the woman went in one minute beforehand?—I could not say.

7561. You appreciate that he could not have gone in after the woman unless he knew that the woman had gone in?—I guessed he knew the woman had gone in.

7562. You appreciate that he could not have gone in after the woman unless he knew that the woman had gone in, could he?—He must have seen her go in.

7563. Where do you think he was when you saw her go in?—I cannot say at all.

7564. Because Clinch came from the other side, and the woman passed you to go in?—I did not say he came from the other side.

7565. No; but you said you thought he did.

7566. (*Chairman.*) He came the other way, because I asked the question after Lord Russell asked you, and I took down your answer, "She came one way. He" (that is Clinch) "came the other way"?—Yes, that is so.

7567. (*Earl Russell.*) Did you recognise the woman when she passed you?—I never took any notice of her.

7568. (*Chairman.*) That is not an answer to the question?—I did not take that much notice.

7569. Did you recognise her or not?—No.

7570. (*Earl Russell.*) You met Clinch only 10 yards, according to your story, from the entrance to the mews and coming out?—First of all.

7571. Was he standing still at the time or was he walking towards the entrance?—He was coming up towards the entrance.

7572. At an ordinary pace?—Yes.

7573. His answer to your question was that he had turned in there in order to make water. Is that so?—Yes, and to have a look round.

7574. Did you ascertain whether he had done so or not?—No.

7575. If he had not it would not be reasonable for him to be walking out 10 yards from the entrance, would it?—I did not take that much notice whether he had done.

7576. What time did you go on duty this night?—10 o'clock.

7577. You would have remained on duty till when?—Till 6 o'clock in the morning.

7578. What time was it when you left the police station after the charge and resumed your duty?—I should think it was about 1 or 2 o'clock.

7579. Would there be any official note of that anywhere, or not?—I could not say.

7580. Are you a married man?—No.

7581. You have seen the plan of these mews, and you heard, I think, what Clinch said about you?—Yes.

7582. There is sufficient space between the first and second van, is there not, for a man and a woman to go in?—They are all close up behind one another.

7583. Is there sufficient space between the first and second van?—No. Sometimes they leave enough room, but now and then vans are close up, so that no one can get behind them.

7584. If a woman was standing against the wall, and a man was standing in front of her, you could not see the woman until the man turned away, could you?—You might do.

7585. Supposing what Clinch says is true, that the woman was standing against the wall, and you were standing before her, and something was going on which should not, it is a fact, is it not, that as you turned away her clothes would fall away as he described it?—Yes.

7586. It would take you a moment, supposing you were there, to get to the entrance of the mews from the van and to reach this man who came down the mews unexpectedly?—It would take a moment from where I started.

7587. You will agree with me that if a police-constable when on duty was really doing what Clinch says you were, it would be a very considerable shock to him to have somebody coming into the mews and finding it out?—Yes.

7588. You say, after you had turned Clinch out you returned down the mews again to the woman?—Yes.

7589. And you found her how far along?—About three-parts of the way, along past the corner from the entrance. The mews goes round.

7590. Was she up to the right angle of the corner or past it?—Close to the farther end of the mews.

7591. When you saw Clinch did you see her at the same time?—No.

7592. You went back to her after turning Clinch out?—Yes.

7593. She made the same excuse as Clinch did?—Yes.

7594. You saw her off the premises, too?—I saw her off the premises.

7595. How near to the mouth of the mews did you accompany her?—Only to the first corner to see her out.

7596. Where they turn round at the right angle portion?—Yes.

7597. You did not think it necessary to come right up to the entrance with her?—No, I saw her go right out.

7598. You simply told her to get out, I suppose?—Yes.

7599. Did you say anything to frighten her?—I said, "You have no right down here," or something of that.

7600. You did not threaten to lock her up?—No.

7601. Nothing that would have made her terrified?—No.

7602. Nothing that would make her run?—No.

7603. When you did come out you found a sergeant of police standing there, this woman, Clinch, and these three foreigners. Is that right?—I believe the foreigners came up after I got there.

7604. Quite a little crowd waiting for you?—Yes.

7605. The first person who spoke to you was the sergeant, was it not?—Yes.

7606. What was it exactly he said to you?—"This man complains of your assaulting him," I believe he said.

7607. Did he say anything at all about the woman at that time?—No.

7608. Nothing about your being there with the woman?—I believe he said something about the woman being there; I am not quite sure.

7609. I do not want to hurry you. If you cannot remember it, say so?—I cannot remember.

7610. You were very much surprised at finding this little crowd waiting for you?—Yes.

7611. Are you quite sure that you made any answer at all?—I think I said, "It is a lie, sergeant," when he said, "This man complains of your assaulting him."

7612. Clinch said you made no answer, and the Italians say you made no answer?—I did.

7613. You are quite sure you did?—Yes.

7614. What was your exact answer? You said you had not assaulted him or had not struck him?—I said, "I did not."

7615. Then you went on to the station, and you made this written statement. I understand that you agree more or less with Clinch as to what happened at the station—that is to say, that you went into a different room from the one he went into?—Yes.

7616. Your statement was written out in one room while Clinch and the rest of them were in another room. Is that right?—Yes.

7617. Do I understand that before you wrote out your statement Clinch and the woman had written theirs out?—Yes.

7618. And they had been read over to you?—Yes.

7619. That was so that you might know what you had to answer?—Yes.

7620. What Clinch said in his statement, which was read over to you, was this: "Whilst there I observed the policeman 215 G with this woman in the corner against a cart, the woman at the time having her clothes in an improper manner. She at once dropped her clothes, when the said policeman came up to me and struck me a severe blow." You heard that read over to you before you wrote your own statement?—No, I cannot remember; I do not think that was read over before I made mine.

7621. I understood you twice to say it was. You told Mr. Bankes, your own Counsel, so when he asked you, and you have told me so. Which do you mean?—I cannot remember; it is so long ago.

7622. And it is a matter of so little importance——

(*Mr. Rufus Isaacs.*) He said he heard the woman's statement read over, but I do not think he said he heard the other read over.

(*Mr. Eldon Bankes.*) It would be.

7623. (*Earl Russell.*) I understood him first to say, in answer to Mr. Bankes, that they were not read over. Then after that I understood him to correct that, and to say the reports were read over to him before he made his. I will take it either way. Which was it? Can you tell us at all?—I am not quite sure. I think the Inspector sent us in to make out our reports while Clinch made his out.

7624. You quite understood, do you not, that this is a very serious charge, and I want you to do your best to remember accurately what happened, if you can. It must have made an impression on you?—I do not believe it was read.

7625. Neither of them?—The woman's, I believe, was read.

7626. (*Chairman.*) You only believe it. You have already told us that it was read, and that the report that was read was the one which you had in your hand?—That was the woman's.

6727. Now you say you only believe it——

(*Mr. Eldon Bankes.*) It is as to the time at which it was read, and not the fact that it was read.

(*Chairman.*) Perhaps so.

(*Mr. Rufus Isaacs.*) He did say, Lord Russell, in answer to your question before, and not to Mr. Bankes, "Before I wrote out my statement Clinch's and the woman's statements were read to me."

(*Mr. R. D. Muir.*) My note of what he said in chief is this, "Sergeant told Inspector what Clinch had said, and Inspector asked for reports. I prepared mine in charge room; the Inspector read the woman's report before I made my report."

(*Mr. Rufus Isaacs.*) That is what I understood.

7628. (*Earl Russell.*) I do not wish to press him in the least unfairly. I only want to get what his recollection is, as far as he can help us. Can you tell us whether any report, and, if so, which report, was read before you made your report?—The woman's report was read.

7629. You are sure of that now?—Yes.

7630. Clinch's report was not read?—No.

7631. Clinch, I suppose, had made verbal statements beforehand?—Yes.

7632. Did you hear him say to the sergeant at the mouth of the mews, when you came out, about your having been with a woman?—No.

7633. You are quite sure?—Yes.

7634. You told me just now you were not quite sure whether the sergeant asked you anything about a woman?—You said at the corner of the mews. This was away from the corner of the mews.

7635. I mean after you came out of the mews and before you reached the police station, did the sergeant say anything to you about a woman—at the mouth of the mews?—No.

7636. Are you quite sure now?—Yes.

7637. I think you said it was not true that when you reached the police station you turned aside into a different room?—No.

7638. You kept close to Clinch?—To the Inspector's desk.

7639. You, Clinch, the woman, the sergeant, the Inspector, and the foreigners?—Yes.

7640. You were all together from the time you came into the station?—Yes.

7641. Did you hear Clinch make any verbal statement to the Inspector as to what it was all about?—Yes.

7642. Did you not hear him say then something about a woman?—Yes, he did then.

7643. What did he say about you and a woman?—I believe he said that I was down there with this woman.

7644. Conducting yourself improperly?—I cannot say whether he said that.

7645. You quite understood what he meant, did you not?—Yes.

7646. Did you hear the sergeant make a report to the Inspector of what had happened before they reached the police station?—He told the Inspector when we were standing there together what Clinch had said to me.

7647. And he told him that Clinch said he had been assaulted, I suppose?—Yes.

7648. And he told him, I suppose, that Clinch said you had been there with a woman?—Yes, I believe he did.

7649. It was after this conversation that you went to write out your report?—Yes.

7650. You do not say anything in your report denying the charge about the woman except that you saw a man and a woman go down there. You do not say anything specially about it. You agree Clinch was also

P.C. W. Gibbard.

18 Oct. 1906.

accurate in saying that you were left alone with him and the woman while the Inspector went away?—Yes.

7651. You admit you turned to Clinch and said, "You are a beauty to make false charges." Is that right?—Yes.

7652. You did not say, "You are a bloke to try and put a man away," or anything of that kind?—No, not at all.

7653. When the Inspector came back Clinch did refuse to have any discussion with you, did he not?—Yes.

7654. And when the Inspector came back he told him what you had said?—Yes.

7655. Is it right to say that the Inspector said, "You be quiet, Gibbard; the case is quite bad enough"?—He never said any such thing.

7656. Nothing the least like it?—He said, "That is enough; do not talk to him."

7657. You know this particular woman has been about in that particular district for a year past since this happened?—I have heard so.

7658. Has she ever been run in?—Not that I know of.

7659. In addition to hearing the report of the woman read over to you, did you hold it in your hand in the police station?—No.

7660. Did you hear anything in it with regard to her saying that she went there to make water, and asked the policeman to stand over her or to cover her?—No.

7661. Nothing of the kind?—No.

7662. Are you perfectly certain she did not say anything of that sort?—Never said any such thing.

7663. Neither verbally nor in her report?—No.

7664. You are satisfied now, I suppose, that Clinch and the woman did not go together for any immoral purpose between themselves?—I do not think they did.

7665. You believe both their stories now as they put them?—Yes.

7666. You think they both went in for the same purpose?—Yes.

7667. How long have you been in the force?—Just over 10 years.

7668. What is your age?—Thirty-one.

7669. (*Mr. Eldon Bankes.*) Before the night that this happened did you know this woman by sight?—I had seen her.

7670. Where had you seen her?—I had seen her in the same road, Rosebery Avenue; she had passed me by.

7671. Just a word about your report. You have heard that Clinch suggested you had been in the mews with a woman. Would it be any part of your duty in your report to deny anything that he said, or merely to state what you had seen yourself?—What I had seen myself.

7672. You did state in your report what you had seen yourself?—Yes.

7673. (*Chairman.*) You had been out since about 10 o'clock, I gather, on this Sunday evening?—Yes.

7674. Where did you commence your patrol or beat?—It takes about 20 minutes to work my beat.

7675. Had you been through Rosebery Avenue at all that evening before?—Yes, two or three times.

7676. Had you been down the mews before?—Yes, the first time round my beat.

7677. It is a common practice of yours to go down the mews?—Yes.

7678. How many times do you say you had been in Rosebery Avenue?—About three times round.

7679. This was the fourth time you were coming to it?—Yes.

7680. In what direction were you coming towards the mews?—To the right.

7681. You were walking on the footway, I presume?—Yes.

7682. When you came to the mews, the entrance to the mews was on your right hand?—Yes.

7683. You were walking in a westerly direction, were you not?—Yes.

7684. That is to say, walking from the east?—Yes.

7685. When you got to the mews the Italians would be, as I gather, about 30 yards from you beyond that?—No, about 10 yards from the entrance to the mews.

7686. On the other side of the mews?—On the other side of the mews.

7687. Did the woman pass you before going into the mews?—I believe she passed me, but I did not take much notice of her.

7688. The man was coming in the other direction you have told us?—Yes.

7689. Did the man speak to the woman?—I could not say.

7690. How do you mean you could not say?—He was coming out of the mews when I met him, and the woman was further round.

7691. He was coming out of the mews when you met him. What do you mean by that?—When I met him in the mews.

7692. I have not got to the mews at all yet in my question. I asked you in which direction you were going, and you told me you were walking in a westerly direction, so that the entrance to the mews would be on your right hand?—Yes.

7693. You had seen, you have told us, the woman go into the mews?—Yes.

7694. How far away were you from the mews when you saw her go into the mews?—About 30 yards.

7695. Did she pass you?—Yes.

7696. Did you speak to her?—No.

7697. Nor she to you?—No.

7698. Then she turned down the mews?—Yes.

7699. The man was coming in the opposite direction?—Yes.

7700. How near to the mews had you got when he turned in?—I was about 20 yards off the mews when the man went down.

7701. Then there is no doubt that some interval of time took place between the woman going in and the man going in?—Yes.

7702. I find this in your report: "I was on duty in Rosebery Avenue when I saw a man and a woman go down John's Mews." You put that in your report, did you not?—Yes.

7703. Do you say that is a true statement?—Yes.

7704. You saw a man and a woman go down?—Yes.

7705. Do you not think if you read that you would understand that the man and the woman went down together?—No, they did not go down together.

7706. But look at your own report. You were in one room writing your statement, and Clinch was in another. You have told us there was an interval of time between the man going down and the woman going down. Just read that?—Yes, it does read there as though they went down together.

7707. It would read as though they went down together literally?—Yes.

7708. That means at the same time?—Yes.

7709. And that they went down by arrangement between them?—Yes.

7710. How did you come to make a statement of that kind?—I did not think how it read at the time.

7711. It was a grave charge against you. You had been charged before the sergeant with having assaulted Clinch, had you not?—I had been reported to the sergeant.

7712. You agree with me that anyone reading that would think the man and woman had gone by arrangement?—It reads like that, but I did not think it at the time I wrote it.

7713. I gather you met, according to your story, the man coming up the mews?—Yes.

7714. He had not stopped coming up the mews?—He was coming up the mews.

7715 As if he had finished his business?—Yes. He saw my lamp shining on him, and he was coming out.

7716. I want to know what you mean by that. You say he was coming up the mews. You mean your position was this—you had already seen him go into the mews, I understand?—Yes.

7717. When you got to the entrance of the mews you were going to turn in?—Yes.

7718. When you say "I met the man coming up the mews," do you mean with his face towards you?—Towards me.

7719. You, according to your own account, were only some twenty yards away when he went down the mews?—Yes.

7720. Did you walk briskly to the mews? Did you quicken your pace?—Not extra quick.

7721. But you did quicken your pace when you saw them go in?—Yes, I put an extra pace on.

7722. Then it cannot have taken you more than a few seconds from the time you saw the man and the woman go in to when you got to the mews?—No.

7723. About a minute?—Yes.

7724. You can walk twenty yards under a minute when you quicken your pace?—Yes.

7725. You say when you went into the mews you saw the man with his face towards you coming away? Yes

7726. You did not shout out, or anything, did you?—No.

7727. You had not shouted out as you saw him go into the mews, or as you were walking to the mews?—No.

7728. When you got there, having quickened your pace, you went into the mews, and with your lamp exposed, I understand, you saw the man coming away?—Yes.

7729. Then you addressed him, and told him he had better get home?—Yes.

7730. Then he went to the top of the mews, as I understand?—Yes, he went about five yards.

7731. Was he coming towards you then, when he went the five yards?—When I met him he went about five yards before he stopped.

7732. What do you mean by meeting him? You saw him coming towards you when you got to the entrance to the mews. What do you mean by "when I met him"?—I got about ten yards down the mews before I met him.

7733. So that although you were walking towards him with quickened pace you got ten yards into the mews before you met him?—Yes.

7734. That is what you wish us to understand?—Yes.

7735. Then that conversation took place, and I understand you to say he went up to the top of the mews then?—Nearly to the top.

7736. And then came back?—Yes.

7737. Did you say anything to him when he came back before he spoke?—When he came back he said: "I can play the game of Tommy Atkins as well as you," about five yards in the mews, and then I pushed him.

7738. He had gone, as I understand it, without any pushing at all? According to your story he had gone nearly to the top of the mews?—Yes, a little way up.

7739.—There had been no pushing or anything of that kind up to that time?—No, nothing at all.

7740.—He walked back down towards you in the mews?—Yes.

7741. And without your saying anything he said, "I can play the game of Tommy Atkins as well as you"? Is that what he said?—That is what he said.

7742. Did you understand what he meant?—I thought he meant striking me by "the game of Tommy Atkins."

7743. Striking you?—Yes.

7744. There had been no striking on either side, as I understand?—No. He formed up to me. I thought he meant striking me. That is when I pushed him.

7745. Had you ever heard the phrase of "Tommy Atkins" before?—Yes, I have heard it.

7746. Where?—In different parts where I have been.

7747. What does it mean?—I have always thought it meant a blow.

7748. You have always thought it meant a blow? Have you thought it meant anything else? (*No answer.*) Why did you go further into the mews after you had pushed him out, as you have said?—I knew the woman was there, and I went down, and I asked her her business there, and she said, "I have come in the corner to make water."

7749. But for your knowing the woman was there you would have gone back, would you?—I should have gone back to see that the property was safe, and the padlocks all right.

7750. Did you say before the magistrate, "I went back down the mews to examine locks"?—Yes.

7751. Why did you not also say you went down to see if the woman was there?—I said after the woman had gone I went down to examine the locks.

7752. Did you not say before the magistrate, "I went back down the mews to examine locks. I saw the woman by the light of my lamp hiding behind one of the vans at the far end of the mews"? For what purpose did you go down the mews after the interview or altercation, or call it what you like, with Clinch?—I went down to examine the property and the padlocks.

7753. Not to find the woman?—And to find the woman as well.

7754. You went down for both purposes?—Yes.

7755. Did you tell the Magistrate that you denied to the sergeant outside the mews that you had assaulted Clinch?—I believe I did.

7756. I understand Clinch, in the presence of the three Italians, the woman, and yourself, told the sergeant that you had assaulted him?—Yes.

7757. I understand you to-day to say you denied it, and you said: "It is a lie"?—I did.

7758. Did you say that before the Magistrate?—No, I do not think I did at the court.

7759. How came you to omit saying it?—I do not believe I was asked whether I said it.

(*Mr. Eldon Bankes.*) I think you will find what he says in the last line or two of the examination-in-chief: "I told the police-sergeant I had pushed the man out of the mews."

7760. (*Chairman.*) That is not saying: "It is a lie." I am asking about the exact words. You did not tell the Magistrate that you had said: "It is a lie"?—No.

7761. (*Mr. Rufus Isaacs.*) When you first went down the mews did you suspect the man and the woman had gone there by arrangement?—Yes, I thought so.

7762. You thought they had made some assignment, and had gone down there for some improper purpose?—Yes.

7763. I mean that is what you thought, and you went down to see?—Yes.

7764. Then you met the man coming out, as you have told us. He had been there something like a minute, had he not?—Yes.

7765. Why did you think he was coming out?—Because he had his face towards me, and I could see it. The lamp shone for a distance.

7766. Your lamp was shining on him as he was coming out of the mews?—Yes.

7767. You thought he had gone in there by some arrangement with the woman. He seems to have been coming out almost immediately after he went in?—Yes. Nearly a minute had elapsed.

7768. Did you still think when he was coming out that he had been there by appointment with the woman?—Yes.

7769. I cannot quite understand it. When you saw him coming out he had not been there long enough to carry out what he had arranged to do?—No. He must have heard or seen me coming, and then walked up the mews, coming away.

7770. I want you just to think a minute before you give an answer, and to tell us what happened. You saw the man coming towards you as you went down the mews?—Yes.

7771. As you were going into the mews he was coming out?—Yes, he had his face towards me.

7772. As I understand, when he had gone about another five yards towards the street you pushed him?—Yes. He refused to go.

7773. What I want to know is this. Did he or not ever come back into the mews?—He went to the corner and came back about five yards.

P.C. W. Gibbard.

18 Oct. 1906.

7774. I do not quite understand that in view of what you have said. Do you mean that he went to the archway?—Yes.

7775. Then when he got to the archway he turned back?—About five yards.

7776. And came into the mews again?—Yes.

7777. I thought after he had gone five yards you pushed him out of the mews?—I pushed him after he came back about five yards in when he formed up to me.

7778. When you told him to go out of the mews he seems to have gone?—He went with a lot of chatter.

7779. Then he had gone to the end; he did go out of the mews to the archway?—Yes.

7780. And then came back five yards?—Yes.

7781. Then were you making a mistake when you told Lord Russell that he went five yards, and that after five yards you pushed him out of the mews, and that he never came back? That is what you have told us to-day. Lord Russell read to you what you had said at the police court, that he came back, and you said you could not understand how you had ever said such a thing; you could not explain it?—No.

7782. The two statements cannot be correct. There is a mistake about one or the other of them. Which of them is it that is correct?—He went to the top and then he came back about five yards.

7783. After he got to the top he came back again, and then sparred up to you?—Yes. Then he said: "I can play the game of Tommy Atkins."

7784. Then it was you pushed him out?—Yes.

7785. I want to understand something about the practice as regards these sheets. There is no number apparently?—No.

7786. You know the practice, I suppose, with regard to them?—Yes.

7787. What is that number that you find at the end there on the left?—I could not tell you what it means.

7788. It is probably a printer's number——

(*Mr. Eldon Bankes.*) It is the printer's number.

(*Mr Rufus Isaacs.*) There is nothing else to identify it.

7789. No. 6 is presumably a form, is it?—It is a form number.

7790. (*Mr. Dickinson.*) You have seen this plan of the mews?—Yes.

7791. *Here* are the mews, and *here* is Rosebery Avenue. In which direction were you coming along?—I was coming *that* way.

7792. You said just now to the chairman that when you came to the mews the mews would be on your right?—Yes.

7793. Then you were coming along *that* way?—Yes, I was coming along that way.

(*Chairman.*) In a westerly direction.

7794. (*Mr. Dickinson.*) On which side is the post office at Clerkenwell?—*That* way.

7795. In *this* direction?—Yes.

7796. You saw the woman coming in that direction?—Yes.

7797. How can you say where the man came from when he went in?—I cannot say whether he came across the road, but from that way.

7798. Where were the Italians, the two or three men that you saw standing?—About ten yards away from that side of the mews.

7799. Are *these* steps into dwellings?—To shops, I think.

(*Mr. Eldon Bankes.*) I think those are intended to represent the houses.

(*Mr. R. D. Muir.*) That is No. 81, and it is two doors further along.

7800. (*Mr. Dickinson.*) I see on the plan there is an area marked, so that, I suppose, there are railings all along *here*?—Yes.

7801. Where would the Italian be when he was unlocking the door?—He was about *there*—about ten yards further along.

7802. About ten yards along *here*?—Yes.

7803. Are the doors of the houses on *that* side of the area?—Yes.

7804. Are there passages to them?—Steps.

7805. Where are the lamps here?—The lamps would be on the kerb. I believe there is a lamp outside on the kerb.

7806. Is *that* a lamp marked there?—Yes.

7807. And *that* is a lamp?—Yes.

(*Mr. R. D. Muir.*) I think it is a tree; I think the lamp is opposite the Italian's house.

(*Mr. Rufus Isaacs.*) That is No. 77.

7808. (*Mr. Dickinson.*) This is No. 81?—There is a lamp opposite *there*. What kind of lamps are they?—Street lamps.

7809. Are they electric light?—No, not electric. They are the short lights—the old-fashioned lights.

7810. What sort of light was it that enabled you to see a man and woman going into the mews?—The light from the kerb, the street lamp that shines on the corner of the mews.

7811. How far can you see along this street there?—You can see all the way. I should think you could see nearly a hundred yards.

7812. How far had you been coming along that street?—I was about thirty yards from the entrance.

7813. But before that how long had you been walking along that street?—I go along and right round.

7814. What light enabled you to see the three men?—I could see them right enough from where I started.

7815. There was sufficient light for that?—Yes.

7816. Therefore this place is well lighted?—The entrance, but not the inside.

7817. Were there other people going along that street?—I did not see other people.

7818. Then the street was empty?—I saw two or three men some distance away.

7819. But with the exception of the men, women, and the foreigners, the street was empty?—Yes.

FREYA LEHMANN, sworn.

Freya Lehmann.

7820. (*Mr. Eldon Bankes.*) Where are you living now?—31, Baker Street, Lloyd Square.

7821. Do you remember on this evening in question going into these mews?—Yes, I do.

7822. Did you go into the mews alone?—Yes, I go by myself.

7823. Did you hear anybody coming down the mews after you?—I heard some footsteps.

7824. Into what part of the mews did you go?—To the top of the mews.

7825. Do you mean the furthest part from the street or the nearest part to the street?—No; to the end of the mews, I mean.

7826. Do you mean the furthest part from the street?—Yes.

7827. Did you notice a number of vans or carts as you went down?—Yes, I passed some carts.

7828. When you were down the mews did you hear anybody talking?—Yes, I heard some talking.

7829. Could you say whether it was men's voices or women's voices?—Gentlemen's voices.

7830. Did you hear what anybody said?—No, I could not hear that.

7831. Did you remain where you were after you heard the voices?—I stopped where I was.

7832. What was the next thing that happened?—A policeman comes up to me.

7833. What did he say?—He said to me: "What are you doing here?"

7834. What did you say?—I said: "I went in the corner." I had been in the corner.

7835. What did he say to you then?—He did not say anything more. He said: "Get outside."

7836. Had he got a lamp with him?—Yes.

7837. Did he turn the lamp up on you before he spoke?—Yes, he did.

7838. After he spoke did you go out of the mews?—Yes, I went quick out.

7839. Why did you go quick?—I thought he would catch me, perhaps.

7840. When you got outside where did you go?—I went down the Avenue on the left-hand side.

7841. Did you notice anybody standing at the entrance when you went out?—I saw somebody standing outside. I did not notice, because I was running; I was in a hurry.

7842. Did you hear anybody call after you?—Yes.

7843. What did you do then?—I turned back—I looked back.

7844. Then you found it was a sergeant?—Yes.

7845. I think you afterwards went with the sergeant, the policeman, the Italians, and the complainant—you all went together—to the police station?—Yes.

7846. When you went to the police station did you make a statement?—Yes, I did.

7847. Did you write it down yourself?—Yes.

7848. Did you write one or more than one?—Only one.

7849. Is *that* the statement you wrote (*handing*)?—Yes, that is it.

7850. Did you ever make any other statement except that?—No, only this one. This is in my handwriting.

7851. Have you ever said that you went into the mews to make water, and that you asked the policeman to stand and cover you?—No; I should not ask a policeman to do that.

7852. It is said that you and the policeman were misconducting yourselves close to the entrance of the mews on the left. Is that true?—No, it is not. Of course the policeman could not reach me. He was standing *there*; I was standing *here*. It is impossible.

7853. Were you ever behind a van close to the entrance to the mews?—I was standing like that (*illustrating*).

7854. I am asking you about your position in the mews. Suppose *this* is the mews, *here* is the archway going in; there is a van *here*, another van *here*, and another van here, and then you go round the corner some little way?—Yes.

7855. Mr. Clinch says that you were standing *here* quite close to the entrance to the mews. Is that true or not?—I was standing quite free, like *that* (*illustrating*). I was not against something.

7856. How far down the mews were you?—To the top of the mews I went.

7857. You mean furthest from the street?—Yes.

7858. (*Earl Russell.*) Are you a German?—Yes.

7859. Do you earn your living by prostitution?—No.

7860. How do you earn it?—I get some money from my people at home. I got this year £18 from home. They always send me some money from Germany.

7861. How much—£18, do you say?—£18.

7862. In ten months of this year?—Yes.

7863. That is nearly £2 a month, or rather less. Is that what you live on?—Yes.

7864. You do not spend more than £2 a month?—No, because I have got very cheap lodging.

7865. Where did you say your lodging was?—31, Baker Street, Lloyd's Square.

7866. Whereabouts is that?—Islington way—King's Cross way.

7867. How much rent do you pay?—3s.

7868. How many rooms have you?—I have got one small room.

7869. How long have you lived there?—Nearly nine months now.

7870. Where did you live before that?—In Swinton Street, No. 23.

7871. In the same name?—Yes.

7872. How much rent did you pay there?—6s. 6d.

7873. Where is Swinton Street?—The other side of King's Cross Police Station.

7874. Near King's Cross Police Station?—Yes.

7875. How long did you live there?—I could not tell you—some months. I could not tell, really.

7876. Six months?—About six months, I think.

7877. And before that?—I was in a situation in Percy Circus, No. 8.

7878. What as?—With an actress.

7879. What were you taken on as? What was your occupation?—Housemaid.

7880. Is your employer still at the same address?—Oh, yes—no, no. I live in Baker Street, No. 31.

7881. You do; but you told me you were housemaid to an actress?—Yes.

7882. Is she still at the same address?—No, she left me; she did not pay me, and I left my box in Swinton Street. I have not any servant's clothes at all.

7883. Your box is still behind at Swinton Street?—Yes.

7884. That was not the place you had with the actress, but the other place?—No, with the actress.

7885. I thought you told me the actress was at No. 8, Percy Circus?—Yes.

7886. That is not the same as Swinton Street?—When I left the actress the husband of the actress got me the room in Swinton Street.

7887. Why did he do that?—I do not know—because the place was too heavy for me, and the lady told me I had better get a room and go to my home, because I did not understand the English people much, they told me.

7888. Is this actress who employed you still at the same address. Is she still at No. 8, Percy Circus?—No, she moved without paying the rent, and they do not know where she has gone to. It may be the landlady is there.

7889. She went away without paying her rent?—Yes.

7890. Did you have any reference or character when you came to her as a housemaid?—Yes.

7891. Who from?—From Tamworth.

7892. (*Chairman.*) Is that the name of a person, or the name of a place?—It is the name of a place—Tamworth.

7893. (*Earl Russell.*) Have you got those references with you?—No, I have not got them here because they are still in Swinton Street.

7894. With your box of housemaid's clothes?—Yes.

7895. Are you paying anything for the box being there?—No, because I could not do that.

7896. Was it kept by your landlady?—Yes.

7897. How long is it since you came over from Germany?—Nearly two and a half years now.

7898. Where did you go first when you came over to this situation at Tamworth?—On to Brighton.

7899. You came with references from Germany then?—Yes, I came from an office in Germany to that place.

7900. What was your situation in Brighton?—Housemaid.

7901. Who with?—I was a private housemaid in a private house.

7902. Give me the address?—I could not give you the address. I only remember the Avenue, Hove, Brighton. There was a boot shop on the corner

7903. You could find the address, I suppose, if you looked it up?—No, I could not. The lady died.

7904. When you were with this actress, and you got no wages, you had to leave because you could not get your wages?—She did not pay me.

7905. What have you earned money at since?—I have had it from home. I sent a letter home saying that I wanted money.

Freya Lehmann.

18 Oct. 1906.

7906. You told me you had £18 in ten months, but I want to know if you have earned any other money by doing any work?—No.

7907. What do you do all day?—I do some housework for my landlord where I am now, and he gives me 2s. a week for it.

7908. What do you do all night?—I sleep.

7909. You know Mr. Clinch by sight now, do you not?—Yes.

7910. Is it not true that he has seen you constantly at this coffee stall in the street?—It is a year ago, sir. I have not been at the coffee stall for five months, because I think the people suit me. I am a little bit better than the people there. I have been last year very often at that stall I know.

(*Chairman.*) Are we not getting a little far away from the point in question, and from the real character of the transaction?

7911. (*Earl Russell.*) Perhaps we are, sir. Perhaps it is not necessary to establish the character of the witness further. (*To the Witness.*) On this night, if you will come back to the night when this happened, you turned into St. John's Mews?—Yes.

7912. For the reason you have told us?—Yes.

7913. Of course, when you went in you saw nobody. You would not have gone in if you had seen anybody?—No, I went by myself.

7914. You were very much surprised to see a policeman in the mews?—No, I was not surprised.

7915. Did he meet you face to face?—Yes, at the top. He said to me what was I doing.

7916. Round the corner?—No, not round the corner. I was in the corner and he was standing there.

7917. Would you understand the plan if you looked at it. Do you understand the plan of the streets?—Oh, yes.

7918. (*Chairman.*) It is quite clear what she means and what she says. Do you understand this plan. (*Handing plan to Witness.*) You see Rosebery Avenue, and you see the mews marked. Do you see the vans marked?—I do not understand much about that.

7919. (*Earl Russell.*) Do not trouble about the plan. I think I can make you understand. You know when you first go into the mews under the archway you go straight down for some time, do you not?—Yes.

7920. There are walls of stables on your right hand?—Yes.

7921. And vans on your left hand?—Yes.

7922. And after you have gone down a little way you come to a corner to your left, like that?—Yes.

7923. Do you remember that?—Yes.

7924. What I was asking you was whether you were round that corner or not when you met the policeman?—No, I went in the corner.

7925. You had not reached the corner?—I went in the corner when the policeman went up there.

7926. Which way did you see the policeman coming when you first saw him. Had you finished. Were you coming out again. Did you meet him face to face when you met him?—Yes, I met him face to face.

7927. Were you walking when you met him?—No, I was standing.

7928. Standing quite still?—Yes.

7929. Were you making water at that time, or had you finished. (*The Witness burst into tears.*)

(*Chairman.*) I should have thought these questions were quite unnecessary.

(*Earl Russell.*) I am trying to understand. I did not understand her to have said anything like this in examination-in-chief, or I would not have pursued it.

(*Mr. Rufus Isaacs.*) She used an expression that conveyed what she meant, by saying she went in the corner.

7930. (*Earl Russell.*) It did not convey it to me. I thought she meant she was standing there afterwards. (*To the Witness.*) Anyhow, you saw the policeman, and he spoke to you first?—Yes.

7931. Were you very much surprised to see him?—No, I was not.

7932. You did not know he was in there when you went in?—No.

7933. Had you seen any other man before you saw the policeman?—No, I saw nobody.

7934. No other man at all?—No.

7935. At the time were you actually where the mews turned round to the left. Were you just where that lefthand corner is in the mews?—I was in that corner.

7936. You came in there from the street like that (*describing*), and you turned round the corner to the left, and when you saw the policeman you were just at the corner in the mews?—Yes.

7937. When you saw the policeman had he got a lamp in his hand?—Yes.

7938. Burning?—Yes, he turned it on me.

7939. Which way was he coming when he came in from the street? Was he coming in from the street or was he coming from this part round the corner?—He went in the mews from the street.

7940. He was coming in from the street?—Yes.

7941. All you saw of Clinch was you heard some voices?—When the policeman left me I heard some voices.

7942. After the policeman left you?—Yes. I heard them before, when I was by myself, but I could not see who it was. I heard some gentlemen talking.

7943. I understood you to say at first that you went to the furthest part of the mews from the street beyond the corner right down to the far part. I do not know whether you quite understand. Perhaps you do not know the mews well. Have you been there before?—No, never.

7944. Have you been there since?—No, never.

7945. Did you leave the corner and go as far as you could, or did you stop at the place where it turns round to the left?—I went to the top of the mews in the corner.

7946. Then when the policeman told you to go out you went out very quickly?—Yes; I was running out.

7947. Were you frightened?—Yes.

7948. You thought he might run you in?—Yes.

7949. When you got out of the mews what did you find there?—I saw the Italian gentlemen. I passed them, and then I heard someone calling.

7950. Did you see another policeman when you got out of the mews?—No, I did not notice him.

7951. But you did run when you got out?—Yes.

7952. Then, when you ran a little way, you heard someone calling?—Yes.

7953. And somebody ran after you?—Yes. He said to me, "Would you mind coming to the police station with us?" I said, "No, I do not mind."

7954. Were you close to a van where you were when the policeman saw you?—Yes.

7955. There was a van close to you?—Yes.

(*Earl Russell.*) I do not want to ask the question if it is not necessary, but it will be obvious to the Commission that if at the moment the policeman was talking to her some other man had seen her and the policeman the clothes would have been disarranged.

(*Chairman.*) I should have thought it was obvious. However, we do not like to stop you, Lord Russell.

7956. (*Earl Russell.*) No, I do not want to put it if it is clear. Now, you went to the police station, all of you?—Yes.

7957. You wrote out a statement there?—Yes.

7958. You say it is not true that you ever said anything about the policeman standing near you?—No. He was not near me.

7959. You never said anything about having asked him to?—No.

7960. But he was, in fact, rather near you?—No, he was not.

7961. When he turned his light on you he was rather near?—No, he was standing there.

7962. Within a yard or two?—Yes.

(*Chairman.*) I do not understand that that observation about covering her was made in the mews after the altercation with Clinch. That has never been suggested.

Freya Lehmann.

18 Oct. 1906.

(*Earl Russell.*) No; I had got her to the police station, and was asking her about writing her report. I was putting it in the police station.

7963. (*Chairman.*) Did you have any conversation with the policeman before he turned his lamp upon you in the mews?—I never had any conversation with the policeman at all.

7964. (*Earl Russell.*) But while you were down the mews no other man came up to you and passed you except the policeman?—No, I did not see anybody.

7965. So, if Clinch saw you, it could only have been when you tried to run. You did not see him come up and pass you when you tried to run?—I saw Clinch only when we went to the police station. I had not seen him before that night at all. I knew him by sight outside the Post Office. That is all.

7966. Did you write your own statement yourself at the police station?—Yes.

7967. With your own hand?—Yes, I did.

7968. How long did you stop at the police station altogether? Do you know?—I could not tell.

7969. Do you remember Police-constable Gibbard going on duty again?—No, I do not remember that. I went out to go home.

7970. Do you remember Clinch leaving to go to the Post Office?—No, I do not. I went out by myself.

7971. I did not say you did not. I only asked you whether you remember Clinch going away?—No.

7972. Did you never make more than one statement in writing at the police station at all?—No, only one statement.

7973. You are quite sure?—Quite sure.

7974. Clinch is mistaken when he says he saw another?—I only made one.

7975. Do you remember being left alone with Clinch and Gibbard for a moment by the Inspector?—No, I do not remember that.

7976. You do not remember Gibbard talking to Clinch, and Clinch answering him?—I do not remember anything about it. I could not tell you.

(*Mr. R. D. Muir.*) I have no question to ask.

(*Chairman.*) We thank you for your attendance. That is all, as far as we are concerned.

Sergeant Walter Lane, sworn.

Sergeant W. Lane.

7977. (*Mr. R. D. Muir.*) Are you Police-sergeant 18 of the G Division of the Metropolitan Police, and were you on night duty in the early morning of the 16th October?—Yes.

7978. Does your duty take in the witness Gibbard's beat?—Yes.

7979. It would be your duty to go round and see that he was on his beat?—Yes.

7980. Would it be part of his beat to examine the mews?—Yes.

7981. And see that everything was secure there?—Yes.

7982. On that morning were you spoken to by Clinch?—Yes.

7983. Were the Italians close by Clinch when he spoke to you?—Not when he spoke to me.

7984. Did the Italians speak to you also?—Clinch spoke to me in Rosebery Avenue, at the corner of Yardley Street, and I went back with him to the Italians.

7985. Did you speak to them or they to you?—I spoke to them.

7986. While you were speaking to them did you see anyone coming out of the mews?—I saw the previous witness coming in.

7987. The witness Freya Lehmann?—Yes.

7988. What pace did she come out?—She was walking along, and I shouted to her to stop, and then she ran and I ran after her, and stopped her in Rosebery Avenue, at the corner of Tysoe Street.

7989. Did you bring her back?—I brought her back.

7990. Did you see Gibbard?—Yes; Gibbard came out just as I got back with the woman.

7991. Were all you persons—Gibbard and all the others—together?—Yes.

7992. Who spoke to Gibbard first?—I spoke to Gibbard.

7993. What did you say to him?—I said, "This man has complained of your assaulting him by striking him in the face with your fist." Gibbard replied, "It is a lie, sergeant. I have not struck him in the face with my fist." I told him to come back with me to the station with the complainant, and we went to the station.

7994. And going to the station, how did you go in there? Where did you go, and who went in first?—I went with Clinch.

7995. And the others?—And the others followed directly afterwards behind.

7996. Where did you go? Into what room?—Into the Inspector's office by the desk.

7997. In front of Gibbard did you tell the Inspector what Clinch had said?—Yes.

7998. What did you tell the Inspector that Clinch had said?—I told him that this man had complained of Gibbard assaulting him by striking him with his fist in St. John's Mews.

7999. What was done then?—The Inspector gave me a paper to make my report out upon, and also Gibbard, and we then went into the charge-room and made a report out.

8000. You and Gibbard?—Yes.

8001. You made your several reports out there?—Yes.

8002. Where was Clinch in the meantime?—He was in the office.

8003. And the woman?—Yes.

8004. She was in the office?—Yes.

8005. When you had made your report out what did you do with it?—I gave it to the Inspector.

8006. And what did Gibbard do with his?—He gave it to the Inspector. He had finished his before mine. He went back into the office about four or five minutes before I did.

8007. Did you make yours out as quickly as you could?—Yes.

8008. When you got back who was in the office?—The Inspector, Clinch, and the woman.

8009. Did you hear any of the reports read out at all at any time?—I heard Clinch's report read out.

8010. Any others?—No, I did not hear any others.

8011. (*Earl Russell.*) May I see your report? (*The document was handed to the learned counsel.*) You have said just now that when you told Gibbard of the charge against him he said, "It is a lie, sergeant. I have not struck him in the face with my fist"?—Yes.

8012. Is that exactly what he said, do you think?—To the best of my belief I think it is.

8013. That is what you asked him, whether he had struck him in the face with his fist? That was the question you asked him?—That is the question I put to him.

8014. You think that is, as near as you can remember, exactly what you said?—Yes.

8015. He did not say in general terms, "I have not assaulted him," or "I have not committed an assault," but he said, "I have not struck him in the face with my fist." Is that right?—"I have not assaulted him by striking him in the face with my fist," or "I have not struck him in the face with my fist."

8016. Something about his fist?—Yes.

8017. In the report you wrote out you do not mention that. You simply say, "It is a lie, sergeant, I have not assaulted him." But you remember quite clearly now there was something about his face and his fist?—Yes.

8018. You have heard what Gibbard said—that he pushed him out of the mews?—Yes.

8019. You did not come on the scene till all these people had gone out of the mews? You saw nobody go in?—No.

Sergeant W. Lane.

18 Oct. 1906.

8020. Clinch had already come out when you saw him?—Yes.

8021. It is true that you were called to the scene by Clinch?—Yes.

8022. What was he shouting out when you met him?—He was very excited. I came out of Yardley Street into Rosebery Avenue, and he called me out there and told me.

8023. He was shouting out for the police, was he not?—Yes.

8024. (*Mr. Dickinson.*) At the moment when Clinch first spoke to you in the street what did you understand had happened?—I understood that Clinch had been up the mews to make water, and the policeman was up the mews and ordered him out.

8025. That was all?—Yes.

8026. You did not understand anything about a woman at that moment?—No, not at that moment, when Clinch spoke.

8027. (*Chairman.*) Nor of any blow?—Nor of any blow. Clinch was right away from the woman then. He was over 100 yards.

8028. (*Mr. Dickinson.*) Did the question of a woman occur to your mind at any moment before you saw her come out?—No, not at all.

Inspector FREDERICK GADD, sworn.

Inspector F. Gadd.

8029. (*Mr. R. D. Muir.*) Are you an Inspector of the G Division, stationed at King's Cross Road Station?—I am.

8030. Were you in charge of the station in the early morning of the 16th October last when Sergeant Lane came in with the complainant James Clinch and others?—I was.

8031. Did the sergeant tell you what the complaint was?—He did.

8032. And who made it?—Yes.

8033. And against whom it was?—Yes.

8034. What did you do upon that?—I asked Clinch to tell me what his complaint was, and he told me verbally. He said the constable had struck him twice on the left side of the face. I said "Show me where he struck you," and he pointed to the seat of the jaw. I said, "I cannot see any mark or even any redness." The constable said, "I did not strike him; I pushed him." I said to Clinch, "Will you put down your complaint in writing, or shall I do so?" He said, "I am rather excited; will you do it?" I said, "Yes," so I wrote the heading of the form and I waited for him to make his complaint. He did not seem to be able to make his complaint, so I said, "This is not very satisfactory. I would much rather you wrote your own statement." He said, "Very well; I will do so." He wrote his statement.

8035. Where did he write his statement?—In the Inspector's office.

8036. Where you were?—Yes. After he had written the statement I read that over to the constable. The woman Lehmann then wrote her statement in the presence of the constable and Clinch, which I read over to Clinch, and the constable was there. The two Italians came to the station. I said, "Did you witness it?" and one said, "No, my friend did," and he spoke to his friend in Italian. He said, "If you will take my friend's statement down I will interpret it for you." I said, "Very well," and he interpreted his friend's statement, and I took that down. That was read over too. May I refer to the Occurrence Book at the station? (*After referring.*) I called a doctor in to see a man who had been brought to the station shortly after twelve o'clock. The man was excited, and the doctor saw him. I left the Inspector's office for about two minutes to take the charge of disorderly conduct against the man. Upon my return Clinch said, "I wish you would stop this constable speaking to me; I do not want to have anything to say to him." I said to Gibbard, "Be quiet; do not speak to him."

8037. Did Clinch say what the constable had been saying to him?—No; that is to the best of my recollection, but it is a year ago. He said, "I wish you would stop this constable speaking to me; I do not want to have anything to say to him." I said to Gibbard, "Be quiet; do not say anything to him." After the statements had been all taken down Clinch said he felt pain and a clicking in the left jaw. I said, "Very well; I will send for a doctor." The doctor came and saw him, and examined him, and he made his entry in the Occurrence Book, which was read over to Clinch, and I think he left about two o'clock. Before he left I said, "I should like to know whether you propose to leave this matter to be dealt with by the Commissioner, or whether you propose to apply for a summons." He said, "I do not quite know what I shall do, my hours are"—I think he said—"from 12.30 to 7.30, but I said, "I should like to know what you intend to do, and I will call upon you." About half-past three I called at the Inland section at Mount Pleasant, and asked to see him, and he came to me. I asked him if he had made up his mind, and he said, "No, I have not." He said something about that he did not like, or it was not nice for one public servant to go against another one. I said, "I cannot advise you, but I want to know whether you have made up your mind what you propose to do?" He said, "No, I think not," and he said, "I will call at the station and let you know." But he did not do so.

8038. Did you make out your report?—Yes.

8039. When?—That same morning, about 7 o'clock, before I went off duty.

8040. Is that your report? (*Handing document to witness.*)—That is my report.

8041. At the time you made that did you know what course Clinch was going to adopt?—I did not.

8042. Whether he was going before the Magistrate or whether he was going to complain to the Commissioner?—No, I did not.

8043. Making that out did you attach anything to it?—Yes, I attached the report of the sergeant, the report of the constable, the statement of the woman, and the statement of Clinch, and the statement of the Italian witnesses.

8044. You note that in the last line of your report you state, "Statements of Clinch and witnesses, and reports from Police-sergeant Lane and Police-constable Gibbard are attached"?—That is so.

8045. To whom did you send that or hand that?—They were left for the sub-Divisional Inspector.

8046. And he would hand them to the Superintendent?—Yes.

8047. What would become of them after the Superintendent had seen them?—I presume he would submit them to the Commissioner.

8048. To the central office in New Scotland Yard?—Yes.

8049. That is the ordinary course?—Yes. He would wait to see what action was taken, whether application was made for a summons. I do not know whether it was done in this case.

8050. Yes, there is a Minute upon it as to what he did. In the ordinary case they would go to Scotland Yard?—Yes.

8051. At any rate, it passed out of your hands at what hour on the 16th?—As far as I can recollect, 7 o'clock.

8052. When it passed out of your hands the woman's statement was attached to it?—It was.

8053. Look at the woman's statement. (*Document handed to witness.*) Is that the statement which was attached to your report when you made it at 7 o'clock in the morning?—It is. I have no doubt about it.

8054. (*Mr. Rufus Isaacs.*) It was signed by you?—Yes, countersigned by me.

8055. (*Mr. R. D. Muir.*) So far as you are concerned has it ever been in your possession since?—Never. I have never seen the papers since—none of them.

8056. (*Earl Russell.*) Do you know at what hour these people left the station after all this had happened?—They left at different times.

8057. Did you know what time Gibbard went on duty again?—To the best of my recollection it was about 2 o'clock.

8058. Clinch had already gone?—Yes.

8059. When did the woman go—about the same time as Gibbard?—No, she went earlier. I think the woman left at 1.30. I did not detain her after I took the statement.

8060. Clinch did not go till 1.40?—He did not go till 2 o'clock, I think. The doctor was called at 1.40.

8061. The woman was still there when Clinch left, was she not?—No. I am almost certain the woman left about 1.30, as near as I can say.

8062. You are almost certain?—Almost certain. It is a year ago.

8063. You did read the statement of Clinch over to Gibbard before Gibbard wrote out his report. Is that so?—Yes.

8064. Then he was mistaken when he said you had not done it?—I am almost sure I did. I think I read these statements in the sequence in which they were written. First Clinch, and then the statement of the Italian, and then the woman. That is how they were written, and they were read out as they were written.

8065. You think Gibbard was mistaken when he said he did not have them read over to him before he wrote his?—I think he is mistaken.

8066. It is a fact, is it not, that you offered to call at the Post Office to obtain his decision?—Yes.

8067. Is it not also the fact that Clinch said he would rather you did not?—No, I do not think he did. I do recollect it.

8068. Did he not say he would call at the station himself, and let you know his decision in the morning?—Yes, when I called at the Post Office he did.

8069. Did he not tell you that when you left him?—No, I think he told me that at the Post Office.

8070. Are you quite sure that when you suggested calling at the Post Office Clinch did not say he would rather you did not, and that he would call at the station?—I am not quite sure, but to the best of my recollection when he left the station he had not decided what he would do, and so that I might complete my report of the whole case in the morning I said I would call there, and I asked him his hours, and he said he left there at 7.30.

8071. You went to call on him at the Post Office in order to complete your report?—So that I could see whether he proposed to leave the matter to be dealt with by the Commissioner or whether he would apply for a summons.

8072. You were the Inspector in charge of this station?—Yes.

8073. What time were you off duty?—Six in the morning.

8074. Was it not unusual for you to leave the station at all, when you were in charge of it, and look up a private complainant?—Not at all. I was working with a sergeant, and I did my hours from 10 to 2.15 in the station, and the sergeant relieved me at 2, and I patrolled.

8075. If the complaint had been against an ordinary member of the public and not against a policeman would you still have left the station?—I cannot say that. It depends on the circumstances. I should not call a man out of bed, for instance.

8076. Why did you not mention in your report that you had called on Clinch at the Post Office?—I did not think it necessary. I think I stated in my report (I have not seen it for a year) that he said he would call when he was going to work on the 17th. I think that is so, but I have not read it recently.

8077. You wanted to complete your report by stating whether he would apply for a summons or not?—I merely wanted to know. It was quite immaterial to me, and I merely wanted to know one way or the other. That was my sole object in calling on him.

Inspector F. Gadd.

18 Oct. 1906.

8078. Would it not have been very simple to say in your report, "In order to ascertain the intention of Clinch I called at the Post Office at 3.20, but he told me he had not made up his mind"?—I said he had not made up his mind. I thought that was sufficient.

8079. Let me read you what you did say.

(*Chairman.*) We hardly follow the point of this part of the cross-examination. Clinch admits that there was an interview at the Post Office. He has given his version of it, and the Inspector has given his version of it.

(*Earl Russell.*) The suggestion I am making is that it would be a most unusual course, and the fact that it is unusual is emphasised by the fact that it is not reported. That is the object of my cross-examination. Let me read this report, and the Commission will see there is no mention of it there, and no suggestion of the object mentioned by the Inspector.

(*The Witness.*) I know it is not mentioned.

8080. (*Earl Russell.*) "He said he would consider what he should do in the matter, and would call at the station when proceeding to work on the 17th instant." That is all you say about that. You do not say he had not decided or decided to take out a summons?—He had not decided.

8081. I agree; he had not decided, but you do not say that you had called specially to ask about it?—I did not think it necessary.

8082. Although that was the object of your call at the Post Office to find out his intention?—Yes, that was quite the object. I had nothing else in my mind.

8083. Did any conversation at all of the kind suggested by Clinch take place?—When, I think everyone had left the station, he was there alone. It is a long time ago, and I do not remember the exact words, and I said, "What do you propose to do?" and he said—I do not think I can recollect the exact words—"I do not know what I shall do." Then I said I might probably call on him, and I did.

8084. I meant the conversation about taking proceedings. Did you make any sort of suggestion to him that it was a pity to take proceedings against the Police?—Not at all. I denied it at the police court.

8085. And the statement is quite untrue?—It is quite untrue that I said it. I made no suggestion of the kind. It was quite immaterial to me what he did.

8086. You agree there was some complaint made by Clinch in your presence that the constable had spoken to him?—Yes.

8087. You do not agree that Clinch told you what the constable had said?—It is a year ago. The question arose at the police court. Clinch said, "I wish you would prevent this constable speaking to me. I do not wish to have anything to say to him." I said to the constable, "Do not speak to him."

8088. And you do not think you said to him that it was a pity to take proceedings?—When I saw that in the newspaper report of the proceedings I knew it was not correct.

8089. Nothing like that?—No.

8090. (*Mr. R. D. Muir.*) At 2 o'clock you and the sergeant dividing the duty between you, the sergeant took charge of the station, and you went out for a stroll?—Yes.

8091. And in the course of the stroll you called in?—Yes, about half past three.

8092. (*Mr. Dickinson.*) Have you been in this district long?—About three years and eight months.

8093. Do you know anything of the woman?—I had not seen her before nor since.

Sergeant W. Lane.

18 Oct. 1906.

Sergeant WALTER LANE, recalled.

8094. (*Mr. Dickinson.*) I asked you a question which perhaps you did not quite understand. I asked you when Clinch came out of the mews whether the question of a woman being in the case occurred to your mind before you saw her come out, and you said "No"?—No. I did not see Clinch come out. Clinch was in Rosebery Avenue when I saw him.

8095. Clinch spoke to you. I want to know when first it occurred to your mind that there was a woman in the case?—When I got back to the mews.

8096. When you saw the woman?—When I saw the woman.

8097. Then what do you mean by this in your report. You say "I was in Rosebery Avenue, near John's Mews, at 12.15 a.m., on the 16th inst., when a man came to me and stated that he had just previously been down the above mews to urinate, and when doing so he saw a policeman at the back of a van with a woman. The policeman came from behind the van and said to him, 'Clear out; you have no business down here,' and at the same time struck him on the face with his fist." Did Clinch say that to you before you saw the woman come out?—Yes.

8098. Then it was a mistake just now when you said you did not know anything about a woman being in the mews until you saw her come out?—That was explained to me when I saw him first. When I got to the mews I saw the woman come out. I did not know she was in the mews.

8099. The first thing Clinch said to you had reference to a woman. You said to me the first thing he said to you was he had been struck by a policeman?—Yes.

8100. I ask you whether in addition to that he drew your attention to the fact that there was a woman in the mews?—Yes, he said that he had seen a woman and a policeman at the back of a van.

Sub-Divisional Inspector WILLIAM BRIGGS, sworn.

Sub-Divisional Inspector W. Briggs.

8101. (*Mr. R. D. Muir.*) You are a Sub-Divisional Inspector of the G Division, stationed at King's Cross Road Station?—Yes.

8102. After the summons had been issued were the documents sent up to Scotland Yard?—Yes.

8103. Did they come back again?—Yes, they came back again, but I forget the date. It is on the back of the Report, I think.

8104. There is the Scotland Yard Minute. That is dated the 18th. It shows that it was at Scotland Yard on the 18th?—Yes, they came back that same night to the Division.

8105. For the result of the summons to be reported upon?—Yes. I took possession of them from the Superintendent.

8106. They remained in your possession, including all the statements, after that time?—They were locked up in my desk, and no one had access to them at all; none of the officers; they did not see them until I reported the result of the summons on the 7th November.

8107. Before the case was heard, did you get a communication from Scotland Yard with regard to showing something to Mr. Yelverton?—Yes, Mr. Yelverton desired to see the statements of the woman, of the constable, and also the statement of Clinch, and in fact all the papers. I was directed to see him personally, and I saw him at his chambers in the Temple. I told him the Commissioner did not see his way clear, or something to that effect, to produce all the papers to him, as it was the constable's defence at the police court, and he was prosecuting, but he could see the woman's statement.

8108. What about Clinch's statement?—I mean he could see Clinch's statement, and not the woman's. I handed it to him. He took it from me in his chambers. He threw it down. "I do not want that," he said. "I know all about that; I want the other." I said, "That will be the constable's defence, and you are prosecuting." He said, "Half you fellows ought to be hung—out of the Force." That I did not reply to, but I walked out of his office.

8109. You did go down and give a verbal answer to his application to the Commissioner to have inspection of the papers?—Yes.

8110. (*Mr. Rufus Isaacs.*) It is your ordinary practice, is it not, to give inspection of documents in an ordinary case?—Do you mean after they are returned to the Yard?

8111. Supposing, for example, there are documents which are in possession of the police, is there any difficulty in the legal adviser of the defendant seeing those documents?—I do not know. I think in a case of this kind there would be. There was a distinct charge made against the constable.

8112. I understand that?—At the police court, if you will allow me to go further, Mr. Yelverton stated he had been refused access to the papers. I had the papers at the police court, and he asked Mr. Bros if he would allow him to see these papers before he entered on the prosecution. Mr. Bros said it was the constable's defence. Mr. Ricketts, who defended the constable, said to Mr. Yelverton: "Perhaps you would like to see my brief." Mr. Bros made no order that he should see them, and he did not see them.

8113. (*Chairman.*) Was it pointed out to the Magistrate that their statements had been prepared by the instructions of the sergeant at the police station, and read out in the presence of each person who made the statements?—Yes.

8114. Then there would be no secret about what statement the young woman had made, or what statement had been made by Gibbard, the police-constable. Was that fact brought to the Magistrate's attention?—Yes, he was quite aware of it. I made him aware of it.

8115. Was any formal application made for discovery and inspection of these documents to Mr. Bros?—Yes, Mr. Yelverton made the application in court.

8116. At the trial, you mean?—Yes, at the hearing of the case, and I was then prepared to hand them over.

8117. (*Mr. Rufus Isaacs.*) In cases of difficulty, I suppose you are advised by the legal advisers?—Yes, certainly.

8118. Otherwise, if you do not hand them over, you are guided by the Magistrate, and obey the order of the court?—We obey the order of the court.

8119. I suppose in cases where there is no question you show them?—Yes.

8120. In some cases it might be of the utmost importance that the papers should not be disclosed?—That is so.

8121. (*Chairman.*) I cannot see how it was important, because the papers were stated to have been read to Clinch?—We were guided by the fact that the constable was defending himself. The Commissioner did not defend the case.

8122. I was only wondering what had taken place?—We wanted to be thoroughly fair. The constable was incurring the expense of defending himself out of his own pocket.

8123. (*Mr. Whitmore.*) When a charge is made against a constable, and proceedings are instituted against him, has he to pay the expenses of his own defence?—Here there was a specific charge made against the constable, that he was doing something that he should not have done in the performance of his duty—that he was having sexual intercourse, and the result of that sexual intercourse was the charge.

8124. But the charge was false, I understand?—Yes, but the result of that sexual intercourse was the charge.

8125. If a charge of that description is brought against an officer has he to defend himself?—He must defend himself. If this had been a charge of drunkenness and assault brought against a constable in the execution of his duty, and from our inquiries we found

that the statement could not be substantiated, then probably the Commissioner would defend the constable.

8126. (*Mr. Rufus Isaacs.*) Supposing in this case there had been no question of a woman at all, and the policeman had been down in the mews and seen Clinch, and pushed him out or struck him, whichever may be the correct view, and then there had been a charge against the constable for assault, the Commissioner would, in the ordinary course, have allowed him to be defended?—The circumstances then would have been different to what they are now.

8127. That is why I am putting it to you. I thought I was putting to you the ordinary course?—The circumstances would probably have been different to these, and we should be guided by circumstances. What I mean is, if the constable had gone down the mews, and found this woman was loitering about, and in that case the constable had been summoned for assault, then undoubtedly, at least I should say so, the Commissioner would have defended him.

8128. Can you tell me this? In this case, for example, would the constable, after he was acquitted, get any assistance from the Commissioner?—No. I might say, with regard to that, an order for the payment of two guineas costs was made against Clinch, and the constable paid the two guineas, and he had very great difficulty in getting that two guineas from Clinch. He had to go through all the legal process to get it. The result was at last Mr. Bros, the Magistrate, made an order for payment of the costs or so much imprisonment. The constable, I think, did not get his costs for three or four months afterwards. The Commissioner did not reimburse him.

8129. That was all he got—the two guineas costs ordered?—Yes.

(*Mr. R. D. Muir.*) If you will look at page 277 of the White Book, paragraph 336, you will see there are several courses open: "In the event of legal proceedings being instituted against any member of the police arising out of circumstances connected with his duty as a police officer, a full report of the case is to be submitted for the information of the Commissioner, and no step is to be taken officially for the defence until express authority has been received from the Commissioner. The Commissioner, if of opinion that the question of legal aid may be entertained, will submit the case to the Secretary of State, and the Secretary of State will then decide either that the defence shall be taken up officially and conducted at the cost of the Police Fund by a solicitor acting on behalf of the Commissioner; or that no legal aid is to be given; or, as an intermediate course, he may, leaving the constable in the first instance to defend himself, reserve his decision until the case is concluded, and then on a review of all the circumstances decide whether any, and if so what, sum shall be allowed from the Police Fund towards reimbursing the constable the expenses reasonably incurred by him in his defence."

Sub-Divisional Inspector W. Briggs.

18 Oct. 1906.

(*Mr. Rufus Isaacs.*) It is that later part that made me ask the question.

(*Mr. R. D. Muir.*) I am not sure what would be done in that particular case.

(*Earl Russell.*) There is a question which perhaps the Commissioners would put. I think it is of some little importance as a matter of practice, and I think this witness ought to be able to tell us something about it. In this particular case there is great complaint about the adjournment of this case from the day named in the summons on the application of the defendant without any notice at all to the prosecutor. I do not know whether the Commissioners would elicit how that happened.

(*Chairman.*) That was the act of the court, and not the act of the constable.

(*Earl Russell.*) I know, but I thought this witness might tell us something about the practice.

(*Chairman.*) That has been explained. Mr. Rufus Isaacs reminds me that that was explained by your client himself, who said he went to the Magistrate, and the Magistrate told him he had better go and see the solicitor.

(*Earl Russell.*) Yes, but by that time the case had been already adjourned. There was no explanation of why an adjournment was obtained *ex parte*.

(*Mr. R. D. Muir.*) That is all the evidence in this case.

Mr. Alfred Francis Platt, recalled.

Mr. A. F. Platt.

8130. (*Chairman.*) Have you any books which you would like to hand in?—I have one here.

8131. Will you hand it in, and Mr. Leslie will take care of it until our next sitting?—Yes. (*Handing.*)

8132. (*Mr. Rufus Isaacs.*) Without looking through the book, now shall we find in this book any note of those payments to which you have referred?—Yes.

8133. Will you just give me one indication?—*There* (*referring to a page in the book*).

8134. (*Chairman.*) You have not got all your books here?—No.

NINTH DAY.

Monday, 22nd October 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).
Rufus Daniel Isaacs, Esq., K.C., M.P.
Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law).
Charles Algernon Whitmore, Esq. (Barrister-at-Law).
J. W. St. Lawrance Leslie, Esq. (Barrister-at-Law) (*Secretary*).

(*Earl Russell.*) May I mention to the Commission a matter in connection with Altfuldisch's case? I have had a copy of a letter sent to me, which I presume has been addressed to the Commission, by a Mr. Breidenbach, who is a manufacturer in Greek Street, and I have also seen a statement by the Rev. J. H. Cardwell, as to the state of Greek Street. I do not know whether the Commission think it at all material to the inquiry with regard to Inspector McKay and the state of that street on that night, but may I say I suggest those witnesses might be called by the Commission?

22 Oct. 1906.

(*Chairman.*) We have received various communications from residents in Greek Street, and I have directed that they should be acknowledged, and I have promised that they should receive the consideration of the Commission. Do I understand that you are tender-

22 Oct. 1906.

ing evidence as to the condition of Greek Street on the night on which Altfuldisch was arrested?

(*Earl Russell.*) No, sir. I think that the evidence they wish to give is quite general.

(*Mr. Rufus Isaacs.*) You used the expression "as to the state of Greek Street on that night."

(*Earl Russell.*) That was my mistake. I was referring merely to the general evidence.

(*Chairman.*) Are you ready to go on with Dubery's case?

(*Earl Russell.*) Yes, sir.

ALBERT JOSEPH DUBERY, sworn.

A. J. Dubery.

8135. (*Earl Russell.*) Your name is Albert Joseph Dubery, and in December, 1902, were you living at 50, Albion Street, King's Cross?—Yes.

8136. You were then employed at a private cab yard in Sandwich Street?—Yes.

8137. You were in charge of that yard?—Yes.

8138. On the 5th December, 1902, in the middle of the night, did anything unusual happen?—Yes. I was in charge of Mr. Line's yard in Sandwich Street on that date.

8139. About what time?—It was about a quarter to 12 when I first met the constable.

8140. Before 12 o'clock, at all events?—Yes. I saw the constable come to the top of the gate where I was standing; he asked me to have a drink out of a bottle, and I said I did not want anything. He said, "Very well," and he put the bottle in his back pocket.

8141. Was anyone with you at this time?—No. I was waiting for a driver to come in—the last man I had to come in.

8142. You were on duty?—Yes. Then he walked away. I saw no more of him until the houses had closed, and then I was in the stable below. The cab was under the gateway in the yard.

8143. What kind of a cab was it?—An empty cab—the one I looked in.

8144. Was it a hansom cab or a four-wheeler?—A hansom cab. I saw someone, as I thought, going by the cab, but it was the constable who got in the cab with a woman.

8145. About what time was that?—That was after the houses were closed.

8146. After half-past 12?—Yes. I did not take any notice. I did not go up to the top of the gate to see who it was till the last man drove up with his cab and horse, and I went to assist him out with his horse.

8147. What was the name of that man?—Albert Jones, the cab driver.

8148. Do you happen to know his badge number?—No, I do not.

8149. He came in with his cab, and you went to help him take his horse out?—Yes. As I passed the cab in the gateway I looked towards the window, and saw the constable with the woman inside. I said, "You had better get out of this." He made no answer to me. I went to the horse. The cab driver brought his tools down from the cab to the stable, and saw the policeman in the cab with the woman.

8150. That is Jones?—Yes.

8151. He was with you then?—He was with me then, because I went to help him out with his horse. When I got to the horse he took his tools down into the stable off his cab, his rugs and whip and other things, and then I saw the woman in the cab with the policeman. I got the horse out of the cab and looked into the cab again, and they were still in there. I went to the stable down below, about 25 yards away from the cab, and they got out. The woman made off, and the police constable came down to the stable door. I said, "Old man, you had better not come down here—your sergeant might see you." He said, "B—— my sergeant, and you too." I said, "You cannot b—— me," and he said, "I will show you something—how they kill men in South Africa." With that he made fight after me, and I ran up the side of the horse away from him.

8152. What did he do exactly?—He put his hands up to fight me, and I went away from him and went up the side of one of the horses. He followed me.

8153. Was this inside the stable or outside?—Inside. He put his helmet and his lamp down outside the stable, and he followed me up by the side of this horse, striking me on the head with his fist, and then he drew his truncheon. I put my arm up to stop him from hitting me again on the face, and he hit me on the arm. Jones was in the stable then.

8154. What did he strike you with first?—With his fist.

8155. In the face, did you say?—Yes, on my cheek bone. The Inspector saw it at the station.

8156. Then he drew his truncheon. Where was Jones at this time?—In the stable.

8157. How close to you and the constable?—I could not say how far off Jones was.

8158. What happened after the constable drew his truncheon?—He struck me on the right arm, and we seized hold of the truncheon and held it.

8159. Did you say anything?—He struck me on the arm, and I holloaed out, "Oh, what are you doing?" Then he drew his truncheon and hit me again across my right arm, and then Jones came to my assistance.

8160. Did you say anything to Jones?—No; he saw the constable striking me, and he came to my aid. We held the truncheon and holloaed for the governor, Mr. Line.

8161. Did anything happen between the constable and Jones when Jones came up?—When Jones came up to help me the constable turned round and struck Jones in the mouth.

8162. (*Mr. Rufus Isaacs.*) What with?—I could not say whether it was with his truncheon or his fist, but he made his mouth bleed.

8163. (*Earl Russell.*) Do you say you both held on to the truncheon?—Yes.

8164. What did you do then?—Called to the governor to come down. The governor threw up the back window and saw us with the constable out in the yard.

8165. Who do you mean by the governor?—Mr. Line.

8166. He was the owner of the cab?—Yes.

8167. When you called for him what did he do?—He came down with only his trousers and a pair of slippers on, and blew his own police whistle.

8168. Then when he blew the whistle what happened?—Two other policemen came up, and the governor said, "Go down there"—I believe he said, "There is a maniac in the yard there killing my men." Then they came down, and the constable said, "I will charge these men with assaulting me in this mews," and we were taken to Hunter Street Police Station.

8169. You and Jones?—Yes.

8170. Who were you taken there by?—By the police.

8171. By the other policemen?—Yes; and by the first man, too. He caught hold of me and Jones.

8172. What was the number of the constable who assaulted you?—I think the number was 216.

8173. And his letter?—I do not know.

8174. What division?—E, Hunter Street.

8175. What did Mr. Line do when you went to the station?—He went with us.

8176. When you got to the station, what happened then?—The constable could not give proper satisfaction to the Inspector, and the Inspector ordered him downstairs, and another constable took him downstairs. When he heard our evidence he let us out.

8177. What happened to you first when you went there? You were taken there in custody?—Yes; me and Jones were put in charge.

8178. (*Chairman.*) In the dock do you mean?—Yes; we were charged with assaulting him.

8179. (*Earl Russell.*) Charged by Police Constable 216 E?—Yes.

8180. The Inspector was there to take the charge?—Yes.

8181. What passed between the Inspector and the constable?—He asked the constable several questions, and the constable could not give him satisfaction. He asked what time it was that this took place. In the first place he said a quarter to eleven. Then he said a quarter to twelve or a quarter to one. When he said a quarter to twelve the Inspector said, "You have made a mistake," and then he said, "Then a quarter to one."

8182. Did you notice anything about the state of the constable 216 E?—He was in drink, and the Inspector saw he was in drink.

8183. After that, what did the Inspector do with regard to you and Jones?—He took all the particulars of what we had to say.

8184. I mean as regards the charge against you?—He let us out.

8185. Then you say he took the particulars of what you had to say?—Yes.

8186. And after that?—We came home to the yard again, and the Inspector came with us to see. The constable said we were going to hit him on the head with a pair of hames with no traces on, and we had not such a thing in the place.

8187. (*Chairman.*) Was that what the constable said?—The constable said we were going to hit him on the head with a pair of hames without any traces on, and we had not such a thing in the place.

8188. (*Mr. Rufus Isaacs.*) That is what he told the Inspector at the station?—Yes; and the Inspector came back to the yard afterwards with us, and saw there was no such thing there. We showed him that all the hames that were there had been out working in the cabs.

8189. And all the hames had traces on them?—Yes.

8190. (*Earl Russell.*) The hames are the brass things that go round the collar?—Yes.

8191. Did the Inspector come back with you, or after you?—He came back with me and the governor and Jones to the yard.

8192. And looked at what you had there?—Yes; to see what had taken place, and where the cab stood, and everything.

8193. Did he say anything to Mr. Line or to you about what had happened?—No; he did not say anything to me—not that I can remember.

8194. How did you find yourself the next morning?—I found my arm very bad. I had to go to the Royal Free Hospital and have it dressed, and I was unable to work. Here is the certificate that they gave me on the Saturday morning following (*producing certificate*).

8195. (*Chairman.*) How long were you unable to work?—For a week with my right arm.

8196. (*Earl Russell.*) How many visits did you pay as an out-patient to the Royal Free Hospital?—Two.

8197. The certificate is as follows:—"Royal Free Hospital, Gray's Inn Road, W.C., December 6th, 1902. I hereby certify that Albert Dubery is unable to follow his employment in consequence of an injury to the forearm, and is at present an out-patient at this hospital. Not to be used for begging.—A. S. Woodwark, Medical Officer." How long after this did you resume work?—About a week and two days.

8198. Did you see the police again about this matter?—I wrote a letter asking for a little compensation for my loss of time.

8199. That was later. I do not mean after you resumed work, but on the same day did you see the police again?—No; I believe on the Monday I went to the Hunter Street Police Station and saw the Inspector.

8200. What made you go to the police station?—To ask what they were going to do about it.

8201. Had the Inspector said anything to you about that when he saw you?—He said the policeman was discharged, and I could have his name and address if I wanted it.

8202. You say you heard nothing more about it?—Nothing more.

8203. You wrote a letter asking for compensation?—Yes, asking for a little compensation for my loss of time.

8204. Was that to the Commissioner of Police or to the Home Office?—To the Commissioner, I think. I could not exactly tell you now.

8205. (*Chairman.*) I do not think it is very material. What was the upshot of it all? Did you take any action individually against the police?—No.

8206. Why not?—Because Jones said he would not take any action against the police because he was a licensed man.

8207. So you left it, in fact, to be dealt with by the police themselves?—Yes.

8208. (*Earl Russell.*) Did you see a solicitor about it?—Yes; me and Jones.

8209. Then did Mr. Line say anything about going on with it?—No.

8210. Did Line say anything about it being a good thing to go on with or not to go on with it?—No, he did not say either.

8211. Is this a letter you wrote at the time to your solicitor (*handing letter to Witness*)?—Yes.

(*Earl Russell.*) May the Secretary read that letter?

(*Chairman.*) This is a letter from the witness to his own solicitor. It is hardly material. I do not think it is necessary to go into that. I understand the upshot of it was the witness determined he would not bring an action or take criminal proceedings against the constable.

(*Earl Russell.*) Perhaps you would allow the witness to refresh his memory by reading his own letter through to himself.

(*Witness.*) I am no scholar.

8212. (*Mr. Rufus Isaacs.*) Cannot you read it?—No, not all of it.

8213. Did you write it?—I got somebody to write it for me.

8214. (*Chairman.*) It is quite sufficient that it is before us. There is no mystery about it, Mr. Muir, whatever. You can see it if you like, but we do not want to encumber the notes with it. (*To the Witness.*) I understand that shows Mr. Line did not care to go on?—Yes.

8215. Then, in consequence of their taking no action, you dropped the matter yourself?—Yes.

8216. (*Mr. Rufus Isaacs.*) They did not care to go on because one of them, being a cabman, was licensed, and the other was a cab proprietor?—Yes; Jones thought he might be marred by the police if he went on with the case, on account of his licence.

8217. (*Earl Russell.*) From that day to this you have done nothing more in consequence of that?—No, nothing more.

(*Chairman.*) Have you any question to ask, Mr. Muir?

(*Mr. R. D. Muir.*) No question, sir.

8218. (*Mr. Rufus Isaacs.*) When Mr. Line blew the whistle I thought you said two or three policemen came into the yard?—Yes.

8219. And then Police Constable 216 E charged you and Jones with assault?—Yes.

8220. You were taken to the station?—Yes, both of us.

8221. What happened to 216 E?—He walked by the side and caught hold of us.

8222. He went with all those who went to the station with you?—Yes.

8223. You made no charge against him then?—No; we ought to have turned round and charged him.

8224. But you did not at that time?—No; we left it to the Inspector.

8225. You told us also that you saw the constable come into the yard and get into the cab?—Yes.

A. J. Dubery.

22 Oct. 1906.

8226. Did that strike you as a very extraordinary thing?—Yes, it did.

8227. Something very much out of the common?—It was, to see a policeman get into one of my cabs, because I very seldom saw one come down the yard at all.

8228. Then I rather gather from what you have said that this constable doing what he did, getting into the cab with a woman, was the first time you had seen it in your yard?—Yes.

Mr. Henry Tinklar Nicholson, sworn.

Mr. H. T. Nicholson.

8229. (*Earl Russell.*) Are you a solicitor, and do you carry on your practice at 11, Lincoln's Inn Fields?—Yes.

8230. On the 13th September did the last witness and Jones consult you?—Yes, they called together to consult me about taking proceedings against the police. I went into the case with them at considerable length, and took notes of their evidence, but I did not see them again, and then they notified me that they did not wish to proceed, on account, as I understood, of a cab proprietor being concerned in it. They thought it better to drop it.

8231. (*Mr. Rufus Isaacs.*) The cab proprietor and driver?—Yes.

8232. (*Mr. Dickinson.*) When you say take proceedings against the police you do not mean take proceedings against the police as a body?—No, it was against the constable who assaulted them. I do not know that it was decided what form the proceedings should take, but I took the facts down.

Dr. Arthur Stanley Woodwark, sworn.

Dr. A. S. Woodwark.

8233. (*Earl Russell.*) On the 6th December, 1902, were you one of the medical officers of the Royal Free Hospital in Gray's Inn Road?—I was.

8234. Do you recognise your signature on that certificate that you gave to Dubery?—Yes, that is my signature.

8235. You recognise the first witness, Dubery?—Yes, I recall his face.

8236. Are you able to say anything more at this date about the injury?—No, I am afraid it is nearly four years ago, and I cannot recall more precisely what the injuries were. Possibly if I were to see the arm it might bring it to my mind, but at present I have no recollection.

8237. Are you able to say anything from the certificate as to the severity of them?—By my giving him a certificate it was almost certainly of such a nature that he was unable to follow the work which he told me he had to do.

8238. The words "Not to be used for begging" are formal words on the certificate which do not mean anything?—It is the practice to put those words on all certificates so as to be quite sure they are only used for legitimate purposes.

Mr. Edwin Henry Line, sworn.

Mr. E. H. Line.

8239. (*Earl Russell.*) In December, 1902, were you a cab proprietor, with mews in Sandwich Street?—Yes.

8240. Was the witness Dubery in your employment?—Yes.

8241. What were his duties?—He was night cab-washer.

8242. Would it be his duty to look in the yard when cabs come in?—Yes, to take the cabs in and wash them.

8243. On the night of the 5th December, after you had gone to bed, did you hear anything?—Yes.

8244. About what time was it, do you know?—I should say about half-past 11—something like that. I am not certain about the time. I heard a noise in the yard, and Jones holloaed out, "Governor, governor, governor." I looked out of a back window, and I could see there was a man in uniform there. He said, "Come quick," so I put my trousers on and coat and rushed down as quick as I could, and, as far as I saw, it was a policeman, and Jones and this man had got hold of the policeman in the yard.

8245. What exactly did you see when you came on the scene?—They were holding the policeman—holding his arm and his staff. I had a policeman's whistle in my pocket, so I blew the whistle. Three or four policemen came up, and the first policeman said he wanted to charge all three of us with assaulting him. I said, "Oh, no. I blew the whistle for the police; this is my whistle, and if anybody is to be charged it is you." With that they took Jones and this man to the police station, and asked me to follow on to the station. They took them in custody, and I followed.

8246. You went to the charge room at the police station?—Yes.

8247. What took place there?—The constable commenced to make a statement. In the first place he made a mistake in about four hours as to the time. I said to the Inspector, "You hear what he is saying—put that down. He does not know the time. The man is mad drunk."

8248. Did you notice anything yourself about his condition?—Only that he was worse for drinking. He seemed very much excited.

8249. What did the Inspector do about taking the charge?—He did not take the charge. He allowed them to come away. He said the man tried to strike him with a pair of hames without traces on.

8250. Who said that?—The constable. I said, "We have not got such a thing. All our hames have got traces on." The Inspector said, "We will come down and see." He came straight back with us and looked round the establishment, and we do not use such a thing.

8251. The Inspector came back with you and looked for himself?—Yes.

8252. Did the Inspector do anything with regard to Constable 216 E at the station?—No, I think not. He only simply took him away.

8253. Did any of the police see you again about it?—I think he came down again and talked about it, and I said, "Well, I do not think my man is going to take any action in it; we have never had any bother with the police before, and we do not want to take any action or have any bother or be ill friends with them in any way, so I shall persuade my man to go to work as soon as he can. We do not want to be bothered or to be enemies of the police in any way." I simply persuaded the man to let it drop and go to work as soon as he could.

(*Mr. R. D. Muir.*) I have no question.

8254. (*Mr. Dickinson.*) You say the police came down and saw you, and you said you did not want any bother. Who was it who came down and saw you?—I could not recollect exactly. It is four years ago. I rather thought it was the Inspector, but I could not be certain.

8255. Was that after the constable had been charged?—No, I think it was the next morning someone came down. I could not be certain.

8256. But I understood Dubery to say that when he was considering as to whether he should bring an action against this individual constable who had been dis-

charged, you and Jones rather dissuaded him from it?—Yes.

8257. I want to know what was in your mind. The man was discharged, and all the question was whether an action should be brought against him individually for damages, and yet you thought it was not wise?—I thought perhaps we had better let the matter drop and let the man go to work. He was not very seriously injured, and I said, "The best thing you can do is to let the matter drop."

8258. That was one of the reasons?—Yes.

8259. (*Mr. Rufus Isaacs.*) Had anything of this kind ever happened before?—No.

8260. How long have you been there?—I have been there, I suppose, for 15 years.

8261. Or since?—I have left there three years now.

8262. Up to this time was this the first bother you had had, or the first trouble with a policeman?—Yes, I had been summoned for leaving cabs out in the street.

8263. I do not mean things of that character. So far as I follow from what you have told me, in your experience during the fifteen years there you had not had to complain of a policeman behaving badly?—Certainly not.

8264. Or of his being under the influence of drink, or bringing women into the yard, or anything of that kind?—No.

8265. (*Earl Russell.*) Is Albert Jones in court?—No, he is dead.

(*Earl Russell.*) That is the whole of the evidence I have to call in the case of Dubery.

(*Chairman.*) Do you wish to call any witnesses, Mr. Muir?

(*Mr. R. D. Muir.*) You have before you the reports of all the officers. If the Court desire to hear the evidence of the officers, we will send for them. I expected them here, but they are not here at the moment.

(*Chairman.*) The reports which we have got are the reports of Inspector Austin, Police Sergeant Seymour, Police Constable McKay, Police Constable Johnston, Police Constable Miller, and Police Constable Murray.

(*Mr. R. D. Muir.*) Murray is the man who is implicated.

(*Chairman.*) And the report of the Sub-Divisional Inspector. Are these reports made to the Chief Commissioner by these officers?

(*Mr. R. D. Muir.*) Yes; those reports all went before the Chief Commissioner or the Assistant Commissioner, and he dealt with them. First of all there is the report of the Superintendent, on page 8. He heard the matter, and dealt with it as a charge, but he cannot deal with it finally himself. He sent it up with his observations to Scotland Yard, and then the officer was called up before the Acting Commissioner (Major Wodehouse), and you will see on the 8th December, on page 9, what took place there. The written reports which precede that are all taken as already read unless the constable desires to ask questions, and then this form is gone through with the constable:—"(*Q.*) Have the reports in the case been read to you? (*A.*) Yes. (*Q.*) Have you any questions to ask of either of the witnesses present? (*A.*) No. (*Q.*) Have you anything to say in your defence? (*A.*) I am sorry. I admit being drunk, but I did not assault anyone." Then it is referred to the Assistant Chief Commissioner of the Administrative Department—that is, Major Wodehouse—and then there is a statement that the constable joined the Force seven weeks ago, that he is a single man, and that he has served in the 7th Hussars. Then the next thing that takes place is reported on page 10, when it comes before Major Wodehouse:—"Have the reports in the case been read to you? (*A.*) Yes. (*Q.*) Have you any question to ask of any of the witnesses present? (*A.*) No. (*Q.*) Have you anything to say in your defence? (*A.*) Nothing, sir, only that I am very sorry. I had not been drunk till this thing happened." Then there is a question put by Major Wodehouse to the Superintendent:—"What have you to say about him? (*A.*) I think there is no doubt that the cause of this was the taking of the woman into the yard, and the cab-washer resented it. He admits that he drew his truncheon, and there is no doubt, from the inquiries made by the Sub-Divisional Inspector, that he struck one of the men on the arm with his truncheon. He has only been with me a few weeks. He is an intelligent man." Then Major Wodehouse said to the constable: "I have read the reports in the case, and it appears to me to be perfectly clear that you took this woman into the yard, and the employees there objected to it. You assaulted them, and drew your truncheon. Then you wanted to charge them. Worse conduct than that a police officer can hardly be guilty of. You have had every consideration shown you. You were accepted as a special case, and this is the return you make for it. You are quite useless for the police, but in consequence of your being a very young man I will permit you to resign." I am told, sir, by the Chief Commissioner himself that the practice is, if it is possible, to allow a man to resign rather than dismiss him, because, if dismissed, it practically prevents him getting employment elsewhere, whereas if he is permitted to resign it gives him a chance of getting some other form of employment. Then it appears the Police Orders set out why he is dismissed.

(*Chairman.*) Upon these documents we think it is unnecessary to trouble you to call any of these officers.

(*Mr. R. D. Muir.*) I thought possibly the Commissioners would like to see the character with which the man entered the Force. I have sent for that, and I believe it is on its way here.

(*Chairman.*) We will take that. It seems quite a proper thing to put in.

(*Mr. R. D. Muir.*) I have here the original file. Shall I put Superintendent Froest into the box to explain it?

(*Chairman.*) We have not heard in detail the course that these inquiries take.

(*Earl Russell.*) I do not want to ask any questions or to challenge anything in those reports. The only comment we make on the matter is the man being allowed to resign instead of being dismissed.

(*Chairman.*) We would like to know what takes place when this kind of complaint is made.

(*Mr. R. D. Muir.*) Superintendent Cole is not here for the moment. He was the Superintendent who made the inquiry.

(*Chairman.*) The documents seem to me to show the course of procedure.

(*Mr. R. D. Muir.*) They do. Within a few days this man was dismissed or allowed to resign, which amounts to the same thing.

(*Chairman.*) Will you kindly look at the documents I have got, and see if they are copies of all that is in the original *dossier* that you handed up?

(*Mr. R. D. Muir.*) Yes, everything that I read and referred to. It seems to be copied from my own copy.

(*Chairman.*) There is no other material document, except the character?

(*Mr. R. D. Muir.*) No.

(*Chairman.*) We had better take the character, because it may be useful as an illustration. That will enable us to see exactly the whole course of this officer's connection with the police.

(*Mr. R. D. Muir.*) Yes, I think it will.

(*Mr. Rufus Isaacs.*) Is the Inspector in court who took the charge?

(*Mr. R. D. Muir.*) He ought to have been here, but is not here yet.

(*Mr. Rufus Isaacs.*) I should like to ask Mr. Dubery a question.

ALBERT JOSEPH DUBERY, recalled.

A. J. Dubery.
22 Oct. 1906.

8266. (*Mr. Rufus Isaacs.*) You told us that you saw this police constable come in with the woman?—Yes.

8267. He went straight to the cab?—Yes, he got in the cab.

8268. Without asking anybody's permission?—Yes.

8269. Was anybody else in the yard but yourself?—No, not at the time.

8270. Did he see you when he went in the cab?—He might have done down the bottom stable. I was in the stable.

8271. But you saw him?—Yes.

8272. Then he got in the cab with the woman?—Yes.

8273. Why did you not object?—I did not notice him until I passed to get the horse out of the cab which had pulled up outside. I did not know it was the police constable getting into the cab.

8274. If it was not the police constable, then it would be all the more reason to object?—I thought it was someone going by the top of the gate.

8275. Did you see a man get in the cab with the woman?—I did not see him get in—not exactly; not when I was in the stable. I had to pass the cab to go and take the man's horse out, and I looked into the side window.

8276. When Jones came in?—Yes. I looked in the side window, and saw the constable in uniform and a woman, and I said to him as I passed by the cab, "You had better get out of this, old man."

8277. That was rather a friendly way of addressing him if he was inside the cab with this woman without anybody's permission?—I did not want to browbeat a policeman, because I know they can do as they like with us. If I had said, "You had better get out," and I had used violence to him, there would sure to be trouble.

8278. You saw him in there with the woman, and did not say anything to him because he was a policeman?—I only said, "You had better get out of it, old man."

8279. If it had been somebody else he would have got out rather sharply?—Yes, I should have got in and pulled him out.

8280. (*Mr. Dickinson.*) Did the policeman know you were in the yard?—Yes, he must have done. He saw me before this took place, at the top of the yard.

8281. Was he with the woman then?—No. He asked me to have a drink out of a bottle which he had in his pocket, and I said I did not want to have any drink.

8282. I suppose he was very drunk?—Yes, he was drunk when he went to the station.

8283. How long were he and the woman in the cab together?—I could not say how long. It must have been about a quarter of an hour or 20 minutes, or something like that, I suppose.

8284. (*Mr. Rufus Isaacs.*) Were you under anybody else's control in the yard beside Mr. Line?—No. I was in charge of Mr. Line's yard to take the men in and take the money, and put all his horses away and get the cabs ready for the morning.

Superintendent THOMAS COLE, sworn.

Superintendent T. Cole.

8285. (*Mr. R. D. Muir.*) Are you Superintendent of the Metropolitan Police?—Yes.

8286. In December, 1902, were you stationed at Hunter Street Station?—I was attached to Bow Street, but Hunter Street Station is under my control.

8287. That is the E Division?—Yes.

8288. Did the complaint of Albert Joseph Dubery and the cabman Jones, against the Constable Murray, come before you to be dealt with?—Yes.

8289. When a complaint is made against a constable and is entertained by the Superintendent, is the first step to put the constable upon the defaulter's sheet?—Yes.

8290. For the morning on which it is dealt with?—Yes.

8291. In the meantime, is the constable suspended?—Yes, in this case he was.

8292. The complaints against constables are either given in writing or verbally?—They are always in writing.

8293. Does the constable have a copy of them to read or are they read to him?—They are read to him.

8294. Are the witnesses present to be questioned, if necessary?—Yes. He has the opportunity then of putting any questions he wants to them.

8295. You put this question to the defaulter always: "Do you wish to ask any questions"?—Yes.

8296. If he asks questions, a note is made of the question?—I take the question and answer down in writing.

8297. When the inquiry is completed do you report upon it?—Yes.

8298. And make your observations, as they are called?—Yes.

8299. We have before us your observations of the 8th December, 1902, with regard to this particular case?—Yes.

8300. Having reduced your observations to writing and signed them, what do you do with the proceedings?—The matter is then sent before the Chief Constable.

8301. All that was before you, plus your observations, goes to the Chief Constable at Scotland Yard?—At Scotland Yard or Bow Street, wherever he arranges to see the defaulter.

8302. Where would it be in this case?—Bow Street.

8303. And from the Chief Constable would it go to Scotland Yard?—Yes.

8304. Do you know the course of procedure at Scotland Yard then?—Yes, the same course is gone through there, with the exception that the witnesses are not always present there. They can attend, if they wish.

9305. Is the constable asked before the proceedings take place at Scotland Yard whether he desires the attendance of any of the witnesses?—Yes, and if he wishes them, he would be requested to attend.

8306. And he would again have an opportunity before the Commissioner of putting any questions he liked?—Yes.

8307. And then the Commissioner deals with the case?—Yes.

9308. And his observations are taken down in shorthand, are they not?—Yes.

9309. And attached to the other papers?—Yes.

8310. Do you know the course of procedure when a constable applies to join the Force?—Yes, he has to apply in writing, and then a form is sent to him upon which he has to get the signature of persons who have known him for some time.

8311. Was the minimum height in 1902 5 ft. 9 in.?—Yes.

8312. And if a man is half an inch or so below the minimum height may he be admitted as a special case?—They had been.

8313. In this case the man appears to be 5 ft. 8½ in.?—Yes.

8314. So that in the ordinary course he would be

ineligible?—Yes; he was half an inch below the standard.

8315. Look at that document. (*Handing document to witness.*) Do you see a memorandum there initialled by Sir Edward Bradford, saying that if the man is otherwise satisfactory, he would be glad if he was dealt with as a special case, because he is strongly recommended by Colonel Ridley?—Yes.

8316. And if you turn to the beginning you will find Colonel Ridley's recommendation of the man attached?—Yes.

(*Mr. Rufus Isaacs.*) Was he the Colonel of his regiment?

(*Mr. R. D. Muir.*) I assume so. I have not had time to read the document myself.

(*The Witness.*) He had been in the Army over nine years.

8317. Will you read it?—This is a letter from Sir Edward Bradford to Mr. Hopkins:—"20th September, 1902.—Dear Mr. Hopkins,—The bearer of this is a candidate, John Murray, whose application I sent to you a few days ago. He attends for the examination, and if he is satisfactory, I should like him put in the class at once. He has his papers with him."

8318. Sir Edward Bradford mentions in that letter that he is strongly recommended by Colonel Ridley?—No, he does not say so. It is in a memorandum on the papers here. He says: "I have seen this man, who is specially and strongly recommended by Colonel H. N. Ridley. If the inquiries are satisfactory, I should wish to make a special case." *Superintendent T. Cole.* 22 Oct. 1906.

(*Chairman.*) I think you said that the constable was allowed to resign because he was a very young man.

(*Mr. R. D. Muir.*) That is what Major Wodehouse said to him—"On account of your youth."

8319. (*Chairman.*) But he had been nine years in the Army?—He had been only seven weeks in the Police Service.

8320. (*Mr. Rufus Isaacs.*) That does not make him young?—It was on account of the short service.

(*Mr. R. D. Muir.*) His age would be on the application form.

8321. (*Chairman.*) He must have meant he was such a young constable?—He was twenty-six years of age.

8322. Being nine years in the Army he would have considerable experience?—He came to the Police with a good character from the Army, and that is taken into consideration.

8323. (*Mr. Rufus Isaacs.*) I suppose what was taken into consideration was that it would not have happened if he had not got drunk?—That is it.

8324. He got drunk and then got into this mischief, and it all followed from the first cause, which was the drink?—That was the cause of it.

(*Chairman.*) I do not think we need trouble you to call the Inspector or anybody else with regard to this case.

Mr. Alfred Francis Platt, recalled.

8325. (*Mr. R. D. Muir.*) I desire to preface the questions I put to this witness by this statement, that the solicitor instructing me informs me that a great mass of material has been placed in his hands which ought to be available for the purpose of cross-examination which I have not yet seen. *Mr. A. F. Platt.*

8326. You carry on the business of a bookmaker?—Until quite recently.

8327. As I understand you, from 1886, was it?—That was when I first started bookmaking.

8328. Down to quite recently you have been in the habit of bribing members of the police force?—Yes.

8329. Continuously over that time?—Not continuously over that time, but from the first time I gave money till quite recently.

8330. What was your object in bribing the police?—In the first instance, my object in bribing the police was to allow me to do my business in the street.

8331. I suppose you did that because, according to your view, you would have been arrested and stopped from carrying on your business?—Quite possibly, or these men would be able to stand at the ends of the streets that I was betting in, and would stop people who would bet with me from coming to me.

8332. In order, in other words, that you should not be molested in the business of a street bookmaker?—Yes.

8333. And it was worth your while, according to you, to bribe them for that purpose?—Yes.

8334. Down to what date have you continued, approximately?—This year. The last moneys that could originate from me and a partner with me would probably be the last known money—July.

8335. Of this year?—Yes.

8336. And all that money was paid for the same purpose—to be allowed, either individually or through an agent, to carry on your business of a bookmaker in the streets unmolested?—Yes, but since 1903 for the express purpose of never being summoned. I did not mind being arrested, but not to be summoned.

8337. I include in the word "unmolested" what you yourself have described as the stopping of customers coming to you—the summoning or the arresting?—Yes, but not exactly arresting. I did not mind being arrested, because there is no doubt if these men do not have a certain number of charges during the time that they occupy their duties I daresay they have to answer.

8338. If I understand your meaning, it is this, that by collusion with you you allowed yourself to be arrested from time to time?—Yes.

8339. In order to cloak the nature of the transactions between you?—Yes.

8340. You have mentioned some books, and I think you handed in one book to the Commissioners as containing entries relating to such transactions?—Yes.

8341. Do those entries contain names or dates, or both?—They are some books that I have handed in to the secretary providing that the men who held those books for those days, which was a matter of four or five hours a day, in making out a list of their daily expenses, and in accounting to me for moneys, have put in some way or the other, say, "Copper, four bob."

8342. What I want to get at is this: Do your books enable you to give a date upon which money was paid to the police?—I was not prepared to go into that just at the present moment, as I have not had time to see if they are dated. I think some would be dated and some undated.

8343. I have not had time either, but let us go as far as we can. Do your books contain the dates of those payments?—I cannot say that they do.

8344. Do they contain the names of the persons to whom the payments were made?—Yes, in a way that I can fully explain.

8345. I should like a full explanation of the entries which show the names of the person to whom the moneys were paid. I suppose you mean policemen?—I do not say all the names of them, but some of them.

8346. What is the full explanation of that that you are anxious to give us?—Having the book, my first motive was to put everything down in case I had the same proceedings being done to me in the G Division as I had done to me in the L Division.

8347. To what dates do your books go back?—About the 30th July.

8348. Of which year?—This year.

8349. Do you mean that you have no book earlier than July of this year?—No, not for them purposes.

8350. What do you mean by "for them purposes"?—I have not got a list of all the persons I gave money to from the time I first started.

8351. Do I understand that in July of this year you

Mr. A. F. Platt.

22 Oct. 1906.

began to keep books for what you call "them purposes"?—No.

8352. Your books contain entries "for them purposes" since July of this year?—Yes.

8353. At that date had you heard of this Royal Commission being appointed?—I cannot say I had.

8354. Why did you select July of this year to keep a book "for them purposes"?—At the end of March or the beginning of April, I, in partnership with another, took over these men that I had in Clerkenwell. I took over their business because of their financial position, and it was for them to give me an acount of the moneys that passed through their hands, if I was not there at a particular time to see the moneys handed to them officers. It is put down in one instance.

8355. If I understand the system, it is similar to one I have heard of before where when a man charges a cab fare he is obliged to put down the number of the cab in which he has ridden. Is that it?—I could not answer that.

8356. What other purposes had you in view then?—I have always felt that I should like certain things to come out.

8357. Before whom?—Before the Commissioners.

8358. Then was I not right in my suggestion that this book was started for the purpose of this Commission?—No, I cannot say that.

8359. Did you keep any such record before this Commission had been suggested, or was it in existence?—No.

8360. Am I right or am I wrong in saying that the books you have handed to the Secretary of the Commission contain no dates of the payments you allege you have made to the police officers?—I cannot be positive of that.

8361. Perhaps the Secretary will let you look at them, becase I think this of the supremest importance?—Before he goes into them books——,

8362. You can answer that question. It is a simple question of a general nature?—May I look at the books?

(*Chairman.*) Yes. (*The books were handed to the Witness by the Secretary.*)

8363. (*Mr. R. D. Muir.*) One will do?—There is no date to *this*.

8364. Can you find any date in any of the entries?—I should say *this* particular one here would be relating to the month of May.

8365. What I want to know is not a month, but an actual date in a month, and the year?—No.

8366. You have no such record?—No.

8367. That is as to dates. Now as to names. Have you any record showing the name—either the real name, or by some sign—of any police officer to whom you or your agents have paid moneys before July, 1906?—I never previously kept a record of the money relating to the police till this year.

8368. Just listen to the question, and consider it before you answer it. Is it a fact that you have no names recorded in your books of police officers to whom you have paid moneys before July, 1906?—No.

8369. No dates and no names. Have you got the amounts recorded?—In what instances that I have here, yes.

8370. Amounts without any identification by name or date? What description have you got attached to those amounts which enables you to say that they relate to amounts paid to police officers?—In some instances, when I have not seen the money actually passed by my agent, my agent would write down in his way the moneys that he expended, and on going through these books yesterday I find that in my agent's hand-writing there is a specified sum of money that he accounts for to me when he is giving it to me.

8371. Will you read one of these entries, so that I may see the form in which it is put?

8372. (*Chairman.*) Are these all the books that you have?—All the books that I have.

8373. All the books that you have kept?—Yes.

8374. Is there no book in your wife's possession to which reference has been made in the statement you have made?—It has been destroyed. That is why I have got to refer to these books. I had a detailed account already written out in these books of the actual numbers of the men, and I could have accounted where I met them—the numbers and the names of some of them, but in most cases the numbers. I had only three names in the book. I am sorry to say that my wife, who has a brother almost finishing his time in the police, in a fit of passion, thinking that I should in some way do him harm, burnt that book.

8375. (*Mr. Rufus Isaacs.*) When?—Thursday.

8376. After you had given your evidence?—Yes.

8377. (*Chairman.*) What book do you say was destroyed?—This was the original book that I personally filled in myself, and which I was greatly relying on.

8378. When was this destroyed book made?—It would start from somewhere about the end of March or the beginning of April up to July.

8379. (*Mr. Rufus Isaacs.*) Do you mean to say you began to make the entries in this book in March or April of this year?—Yes.

8380. Did it contain entries of what had taken place from the month of March or April of this year?—That is all.

8381. You had nothing which would help you to make such a list before that date?—I did not find it necessary. I never thought of having to do what I am doing.

8382. (*Mr. Whitmore.*) Why did you not bring that book with you on Thursday?—I did not think it would be required on Thursday.

8383. Why did you not think it would be required on Thursday?—I thought my statement would be sufficient to take up the time.

8384. You could have brought it?—I never thought of bringing that at the time, and as you particularly noticed I did not want to bring in anything of the G Division until I had settled with the L, and I thought that would have been convincing proof that these men had had the money I paid.

8385. (*Mr Rufus Isaacs.*) Was that book in existence on Thursday when you went home from this Commission?—No.

8386. Not in the middle of the day?—No.

8387. Because, if I recollect, you went home from here for the purpose of bringing us that book?—Yes.

8388. Was that the book you intended to bring?—That was the book.

8389. That was the book that you asked to go home to fetch when the Commissioners said they desired it?—Yes.

8390. Then you came back and brought us another book?—I brought a book. I happened to find it looking through quick. In that book there was a sheet of paper that I had put in at some future date where I had mentioned the name of an officer who had had his money that day. I did not have sufficient time to get everything.

8391. (*Chairman.*) That book produced ought to be kept separately. There were papers in it?—That day you can see what I put down.

8392. (*Mr. Rufus Isaacs.*) I understand you went home for the purpose of bringing the other book that would show it, but as you could not bring it you brought *this*, which you say does show it?—To be consistent I brought it.

(*Chairman.*) Keep that book separately from the other books, please.

(*Mr. R. D. Muir.*) Of course, as the destroyed book is one entirely new to me, I should like to ask a few questions upon it, if you will allow me to interrupt what I was asking.

(*Chairman.*) Yes.

8393. (*Mr. R. D. Muir.*) You began to keep that book, you say, in March or April?—At the end of March, or just the beginning of April.

8394. You told the learned Commissioner, Mr. Rufus Isaacs, that you had never done so before?—No.

8395. Never kept such a record before?—No.

8396. You gave as your reason: "I never thought I would have to do what I am doing"?—Yes.

8397. That is giving evidence before a Commission like this?—Yes.

8398. So that in March, when you began to keep that book, as I follow you, you thought you would have to use it for the purpose of giving evidence?—Yes.

8399. Evidence before whom?—The Commissioner.

8400. This Commission?—No.

8401. The Commissioner of Police?—Yes.

8402. So that, as I understand you, you kept that book for the purpose of having a hold over the constables named in it. Is that it?—Yes; the names and numbers.

8403. And during the entire time that you were keeping it you either directly, or through your agents, were bribing the persons named in that book?—Yes.

8404. What had you in your mind at the time you started keeping this book as an occasion which would require you to use it?—I thought it was possible, knowing how I had been served in several instances by the methods of the police, that it would have been something to have put in front of whoever listened to my case.

8405. But what occasion would arise, in your opinion, upon which you would use this book against the police officers named in it?—I thought that if by any unfair methods the police secured any convictions against me, or any men that were working for me, it was something that I felt I should like to be able to recall.

8406. By "unfair methods" do you mean securing a conviction which you and the police had not arranged between you?—Yes.

8407. Your idea was that you would have some document, or something that looked like a document, corroborating your statement that you were paying money to the police?—Yes.

8408. In the event of those members of the force giving evidence against you?—No, not upon the occasions of their giving evidence against me, but if they were trying to catch me unfairly.

8409. Except at any time that you wanted to be caught. Is that it?—Yes, or the general methods that they would employ.

8410. That was your object in keeping this book?—Yes.

8411. Where did you keep it?—I kept it in an ordinary cheffonier drawer.

8412. Where—at home?—Yes.

8413. When did you make your entries?—During the time that I was betting in Clerkenwell.

8414. March to July inclusive?—Yes.

8415. Did you make them at home?—Yes.

8416. Did your wife see you making the entries?—No. She was not aware I was doing it.

8417. When did yor wife become acquainted with the existence of this book?—I could not say.

8418. When did you first know that your wife knew that you had such a book?—I cannot say.

8419. How do you know that she knew you had such a book at all?—It is quite possible that when one or two persons have called at my place of residence she might have heard me say, "I have got a book with the names and numbers in."

8420. What sort of a book was it?—Something similar to *these* I should think.

8421. Was it kept in the same drawer as those?—No; it was not kept in the same drawer as these.

8422. Where were those kept?—They have been thrown away in a drawer in a room that I do not suppose I have entered the last five or six years only at the times I have gone in the room to take my coat off, and have thrown the books in the drawer which would be open.

8423. And those books were in a different place altogether?—You see these books that I found in this drawer (*producing*). It is possible having the men out as I did, I might have three or four books on me, and when I found the books on the last day I discontinued betting I went home and threw them in the drawer.

8424. I am asking about the book which was destroyed, as you say, by your wife. That was kept in a different place altogether from those?—Yes.

8425. What else was kept in the place where the book that was destroyed was kept?—Sheets of notepaper, envelopes, and that—nothing of any consequence.

8426. Is that a place where your wife was in the habit of going for the purpose of getting notepaper and envelopes?—Quite possible.

8427. Not under lock at all?—No.

8428. Did any other persons use that room?—I cannot say whether it was locked or not. It is possible it might be locked.

8429. Who would have the key?—My wife.

8430. Who else used that room?—My wife and the family.

8431. Anybody else?—No, only when I asked them in.

8432. Guests and visitors?—And persons who visited me.

8433. When did you discover that this book was destroyed?—After I went home.

8434. Last Thursday?—Yes.

8435. How did you discover that?—By going to the drawer to get it to bring it here.

8436. You missed it?—Yes.

8437. Of whom did you inquire about it?—At the time when I got home there was no one there.

8438. What did you do when you missed it You were sent home for the purpose of getting it. What did you do?—I came back here with the one little book that I just picked up—I found it was with these—and I found these other books.

8439. Why did not you bring the others?—I did not think I should be taken.

8440. But why did you bring one and not the lot?—It was the first one I went to, and promiscuously, in the way of looking through it, I said, "Halloo, I have a little detailed account," and I did not know what had become of the book. I was in hopes of bringing that book up.

8441. You told the Commissioners you had the book at home which had the details that you required?—Yes.

8442. You went away and you came back and you produced that book?

(*Chairman.*) The little black book.

8443. (*Mr. R. D. Muir.*) *That* book?—Yes.

8444. Did you tell the Commissioners then that that was not the book you were wanting at all?—No, I did not. I did not have that opportunity. The court was just rising when I brought the book back.

(*Chairman.*) I may tell you at once, Mr. Muir, we understood he had not brought the book he intended to bring back. He is quite right.

(*Mr. R. D. Muir.*) I am much obliged to you.

(*Chairman.*) But he left this little black book with the Secretary.

(*Mr. Rufus Isaacs.*) And he pointed out an item to me which he said corroborated what he was saying.

(*Chairman.*) Does that finish what you intend to ask for the moment about the loss of this book?

(*Mr. R. D. Muir.*) There are one or two other questions I should like to ask about it.

(*Chairman.*) Very well.

8445. (*Mr. R. D. Muir.*) When did you first discover that the book had been destroyed?—Virtually yesterday, I suppose, really.

8446. From whom?—From the wife. I told her the position I was putting myself in, and if she did not produce that book, what she was trying to do for me.

8447. Why should she produce it. Why did you ask her to produce it?—Because we had had some words.

8448. When?—It lasted over a little time.

8449. When did it begin?—I could not say.

8450. About this book?—This commenced, I should say, soon after I went home from here—as soon as I got into her company.

8451. When was that?—On Thursday.

Mr. A. F. Platt.

22 Oct. 1906

8452. What time on Thursday?—About half-past six or seven, I should think. I would not be positive as to the time.

8453. What did you say to your wife about it?—I told her what I wanted. I asked her if she knew what had become of it.

8454. What did she say?—She gave me no answer. I must tell you I really believe—I do not know— that she attended at Lambeth Police Court that afternoon.

8455. Your wife told you she did not know what had become of it?—She refused to answer me.

8456. She would not answer you at all?—She would not answer.

8457. When did you get an answer?—I might say I have got answers of various sorts, but not the one that I wanted.

8458. When did you get any sort of answer first of all about this book?—The time I went home.

8459. What was the answer you got then?—That I could puzzle my head to look for it, or some words to that effect.

8460. What time of day was that?—About seven in the evening.

8461. When did you get any definite answer from your wife as to whether she knew anything at all about it?—I cannot say that she has ever answered that question—whenever she knew anything about it.

8462. Do you know what has become of it?—Yes.

8463. You do?—Yes.

8464. From whom did you get that information?—From my wife.

8465. What did she say about that?—She said she burnt it.

8466. When did she say that?—That transpired since I was in front of the Secretary this morning.

8467. To-day?—Yes.

8468. So that you came this morning and saw the Secretary?—Yes.

8469. And you told him you had not got the book?—I told him I had not got the one I was in hopes of being able to produce.

8470. What explanation did you give to the Secretary for the absence of this book this morning?—I told him what I thought—that the wife had destroyed it.

8471. You told him you thought so?—Yes.

8472. But you had no information at that time at all?—No, I cannot say I had the information then that I have now. I could not say positively I knew it was burnt until such time as now.

8473. After telling the Secretary this morning that your wife had destroyed it, you went home and saw your wife?—Yes.

8474. You have been trying since Thursday, I understand, till this morning to get an answer from your wife as to what had become of it?—Yes; more or less.

8475. And failed?—Yes.

8476. And you got that answer just before noon, did you?—Yes.

8477. What time in the forenoon?—About ten past twelve.

8478. How did you manage to get the answer at noon that you could not get since last Thursday?—In telling her as I told her before—I told her I would make her come here—and then she answered.

8479. What was the answer?—She said she had burnt it.

8480. She said she had burnt it?—Yes.

8481. She said so at ten past noon to-day. Was that the first time she ever acknowledged destroying it at all?—Yes, in that way.

8482. In what other way did she acknowledge it, if any?—She told me I could look for it, and puzzle my head. She made me think she had destroyed it, but she would not say she had, positively.

8483. Having a difficulty in getting that answer from her to-day, how did you overcome the difficulty?—It might have been in some manner that I might have used violence.

8484. You might have done, but did you?—No, I did not.

8485. How did you manage to get the answer to-day that you had failed to get from Thursday till Monday morning?—In telling her that I had come specially to bring her here to tell them what she had done with that book. Really we have not had the conversations over the book since Thursday that there might have been; and knowing that I had a great idea that she had destroyed this book, I went to look at these books to see whether there was anything in these books that would maintain that I have given these officers in the G Division money.

8485.* When did you bring those books?—This morning.

8486. (*Chairman.*) Have you brought your wife here?—Yes.

8487. Is she in court now?—Yes.

8488. (*Mr. R. D. Muir.*) She is here?—Yes.

8489. (*Chairman.*) I think it would be desirable to hear what Mrs. Platt has to say about it at once. You have finished your cross-examination about this lost or destroyed book?

(*Mr. R. D. Muir.*) Yes.

Mrs. Kate Platt, sworn.

Mrs. K. Platt.

8490. (*Chairman.*) Do you remember your husband coming back from here on Thursday last?—I have not a great memory, because we had had some words.

8491. Did you see him on Thursday last at all?—Yes, I must have seen him on Thursday.

8492. At what time?—I could not tell you.

8493. Were you in the house in the middle of the day?—I could not tell you exactly when I went up to the police court.

8494. What police court?—Lambeth. I think it was Thursday last. Last Wednesday morning, I think it was. You can get the account, no doubt, of what I said before the Magistrate.

8495. What did you appear before the Magistrate for?—We had a quarrel, and different things came out. I knew what he was doing of, and I was afraid of getting into trouble, and I wanted protection for myself and children.

8496. You knew "what he was doing of"?—Yes.

8497. You knew he was coming before us?—Yes, and I destroyed the book in some way because my brother is in the Police, and he has fifteen children.

8498. On Wednesday you knew your husband was coming to give evidence before us?—I did not know—not in a direct way.

8499. Not from him?—No.

8500. But you suspected he was coming?—Yes.

8501. On Wednesday morning?—I think it was Wednesday, because I had something else to trouble me. Dates I cannot tell you, but it can be proved if you make inquiries.

8502. What did you go to the police court for?—For protection.

8503. Did you address the Magistrate at all?—Yes.

8504. Who is the Magistrate?—That I could not tell you.

8505. At any rate, it was a Magistrate sitting in open court, you mean?—Yes.

8506. And you made an application to him?—I said I wanted a protection order.

8507. Did you give any reason?—Yes.

8508. What did you say?—I said my husband was breaking something that he had no business to do.

8509. Your husband was breaking something that he had no business to do?—Yes—the dinner service.

8510. (*Mr. Rufus Isaacs.*) He was breaking the dinner service?—Yes.

8511. (*Chairman.*) Did you refer then to something that had taken place at home about breaking the dinner service?—Yes, I told the Magistrate.

8512. When did you say he broke the dinner service?—On the application to the Magistrate.

8513. Was your application for a protection order founded on the fact that your husband had ill-used you in any way?—Yes.

8514. Do you mean personal violence?—Yes, but not the last time.

8515. I am talking about the last time?—No.

8516. What was the ground of your application to the Magistrate on Wednesday last?—I wanted protection for myself and children.

8517. Did the Magistrate ask you why?—He did ask me why.

8518. What did you say?—What could I say?

8519. I do not know?—I told him he was breaking up the home, and all he said was a man could do what he liked in his own home, and he would send a policeman to make inquiries.

8520. That was on Wednesday, I understand?—I could not tell you day and date, but one of the police will tell you better than me, because I am not used to it, and I never thought I should be here.

8521. On Thursday morning do you remember your husband leaving your house to come here?—No, I do not; I was out.

8522. When did you get back on the Thursday?—Thursday morning.

8523. (*Mr. Rufus Isaacs.*) Think for a moment?—I cannot think.

8524. Never mind about the day of the week, but did you go to the Lambeth Police Court on the same day that your husband came here and gave evidence?—No, that was on the Wednesday.

8525. You went the day before he gave evidence?—Yes, I am almost sure of that.

8526. The next day he came here to give his evidence?—Yes.

(*Chairman.*) Do you remember his coming back after giving evidence here?—No, I might have been out in a fit of temper.

8527. Did you see him at all on Thursday evening, the day after you had been to the police court?—I have seen him every day.

8528. Did you have any conversation with him?—No.

8529. He might have asked for something. He might have asked for the book?—No. In temper, you would be too wicked. Everybody has their domestic troubles.

8530. Did he ask you for the book?—I have had no conversation. He did ask me concerning a book which, as he spoke the truth, would get my brother in trouble—which had nothing to do with the case.

8531. Where was the book?—In the cheffonier.

8532. In the drawer?—Yes.

8533. In the cheffonier drawer?—Yes.

8534. Did you take the book away?—I did.

8535. On what day did you take it away?—I think that was on the Friday.

8536. That was last Friday?—Yes, I think it was last Friday; I would not be sure; it may have been on Thursday.

8537. What became of the book?—I burnt it in the kitchen.

8538. When?—On the Thursday, as far as I can think it out.

8539. Why did you do that? Tell us fully why you did that?—I have told you.

8540. Just repeat it?—I have a brother in the Force, and he has three years to go his time.

8541. (*Mr. Rufus Isaacs.*) Before he gets his pension?—Yes, and he has a great family; he has fifteen children, and I thought in some way what my husband is doing against the police might draw him into it. But there was nothing in the book; in fact, I never opened it. I just turned the leaves back, and I saw numbers and names. I never looked at any more. I put it on the fire. What the names were I could not tell you, nor the numbers either, it is no use saying I could.

8542. (*Chairman.*) You thought it might possibly affect your brother's chance of getting a pension?—Yes, because they know my husband has a brother-in-law in the Force.

8543. (*Mr. R. D. Muir.*) When did you tell your husband that you had burnt this book, if you ever told him?—I told him not directly, but indirectly. I told him he could do what he liked and find it, but he did not know really that I had burnt it.

8544. You have heard him give his evidence in the witness box?—Yes.

8545. Is that correct as to the conversation?—That is the truth.

8546. In what way could this possibly affect your brother who is in the Force?—That I do not know. He is only a police constable. He has his superiors above him.

8547. But how could this possibly affect him?—In one way, that his wife is in the habit of frequenting my place.

8548. I do not follow what is in your mind. How would the fact that your brother's wife is in the habit of coming to your place affect your brother in the police?—I do not know. They have done such wicked things to my husband that I do not know what they might do. They might take his pension away.

8549. How could destroying your husband's book affect your brother, because that is the reason you have given, and not that something would happen to your husband?—I did it in a fit of temper.

8550. How would it affect your brother?—I do not know.

(*Mr. Rufus Isaacs.*) I do not know whether you caught her words, but she said: "My brother is only a police-constable; he has superior officers above him."

8551. (*Mr. R. D. Muir.*) How would the existence of this book affect your brother?—In no way, but when he came up three years ago on the Deed case—he was called up, I believe—of course, as he has a brother-in-law they want to know something about what his brother-in-law is doing, which he did not. He did not know I was doing what I was. That is my own brother.

8552. Still I am not able to tell what is in your mind with regard to your fear as to your brother. How could the continued existence of this book affect your brother in any way?—In no way whatever, but I thought it would in my temper.

8553. Did you not think it would affect your husband?—I did not trouble about that. I burnt it in a temper.

8554. (*Chairman.*) As I understand it, although you did not expect that the book contained any entries about your brother, you were afraid that the police authorities might, in case other policemen were attacked by your husband, do something that might deprive your brother of his pension?—Certainly.

8555. (*Mr. Rufus Isaacs.*) He would be made responsible for what your husband was doing?—Certainly, it would affect him in some way.

8556. (*Mr. R. D. Muir.*) Have you ever seen your husband make entries in the book?—No.

8557. How did you know it was there?—I suppose, going about your own home, you must know a little?

8558. You mean you had seen it there?—Certainly.

8559. How long had you seen it there?—That I could not tell you.

8560. Why did you select this particular day, Thursday, as the day on which to destroy this book?—Because I was in a temper against him, or I should not have gone to the Magistrate about him, and of course I could not do nothing bad enough against him.

8561. You were in a worse temper the day before?—Yes.

Mrs K. Platt.

2 Oct. 1906.

8562. I suppose the day before that you had been in a temper too?—Yes, for a fortnight.

8563. Why was it on Thursday, after you came to this court, that you destroyed this book?—That I could not tell you. I might as well have taken the lot as have taken that one.

8564. (*Chairman.*) Did you know that your husband was coming to see Mr. Leslie, the Secretary of this Commission?—No, I knew he was coming to do something, but what it was I did not know.

8565. Had you heard anything of this Commission?—I am not quite so silly—you must hear something.

8566. Did you hear rumours that your husband was taking some action against the police or was quarrelling with the police, or anything of the kind?—Yes.

8567. (*Mr. Rufus Isaacs.*) Do you know why he was keeping this book?—No, I do not.

8568. But you knew that he was keeping it?—Yes. His partner saw it. He kept it on in case the police should come up against him, as far as I know.

8569. You knew that was the book in which he made these entries?—Yes, from the last time of his accident.

8570. That was some time in 1903, was it not?—The book that I destroyed?

8571. Yes?—Yes. What date it was I could not tell you.

8572. You knew he was keeping a book and making these entries, but you did not know from what date he started it?—No, and I do not know more than you sitting there what was in it.

8573. Except that you do remember there were numbers of police constables?—Yes.

8574. And any names?—I think only one. I did it in a fit of temper. I am sorry enough now, but that does not bring the book up.

8575. Did you see nothing but numbers?—Numbers, and then saw other things—betting and that, but to explain it to you I could not.

8576. I only want you to tell us what you saw when you opened the book. Had you ever seen it before?—Yes, I have seen it before, in a way of speaking.

8577. Had you seen your husband making entries?—I am not supposed to see him. He might go into another room. I have other matters to see to.

8578. Did you think there were entries in the book which affected the police?—Yes, I did.

8579. Which, if disclosed, would, in your opinion, prove something against the police?—Yes.

8580. And you knew that your husband was going to give evidence and intended to give evidence?—I heard so.

8581. I still do not follow why it was that you went to the Lambeth Police Court. Was it to get a protection order against your husband or against other people?—Against my husband.

8582. Were you anxious then that he should not give evidence about this?—I did not want him to.

8583. You thought he would get into trouble about it?—I did.

8584. And you did not want him to mix himself up in it?—I did not.

8585. You have your family to attend to?—Yes.

8586. And you have a brother in the Force. Then you quarrelled about this matter?—Yes.

8587. And in the course of the quarrel, I suppose, the dinner service was broken?—Yes.

8588. Then it was that you applied to the Magistrate at Lambeth Police Court for protection?—Yes.

8589. Did anybody advise you to do that?—No, it was done in a fit of temper. Nobody advised me to go.

8590. When did your husband break the dinner service. Was it before the Wednesday?—On the Tuesday, I think.

8591. So you went on Wednesday morning for an order?—Yes.

8592. (*Mr. Dickinson.*) You destroyed this book after you had quarrelled with your husband?—No. He came and asked me for the book. I told him to find it.

8593. That was on the evening of Thursday?—Yes, I think it was.

8594. Had you at that time burnt it?—Yes, I had burnt it on the Wednesday.

8595. You burnt it before Thursday?—Yes. If you give me time to think perhaps I shall think it out. You see I have other business matters.

8596. (*Chairman.*) Do you carry on any business yourself?—No.

8597. (*Mr. Dickinson.*) Did your brother or anybody speak to you about that book?—No, in fact my husband has not seen my brother twenty times in twenty years during the time we have been married.

8598. It was entirely your own idea?—Yes.

8599. Did your husband tell you the book would be useful in the case?—No. I merely thought I was doing my brother a turn. In fact, my brother does not like him.

8600. You thought the book was something which might be useful to your husband?—I did it in a mad temper.

8601. Did you know about the existence of the other books that your husband has given to us?—Yes, they have been upstairs in the servant's bedroom in the drawer.

8602. You knew what they were?—Yes.

8603. Did you have any conversation with your husband as to giving up those books?—I had nothing to do with it as regards that. A man can do as he likes, can't he? I have found that out.

8604. But I do not quite understand your being so anxious with regard to the book that you burnt?—That was nearest to hand, for one thing I had to go upstairs for those. Perhaps my temper would have cooled down by that time.

8605. You did not do anything to prevent your husband giving up the others?—No. What is the good?

8606. Did you think they would have anything in them that would help his case?—I knew he had the books, but I did not know what was in them; I knew they were as regards betting.

8607. You did nothing to prevent your husband from giving up those books at all?—No, certainly not. I wish I hadn't the other one.

8608. (*Mr. Rufus Isaacs.*) You wish you had not destroyed the book?—I do.

8609. (*Chairman.*) You knew, I suppose, all about the quarrel, as I may call it, of 1903, between Deed and your husband?—Certainly. The man came to my door.

8610. You knew what your husband had done in the matter?—Certainly, I knew all about that.

8611. And that he had given up business on his own account in consequence of that?—Yes, at various times.

8612. Did you have conversations with him about taking any action against the police. Did he tell you about the letters he was writing to Scotland Yard. He told us he wrote a great many letters to Scotland Yard?—Yes, but how often I could not say, because he might go in a room and shut the door. I have other business to do.

8613. Did you hear of his intention to come and give evidence before us at any time in the course of this summer—August or September?—I cannot say directly I did.

8614. You said you heard things, and that rumours had come to you?—Yes.

8615. Were they rumours about your husband taking some action about the police?—Yes, one day my husband was watched about, and for months and months before.

8616. You noticed that yourself?—I know it. I cannot prove it.

8617. What makes you think he has been watched for months?—Because he knows the men who have been watching him, and when he was watched about for three and a half hours one day he came indoors and said, "Look up the street; that man has been following me for three and a half hours."

8618. Did you see the man there?—I did.

8619. Mr. Platt told us about that. You saw the man, did you?—Yes.

8620. Your husband pointed him out when he got home?—He was standing on the green, facing my house. As to recognising him I could not.

8621. Recently, or in August or September, has anybody been watching your husband?—That I could not say.

8622. Was that the only occasion you know of?—That was the only case which has been pointed out to me directly. *Mrs. K. Platt.* 22 Oct. 1906.

8623. I understand you say you did know from what neighbours have told you, and somebody else, that your husband was going to do something against the police?—I thought so, because of the letters he was writing.

Mr. Alfred Francis Platt, recalled.

8624. (*Mr. R. D. Muir.*) This destroyed book related only to the period of March or April of this year?—From March up to July. *Mr. A. F. Platt.*

8625. I am asking you about the books before that. I understand you to say they contain no names and no dates of payments to individual constables?—No.

8626. In 1903 you have told us you were busily engaged in betting?—Yes.

8627. By permission of bribed police constables?—Yes.

8628. Those were uniformed officers and plain-clothed officers?—Yes.

8629. As I understand you, when that change in the procedure was made it created a difficulty for you. Previous to that you had been in the habit of bribing the C.I.D. men?—Yes.

8630. When the C.I.D. men were taken off that duty and uniformed men put on did you have any difficulty in bribing them?—No.

8631. None at all?—None at all.

8632. You found it just as easy to bribe four uniformed officers as you had previously found it to bribe the C.I.D. men?—Yes.

8633. The four men that you have mentioned by name. Deed was one of them?—Yes.

8634. I thoroughly understand the nature of your complaint against him. He attempted to obtain money from you by false pretences?—Yes.

8635. That is your complaint against him?—Yes.

8636. With regard to Powell, have you been bribing Powell?—From the first time I saw him. The first day I saw him he had money—the first day I appeared in the first conviction in 1903.

8637. Do you mean you were convicted upon his evidence before you had bribed him?—Yes

8638. Not after you had bribed him?—No.

8639. The date of that conviction was the 29th May, 1903?—I think that was the first one. That was not with Deed. That was a conviction obtained by Soer and Powell.

8640. Powell was the man who arrested you, apparently, and Soer was a witness against you besides Powell, was he?—Yes.

8641. I am dealing with Powell for the moment. You did not bribe him before that date at all?—No.

8642. Did you bribe him after that date?—Yes.

8643. Regularly?—I will not say regularly, but what time that I met him.

8644. Off and on?—I gave him the amount as I should come up to him. I do not say that I saw him on any fixed time of the week. It is quite possible for me not to see these men. They were not always out doing that duty.

8645. Do I understand you to say you paid him a weekly salary?—Yes.

8646. Suppose you did not see Powell for three weeks, would he call for three weeks' salary?—Not exactly.

8647. Then he would not be paid unless you saw him?—The explanation of that is these men were not always out on my particular ground. One of these officers (Soar) was out continuously on this duty.

8648. Do not pass away from Powell, because that only confuses us. We are dealing with Powell. Do you mean you paid him 10s. a week when you saw him on that duty?—10s. or £1.

8649. But why "Or £1"?—Sometimes I made it a little more, and sometimes it was less.

8650. Sometimes it was 10s., then?—I think I paid one 10s.

8651. Who was that to—Powell?—Yes.

8652. You paid him once 10s.?—Yes.

8653. But all the other weeks that you paid him you paid him £1?—Yes.

8654. You are quite clear about that?—Yes.

8655. How soon after this conviction did you begin to bribe Powell?—I started from then—five minutes after the first conviction.

8656. Just outside the court?—Yes.

8657. (*Mr. Rufus Isaacs.*) Before you pass from that I should like to understand this. It is not clear to me yet what the witness says about that. Was Powell paid so much a week? Suppose you did not see him for three weeks, when you did see him what did you give him then?—I perhaps would not give him fully for the three weeks of £1 each.

8658. I do not understand what you mean. You would not give him "Fully for the three weeks," but you would give him for the three weeks?—It might be 50s.

8659. You mean you would be paying him then for the three weeks, although you had not seen him during those three weeks?—Yes.

8660. (*Mr. R. D. Muir.*) He was paid £1 a week whether you saw him or not?—Yes.

8661. (*Chairman.*) £1 a week?—The various sums of money allotted would work out to that.

8662. (*Mr. R. D. Muir.*) To each of them?—Yes.

8663. As I understand you, as far as Powell was concerned, his was always £1 a week, except when you gave him 10s.?—Yes.

8664. Down to what date did you continue to see Powell and pay him regularly at the rate of £1 a week. We will not trouble about the 10s. a week?—Up to about October.

8665. Of 1903?—Yes. I should think that was the last payment I made about that time.

8666. Just look at your books and see if you have anything at all to confirm your statement in your book?—I have not.

8667. (*Chairman.*) This was all before 1903?—This is in 1903.

(*Mr. R. D. Muir.*) Beginning at the 29th May.

(*Chairman.*) I ought to have said before the Deed incident of 1903.

(*Mr. Rufus Isaacs.*) There was not a conviction under Powell's evidence until May, 1903.

8668. (*Mr. R. D. Muir.*) The period I am dealing with is 1903, when Powell arrested him. Then he goes on to October, 1903. Have you got anything at all in your book which corroborates your statement that during that time you were paying Powell any money?—No.

8669. (*Chairman.*) Have you kept your books for 1903?—I have never kept any books—only paying-out books.

8670. (*Mr. R. D. Muir.*) Did you see Powell regularly between those dates?—I might say so.

Mr. A. F. Platt.

22 Oct. 1906.

8671. You might say anything, but I want to know whether it is a fact that you saw him?—I saw him between the period I state.

8672. What duty was he on during that period?—I should think in most instances he was on uniform duty only on days when he was fetched out by Soer.

8673. So that during the whole of that period he was not doing any betting-watching duty at all. Is that what you say?—I could not say in every instance.

8674. Did you see Powell between May and October upon any occasion doing betting watching?—That I cannot say. I cannot say that he was.

8675. Why did you pay him £1 a week if he was not having anything to do with watching you betting?—Because I did not know any week that he might not come out again and do the same thing.

8676. So that, so far as you knew, he might never appear on the streets watching betting again, but you continued from May till October regularly paying him his £1 a week?—More or less, yes.

8677. Although he might never, up to this day, have been put on that duty at all?—Quite right.

8678. Do you know, as a fact, that he never was on betting duty between May and October, 1903?—How is it then he gave evidence against me at the police court, and got me fined?

8679. In May. Do you know as a fact that he never was on betting duty between May and October, 1903?—I cannot say that. My first conviction in Lambeth was the first conviction that ever I had.

8680. That is not an answer to my question in the least. The 29th May, 1903, is the date of your conviction. Do you know as a fact that Powell never did any betting duty at all between the months of May and October, 1903?—I cannot answer that. I cannot say whether he did or not. I know he never came out to have me any more.

8681. And you ask the Commission to believe that you were paying that man £1 a week all that time, although he was not doing betting duty at all?—Yes.

8682. How many people did you pay £1 a week to who were not doing betting duty?—No others.

8683. Then you knew this man was not doing betting duty, did you?—I knew he was not out as often as the other officers.

8684. I have told you I quite understand your complaint against Deed. What was your complaint against Powell?—I had to bring his name in with the others to prove that these other officers never convicted me only at certain times, to prove what I was doing.

8685. What is your complaint as against Powell individually, apart from Deed?—My complaint was that he had been receiving these monies.

8686. But you wanted him to receive the monies?—Yes.

8687. You could not carry on your business according to you, unless he did. What was your complaint against him?—It was that I could not continue my business.

8688. What was your complaint against Powell. Why should you bear him any ill will, and desire to have him dismissed from the Force?—I had stated, as I understand, in my complaint, that these officers came out to do duty.

8689. Which complaint are you speaking of now?—When I wrote to the Commissioner.

8690. About Deed, do you mean?—Yes, or at the time of my complaint of Deed at the station, I made some assertions then to them that they should do such a trick to me after I was paying them as I was.

8691. Let us eliminate Deed. Deed was dismissed, and you knew it?—Yes.

8692. After Deed was dismissed did you continue (you have told us you did) to lodge complaints against the remaining three officers, including Powell?—Yes.

8693. What was your complaint against Powell then? That he had received these monies off me.

8694. Why should you complain of that?—For the simple reason that they had stopped me from betting where I was.

8695. Powell was one of the officers who might come out any day and stop you?—Yes.

8696. That was your reason of complaining?—Yes, that was my reason.

8697. I do not know whether you see that if your unsupported word was accepted against a police officer every police officer who did his duty with regard to betting would be dismissed from the Force?—I was relying on one thing, which I hope to be able to prove here. If I could show why I was giving them these monies I think it would be sufficient proof that they were receiving those monies.

8698. Why did you want to have the men who took the money dismissed from the Force?—They would stop me from betting.

8699. They would not if they took the money?—They would under the circumstances.

8700. (*Mr. Rufus Isaacs.*) Under what circumstances?—The circumstances arise in this way. One day I failed to make an appointment with Soer. I was sent for to go home—my daughter was there—and because I failed to meet him that day I placed another man who was working other business there for the time being. Deed told Soer I would come to him. I had the man placed there for the purpose of receiving slips. In my absence—I was not there—Soar took him some distance away from where he first observed him, and then afterwards he came back and took me.

8701. To where?—To the charge room. That day he never saw me take a paper.

8702. (*Chairman.*) What day was that?—I think this was in September.

8703. This was some time after the 29th May conviction?—Yes.

8704. What happened then. Were you convicted again?—Yes, I pleaded guilty.

(*Mr. R. D. Muir.*) That date was the 28th August. Of course this is away from the precise man I am dealing with.

(*Mr. Rufus Isaacs.*) Yes, only I wished him to explain what he meant by "under the circumstances."

8705. (*Mr. R. D. Muir.*) Did you want Powell dismissed from the Force?—Yes.

8706. In complaining against Powell you wanted him dismissed from the Force?—Yes.

8707. Powell only convicted you once?—That is all.

8708. In May, 1903?—Yes.

8709. According to your story he had received your bribes regularly after that date, had he not?—Yes.

8710. And he never convicted you again?—No.

8711. Is that right?—That is right.

8712. Why should you want Powell dismissed from the Force. He was your very man?—I discontinued betting. The police had stopped me from using certain premises. I thought they had no right to have me warned off those premises.

8713. (*Chairman.*) As I understand it, after the Deed incident you gave up carrying on your bookmaking business in the streets in the Lambeth division?—Yes, in the way I had been doing.

8714. You were dissatisfied with the treatment you had received from the police?—Yes.

8715. Thereupon, notwithstanding the fact that Deed was dismissed, you wrote to Scotland Yard to tell the Commissioner that Soer and Powell had been receiving bribes from you,—Yes, much to that effect.

8716. The reason was that you thought you had been treated unfairly by Deed, Soer and Powell and another constable?—Yes.

8717. You were in fact compelled to give up your business?—Yes.

8718. Thereupon you wrote to tell the Commissioner what the relations were according to you that existed between you and the police?—Yes.

8719. In what way had Powell treated you unfairly?—In taking me and a friend that day, knowing that I had been warned off the premises.

8720. (*Mr. R. D. Muir.*) In what way had Powell treated you unfairly?—In no way at all.

8721. Why did you want Powell dismissed from

the Force?—For the simple reason that I had to let them know that he was receiving these monies in company with these others.

8722. Why?—Not to arrest me.

8723. Powell had done, according to you, exactly what he was paid for?—That is right.

8724. Why did you want Powell dismissed from the Force?—Because I wanted to have these men out that had received these monies from me.

8725. Why should you want to have the men out who had received money from you?—Because the police authorities had complained of me and stopped me from not being able to go where I wanted in the times of the day that I wanted. Therefore I thought I should like to get some of these men punished.

8726. And Powell was one of the men who, according to you, stopped you from betting?—I cannot say. His superiors, I put it down to.

8727. Why did you want to dismiss him, Powell?—Because I had complained of each one of these men who had received these monies.

8728. So far as Powell is concerned on the only occasion on which he came in contact with you betting at all he took you into custody?—That is right.

8729. He was the man against whom you complained and you desired to have him dismissed from the Force?—I have to include him in that way.

8730. Now, with regard to Soer. When did you first begin to bribe Soer?—The same date.

8731. That is, the 29th May?—Yes.

8732. Up to that time you had not bribed Soer?—No.

8733. Was he paid a weekly wage?—Yes.

8734. How much?—About £1 a week.

8735. Was it about, you know?—Sometimes it was a little more, but it averaged out at that.

8736. You are the person who knows about this if anybody does. What was it you paid Soer?—Sometimes it was £1, sometimes it was 10s.

8737. How often £1 and how often 10s.?—Every week.

8738. Was it oftener £1 or oftener 10s.?—Oftener £1. It was £1.

8739. You only paid Powell 10s. on one occasion. Did you pay Soer equally highly?—Yes.

8740. Were there very few occasions on which it was 10s.?—Yes, very, very few.

8741. Nearly always £1?—Yes.

8742. So that practically you may say it was £1 a week?—Yes.

8743. That is what you say now?—Yes.

8744. You would not think of saying you had paid him 10s. a week?—No.

8745. £1 is what you say?—Yes.

8746. Down to what period did you pay him £1 a week?—Down to almost the last hour of betting—October.

8747. Of 1903?—Yes.

8748. Did you see Soer frequently on betting business?—Yes.

8749. Daily?—I cannot say daily—frequently.

8750. Almost daily?—Frequently.

8751. Almost daily?—I cannot say that.

8752. Every week?—More or less.

8753. Can you fix any date at all with regard to Soer?—No, I cannot say I can fix any dates.

8754. There is no week in all the months between May and October that you will pledge your oath to that you saw Soer looking after you betting?—Only on the days I would be positive to—them days.

8755. That they arrested you?—Yes.

8756. But with regard to any other week during the whole of those months will you pledge your oath that you saw Soer in plain clothes there looking after betting?

(*Chairman.*) I understand his statement is that he paid Soar not to look after him.

(*Mr. R. D. Muir.*) But he saw him. He could not have paid him unless he did.

8757. Will you pledge your oath to any single week in all those months?—The week that I was arrested in company with another man. I cannot pledge myself.

8758. When a man arrests you you are safe in that statement?—It was the morning before I had been in his company.

8759. A man of your intelligence knows that we have that man's duties recorded?—Yes.

8760. So that if you can fix any date we can say whether you were betting or not. Now will you fix a date?—Perhaps he was not always after me the same week.

8761. Now will you fix a date?—I will fix the day previous to my September conviction—I previously made arrangements as to what time I was to go.

8762. You were convicted on the 28th August?

(*Chairman.*) Do I understand you to say you were paying this money when Soer was in uniform and on his beat?—No.

8763. (*Mr. R. D. Muir.*) It is the exact contrary. His suggestion is that he paid him when he was in plain clothes, and on the duty of watching betting.

8764. I want you to fix any date. Can you fix any date?—I fix the day previous to my being convicted.

8765. The day before?—Yes.

8766. At what time the day before do you say you saw Soar?

8767-8. (*Chairman.*) During these months, from May to October, had a change been made from the C.I.D. method of watching betting to the uniformed men's method?—I think it had been made previously to that.

(*Mr. R. D. Muir.*) It had been made previously, I understand the witness to say, but I have not before me the exact date when the change was made to the uniformed men; but those are uniformed men.

(*Chairman.*) Then from May to October, 1903, the officers engaged in watching betting in Lambeth were uniformed men.

(*Mr. R. D. Muir.*) That is so?—Not in the way, perhaps, that this gentleman puts it. We term uniformed men those who by order of their superiors are sent out on plain clothes duty on certain days to arrest us; in ordinary course they are uniformed men.

8769. (*Mr. Rufus Isaacs.*) Uniformed men not in uniform?—Yes.

(*Mr. R. D. Muir.*) That is so.

8770. (*Chairman.*) I understand your evidence is this, that when Soer, for instance, was sent out into a district to watch betting, what you paid him for was not to be in the street at the very moment when you were carrying on your operations?—That is right.

8771. So that you would not see him at all?—Yes.

8772. (*Mr. R. D. Muir.*) I never heard that suggestion made before. I understand he accepts it?—Perhaps I cannot make you fully understand what I mean on this point. The day before he came to arrest me he would simply pass by the top of the street previously to my going down. I would simply go along and say "All right, I will meet you at half-past two, or a quarter to three," or whatever time it was.

8773. (*Chairman.*) And then you would be arrested?—Yes.

8774. (*Mr. Rufus Isaacs.*) Would you say this to him?—Yes.

8775. Did you arrange the conviction?—Yes.

8776. You fixed a time. Is that so?—It is the usual thing with us men. We have gone in every three, four, or five weeks.

8777. I understood you to say that you were acting in collusion with the police, and that it was in consequence of that that you were arrested. Who suggested the conviction? According to what you were telling me just now (that was the novelty to me), it was you who said when and where you were to be arrested?—On the day that he would show himself he would say "To-day." I said "Very well, at half-past two or a quarter to three."

8778. Do you mean that he intimated to you that you were to be arrested?—Yes.

8779. Then you said at what time?—Yes.

8780. And then he came along and you were arrested at that time?—Yes.

Mr. A. F. Platt.

22 Oct. 1906.

8781. (*Mr. R. D. Muir.*) The point I was on was this. You pledge yourself that you saw Soer on the 27th August, the day before the date of what you call your September conviction?—Yes.

8782. You were arrested on the 28th August?—Yes.

8783. You say you saw him the day before?—Yes.

8784. In plain clothes?—Yes.

8785. Where did you see him?—He passed the top of the street where I was betting.

8786. Which street?—I could not tell the name of the street.

8787. Something is due to those officers who up to the present have got unblemished characters in the way of providing them with particulars of the accusations made against them, and providing them with the means of defending themselves against such particulars. What street do you say?—A street leading out of, I think it is, Aubin Street. I think that was the street, but I am not positive of that.

8788. (*Chairman.*) Could you point it out on a map if we gave you a map of London?—Yes.

8789. (*Mr. R. D. Muir.*) Were you in that street at the time you saw Soer?—Yes.

8790. You pledge yourself to that?—Yes.

8791. Betting?—Yes.

8792. Did you speak to him?—Yes, I left the street that I was doing my business in and followed him a little further along what I believe they term the approach, but I would not be positive, and he said: "You will have to go down to-day; be up here at half-past two," to meet him at the Lying-in Hospital in Stamford Street.

8793. He said, "You had better go down to-day"?—That was the meaning of it.

8794. "You had better go down to-day." Is that what he said?—Yes.

8795. Meaning you had to be convicted?—Yes.

8796. He said that?—Yes.

8797. Was anyone with him at that time?—I do not think there was at that time—not to say actually in his company—perhaps a few yards away from him.

8798. What time of day was that?—The time I go for what we term doing our business.

8799. What time is that?—Between the hours of 12 and 3.

8800. Did you go down that day. Were you convicted that day?—No, I did not go down that day.

8801. How was that. You had arranged it all quite nicely?—Because I had been sent for, having a daughter ill.

8802. At what hour was it that this conversation took place between you and Soer?—I could not fix the exact hour, but I should say between the hours of 12 and 3.

8803. It must have been considerably before three?—Yes.

8804. Was it before two?—I should think so.

8805. Will you tell us the hour when you agreed to go into custody?—I could not say to the positive hour, but during them hours—12 to three. I had seen him, we will say, between 12 and two, or one, or something like that.

8806. Do you see the disadvantage at which you place Police-constable Soer? You say you had this guilty conversation with him at a particular place, and you do not name the hour. He might be able to show where he was?—Yes.

8807. Cannot you fix it a little more closely?—I cannot positively fix the exact hour of the day.

8808. Have you an atom of corroboration of any sort that you had that conversation with Soer?—Have I any actual corroboration?

8809. Have you any shadow of corroboration of any sort?—Yes.

8810. What is it?—The Occurrence Book will prove that I was never in the police station only at the times I say.

8811. At what times?—That is the time I had arranged to go down with him.

8812. What time?—About three or quarter to three.

8813. How does that prove that you had arranged it, because you were arrested about a quarter to three?—The other methods I have to try and show——.

8814. Let us deal with this one. How does the fact that you were arrested about quarter to three show that you had arranged to be arrested?—It shows this. To prove I must have had this conversation with this officer, why was I never summoned?

8815. Why were you never summoned?—Yes, when he must have had numerous cases, in the neighbourhood, of bookmakers that he summoned.

8816. That is not answering my question which I put to you. You said it was corroboration because you were arrested at quarter to three. Why should your arrest at quarter to three be a corroboration of your statement that it was arranged with the constable?—I had not been taken into the station on the two occasions I was, only at the hours I have made appointments with him for.

8817. Why should that show that it was arranged with the constable?—The fact of my never being summoned must show there must have been some collusion between us.

8818. Do not go from the point. Why should an arrest at a quarter to three show that there was an arrangement with the constable?—Because the book would show that other men that did not do this thing that I was doing were taken earlier in the day.

(*Chairman.*) He says Soer saw him carrying on his business at 12 o'clock, and he was not arrested until quarter to three, and he says "That is corroboration that Soer and I were in collusion."

8819. (*Mr. Rufus Isaacs.*) He does allege that earlier in the day others who were doing the same thing were summoned?—Were taken or had summonses served upon them.

8820. (*Mr. R. D. Muir.*) We shall have to search the records of the Lambeth Police Court. Let me suggest to you another reason why you should be arrested at a quarter to three. Is it not extremely valuable evidence corrobating a police-constable that you had been betting that a number of betting slips should be found on your person?—Not always.

8821. Is it not valuable from the point of view of the policeman who wants to show that you have been betting?—Yes.

8822. Therefore the nearer the close of racing hours he arrests you the more slips you will have in your possession?—Yes.

8823. Is not that enough to account for your being arrested at quarter to three?—No.

8824. Do you say you were arrested at a quarter to three on every day?—On two occasions.

8825. You have only been arrested four times?—Yes.

8826. Do you say you were arrested at a quarter to three on every occasion?—No.

8827. Then what of the value of your quarter to three?—The first time I stated I was bribing him was the first time I had been convicted. That was the first time I got into collision with him. I think I went into the station about half-past one.

8828. It was about 1.45?—I think I went into the station about 1.30.

(*Chairman.*) On that occasion you had never given any money to Soar?

(*Mr. Rufus Isaacs.*) The 29th of May, was it not?

(*Mr. R. D. Muir.*) Yes.

8829. There were only four arrests altogether?—And no summonses.

8830. We will see about the value of your quarter to three arrangement. The next time at a quarter to three was the 1st of August, when you were arrested by Soer. Is that right?—If you say so, yes. I have not got the dates.

8831. The 1st of August, arrested by Soer and taken to the police station at a quarter to three. You arrived at the police station at a quarter to three. How far is the police station from your pitch?—A matter of five or six minutes' walk.

8832. You had been paying throughout the months of June and July, do I understand you to say?—Yes.

8833. No arrests at all?—No.

8834. You were arrested on the 1st August. You had two months' run then?—Is that what it says?

8835. It says the 1st of August.

(*Mr. Rufus Isaacs.*) No arrests and no summonses.

8836. (*Mr. R. D. Muir.*) You had two months' clear run. Then you were arrested again on the 28th. That was your September conviction?—Yes.

8837. When do you say you were arrested then?—After he had previously taken the friend that I had there taking my papers.

8838. At what hour by the clock do you say you were arrested on the 28th August?—Is that my third conviction—the 28th August?

8839. Yes?—About the same time.

8840. You say you arranged it for a quarter to three?—Yes, that would be about the time, I think.

8841. You say you arranged it for a quarter to three?—Yes, as near as possible at that time.

8842. At half-past two you were at the police station, six minutes' walk from your pitch?—Yes.

8843. There was a quarter of an hour's good betting lost to you that day?—Yes.

8844. The fourth arrest was on the 13th October, 2.45—a quarter to three. So that what you found your argument upon is two arrests at a quarter to three—that is to say, reaching the police station at a quarter to three—and one of them reaching the police station at half-past two?—Yes.

8845. You say you arranged that?—Yes.

8846. Arranged the hour?—Yes. Very likely it was possible for Soer to have gone somewhere else, and I went down a trifle earlier that day under those conditions.

8847. To oblige Soer?—That is right.

8848. You have spoken about absence of summonses against you, proving that these arrests were collusive?—Yes.

8849. Do you remember telling the Commission when you first gave your evidence that you generally had a man at the end of the street watching the people who were coming along?—Yes.

8850. And that you generally got word when they came along?—Yes.

8851. And that you knew people were doing the watching?—Yes.

8852. And your scouts knew them too?—Yes.

8853. Would it not be rather difficult for a policeman to catch you betting on your pitch?—Yes, under the circumstances, but not under every circumstance.

8854. And if he did see you betting there might be an absence of corroboration?—No, I do not look at it in that way.

8855. He could only see you for a moment or two?—That is right.

8856. Because your scouts would give you instant warning?—Not with such as him.

8857. I am talking of an honest police constable who would not take a bribe?—You are asking a question as to this particular pitch at Waterloo. I did not need to have lookers out—not after this man. On these pitches in Clerkenwell——

8858. I am assuming, and you will pardon the assumption, that the constables are doing their duty honestly. I want to see the value of your argument about a summons. He would only see you momentarily. He could not watch you for any length of time?—Yes, he could.

8859. An honest constable?—Yes.

8860. With your scouts about?—I did not have scouts at Waterloo.

8861. You told us that you could have them?—The scouts I employ are at Clerkenwell.

8862. You told us you could have them?—At the place I betted they could not get within a matter of thirty or forty yards, and whenever they could get near me I could go and shut a door. That is why I was never caught for betting purposes previous to May. So that brought out Powell, who had never done a lot of his duty, and I really did not know him till he got to me. Soer had failed to catch me previously to that; he must have gone back to the station himself and fetched Powell out, knowing he was not so well known as he was, for Powell to be able to get closer to me, which he succeeded in doing.

8863. Do I understand now at this pitch in Lambeth you could pop out of sight directly a policeman came into view?—Yes.

8864. So that he could not watch you for any length of time at all?—Not without my knowledge.

8865-6. Therefore there would be an absence of corroboration assuming you were doing your best to escape conviction, and they were doing their best to catch you. It was no use summoning you in those circumstances?—The methods that they pursue in summoning people, if they are wicked enough, is one of the reasons I was giving this money, but not to make them wicked. If they are wicked enough, I understand that these men can get hold of a man and send a paper to you, and if that paper is found on you they know the name. That is the method they pursue in granting summonses.

8867. On a summons you are not searched at all?—No. I have never been summoned. I cannot say.

8868. The summons is delayed for days after the bets mentioned in the summons?—I believe so.

8869. And if a bookmaker is particularly clever, and has good scouts, the only way of catching him is by arrest, with the corroboration of the slips upon him?—When people give them trouble, not being able to catch them (I made no trouble to be caught), the method they pursue then is to summon them.

8870. They have no evidence against the man?—The way they obtain evidence is in getting hold of the man that they know he is betting with. They know the horses that that man has written down and the name of the paper, and therefore they can summon you.

8871. Slips will not be found on you when you are summoned, because you are never searched at all?—Not that I know of.

8872. There is no summons there where conviction is filled in?—Where a man, before he is summoned, has been previously convicted for that offence, when the Magistrate is deciding that case—it is the usual method—he naturally asks if there has ever been a conviction against the man, and of course that is conclusive that he is still doing the business.

8873. A conviction without evidence—is that your suggestion?—Not in that shape. If it is proved that I am a bookmaker and I have been fined on previous occasions, that is a great thing that the Magistrate takes into consideration in fining a man on these summonses. It helps the evidence of the officers. They say "This man was convicted" so-and-so, and they swear they were in the same street.

8874. You know something about this business. What percentage of the men who are taken up for street bookmaking plead guilty, pay their fines, and go their way within two seconds of their stepping into the dock—is it 99 and some fraction per cent.?—I would not say that. There are several of them who have done so, but since the summonses were served there are more men convicted than were convicted the other way.

8875. Do not they plead guilty and pay their £5?—When they are caught.

8876. (*Mr. Rufus Isaacs.*) Are you suggesting they are convicted when they have not committed the offence?—I do not say that, but they are in that street on a particular day and time and these officers know it, but they cannot get near those men to see actually what they are doing. They might see a man go down that entry or come into the street where you are doing your business, and they might get on to the tops of houses, and I believe it is the fact that some of these policemen in doing their duty go through private persons' houses.

8877. If what you are saying is correct in answering Mr. Muir it is more easy for a policeman if he wishes to get a conviction on a summons to do it?—Yes.

8878-9. (*Chairman.*) Is this place, Aubin Street, or whatever the street is to which you refer in Lambeth. When you were on your pitch there, did you habitually employ scouts?—No.

8880. Why not?—It was not needful.

8881. (*Mr. R. D. Muir.*) That statement that you did not employ scouts rests entirely on your word?—

Mr. A. F. Platt.

22 Oct. 1906.

When you use the term "scouts" I did not have any men under a weekly sum of money working for me.

8882. What do you mean by "scouts"?—A tout that I employ to see these men, who are well known.

8883. To watch them?—Yes.

8884. I call them scouts?—That is right, sir.

8885. Did you employ people who were not paid a weekly wage to do that?—No.

8886. Who did you employ?—I employed really nobody.

8887. That assertion of yours that you employed nobody to scout for you rests absolutely on your word?—Yes.

8888. With regard to Soer, you have mentioned the fact that there was no summons as you suggest corroborates your statement that those arrests were arranged. Is there any sort of corroboration outside of those two arguments that Soer ever received a farthing from you for any purpose at all?—The proof would be in bringing up the men that he did summons and get convictions against in a greater proportion to what I had.

8889. Might it not be that your scouts were cleverer or that you were cleverer?—I tell you I had no scouts.

8890. I want to know what beside your bare word that Soer ever received a farthing from you have you got to lay before this Commission?—These books will prove the convictions against me in such a few cases as compared with the other men who were betting in the district who did not pay.

8891. You have given several reasons why that should be so, one of them is that you could always get warning if you wanted it, and the other is that you always popped in at a door?—I was speaking in general terms that as a body we men did employ scouts. These men know who go out to do this police duty; then when they are seen coming down the street the man has got a tout, and that man disappears, and all the time that officer is in the vicinity in the generality of cases the man does not leave whatever premises he enters. There is no doubt these men have had to stop out till half-past three and four, and then not bring a man in, for the simple reason that these men have discontinued their business during the time they have known the officers were in their vicinity.

8892. Have you any corroboration of any kind of your statement that you paid any money to Soer for any purpose whatever?—I think the fact that I have never been summoned is sufficient corroboration.

8893. I do not want to go over the old ground, but is there any other ground that you can suggest that would afford corroboration of your statement?—No.

8894. Gunn was another man of whom you complained—No. 209. Did you bribe Gunn?—Yes.

8895. When did you begin to bribe Gunn?—From the first time he arrested me.

8896. When did Gunn arrest you?—You have got the date there.

8897. The only two constables who are down as having arrested you are Powell and Soer?—And Deed and Gunn.

8898. What time was it that Gunn arrested you or gave evidence against you?—I think it was the second time. I would not be positive about that, but I think it was.

8899. On the second conviction and the third conviction Gunn was a witness against you on both of these occasions. When did you begin to bribe Gunn?—From the first time that he put his hands upon me.

8900. That was from the 1st August?—Yes.

8901. That is when Soar arrested you?—He accompanied Gunn, I believe. The first time I was arrested by Soer and Powell.

8902. Do not let us go back on that, we are talking about Gunn. Gunn arrested you for the first time on the 1st August?—Yes.

8903. You say you began to bribe him from that date?—That is right.

8904. Where did you give him the first bribe?—After we came out of the police court.

8905. Not before you went in, but after you came out?—Yes.

8906. How much was it that time?—The average of the others.

8907. £1?—Yes.

8908. Did you pay him £1 a week?—Yes.

8909. Regularly?—In the manner that I have described in which I made payments to others.

8910. Did you continue that down to October, like you did the others?—Yes.

8911. Did you see him weekly?—No, I cannot say I saw him every week.

8912. Almost weekly?—Put it that way.

8913. In plain clothes?—Not always.

8914. When you bribed him was he in plain clothes?—I should say so. He was never in uniform whenever gave him any money.

8915. He was always in plain clothes when you bribed him?—Yes.

8916. And you bribed him practically every week?—It amounts to that.

8917. Did you see him on duty in plain clothes during that period?—I cannot say.

8918. You will not fix any date?—No.

8919. Have you got any sort of corroboration other than the kind you have mentioned with regard to Soer, that you ever paid Gunn any money?—Not that know of.

8920. So it is your word against his?—Virtually, yes. There are only these facts leading up to it, that these men had other bookmakers summoned who did not pay the money.

8921. That you have mentioned already with regard to Soar. I do not want you to repeat that, but have you any any other ground on which you ask that you should be believed rather than he?—No—not unless others are coming forward.

8922. None that you know of?—No.

8923. With regard to Soer and Gunn, have you any different sort of complaint to make against them to what you have made against Powell, or is it the same sort of complaint?—The same sort of complaint.

8924. So that all those three men who took your bribes, and did give you value for your money, you wanted dismissed from the Force?—Yes.

8925. Have you given up betting?—Yes.

8926. Absolutely?—Yes.

8927. Since July?—Yes.

8928. When was the date that you gave up betting?—I gave it up since July.

8929. You have not done any betting since July?—No.

8930. Either directly or through any agents?—That is so.

8931. You are quite clear about that?—Yes.

8932. What have you been doing since then?—Walking about.

8933. I mean what have you been doing for a living since July?—There was no need to do anything. In the case of a man who has been betting all the years that I have, or covering the number of years that I say, I really have not got the character to get anything else, even if I wanted to obtain employment.

8934. I do not say you should get employment, but do you mean you were living on your means?—Yes, virtually that.

8935. With your betting all those years you have achieved an independence?—No.

8936. What do you mean?—I mean that it is not all bookmakers who are able to retire over betting. I suppose we know there are bookmakers who cannot always pay their liabilities.

8937. I am afraid I have not made my meaning plain to you. You have not been doing any betting since July?—No.

8938. What have you been doing for a living since July? How have you been keeping yourself and your

family?—I have been living on the proceeds of earnings that are derived at the door of my residence.

8939. What sort of earnings are they?—It is business that I do not interfere with, only in the case of going and asking people.

8940. What sort of business is it?—A tally sort of business—a money-lending business.

8941. (*Mr. Rufus Isaacs.*) Is that the business that your wife said she carried on?—Yes. There are 300 or 400 people at times.

8942. (*Mr. R. D. Muir.*) Whose business is this money-lending business?—It is really hers. I have virtually given it over to her.

8943. When did you give the money-lending business over to your wife?—Almost from the first year we started.

8944. When did you first start the money-lending business with your wife?—She was practically doing it unbeknown to me, because going out of a morning I never came in till late in the evening, except under very exceptional circumstances. I did not know she was doing it.

8945. Who started this business?—I had given her moneys, and in the neighbourhood that we lived people knowing that she had a few pounds would come to her and ask her for the money.

8946. I want a plain answer to that question: who started the money-lending business, you or your wife?—I really started it.

8947. You started it?—Yes.

8948. How long did you carry it on before you handed it over to your wife?—About twelve months. When I say I virtually carried it on, I virtually did the bookkeeping for my wife.

8949. The money-lending bookkeeping?—Yes. I kept those books up to a certain date, and as I found she was not exactly conducting the business in the way that I wanted it carried on, and, of course, my being out betting, or, as I eventually turned to, cabbing and betting, I had to leave her to run the business, so when I found she had got into a bad state, and would not go on my plan—because ever since I can remember myself I have been connected with money-lending terms, and I know the different ways that people will try and get money—as she would not carry it on my way with the money that I had given her, I said, "It is done with—do it your own way."

8950. When did that happen, that you turned the business, which you had conducted for twelve or eighteen months yourself, over to your wife. When did you do that?—About five or six years ago. That is really one of the points that we are at loggerheads over.

8951. But as I understand you your wife since July has been keeping you out of this money-lending business?—Yes; longer than that I may say. Whatever sums of money I have wanted, perhaps, I have turned round to ask her, and I have been unfortunate enough to make great losses, and that is why there is a bad feeling between us. I have had this money for betting purposes that she has been able to get in other ways.

8952. You have been without money or the means of earning money at all since July of this year?—Virtually since the time my cab licence was stopped, and then I had to solely rely on the bookmaking.

8953. Your cab licence was stopped after you had been four times convicted of betting in the street?—Yes.

8954. By your own arrangement and on your own plea of guilty?—Yes.

8955. Do you suggest that was not time to stop it?—I do not know.

8956. But that was the period at which your cab licence was stopped?—If they are going to tell me that was the reason my cab licence was stopped, why was I a fit and proper person to have my cab licence granted when I had been fined for betting?

8957. What name were you convicted under?—The name of Smith.

8958. In what name did you hold your cab licence?—In the name of Platt.

(*Mr. Rufus Isaacs.*) You ask him in what name he was convicted. Are you referring to the four convictions?

(*Mr. R. D. Muir.*) Yes, all of them.

(*The Witness.*) When I was fined at Bow Street I was fined in the name of Platt.

8959. (*Mr. R. D. Muir.*) How many times have you been convicted for betting?—Five or six times, I should think.

8960. We know of four. You have mentioned another one at Bow Street, that is five. Any more?—I do not think so. I am not positive as to that, because it is a long time to think back.

8961. You have an excellent memory?—For these particular things, but when I go back to that number of years I do not know whether I was convicted four or five times at Bow Street. I know I have been convicted at Bow Street for betting and for assault.

8962. How often have you been convicted for betting?—I think five times.

8963. Would you swear you have not been convicted oftener for betting?—It may be one or two more occasions, but I do not think so. I do not think it was more than five times.

8964. You would not swear it was not seven times?—I cannot positively swear it was not.

8965. Or more than seven?—No, I would not. I do not think it has been the number of times I have stated.

8966. You have mentioned a conviction for an assault. Is that the only conviction for assault?—Yes, I think so.

8967. You are quite clear about that?—Yes.

8968. Have you any other convictions besides those?—I had one for a cab offence when I was driving a cab.

8969. I am not asking you for cab offences, but any other convictions, betting or assault, or anything of that kind, or any other sort except cab offences?—None that I know of.

(*Mr. Rufus Isaacs.*) I am not sure that I follow this. There are the four you told us of, the one for assault, and what else?

(*Mr. R. D. Muir.*) One at Bow Street for betting, but he will not swear that it may not have been one or two more besides those five for betting, and he has sworn that besides those he has had no other convictions except for cab offences.

8970. (*Mr. Rufus Isaacs.*) Was the conviction at Bow Street for betting before the 29th May, 1903?—Yes.

8971. (*Mr. R. D. Muir.*) Can you tell me when your first conviction for betting was?—Speaking from memory (and I am in hopes that they keep all these records) I think it was 1897.

8972. That is the one at Bow Street?—Yes, I think that is the year.

8973. What name were you convicted in that time?—In the name of Platt.

8974. What Christian name?—Alfred Platt.

8975. Any other Christian name did you give at that time?—I do not know whether I gave the name of Alfred Francis Platt. I may have said Alfred Platt, or I may have said Alfred Francis Platt.

8976. You think it was Platt at that time?—It was. I have a cutting out of a newspaper. As that was the first time that I had been fined, and it was reported, I think I took it out of the paper in this way, in trying to defeat the police there who had succeeded in apprehending me I secreted the papers in the legs of my trousers.

8977. Which papers?—The papers as you say help the police to obtain a conviction—our slips.

8978. What address did you give at Bow Street?—I could not say. It is not needful—I found it was always not needful—to give your correct name and address, and at the same time I never wished, in case of any inquiry, for my wife to be upset.

8979. May I take it you gave a false address at Bow Street?—It is possible.

8980. So that there would be some difficulty in

Mr. A. F. Platt.

22 Oct. 1906.

identifying Platt the bookie, if I may use the expression, with Platt the cab driver, if you gave a false address?—I had no cab during this time.

8981. (*Chairman.*) When was the licence refused?—In February, 1904.

8982. (*Mr. Rufus Isaacs.*) When did you first have it?—I think I had it five or six years. I really was not holding a cab licence at the time I was convicted at Bow Street.

8983. (*Chairman.*) That was 1897?—I think it was 1897.

(*Mr. R. D. Muir.*) You remember, sir, how I came to ask about that?

(*Chairman.*) Yes.

8984. (*Mr. R. D. Muir.*) A false name at Lambeth and a false address too, was it not?—Yes. It was in the immediate vicinity of where I was living.

8985. But a false address?—Not what you would term a false address.

8986. An address which was not your address?—It is a place that I was not sleeping in.

8987. An address that was not your address?—An address I did not reside in, but it was an address where I would occasionally call.

8988. Where Alfred Smith would be entirely unknown?—Yes.

(*Mr. Dickinson.*) I understand that was the conviction at Lambeth.

(*Mr. R. D. Muir.*) There were four convictions all in the name of Smith, and all with an address not his own address.

(*Mr. Dickinson.*) What address was it?

(*Mr. R. D. Muir.*) 27, Oakley Street, Lambeth.

(*Mr. Dickinson.*) The same in all four?

(*Mr. R. D. Muir.*) Yes, sir.

(*Witness.*) The reason why it was not necessary to give a correct address was that it is never verified, but if when I was charged with betting it had been verified, which it was not, of course, I should have had to have given my correct name and address, but I used the name of Smith for the purpose of concealment.

8989. (*Chairman.*) What address did you give?—I cannot say what address I gave.

(*Mr. R. D. Muir.*) I can give it—27, Oakley Street, Lambeth.

8990. (*Chairman.*) Is there a 27, Oakley Street, Lambeth?—As far as I know.

8991. You have never been there?—No. I gave perhaps the first street that came in my mind.

8992. (*Mr. R. D. Muir.*) Do you mean that, Platt?—I mean that why I gave the address I did give was that I knew there was no verification.

8993. The Chairman's question is a specific one. Is there such an address as 27, Oakley Street?—I could not tell you the number. I could not tell you what they end at.

8994. Does not your own mother live at 27, Oakley Street?—No.

8995. What?—No.

8996. Where does your mother live?—My mother lives in Tanswell Street.

8997. Do you know anybody who lives at 27, Oakley Street?—I cannot say that I do.

8998. Do you know anybody who ever lived at 27, Oakley Street?—I cannot say that I do.

8999. Did your mother ever live there?—Not to my knowledge.

9000-1. So that this is a purely imaginary address. Is that what you wish the Commission to believe?—Yes.

9002. Purely imaginery?—Yes.

9003. I understand you to say that you have no complaint against those officers other than Deed except that they took your money?—That is right.

9004. And did what you asked them to do for your money?—Yes.

9005. Every one of them?—That is right, only you know Deed saw done to me those two convictions which I thought was wrong for him to do when he had been receiving this money from me.

9006. Which two convictions?—They apprehended two of us the one day—the last time I was convicted; and there was another fine I paid that day for a man who I was going to have to take the betting slips for me while I went away with Deed, as I had heard in some way which I cannot tell now at all, but I had heard, that Deed had made the remark that he was going to be wicked—he would do it on me to-morrow, so I naturally knew I should go down earlier to suit him than I had done previously.

9007. What is your complaint against Soer with regard to this conviction. Which conviction is it you complain of?—I think it was the last time, when I was fined with Mansell.

9008. (*Chairman.*) You did not quite finish the story, but in answer to Mr. Muir you said you did not keep one appointment because you heard your daughter was ill and a friend went for you?—No, because I had failed to keep the appointment that day that was the reason why he took the man into custody the next day who was taking the betting slips for me, and this young man knew nothing about it. He did not know him.

9009. (*Mr. R. D. Muir.*) What is that young man's name?—Mansell.

9010. (*Chairman.*) Soer took a friend of yours into custody?—Yes, and then came back, and as I had not gone down the day previously he took me into custody.

9011. So there were two convictions when you had only arranged, according to your view, for one?—That is right—the day previously.

9012. (*Mr. R. D. Muir.*) Did you ever complain of that to the Commissioner of Police?—I won't be positive whether that was so. The nature of my complaint is that I did not consider those men fit and proper persons to do the duty that I had really complained about.

9013. You did not think policemen who would receive bribes were proper men to watch bookmakers?—That is right.

9014. That was your sole complaint?—Yes.

9015. With regard to the second occasion, have you any other complaint to make against Soer. You have mentioned the one of the 28th August? He arrested you, and, as the Chairman pointed out to you, he had exceeded his authority by making two arrests instead of one, whereas he was only your agent to make one arrest?—Not as my agent, but it was the arrangement that we made in a verbal way.

9016. It was a breach of contract?—No, not a breach of contract. There was no written agreement drawn up.

9017. I understand your complaint about the 28th August. What is your complaint about the 13th October against Soer?—I do not make any complaint about him arresting me in the way that he did. My complaint is that I did not consider they were fit and proper men to go out and do that duty.

(*Mr. Rufus Isaacs.*) The two convictions refer to the conviction of the two, obviously. That is what he meant.

(*Mr. R. D. Muir.*) Quite so. It would be convenient to break off in my cross-examination at this point, sir, if you would allow it.

9018. (*Chairman.*) That is a very fair suggestion. (*To the Witness.*) We cannot go on with your cross-examination at 11 o'clock to-morrow, because witnesses in other cases have been summoned, but I will ask you to attend here to-morrow at 2 o'clock. I presume it will not be inconvenient to you to come again?—No, sir.

TENTH DAY.

Tuesday, 23rd October 1906.

PRESENT:

Sir DAVID BRYNMOR JONES, K.C., M.P. (*Chairman.*)
RUFUS DANIEL ISAACS, Esq., K.C., M.P.
WILLOUGHBY HYETT DICKINSON, Esq., M.P. (Barrister at-Law.)
CHARLES ALGERNON WHITMORE, Esq. (Barrister-at-Law.)
J. W. ST. LAWRANCE LESLIE, Esq. (Barrister-at-Law), (*Secretary.*)

Mrs. LOUISE BRAHAM, sworn.

Mrs. Louise Braham.
23 Oct. 1906.

9019. (*Earl Russell.*) Are you the wife of Philip Braham, who is managing clerk to a firm of shipowners?—Yes.

9020. And you live at 7, Culverton Road, Balham?—Yes.

9021. On the 6th June, 1903, had you been out anywhere in the evening?—I had been visiting some friends in South Lambeth Road.

9022. And about what time did you leave them?—As near 12 as possible.

9023. By what method were you going home?—I was going to catch the tramcar at Stockwell, and I was hurrying to catch it.

9024. You were walking along the tramline?—Oh, yes, on the right-hand side.

9025. And on your way there what happened?—A policeman came out of a large gateway and took hold of me. I asked him how he dared do that, and he said, "I will show you what I dare do."

9026. In what way did he take hold of you?—He took hold of my arm in a most offensive manner.

9027. You said, "How dare you do that"?—Yes, and he said, "I will show you what I dare do."

9028. What happened then?—Then he took me up some back streets, I could not say what they were, but any how, before he reached the police station he called another police-constable from the other side of the road.

9029. He arrested you then?—He arrested me in South Lambeth Road, outside this large gateway. I cannot tell you whether it is a church or a chapel, but it is a large gateway. Going from Stockwell it is on the left-hand side.

9030. Was there any more conversation between you at the time?—No, only I asked him going to the station to let my arm go. That was the only remark I made the whole way.

9031. How was he holding your arm?—I prefer telling you in private and not in public. When I say it was in an offensive manner that is sufficiently plain.

9032. (*Chairman.*) In an indecent manner?—Well, in an indecent manner. He was holding my arm so. (*Describing.*).

9033. (*Earl Russell.*) And on the way you met a second police-constable?—Yes, who he called from the other side of the road.

9034. What happened then. Did anything pass between the two?—No, only I asked the other one to leave my arm go. This man was simply holding it, and he was all right.

9035. The second one also took hold of your arm?—Yes, that was the natural thing to do, as the other one asked him to.

9036. Were you struggling at all?—Certainly not, I was too frightened. Why should I struggle? I was simply walking quietly round.

9037. (*Mr. Rufus Isaacs.*) Will you tell us what he said to the other constable?—He called him—I think that was all, and asked him to help him. I do not know really the words. I was too upset at the time. He simply called him from the other side of the road, and they both walked to the station. They were quite near the place.

9038. (*Earl Russell.*) Did the other one take hold of your arm?—Yes.

9039. You made no complaint of the way he did it?—Oh, no.

9040. Then when you reached the police station, what happened there?—When I reached the police station there was a man in charge who had a book. Nothing was said before me, but he called the one who was nearest the desk—I could not tell you what he was—to go into another room with him. They said nothing at all before me.

9041. You mean the Inspector with the book—the man who you found at the police station—called out to the constable who had arrested you?—No, the constable called him out of the room to go into the room across there, without saying anything before me.

9042. Do you know now that the constable who arrested you was Police-constable Atkinson, 800 W?—Yes.

9043. (*Chairman.*) Did the Inspector go out of the room with the constable?—Yes.

9044. (*Earl Russell.*) Police-constable Atkinson, you say, called the Inspector out of the room?—Yes.

9045. Did he go?—Yes.

9046. How long were they out?—They were out some few minutes.

9047. Where were you meanwhile?—I do not know what you call it—I call it a cage. I do not know what it was.

9048. In the dock?—A place something like this witness-box. I do not know what it was.

9049. When they came back, what happened?—I simply told them that my husband was waiting for me at Balham Station, and asked them to communicate with him.

9050. Was anything said to you why you were there?—No, I do not think the Inspector quite understood why I was there—at least, I am sure he did not.

9051. At any rate, you did not hear any charge read over to you or stated?—No.

9052. Were you asked to say anything to the police, or give any explanation?—No.

9053. But you did say what you were doing?—Of course.

9054. What did you tell the Inspector?—Where I had been.

9055. But what did you tell the Inspector?—I told the Inspector I had been to see some friends in South Lambeth Road, and was hurrying to get my car, which

Mrs. Louise Braham.

23 Oct. 1906.

would take me to the Balham Station, where my husband was waiting for me.

9056. Was Police-constable Atkinson there when you said that?—That I could not answer.

9057. You are not sure whether he was in the charge room or not?—No.

9058. Did the Inspector take any note of what you said?—No.

9059. You did not see him take any note?—No.

9060. The police station you went to was Larkhall Lane?—Yes.

9061. Did you ask to see somebody besides the constables?—I asked to see a doctor.

9062. Did you give your name and address, as well as your husband's name and address?—Yes, certainly.

9063. You were taken away from the charge room, and where were you put after that?—I was sitting in the charge room.

9064. You went into the charge room?—Yes, I had a chair.

9065. The same place where you had been put into the dock?—The same room.

9066. And you did not leave that room, did you?—Yes.

9067. Where were you taken to when you left that room?—A room where supper was laid for the constables.

9068. And someone else came to you there?—Yes, a woman, and stayed with me for a little while.

9069. And you were left in charge of the woman?—Yes, only for a little while. I was fully two hours in the room waiting for my husband, from about 1 to 3.

9070. You were only a short time in this room in charge of the woman?—Yes, only a very little while.

9071. After that what happened to you?—I was taken into the room I first went into.

9072. Back into the charge room?—Yes, and there I had a seat until my husband came.

9073. You say that was altogether to the time your husband arrived about two hours from the time you first got into the police station?—I think it was nearer three than two.

9074. Then when your husband came you were allowed to go away on bail?—To go with him. Nothing at all was said to me the whole time.

9075. The next morning you surrendered at Westminster Police Court?—Yes, at 11 o'clock.

9076. Mr. Sheil was the Magistrate?—Yes.

9077. What time was your case called on?—That I could hardly remember, but I think it was somewhere near 12.

9078. Did Police-constable Atkinson give evidence against you?—Yes.

9079. What did he say, can you remember?—Distinctly. He said he was in the South Lambeth Road; he asked me to go on, and I refused to do so; he crossed the road and again asked me, and then he arrested me. From the time he touched my arm it was only a second when he arrested me; it was all in the same time.

9080. Did you understand then what the charge was against you?—No. That was all he said.

9081. That was all he said about your conduct?—Yes.

9082. The Magistrate asked you what you had to say?—Yes.

9083. What did you say then?—I told him exactly everything that had happened.

9084. Was your husband in court, too?—My husband was in court, too.

9085. He gave evidence also?—Yes—after it was all over.

9086. I do not quite know what you mean. He gave evidence in the morning, when your case was called on?—Yes, but of course I was called first, I meant.

9087. Did the Magistrate ask you any questions about your statement after you had made it?—No.

9088. Did he ask you if you made complaint of anyone?—Yes.

9089. What did he say about that?—He simply said it would be inquired into, only the Inspector did not come up in the afternoon. He had gone for his holidays.

9090. Did the Magistrate ask you if you said anything about it before?—I said I complained. I thought complaining was saying exactly what had happened. I understood that that was complaining.

9091. (*Chairman.*) Did the Magistrate dismiss the case, or what did he say when he finished with your case?—"Dismissed. Not a word against her." That was in the afternoon.

(*Earl Russell.*) There was an adjournment.

9091*. (*Mr. Rufus Isaacs.*) For the Inspector's attendance, who had gone away for his holidays?—Yes.

9092. (*Earl Russell.*) The Inspector was not there in the morning?—I am not certain whether he was there in the morning. No, he was not there in the morning.

9093. You did not see him in court?—No.

9094. (*Mr. Rufus Isaacs.*) I thought you said that the Inspector was not there, he had gone away on his holidays, and it was adjourned?—That was in the afternoon when the reason was given.

9095. He was not present in the afternoon—is that it?—Yes; in the meantime he had gone for his holidays.

9096. (*Mr. Dickinson.*) He was not there in the morning?—No; he was to be called, I believe, in the morning.

9097. (*Mr. Rufus Isaacs.*) He was to be called in the morning, and as he was not there it was adjourned to the afternoon?—Yes.

9098. In the afternoon when he ought to have appeared he did not appear because he had gone for his holidays?—Yes.

9099. So he did not appear in the case at all. Is that right?—Yes.

9100. (*Chairman.*) In the afternoon what did the magistrate say?—I simply went into the witness-box and he simply looked at me, and said "Dismissed—not a word against her." That was all that he said.

9101. (*Earl Russell.*) That was at three o'clock in the afternoon?—That was at three o'clock in the afternoon.

9102. You did not hear anybody else called?—No, there was nobody else. The court was clear.

9103. And no further evidence was given?—No.

(*Mr. Rufus Isaacs.*) Does that mean that nothing took place from the time of the adjournment?

9104. (*Earl Russell.*) That is what I understand, that the witness surrendered to her bail, and the Magistrate immediately said "The case is dismissed. There is nothing against you."

(*To the Witness.*) The Magistrate said nothing more than that?—Nothing more to me.

9105. Then after that your husband made a complaint?—Yes.

9106. Did you attend at the police station?—At the Brixton Police Station.

9107. Do you remember when that was?—I do not remember the date, but I think it was as near as possible a fortnight after it happened.

9108. Did anyone from the police come to see you after the case was dismissed?—Yes.

9109. Who was that?—An Inspector on horseback.

9110. (*Mr. Eldon Bankes.*) That was after your husband had written to the Commissioner?—Yes.

9111. (*Earl Russell.*) Can you say how long?—Quite a fortnight.

9112. Was it before or after the inquiry at Brixton Police Station?—Before that, because it was on the morning that he came to me to ask me to go to Brixton Police Station in the evening.

9113. It was the same day?—Yes.

9114. What did the Inspector say?—What could he do for me, and I said the only thing I wanted was a public apology. He said that I should never get, and I said that was the only thing I wanted—my character cleared.

9115. On the afternoon of that same day you attended the Brixton Police Station?—Yes, at six in the evening.

9116. With your husband?—Yes.

9117. Was Atkinson, the police-constable who arrested you, there?—Yes.

9118. Was the second constable there?—Yes.

9119. Was the Inspector there who took the charge?—Yes.

9120. And was everything you had to say taken down?—Yes.

9121. And what your husband said, too?—Yes.

9122. Did you hear the statements made by Police-constable Atkinson?—Yes.

9123. And by the second police-constable, and the Inspector?—Yes, but they had nothing to say; it was only the one.

9124. Did you hear any statement made by him at all or read over to him or read over to you?—No; only this one constable.

9125. You do not remember any statement by the Inspector in charge being read over to you?—No.

9126. Was anything said to you at that inquiry about the result? I suppose nothing was said to you about it?—No, not there.

9127. Did you hear anything more after that?—No.

(*Mr. Eldon Bankes.*) May I say, Sir, I am in a difficulty, because we only had notice of this case, I understand, yesterday, and the solicitor instructing me has got reports that he was only able to hand me as I came into this building. Of course, I can ask some questions, but I would ask that a further opportunity should be given to us, if it is possible to do so, of knowing what cases are coming on, in order that we may be really prepared. It places us in a great difficulty.

(*Chairman.*) I can understand your personal difficulty in the matter, but I do not see how there can be any substantial difficulty in dealing with this case. What happened to the constable?

(*Mr. Eldon Bankes.*) I understand from these reports that he was dealt with by the Commissioner.

(*Chairman.*) Was he dismissed?

(*Mr. Eldon Bankes.*) I really do not know yet. I have not got to the end of the reports, but my client tells me that he was dealt with by the Commissioner. What the form of dealing with him was I have not arrived at yet, but I can deal with it, as all the reports are before me. As to asking this lady any questions, I am in a difficulty. There are a few questions I should like to ask, but, with submission, it would seem to be easy to give us two days' notice of a case instead of one. If the cases are in the possession of the Secretary of the Commission I would ask that we have more than one day's notice.

(*Chairman.*) There is very considerable difficulty in getting the witnesses together, I understand.

(*Mr. Eldon Bankes.*) If the Commission are in possession of any number of cases that are going to be brought before them, if they will only intimate them to us, whether they eventually come before them or not, we can get the materials.

(*Chairman.*) I thought you had more than one day's notice of this case?

(*Mr. Eldon Bankes.*) No; I am told we were informed yesterday when it was mentioned in court.

(*Chairman.*) There is not the least reason why your clients should be prejudiced in any way. If you do not want to cross-examine now, I daresay Mrs. Braham will come here again.

(*Mr. Eldon Bankes.*) I do not want to inconvenience the lady, and may I take this course? I should like to ask a few questions on the materials which are in my possession, and if it is really necessary I should ask that she should come back.

(*Chairman.*) Certainly.

(*Mr. Eldon Bankes.*) I do not desire to make any complaint, but I do ask for fuller facilities than have hitherto been accorded to us.

(*Mr. Rufus Isaacs.*) It is only in respect to this case that you have been placed in any difficulty. I thought every facility had been given to you, and every adjournment has been given you that you have applied for hitherto.

(*Mr. Eldon Bankes.*) I was not here yesterday, but I had no notion personally that Platt was coming before the Commission yesterday.

(*Chairman.*) There is no machinery provided in the case of a Royal Commission for the Commissioners getting up or preparing the case. Mr. Platt came forward and voluntarily tendered his evidence, and we have taken it.

(*Mr. Eldon Bankes.*) I am quite aware of that; but I was here on Thursday, and I understood then that you were going to give Platt notice when you desired him to come again. Personally I did not hear that he was coming yesterday or know of it. I am told there is another case of Andrews to be gone into to-day, of which notice was only given yesterday. I say again I am not here to make a complaint; I am only asking for further facilities if it is in the power of the Commissioners to give them.

(*Chairman.*) We will take the evidence of Mrs. Braham, and if you are not ready to go on we will give you a further opportunity of cross-examining her, but I understand that in this case there ought to be no difficulty at all.

(*Mr. Eldon Bankes.*) I quite understand you are willing to give further facilities if I ask for them in this particular case. I have already said there are a few questions I should like to ask the lady on the materials I have been able to look at.

(*Mr. Rufus Isaacs.*) As I understand, except what you have said with reference to Platt's case, you have had ample notice of every case except the ones which we are going to deal with this morning, as to which you are making a specific statement. With regard to Platt's case there was an application for an adjournment, which was granted you at once. The only difficulty that has arisen apparently is that you personally do not seem to have understood that Platt's case was to be gone into yesterday if we got to it. I do not think there ought to be any question—not of any grievance, because you have not made one.

(*Mr. Eldon Bankes.*) I am making no grievance. I am merely asking with regard to any further cases which are to be brought forward that we may have a little more notice than was given us with regard to these two.

(*Chairman.*) You will have what notice is possible, but Mr. Muir cross-examined Platt yesterday, and at twenty minutes past four he said he was not prepared to go on with the cross-examination further then, and asked if he might break off, and we said yes.

9128. (*Mr. Eldon Bankes.*) I have no grievance, and I do not want to start any grievance. I am only asking in certain events to have a little further opportunity of inquiring into the cases. (*To the Witness.*) I see by the reports with which I have been furnished that you did give evidence before the Magistrate?—Exactly—of what was done.

9129. And you afterwards made a statement, did you not, when the Inspector asked you to come to the police station in order that your statement might be taken some time later?—Yes, at Brixton.

9130. The name of the constable who arrested you was Atkinson?—Yes.

9131. And the other constable who came up and helped take you to the station was named Allen?—I do not remember his name, but I have no complaint to make against him—certainly not.

9132. And I see from something that your husband wrote you have no complaint to make against the police generally?—Certainly not.

9133. But only against this particular constable?—Certainly.

9134. Would you mind telling me exactly what it was that took place between you and Atkinson. It was in the South Lambeth Road, was it not?—Yes.

9135. Were you walking on the south side of the road?—If you are going from Stockwell it is on the left-hand side.

9136. Was Atkinson on the same side?—Yes, inside a large gateway.

9137. Standing in a gateway?—He was standing inside a gateway with another man.

Mrs. Louise Braham.

23 Oct. 1906.

9138. Was the other man in the gateway?—Yes. with him. They both came out.

9139. Was the other man a policeman?—No, he was a short man with a light brown suit.

9140. Do you know who he was?—No, because the policeman said something to him and he went. I said to this man, "You see this constable has touched me, will you come to the station?" But the constable said something to him, I do not know what it was, and he went away.

9141. Had you passed the gateway before Atkinson came out or not?—I was passing it.

9142. Then what happened?—He took hold of me.

9143. Do you mean that he walked out of the gateway and took hold of you?—Yes.

9144. Did he take hold of you by the arm?—Yes.

9145. It was by the arm?—Yes.

9146. Did he touch your neck at all, or was it here, he caught hold of you. (*Pointing on the arm near the shoulder*)?—Yes.

9147. Did he touch your neck at all?—He came out with a rush at me, and I could not remember whether he touched my neck. Anyhow, I looked at him and said, "How dare you do such a thing?" and he took me away.

9148. Did he take hold of you or only touch you?—He took hold of me when he came out of the gateway.

9149. Did you think then that he was arresting you for behaving improperly?—I did not know he was arresting me.

9150. Then you said, "How dare you take hold of me"?—Yes.

9151. What did he say then?—"I will show you what I dare do," and he took me.

9152. And then?—Then we went to the police station. Whichever road it was we were on the left-hand side, and he called a constable off the right-hand side.

9153. Did he take hold of you by the arm to go to the police station?—Yes, and held my arm the whole way.

9154. Would that be your right arm or left arm?—My left arm.

9155. Did any number of people collect?—No, there was no one there.

9156. On the way did he call another constable?—Yes, we were on the left-hand side of the road, and he called a constable from the right. He came over and took hold of this arm and went to the station.

9157. Could you suggest why he did that?—No, I cannot. I have no idea.

9158. Were you going quite quietly?—Of course.

9159. The other man came and he took hold of your right arm?—Yes.

9160. You have no complaint to make against him at all?—No, not at all, nor of anyone at the police station. They were all exceedingly nice there.

9161. Your husband, in a letter which I have partially read, said that the Inspector behaved in a very gentlemanly way, or words to that effect?—Decidedly he did.

9162. You have no complaint to make at all of what took place in the police station?—No, not at all.

9163. You say that the Inspector and the constable went into another room?—Yes.

9164. Did you hear the constable make a charge against you of being drunk and disorderly?—No.

9165. Did you ask that a doctor might be sent for?—I did.

9166. And was that in order that he might say that you were not drunk?—Certainly not. I had no idea of such a thing.

9167. Why did you want a doctor?—Simply because I wanted a man of higher education who would be able to understand and do something.

9168. I suggest that the constable made a charge against you of being drunk and disorderly, and that you applied to the Inspector to send for a doctor to say you were not drunk?—That is an untruth. He did not say a word before me. He went out of the room. What they said there, of course, I cannot say.

9169. It is a fact, is it not, that he did not take any charge of being drunk?—Yes.

9170. And the charge which he entered against you was of being disorderly?—That was what was said in court, but I knew nothing about the charge.

9171. Was it not read over to you?—No; nothing was said to me.

9172. At that time you were rather excited?—I was crying, naturally, but not excited.

9173. (*Mr. Rufus Isaacs.*) You said just now to the witness: "The fact is that he did not take the charge." Did you ever know that you were charged, or that a charge had been made against you of being drunk?—Certainly not.

9174. Have you ever heard of it before till to-day?—No.

9175. (*Mr. Eldon Bankes.*) I am suggesting to you what I gather from these reports, and I think I am accurate, that what the constable charged you with was being drunk and disorderly; and it was then, when you heard the word "drunk," that you asked for a doctor to be sent for?—I did not hear such a word.

9176. The Inspector said you were not drunk, and refused to take the charge, and the charge was entered against you of being disorderly?—The Inspector was exceedingly kind. He said nothing at all to me, but gave me a chair and told me to go into the other room, and then he gave me a chair afterwards in the other place. If one is speaking the truth one cannot go wrong.

9177. That is very true. I have a report here of what you said before the Magistrate. This is a report of the case which your husband sent to the Commissioner, and which he said was substantially accurate except in one particular.

(*Earl Russell.*) Which letter of Mr. Braham's is this enclosed in?

9178. (*Mr. Eldon Bankes.*) It is enclosed in the letter of 9th June: "Police-constable Atkinson deposed that at 12.15 the accused, proceeding along the pavement, stopped opposite to him. He moved on one side, and then she said 'Why do you interfere with me?' He replied 'You had better go on!' The defendant then alleged that he had assaulted her, and became very excited, shouting, and refusing to go. He took her into custody, and on the way to the station she said she was sorry, and asked him to let her go?"—The whole thing is an untruth.

9179. Is that what Mr. Atkinson said at the police-court?—Yes.

9180. "Police-constable 749 W said that he met the last witness bringing the accused along Larkhall Lane. When she saw witness she asked him to let her go. She appeared as if she did not wish to go to the station." Is that what the second constable said—right or wrong?—Yes.

9181. Then you said the police-constable's story was a fabrication: "She had been to see some friends in South Lambeth-road, and remained somewhat later than she thought. She was making her way as quickly as she could to get to her home at Balham, when the policeman looked at her and took hold of her shoulder in a most offensive way. When she indignantly resented the insult, he said 'I will show you!' and then he took her up." That is the evidence you gave, and that is substantially correct?—Yes.

9182. (*Mr. Rufus Isaacs.*) Does not this follow on in your copy:—"Mr. Shiel: Did you complain to the Inspector?" I think that had better be read.

(*Mr. Eldon Bankes.*) Yes. "Mr. Shiel: Did you complain to the Inspector?—Yes, I did. The constable said she made no complaint." There appears to be a difference of recollection between you and the officers. I suggest to you that at the station you did not make any complaint?—I thought I complained when I told them where I had been and what happened on the way from there.

(*Chairman.*) Mr. Braham is here, is he not?

9183. (*Earl Russell.*) Yes. (*To the Witness.*) This is a report from the "Sun" of June 10th—that is the day your case was heard. Is this correct, and is this what you said at the police station: "One of my

friends was ill, so I stayed with her some time, leaving at 12 o'clock." One of your friends was ill?—Very ill—an old lady.

9184. "I saw the car which I was going to catch to take me home. I was hurrying along the pavement when a policeman suddenly caught hold of my shoulder. He appeared to me to have sprung out of the gateway"?—Decidedly.

9185. You stated that to the Magistrate?—Yes.

9186. Then did you say this: "At the police station she complained to the Inspector, and asked to see a doctor. 'I wanted to see someone in a more responsible position,' she explained"?—I did say that at the station.

9187. (*Chairman.*) I understand you to say the constable sprang out. Do you mean by that that he jumped out or walked rapidly?—I could not tell you whether he walked rapidly or not, but he came out of the gateway very quickly.

9188. He came suddenly upon you?—He came suddenly upon me as I was passing the gateway.

9189. I see that in your evidence you said that he behaved in an offensive way. Do you mean that he did something more than seize you by the arm?—He held my arm down by the side of me in a way that was not necessary.

(*Earl Russell.*) I am acquainted with the actual facts of the case; but the witness could hardly be expected to go into these details before such a large assembly.

9190. (*Chairman.*) Do you suggest that he did not simply take hold of your arm as if to arrest you?—No.

9191. But he took hold of your arm, and used your arm in such a way as to be indecent and offensive?—Yes.

(*Mr. Eldon Bankes.*) There is no suggestion of that kind in these documents.

(*Witness.*) I said "In a most offensive manner," which should be sufficient.

(*Mr. Eldon Bankes.*) The lady has said that he took hold of her in an offensive manner. Stated generally, any lady might say she was taken hold of roughly by a constable; but there was no charge brought before the Magistrate of anything approaching an act of indecency, otherwise, no doubt, that would have been investigated separately.

9192. (*Chairman.*) You say you went to the police station at Brixton?—Yes.

9193. Did your husband write down something for you there?—No; my husband wrote nothing.

(*Mr. Eldon Bankes.*) She wrote her own statement.

9194. (*Chairman.*) Did you ever write any note as to the offensive conduct?—No; he took hold of my arm in a most offensive manner.

9195. (*Mr. Rufus Isaacs.*) How long were you in the dock at the police station?—Not many minutes, only during the time they went into the other room and came back again.

9196. You were placed in the dock when you got there?—Yes.

9197. Then it was Atkinson who went into the other room?—Yes.

9198. And was away some few minutes?—Yes.

9199. Then he came back with the Inspector?—Yes.

9200. Then did the Inspector order you to be released from the dock?—Yes.

9201. And gave you a chair?—No. I went into the officers' room, as I believe it was, but anyhow, there was a cloth on the table. Then I was given a chair in the first room.

9202. How long have you been married?—Twenty-two years.

9203. Have you any children?—Yes, three, two sons and a daughter.

9204. How long have you lived at the address which you gave at the police station?—We had been a year there then.

9205. Had you lived in the neighbourhood before?—Oh, yes.

9206. For many years?—Yes.

9207. But you had moved, and had been living only for a year in this new house which was the address you gave?—Yes.

9208. That was quite close to where you had lived before?—Yes.

9209. How did your husband know you were at the police station?—Because I suffered terribly with my heart, and I also have fainting fits, and he telephoned, as I was so late, to find out where I was. I am suffering now through standing here.

9210. (*Mr. Dickinson.*) Did Inspector Billson ask you whether you had stopped a man?—No.

9211. I have here a statement which says that you denied having stopped a man, but said that several men had looked at you as you passed, which you considered offensive. Do you remember that conversation at the police station at all?—I cannot remember it, because it did not happen.

9212. It did not happen?—Certainly not.

9213. You told us just now that there was a man who came out with the police-constable and that you spoke to him. Can you remember what you said to him?—Yes. I said, "You see this constable is touching me, will you come to the police-station and see why he is doing it?"

9214. Did he give you no answer at all?—No, the policeman spoke to him at once, and he went. There was not a soul in the street.

9215. You did not hear what the constable said to him?—No, I did not.

9216. (*Mr. Eldon Banks.*) May I ask another question, sir, by your permission? (*To the Witness.*) Did you tell your husband, after you had left the police station, all the details of what had taken place between Constable Atkinson and yourself?—No. I said that he had taken hold of me in a most offensive manner, and it is a most delicate thing to have to say before anyone in court.

9217. I am not pressing you, but did you tell your husband in private the details?—Yes.

9218. (*Mr. Eldon Bankes.*) Earl Russell has shown me the lady's statement, and what she complains of. I do not in the least want it to be made public, but I should ask the Commissioners to see it, because I want to found a question upon it. (*To the Witness.*) Are you quite sure you told your husband the details?—Yes, certainly.

9219. You are quite sure of it?—Yes.

9220. Will you look at the statement that I have seen and let me know if that is the complaint?——

(*Mr. Rufus Isaacs.*) Is that the note at the end of the letter to the Home Secretary?

(*Mr. Eldon Bankes.*) I do not know, Sir.

(*Earl Russell handed the document to the Witness.*)

(*Witness.*) Yes, that is quite right.

9221. (*Mr. Eldon Bankes.*) Let me ask you a question upon this. This took place on the 6th June, did it not?—I rather fancy it was the 8th June, but I am not certain.

9222. Did you tell your husband immediately after you got home the details of what had happened?—Yes.

9223. Including the details that appear on that paper you have seen?—Yes.

9224. I should like to call your attention to this: Here is a letter of the 9th June, which your husband wrote to the Chief Commissioner, "Herewith I beg to hand you the report of a case heard before Mr. Shiel at the Westminster Police Court, Saturday last. The facts are shortly these: My wife, who is tall and good-looking, had left some friends' house in the South Lambeth Road shortly after 12 on the night of Friday, and was hurrying along to catch a car in order to meet me at Balham Station, when a constable suddenly stopped in front of her and placed his arm on her neck in a most offensive manner. She was naturally indignant, and demanded his number. He replied that she had evidently been drinking, and he should 'lock her up,' to which my wife replied, 'You dare not.' 'Oh, daren't I,' said the constable, and he took her by the arm and into the road to the Larkhall Road Station at Clapham, calling the assistance of another constable on the way, although my wife accompanied him quietly. On the

Mrs. Louise Braham.

23 Oct. 1906.

whole route the first constable was pinching her arm in a most rude manner." Of course, your husband knew nothing about this matter except what you had told him?—Yes.

9225. And that is what he writes on the 9th. Now, the next passage I will ask you about is this: "Arrived at the station, my wife was charged with 'Disorderly conduct' alone, and through the kindness of the Inspector in charge was allowed to sit in the waiting room until I discovered her whereabouts." Did you tell your husband that you were charged with disorderly conduct alone?—I did not know what I was charged with.

9226. How did he know it unless you told him?—Perhaps he asked the Inspector there. I do not know.

(*Chairman.*) This was written after the police court proceedings.

(*Mr. Eldon Bankes.*) I was only asking the lady when she told her husband.

(*Chairman.*) He knew all about what the charge was by that time.

(*Mr. Eldon Bankes.*) That may be the explanation, but my object in reading this passage was to read the husband's account of the constable's behaviour.

(*Chairman.*) I quite follow that part of your cross-examination.

(*Mr. Eldon Bankes.*) I have not got the dates of the various incidents in my mind.

Mr. PHILIP BRAHAM, sworn.

Mr. Philip Braham.

(*The Witness.*) May I ask, sir, as I have come forward on public grounds, that the Press should suppress our names and addresses. I should be very glad if that could be done. I do not see any reason why they should be made public after this lapse of time.

(*Chairman.*) It is a pity you did not ask Earl Russell to make that request earlier.

(*The Witness.*) I did not know the procedure.

(*Chairman.*) I see from the papers that Mr. Eldon Bankes has handed up that there were reports in the papers in 1903.

(*The Witness.*) That is three years ago.

(*Chairman.*) Surely, then, it can do no harm to you now. You are ready and willing to come forward?

(*The Witness.*) Very often people do not want these unpleasant things raked up. Of course, sir, I am in your hands.

(*Chairman.*) That I quite understand, and I need not say the Commission are indebted to you and Mrs. Braham for coming forward, whatever view they may take of the case. If I thought that any harm could come to you at all at this stage from your names being made public I would make an appeal to the Press present, but I do not see, as the matter has been fully reported in the papers before, how it can possibly injure you in any way.

(*The Witness.*) Very well, sir, I will be guided by you.

9227. (*Earl Russell.*) You are managing clerk to a firm of ship owners, and you live at the address given by your wife, with your wife and family?—Yes.

9228. Do you remember the night of the 6th June, 1903?—If the 6th of June was a Friday, that was the date.

9229. You were waiting at Balham Station for Mrs. Braham?—Yes, waiting for the car.

9230. You knew where Mrs. Braham was that night?—I knew where she had gone.

9231. You were expecting her to meet you?—I was expecting her to meet me.

9232. She did not come, we know, when you expected her?—No.

9233. What did you do then?—I waited till the last car had come, and then, getting anxious, as I knew she had a weak heart, I was afraid something had happened. I asked a policeman which was the nearest police station, and he told me Cavendish Road. I went down to Cavendish Road with the intention of asking them to telephone to the various hospitals, because my wife is subject to faints.

9234. You got to Cavendish Road, and you started doing that?—I spoke to the Inspector there and asked him to do it. He said to me "We cannot do this; we cannot telephone." I said "Well, I think my wife is taken ill, and I think you might do it." He did not do it.

9235. Anyhow, did you learn anything about her while you were there?—Yes, just before I was leaving at that very moment a message came through on the telephone. The Inspector called me back as I was going out, and these are the words he said: "Your wife is detained at Larkhall Police Station for disorderly conduct"—not drunk and disorderly, but disorderly. That was the charge. That is how I knew it.

9236. You then went to the station?—I then took a cab and went down to the station, and found her there.

9237. And you went bail for her?—Yes, I bailed her out, and took her away.

9238. What condition was your wife in when you found her?—Very excited—crying and very nervous, but otherwise—if you mean to imply it—perfectly sober.

(*Mr. Eldon Bankes.*) Nobody suggests that she was not.

(*The Witness.*) I thought Mr. Bankes did suggest it.

(*Mr. Eldon Bankes.*) No, pardon me.

(*The Witness.*) Then I beg your pardon.

9239. (*Earl Russell.*) Were you told anything about what the charge was?—No, nothing at all.

9240. You were not shown the charge sheet?—The Inspector gave me a book to sign, the bail book, but I never read anything, and I signed it. The Inspector said "£2," and I said "I will give it to you now," but he would not take it. I never read anything at all.

9241. Then you were told you would have to attend the police court the next morning with your wife?—Yes.

9242. When you left did your wife make a statement to you as to what happened?—You can understand at a time like that, when a person is very excited, and naturally I was very annoyed, that you do not appreciate the words as put to you. She told me that this constable had taken hold of her neck, which I understood to be in an offensive manner.

9243. She told you what had happened to her when you went home?—She told me the general details.

9244. Next day were you there when the case came before the Magistrate?—Yes.

9245. And on the adjournment when he dismissed it?—Yes.

9246. Did you make any application to the magistrate after the case was over?—Yes, I said "I wish to have a summons against the constable for perjury and assault. Can you grant it me, or shall I go to the Commissioner?" He said, "Go to the Commissioner."

9247. Then you wrote some letters?—Yes, I wrote to the Home Office and the Commissioner.

9248. The first letter was the 9th June?—Yes, that would be the Monday.

9249. I need not read again the part that Mr. Bankes has read to you, but I will go on from there: "It was then about 2 o'clock, when I signed the necessary recognisance and took my wife away in a cab to her home. We were ordered to attend the police court at 10 o'clock the next morning, which we did—the magistrate arrived about 11, and our case came on about 11.30. The first constable, on oath, failed to establish any 'disorderly conduct.'" Did you hear anything about a charge of drunkenness at the police court?—No.

9250. Or at the police station the night before?—No, nothing was said at the police station. Not a word was

said at the police station, and certainly not at the court.

9251. "Yet in spite of my offering to produce witnesses to respectability we were ordered to return at 3 o'clock. On our return, the Magistrate dismissed the charge, remarking, 'There is nothing against her.'" Do I understand from that that there was no further evidence taken when you came on again in the afternoon?—When we went back in the afternoon we were a little late, and the Magistrate had left the Court House, but was in the precincts of the building. The Clerk or somebody there, as far as I could see, did not want us to see the Magistrate, but another Clerk took a great interest in us and said, "Oh, yes, I will call him back. You wait." After he had come back the Magistrate came into court, and my wife went into the box again, and all that the Magistrate said to her was: "The charge is dismissed. There is nothing against her."

9252. There was no further evidence given of any sort or kind?—Not to my recollection.

9253. No complaint made as to the action of the policeman at that stage?—Certainly not.

9254. At the hearing in the morning was the Inspector who took the charge there?—That I could not say. I should not know the Inspector myself, so I could not tell you.

9255. Did you make any inquiries afterwards as to what the Inspector had done that morning?—No. We were simply told in court by somebody. I suppose they called for the Inspector and somebody answered, I could not say who, "He has gone for his holidays," and which seemed to me rather strange that a man should go for his holidays between 3 o'clock at night and 10 the next morning without anybody knowing it. That occurred to me to be strange at the time, but I have since heard that is frequent.

9256. You sent a copy of that same letter to the Home Office that you sent to the Chief Commissioner?—Yes, an identical copy.

9257. In sending it you sent this covering letter with a copy of your letter to the Chief Commissioner. There is no date upon this, and it is written to Mr. Akers-Douglas, Secretary of State for the Home Department: "Sir, herewith I beg to hand you copy of a letter I have addressed to the Chief Commissioner of Police with respect to the wrongful arrest of my wife, and I shall be obliged if you will kindly have full inquiry made into the case. I may say that, thanks to the publicity given to the matter by the Press, which clearly exonerates my wife in the eyes of the world, I have no desire to instigate any vindictive proceedings, but I most certainly demand that the constable in fault be suitably punished and a public apology given to my wife. Awaiting the honour of your reply, I beg to remain, Sir, your obedient servant, P. Braham." It was after you had written those letters that they held an inquiry at Brixton Police Station, was it not?—Yes.

9258. Were you at home when the mounted Inspector called on the morning of the inquiry?—I was not actually at home, but I met him coming up the road as I was leaving home.

9259. You did not hear any conversation?—No, I was not at home.

9260. You went to this inquiry at Brixton Station?—Yes.

9261. Did you hear the statement that Atkinson made?—I heard everything.

9262. Was the statement of Atkinson reduced to writing and read over to you?—The Commissioner—I do not know which one it was—who was there took everything down in writing, and he wrote very slowly and pulled us up sometimes, but I know he took every word, because I corrected him several times.

9263. What I asked you was whether, after Atkinson's statement was written down, it was read over to you?—As far as my recollection goes, the whole statement was not read over to us, because I said, "Can I have a copy of this?" and I think had it been read over I should not have asked for a copy. Taking down the statement a portion would be read as one goes on, but I do not think the whole of it was read out at the end at all.

(*Mr. Dickinson.*) Who was presiding at this inquiry?

(*Earl Russell.*) I have no copy of any of these documents.

(*Mr. Eldon Bankes.*) I am not sure whether it was the Superintendent or the Commissioner, but I will inquire.

9264. (*Earl Russell.*) Do you remember what Atkinson said in his statement?—He had leading questions put to him by the Commissioner, and his answers were just practically Yes or No.

9265. Was anything said then about your wife being drunk at all?—No, not a word.

9266. Did you hear a statement made by the Night Inspector in charge of the police station?—At this inquiry do you mean?

9267. Yes?—No, not anything vital.

9268. But the man who took the charge was there?—So my wife tells me. I did not know him, but she said, "That is the Inspector."

9269. Did you hear him make any statement?—No, as far as I recollect he did not say anything. He seemed to have nothing to say.

9270. Then it was after that inquiry that you received a letter from New Scotland Yard?—Yes.

9271. 23rd June, 1903: "Sir, with reference to your letters of the 9th and 18th instant, I am directed by the Commissioner of Police of the Metropolis to acquaint you that he has previously made every possible inquiry, which has, however, failed to throw any fresh light upon the case. It is unfortunate that the Inspector who took the charge, and whose testimony the Magistrate required, should have absented himself on leave instead of being present in court when the case was called on for hearing. In view of the Magistrate's decision in the case, the Commissioner feels it incumbent on him to express his regret for any inconvenience that may have been caused to you or Mrs. Braham by police action, I am, Sir, your obedient servant, Lewis J. Fry, Acting Chief Clerk." That represents the apology you got?—The so-called apology, but had I read that letter in the light I look upon it now I should have called it an insult instead of an apology.

9272. Was anything written to you about anything being done to the constable?—No, we never heard anything more.

9273. (*Mr. Eldon Bankes.*) After the hearing at the police court you wrote to the Chief Commissioner on the 9th June?—Yes, I wrote him a report of what had taken place.

9274. And in the letter you ask: "I shall therefore be obliged if you will be good enough to have a full inquiry made into the case, as it is intolerable that respectable people should be exposed to malicious prosecution on the part of the police"?—Those are the identical words.

9275. That is what you wanted, a full inquiry by the Commissioner?—Yes, that was it.

9276. Upon that you were asked to attend at the police station, and your wife's evidence was taken, and the evidence of the constable was taken?—Yes, all parties concerned were there.

9277. You have no complaint to make about that, have you. The person in charge of that seemed desirous, did he not, of getting a full statement from everybody?—Do you mean the Commissioner?

9278. It was not the Commissioner. I am told it was Acting-Superintendent Taylor?—It was conducted in a fair manner. The only thing I say was that leading questions were put and we were not allowed to examine the witnesses, otherwise it was conducted fairly.

9279. You thought it was conducted fairly?—Certainly.

9280. You made no complaint then and do not now as to the way that inquiry was conducted?—With that reservation that we should have been allowed an opportunity of examining the witnesses.

9281. Did you ask permission to ask questions?—I think I began to ask something, and I was politely shut up, as far as I recollect.

9282. Do you remember?—Yes. My nature is rather aggressive, and I should certainly begin to ask questions.

9283. Now you are arguing about your nature, but I am asking about your recollection?—My recollection is that I began to ask one or two questions, and when I found I was not allowed to, I desisted.

Mr. Philip Braham.

23 Oct. 1906.

9284. Will you swear you did, or is it only your impression?—I will not swear, but it is my strong impression.

9285. And I suppose your impression is somewhat flavoured by your argumentative disposition?—To a great extent.

9286. After that inquiry was held you wrote on the 18th June to the Chief Commissioner:— "Sir,—With reference to my letter of the 9th instant, my wife received a visit on the 16th from an official whom we understood represented both yourself and the Home Office, and he expressed his regrets at the occurrence, requesting our attendance the same evening at the Brixton Station." I suppose you had been told that by your wife?—My wife told me when I came home.

9287. Your wife has told us to-day that this gentleman came and he said that the one thing he would not do was to express his regret.

(*Mr. Rufus Isaacs.*) No, that is not quite accurate. Was it not that she said she wanted a public apology, and he said, "That is a thing you will never get"?

9287*. (*Mr. Eldon Bankes.*) Then I misunderstood the lady. However, this correctly represents what your wife told you, does it, this gentleman "Expressed his regrets at the occurrence, requesting our attendance the same evening at the Brixton Station. We accordingly attended at that station, when we were confronted with the constable and the various police officers interested in the case, and both my wife's and the officers' evidence was taken by the official in charge. This evidence was practically the same as was given before the Magistrate, and the constable again failed to establish any charge whatever against my wife. I have seen my solicitor, and whilst I am perfectly satisfied as to our legal position in the matter, I would gladly (taking into consideration the publicity given to the case by the public Press, which clearly exonerates my wife from any imputation against her character), avoid the necessity of taking proceedings against the constable in fault. I shall be glad, therefore, to hear from you what steps you propose to take in the matter to protect the public against any repetition of such annoyance in the future, which is my sole object in pursuing the matter further. Please understand that we have no cause for complaint against the Police Force in general." That is so, is it not?—Yes.

9288. Your complaint is against the particular constable?—Certainly; it is not as a body; it is only this particular man.

9289. "Owing, however, to the anxiety and worry my wife has suffered, I find it necessary to take her abroad for a while, and I shall be glad, therefore, to have your reply before we leave within the next few days. I take it you have no objection to my publishing this letter. Awaiting the honour of your reply." Then the answer was the one that Earl Russell has read, and I do not think I need read that again, in which "The Commissioner feels it incumbent on him to express his regret for any inconvenience that may have been caused to you or Mrs. Braham by Police action." The matter closed by your letter of the 25th:—"Sir,—I am in receipt of your letter of 23rd inst., and am perfectly willing to accept the apology offered to my wife and myself, and I feel sure I can now safely leave the matter in the Chief Commissioner's hands to deal suitably with the constable at fault," and there the matter rested, as far as you were concerned?—There the matter ended.

(*Mr. Dickinson.*) Will you kindly tell me, Mr. Bankes, with regard to these notes on pages 32 and 33 of the document before us, whose initials they are. I suppose "E. R. H." means Sir Edward Henry?

(*Mr. Eldon. Bankes.*) Yes.

(*Mr. Dickinson.*) The second, I suppose, is addressed to Major Wodehouse, and signed by Sir Edward?

(*Mr. Eldon Bankes.*) Initialled by the Commissioner. I have no doubt they are his notes of instructions to those who had to deal with the matter.

(*Mr. Dickinson.*) Then at the bottom of page 33 what do letters "A.C.A." mean, and who is that document signed by?

(*Mr. Eldon Bankes.*) That is Major Wodehouse, and "A.C.A." stands for Assistant Commissioner Administrative.

(*Mr. Dickinson.*) Who is that signed by "W. E. G."?

(*Mr. Eldon Bankes.*) Major Gilbert, one of the Chief Constables.

(*Mr. Dickinson.*) And the next one?

(*Mr. Eldon Bankes.*) "F. W" would be Major Wodehouse.

(*Mr. Dickinson.*) What about these three subsequent ones: "Please see decision of Commission carried out"?

(*Mr. Eldon. Bankes.*) That is Major Gilbert.

(*Mr. Dickinson.*) There is no decision of the Commissioner here. On page 34 there is a recommendation that he should be strictly cautioned, and that was recommended by Major Wodehouse.

(*Chairman.*) I understand it is more than a recommendation. That is the final decision.

(*Mr. Eldon Bankes.*) Yes.

(*Mr. Dickinson.*) The result of Major Wodehouse's inquiry.

(*Chairman.*) "Inspector Billson clearly failed to use proper discretion in dealing with the charge, and showed negligence in not attending the court. He will be strictly cautioned. The police-constable may, in the first instance, have been guilty of an error of judgment only, but his subsequent action in preferring a charge of drunkenness against a sober person looks as though he sought to make the case stronger. He will also be strictly cautioned. Mr. Henry to see."

(*Mr. Eldon Bankes.*) Then Mr. Henry does see, because he initials it, "E. R. H., 2/7/06."

(*Chairman.*) That is confirming the decision arrived at.

(*Mr. Eldon Bankes.*) Yes.

(*Mr. Dickinson.*) That, I presume, is the interview the Chief Commissioner had with this constable.

(*Mr. Eldon Bankes*) No, it is Major Wodehouse's memorandum.

(*Mr. Dickinson.*) Then what is the signature "E. R. H." immediately underneath?

(*Mr. Eldon Bankes.*) It is the Chief Commissioner's signature indicating that he has seen Major Wodehouse's report, and approves of it.

(*Mr. Rufus Isaacs.*) I do not follow this. Major Wodehouse's decision is, according to the copy you have given us, the 1st July, 1903, and the initials of "E. R. H.," as I follow it, are the 2nd July, 1906

(*Chairman.*) It is here, "2/7/06," and underneath is "Superintendent Doyle,—Please forward decision of Commissioner, and carry out."

(*Mr. Eldon Bankes.*) We must look at the original. It must be a mistake.

(*Chairman.*) It may be a mere clerical error, because all the other dates are 1903 on that same page.

(*Mr. Rufus Isaacs.*) I should imagine it is, but I want it cleared up.

(*Mr. Eldon Bankes.*) Sir Edward Henry did not put the year. He only put the figures, "2/7/."

(*Mr. Rufus Isaacs.*) And somebody has added the "06."

(*Mr. Eldon Bankes.*) Yes.

(*Mr. Dickinson.*) On the 3rd July, "W. E. G.," that is, Major Gilbert, instructed Superintendent Doyle to see that the decision of the Commissioner is carried out. That decision we have not seen.

(*Mr. Eldon Bankes.*) The decision of the Commissioner is that the constable should be strictly cautioned. Major Wodehouse in his memorandum gave his reasons for thinking that the charge against the constable was a serious one, and he says he is to be strictly cautioned. Then he says Mr. Henry is to see that.

(*Mr. Dickinson.*) Does that mean Mr. Henry is to see the man, or see the letters?

(*Mr. Eldon Bankes.*) No, he is to see the recommendation.

(*Mr. Dickinson.*) Then Mr. Henry sees the recommendation, and signs it with his approval. Then Major Gilbert instructs Superintendent Doyle to caution him.

(*Mr. Rufus Isaacs.*) That is not only as to the constable, but that applies equally to the Inspector, does it not? I do not see why it is limited to the constable.

(*Mr. Eldon Bankes.*) No; I think it applies to both.

(*Mr. Dickinson.*) Then what is the next one, "Report submitted"?

(*Chairman.*) That is, Superintendent Doyle's report is submitted, showing that he had carried out the decision of the Commissioner.

(*Mr. Eldon Bankes.*) I think that is what that means—the 4th July.

(*Mr. Dickinson.*) Then Major Gilbert says that it is registered.

(*Mr. Eldon Bankes.*) I suppose that means that he has had submitted to him the memorandum of Superintendent Doyle, showing him that it has been done.

(*Mr. Dickinson.*) Then what are the initials "P.A."

(*Mr. Eldon Bankes.*) "Put away." Then Superintendent Doyle's report is on page 39, and is dated the 4th July, 1903: "Referring to attached, I beg to report having strictly cautioned Inspector Billson and Police-constable 800 W. Atkinson, as directed."

(*Mr. Rufus Isaacs.*) That is the report which was submitted, I suppose.

(*Mr. Eldon Bankes.*) No doubt.

(*Mr. Dickinson.*) Doyle being the Superintendent of that Division.

(*Mr. Rufus Isaacs.*) Yes.

(*Earl Russell.*) Those are all my witnesses. May I ask to be allowed to have a copy of those documents before any police witnesses are called? I should like to have them before me.

(*Chairman.*) I will hand you my copy.

(*Mr. Dickinson.*) Have you the notes of the inquiry at Brixton Station?

(*Mr. Eldon Bankes.*) The statements of the witnesses are before you. It was not an inquiry of the same nature. At page 23 you will find the Inspector's report, and on page 25 there is the lady's statement.

(*Chairman.*) We do not want to read this at the present moment, but whatever statements were taken down are contained in the book which has been handed to us.

(*Mr. Eldon Bankes.*) They are.

(*Mr. Whitmore.*) It is a full report of the proceedings.

(*Mr. Eldon Bankes.*) Apparently.

(*Mr. Dickinson.*) There is no note of what was said verbally at that inquiry.

(*Mr. Eldon Bankes.*) Yes; on page 25 there is the lady's statement and the questions which the constable put to her.

(*Mr. Dickinson.*) That is all.

(*Mr. Eldon Bankes.*) I do not see the constable's statement at the moment.

(*Mr. Dickinson.*) What I want is what the police constable said when he appeared before Major Wodehouse. He said nothing, according to this.

(*Mr. Eldon Bankes.*) I have asked for information about that.

Mr. Philip Braham.

23 Oct. 1906

(*Chairman.*) Was the inquiry at Brixton before Major Wodehouse?

(*Mr. Eldon Bankes.*) No; it was before Superintendent Taylor.

(*Chairman.*) Did he take notes, and get them signed by the various witnesses?

(*Mr. Eldon Bankes.*) I cannot tell you.

(*Mr. Rufus Isaacs.*) Is the constable going to be called?

(*Mr. Eldon Bankes.*) I should like to ask your direction about this, sir. I am not defending the action of the constable, because he has been severely reprimanded for what he did. If you wish to know what course the Commissioner took or caused to be taken upon that, I will give you every information in my power, but of course the position of the Commissioner in a case such as this is that he investigates the matter, and there is the statement by the woman and the statement by the constable directly in conflict as to what took place on the pavement. The point upon which the constable is clearly in fault is preferring a charge of drunkenness, and for that he is punished. I do not suppose the Commissioner could decide which of the two were telling the truth on the other part of the case, but the part of the case which he does deal with apparently is the part which is plain, namely, that the police constable preferred a charge of drunkenness when no such charge at all ought to have been preferred.

(*Chairman.*) Then what you call the letter of apology is written.

(*Mr. Eldon Bankes.*) Certainly.

(*Chairman.*) In that letter the Commissioner does not withdraw the charge, but he accepts the decision of the Magistrate.

(*Mr. Eldon Bankes.*) The Magistrate dismissed the charge, and I submit the Commissioner is quite right in accepting that as a decision, which he does accept with respect.

(*Chairman.*) As I read the letter, the Commissioner does not say that he believes the policeman was in fault, and he does not withdraw the accusation. Whether the Commissioner is bound to do it is quite another question, but that is not what I should call an apology.

(*Mr. Eldon Bankes.*) So far as the form of the document is concerned, the husband accepted it, and you will recognise the difficulty that the Commissioner or anyone in his position has in dealing with such a matter upon written reports, because where two people are directly in conflict it is a very difficult matter, upon a report where people's characters are at stake, to decide at all one way or the other; but if there is a point upon which a man is obviously in fault it is his duty to act, and he did act.

(*Chairman.*) We think that the constable ought to be called.

(*Mr. Eldon Bankes.*) Certainly, sir. Every witness you desire to have shall be called before you.

Police-Constable Walter Atkinson, sworn.

P.C. W. Atkinson.

9290. (*Mr. Eldon Bankes.*) Your number is 800 W?—Yes.

9291. How long have you been in the Force?—Fourteen years and three months.

9292. Have you ever had any complaint made against you of any sort except this before?—No.

9293. Are you married or single?—Married.

9294. Have you got a family?—Two children.

9295. Where do you live?—366, Wandsworth Road, Clapham.

9296. Were you on duty on the night of the 6th June, 1903?—Yes.

9297. Just tell the Commissioners in your own way what happened with reference to this lady on that night?—About a quarter past twelve I was on duty in South Lambeth Road. I saw the lady coming along in the opposite direction to me on the opposite side of the road. When within about forty yards I noticed her stop in front of a man. The man passed along. I crossed the road opposite the Presbyterian Church. When I got to the kerb the lady came up to me and stopped in front of me, saying: "What are you interfering with me for?" I said: "I have not interfered with you. You had better get along home." I walked to the church gate, and she said: "How dare you assault me!" At the same time a man whom I do not know came up to us. I said: "Have you seen me interfere or assault this lady in any manner?" He said: "No." The lady then appealed to the man herself, and he gave her the same answer.

9298. (*Mr. Rufus Isaacs.*) You say she appealed to him. Tell us what she said?—She said: "Did you not see this constable assault me?" The man said: "No." She then became very excited, started shouting, and said that she would take my number and go to the station to report me. I told her to get along home and keep herself quiet, otherwise I should take her to the station. She still persisted in shouting, was greatly excited, and smelt strongly of drink. I took her into custody. She was struggling all the way, and whilst going down Lansdowne Road she asked me to let her go, as she was sorry. I said: "I cannot

P.C. W. Atkinson.

23 Oct. 1906.

do that." When in Larkhall Lane we met Police-Constable 749 (Allen), and she appealed to him to let her go, and struggled to get away from me. I called him to my assistance. With his assistance we got her to the station.

9299. (*Mr. Eldon Bankes.*) When you got to the station what happened?—I preferred a charge of drunk and disorderly against the lady.

9300. To whom did you make that charge?—Inspector Billson.

9301. What happened when you made that charge?—The Inspector came up to the dock rail, had a look at the lady, and walked back into the office, and called me into the office.

9302. You mean that is his office?—The Inspector's office.

9303. What took place there?—He said to me: "The lady is not drunk, but she has been drinking, and I will put her on for disorderly conduct alone."

9304. Then did you go back into the charge room?—Yes.

9305. Had you told the Inspector what you have told the Commissioners now?—Yes.

9306. You had told him that before you went into his office?—Yes.

9307. When you went back into the charge room what took place then?—The Inspector entered the charge on the charge sheet, and the lady asked to see a doctor. The Inspector said: "There is no occasion to see a doctor, as you are not charged with drunkenness." He entered the charge of disorderly conduct on the charge sheet.

9308. Did he read it to the lady?—Yes.

9309. Did the lady say anything at the station besides saying that she wanted to see a doctor?—No.

9310. Did she tell the Inspector where she had come from, or what she had been doing?—Not in my hearing.

9311. Then I think she stayed there for some time, and her husband came and she was bailed out?—I believe so. I went back out on duty.

9312. You went back out on duty, did you, leaving the lady there?—Yes.

9313. The lady says that you were standing with a man under an archway, and that you darted out upon her?—There is no archway in the road.

9314. She says now, or suggests, that you acted in some manner in an indecent way in the way in which you held her. Is there any foundation for that?—No; I only caught hold of her arm.

9315. Later, I think you attended before the Magistrate and gave evidence?—Yes.

9316. Then later an inquiry was made at the police station by Inspector Taylor, was it?—Yes.

9317. What took place then so far as you were concerned? Did you make a statement then?—The lady made a statement, and I was asked if I had any questions to ask the lady. I asked her two or three questions. I cannot exactly call to mind the questions I asked.

9318. These appear to be the questions you asked her: "Question by P.-C. 800—You say I seemed to dart out of a gateway? (A.) Yes. (Q.) Did you stop about forty yards away, and stop in front of a man? (A.) No, certainly not. (Q.) Did you stop in front of me when you came up to me? (A.) Certainly not, no. (Q.) Did you ask me what I was interfering with you for? (A.) No. (Q.) Did I not say 'I am not interfering with you,' and requested you to go on, and I moved into the church gateway. (A.) No, and you did not move. (Q.) As I went to go into the gateway did you not say 'What are you assaulting me for?' (A.) I did not say such a word. (Q.) Did I not ask a man if I had interfered or assaulted you in any way? (A.) No, you did not." Were those the questions you asked?—Yes.

9319. I asked you about an archway, and you said there is no archway. Is there a church gateway there?—A church gateway.

9320. What sort of a gateway is that?—An iron gateway.

9321. Is there an arch over it, or is it an open gate?—An open gate.

9322. Those are the questions you asked?—Yes.

9323. What did you do?—Did you make a statement there before them, or was your report read, or what happened?—My report was read to them.

9324. That was the report you originally made out? Yes.

9325. Did the Inspector ask you any questions about your report, do you remember?—No; I cannot say that he did.

(*Mr. Rufus Isaacs.*) The report is at page 5, and it is signed by Inspector Hamilton.

9326. (*Mr. Eldon Bankes.*) It is dated the 10th June. Here is the original (*producing*). That is the report you made (*handing*)?—Yes.

9327. Is that the one that was read at that time?—Yes.

9328. (*Earl Russell.*) Do not let us have any confusion about this gateway. In the statement which Mrs. Braham made at the police station she stated, did she not, "The constable seemed to dart out from a gateway"?—She stated that at the station.

9329. Your first question is: "You say I seemed to dart out of a gateway." That is what you mean by the church gateway?—Yes.

9330. You spoke several times about a church gateway?—I did not speak many times about a church gateway—only once.

9331. Just now?—Answering the question that there was no archway.

9332. But there is a church gateway there. Did you not call it a gateway?—Yes. There is a forecourt in front of the church.

9333. There is not anything about an archway here in the report. It is "gateway"?—Yes.

9334. You begin by saying that you saw Mrs. Braham, when she was about 40 yards from you, stop in front of a man?—Yes.

9335. What do you mean by that exactly?—She seemed to stop dead in front of this man as he was going in the opposite direction to her. That is what made me cross the road to see what she was doing.

9336. What do you suggest she was doing?—Well, at the time the road was infested with prostitutes, and I thought, when I crossed the road, that she was one of those unfortunate creatures.

9337. Did you notice any conversation between her and the man?—No.

9338. Did you see the man himself?—Only in the distance.

9339. Not so that you could recognise him?—No.

9340. You say, when you first crossed the road, she spoke to you first. Is that right?—Yes.

9341. Before you had touched her, or said anything to her?—Yes.

9342. She said, "What are you interfering with me for"?—Quite right.

9343. Why should a respectable woman say that to you?—I do not know any more than you do. They were the words she used to me as I stepped on to the kerb and stopped to let the lady pass.

9344. You know now that Mrs. Braham is a respectable married woman?—Yes.

9345. Tell me why a respectable married woman should say that at mid-night to a constable—"What are you interfering with me for"?—Goodness knows.

9346. You cannot suggest any reason?—No, I cannot.

9347. What did you understand her to mean by interfering with her?—I understood her to mean by interfering with her my stopping to let her go past.

9438. You did not understand her to mean anything by way of an assault?—No.

9349. Or in laying hands on her indecently, or otherwise?—No. I stepped on to the kerb and stopped to let her go by. That was when she spoke to me first.

9350. It was at that moment the stranger passed by?—Not exactly at that moment.

9351. How long afterwards?—When I said to her, "Go along home." I walked to the church-gate, when she accused me of assaulting her.

9352. That was your answer to her that she was to get along home?—Yes.

9353. What did she say to that?—She accused me of assaulting her at once then.

9354. At once. That was the answer. Had you touched her?—No.

9355. You had not laid a finger on her?—No, not until I took her into custody.

9356. What did she say when she accused you of assaulting her?—"How dare you assault me in that manner."

9357. Without any provocation?—Without any provocation.

9358. Without any reason?—Without any reason.

9359. Then there was a passer-by?—Yes.

9360. You did not know him?—No.

9361. You were not in conversation with him beforehand?—No.

9362. Ever seen him again?—No.

9363. According to your story you both asked this passer-by whether he had seen any assault?—Yes.

9364. You recognised that it was rather a serious charge to be made against a constable on his beat, that he should have assaulted a woman, did you not?—I did.

9365. Why did you not take the name and address of this passer-by?—I asked him to accompany me to the station when I took the lady into custody, and he said he could not. The lady was struggling when I got hold of her arm, and it was an impossibility to take his name and address. I had either to take his name and address and let her go, or take her and lose him.

9366. Did you think there would be any difficulty in getting hold of her again?—Probably so.

9367. How many other people were there in the road at the time?—None at all.

9368. Have you taken any step to find this man since?—No, I have not.

9369. He did answer you, you say, that he had not seen you assault her?—Yes.

9370. You recognise that he would have been a useful witness?—He would have been.

9371. Mrs. Braham is right in saying that you spoke apart with him for a moment?—Yes, but not apart.

9372. That was when you were asking him. Did she hear you ask him whether he had seen you assault her?—(*Mr. Rufus Isaacs.*) He did not agree with your question that he took him apart.

9373. (*Earl Russell.*) No, I gather that. Was this stranger present when you actually arrested Mrs. Braham?—Yes.

9374. How long did he stop there altogether?—A minute or a couple of minutes.

9375. He stood by and looked on at the scene?—Yes.

9376. Up to the time when you had arrested her?—Yes.

9377. And started marching her away?—Yes.

9378. How far off was the nearest constable on duty?—The nearest one to me was about a quarter of a mile away in Larkhall Lane, the first constable I came to, but had the constable on the next beat to me been near, he would have been within 50 yards.

9379. If you had blown your whistle, you would have had another constable there within a few minutes?—Yes.

9380. You could have handed the lady over to his custody while you asked the gentleman for his name and address?—Yes.

9381. After you had had a conversation with this stranger as to whether he had seen you assault her, what was your conversation with Mrs. Braham. You told her to go home again, did you?—Yes. I told her to keep herself quiet, and go along home, otherwise I should take her into custody.

9382. Then she said she would take your number?—She said that before I said I should take her into custody.

9383. Did she ask for your number?—No.

9384. She did not ask you for your number?—No.

9385. She said she would report you?—Yes.

9386. So far you had done nothing?—No.

9387. You had said nothing to her you should not?—No.

9388. You had not done anything to her you should not?—No.

9389. And yet she asked you why you were interfering with her, and told you she would take your number and that she would report you?—Yes.

9390. You told her to get along home after that again?—Yes.

9391. Why did you take her into custody when she said she would take your number?—I told her to get along home or I should take her into custody, and as she still persisted in shouting, I took her into custody.

9392. You say she persisted in shouting?—Yes.

9393. What kind of things was she shouting?—She was very excited, and shouted very loudly. She said she would have my coat off, and that she was a respectable woman.

9394. (*Mr. Rufus Isaacs.*) Are you repeating the words she used to you?—Yes.

9395. Do you mind putting them into her words so far as you remember? She said what?—"I will have your coat off. I am a respectable woman."

9396. (*Earl Russell.*) You did not, at that time, believe she was a respectable woman, of course?—Not when I first noticed her, on the opposite side of the road—I did not. But when she came up to me I thought she was a respectable woman. That is why I did not stop her.

9397. You believed her to be respectable before you arrested her?—Yes.

9398. In what way did she show her excitement besides shouting?—She appeared to be intoxicated, to my idea.

9399. Nothing less than being drunk would account for what you have told us, would it?—No.

9400. Then you say you did lay hands on her in a proper way, and took her into custody?—Yes.

9401. Taking her by the arm in the ordinary way?—Yes.

9402. Then she began to struggle?—Yes.

9403. Instantly?—Instantly.

9404. Did she throw herself about?—No; she struggled to get away from me, and appealed to this man to assist her.

9405. The stranger?—Yes.

9406. He was still there?—He was still there.

9407. Was she shouting out anything after you had arrested her?—No.

9408. Did not say a word?—No—only that she was sorry for what she had done.

9409. That was later. But at the time, in this street where you arrested her, she did not continue to shout?—No.

9410. She did not try to throw herself down on the pavement, or anything of that sort?—No.

9411. That is what drunken women do sometimes, is it not?—Frequently.

9412. The struggle was to get away from you simply?—Yes.

9413. In the Lansdowne Road—was that where you met Police-constable Allen, 749 W?—Larkhall Lane.

9414. He was a police-constable in uniform?—Yes.

9415. She knew at once that he was a police-constable?—Yes.

9416. You say she appealed to him, and struggled to get away from you. Is that right?—Yes.

9417. To get away from you to another policeman?—Yes.

9418. What did you think was the reason for that?—She wanted me to let her go, and appealed to him to let her go.

9419. But if her objection was to being arrested, why did you think she preferred one policeman to another?—I think she thought Allen was a sergeant, and that is why she appealed to him to let her go.

P.C. W. Atkinson.

23 Oct. 1906.

P.C. W. Atkinson. Oct. 1906.

9420. She appealed to him to take her away from you?—No. Her words were "Will you let me go?"

9421. To Allen?—To Allen.

9422. He was not holding her?—I asked him to catch hold of her other arm and take her to the station with me.

9423. I thought you said she struggled with you and tried to get to another policeman?—Yes.

9424. Before he had taken hold of her arm?—Yes.

9425. What did she say to Allen—"Will you take me away?"—No. "Let me go."

9426. "Let me go from this man"?—Not "from this man" at all. "Let me go."

9427. But from whom—from you or from him?—They were the words she used.

9428. Before he got hold of her?—Yes.

9429. You think she thought Allen was a sergeant?—Yes.

9430. He is of the same rank as yourself?—Yes.

9431. You got to the police-station, and you put her in the dock in the ordinary way. Did you start by charging her in the usual formal way before the conversation with the Inspector, or did you have a conversation with the Inspector first?—I gave the Inspector the details of the case, with the charge of drunk and disorderly.

9432. What exactly did you say to him? Did you say "Here is a woman I have brought in drunk and disorderly"?—No. The Inspector said "What is this charge?" I said "Drunk, and behaving in a disorderly manner in South Lambeth Road." He asked me what the disorder was. I told him that I saw the woman coming along—saw her stop in front of a man. I crossed the road, and when she got in front of me she stopped dead in front of me, and she accused me of interfering with her and assaulting her. I told her to get along home. She began shouting, and would not go away, and I took her into custody. I think that is word for word what I said to the Inspector. Then he said "Come into the office." We went into the office, and he said "The woman is not drunk, but she has been drinking. I will put her on for disorderly conduct alone."

9433. The disorder that you complained of was shouting in the streets. Is that so?—Yes.

9434. Not accosting the man?—No.

9435. You do not suggest now that she did accost a man?—No; I did not say that she had accosted a man at all. She appeared to stop in front of this man.

9436. But at the time, from the other side of the street, I thought you told me, you thought she was accosting him?—That is what I thought at the time. That is what made me cross the road.

9437. But you do not say so now, and you did not say so at the station?—No.

9438. Then the disorderly conduct was the shouting?—Yes.

9439. When the Inspector took you into his office he told you that, although she had been drinking, she was not drunk?—Yes.

9440. Was anything said to the lady herself, Mrs. Braham, about being drunk?—No.

9441. Was she told she was charged with being drunk?—No.

9442. Why did she ask to see a doctor?—Because she thought she was charged with being drunk.

9443. She guessed it?—Yes. The Inspector said "There is no occasion to see a doctor, you are not charged with being drunk."

9444. How came she to guess that?—That I do not know.

9445. (*Mr. Rufus Isaacs.*) Do you mind telling us what she did say when she asked for a doctor? You have told us what you thought, but what did she say?—She said she wanted to see a doctor.

9446. (*Chairman.*) What were the words she used?—"I want to see a doctor."

9447. (*Mr. Rufus Isaacs.*) You think she thought she was charged with being drunk, and that is why she wanted to see a doctor?—Yes.

9448. That is not what she said?—No

9449. What we want you to tell us is what she said——

9450. (*Earl Russell.*) To whom was it she made her request to see a doctor?—Inspector Billson.

9451. You were present?—Yes.

9452. Did you hear her say anything about wanting a more responsible person?—No.

9453. Nothing of the kind?—No.

(*Chairman.*) I do not think she said she used those words.

(*Earl Russell.*) I am not quite certain.

(*Chairman.*) "I asked about the doctor because I wanted somebody of more responsibility." She did not tell us to-day she had used those words at the police station. It is an explanation of her request for a doctor.

(*Earl Russell.*) The question I put to her was whether it was accurate that at the station she complained to the Inspector, and wanted to see a doctor—"I wanted to see someone in a more responsible position." I admit it is not clear whether she said that at the station or afterwards.

(*Chairman.*) I understood her evidence in the box to be this, that the words "I wanted somebody of more responsibility," were used in explanation of her request for a doctor.

(*Mr. Rufus Isaacs.*) She would not be likely to say before the Inspector, before whom the charge was made, that she wanted to see somebody of more responsibility.

9454. (*Earl Russell.*) No; I think perhaps it is a mistake of the newspaper reporter.

9455. Was the charge read over to her after it was written down?—Yes.

9456. Of disorderly conduct only?—Yes.

9457. Did she say anything in answer to it?—She did not say anything.

9458. Was she still excited at this time?—Yes.

9459. Crying?—Yes.

9460. Very much upset?—Appeared so.

9461. Are you perfectly clear you heard her say nothing to the Inspector in explanation of her being out so late?—No.

9462. Not a word?—Not in my hearing.

(*Earl Russell.*) I do not know whether there is here a note of the evidence taken at the police court. I have not got it.

(*Chairman.*) We have not had a copy of the depositions.

(*Earl Russell.*) I have not got them either. If any question should arise when I do see them, perhaps I may be allowed to ask other questions later.

(*Chairman.*) Yes.

9463. (*Earl Russell.*) The next day, when she came before the Magistrate, you were in court?—Yes.

9464. Was Allen in court too?—Yes.

9465. Did Allen give evidence?—Yes.

9466. You both gave evidence?—Yes.

9467. And you said the same as you have said now?—Yes.

9468. Is it entirely false to say that the first thing you did was to put your arm round her in an affectionate manner?—Yes.

9469. Not a word of truth in it?—Not a word.

9470. You say it is also entirely false that on the way to the station you treated her improperly?—Yes.

9471. You first made a written report on this case on the 10th June, I suppose—four days afterwards?—Yes; I think it was about three or four days. I cannot exactly tell you the date.

9472. You gave evidence at the police court, of course, the next day, and two or three days afterwards you made a written report?—Yes.

9473. Have you made any written reports since this one?—No.

9474. You did not make any fresh one at the inquiry at Brixton Police Station?—No.

9475. Now, I want to know about what happened in Lansdowne Road when she asked you to let her go.

What were the exact words she said?—"Let me go; I am sorry."

9476. Did you understand what she was sorry for?—No, only for being taken into custody.

9477. It was not anything that she had done that she was sorry for?—No.

9478. When you gave your evidence at the police court did you say this lady smelt strongly of drink?—No.

9479. You did not say it in the report you wrote on the 10th June?—No.

9480. Did you say so to the inspector when he took the charge?—Yes.

9481. You said she smelt of drink?—Yes.

9482. But you did not mention it at the police court because she was not charged with being drunk?—Quite so.

9483. You have been punished for making a charge of drunkenness as a false charge. Is that so?—I was strictly cautioned.

9484. I mean the reason for that punishment was for making that false charge of drunkenness?—I do not know whether it was a false charge of drunkenness, or whether it was disorderly behaviour. I was strictly cautioned.

9485. You mean you are not quite sure what you were punished for?—I took it I was punished for both the original charges that I preferred first. I think, if I can remember, the words were that the constable was a little bit too hasty in the first onset, and what made the charge worse was preferring a charge of drunkenness against a sober and respectable woman, and I was to be strictly cautioned.

9486. The sentence read out was that the constable might in the first instance have been guilty of an error of judgment only, but his subsequent mistake in preferring a charge of drunkenness against a sober person looks as though he sought to make the case stronger?—Yes.

9487. To what extent did you prefer this charge of drunkenness. You simply went to the Inspector and said "The charge is drunk and disorderly." Is that so?—Yes.

9488. When the Inspector looked at the woman and said: "I do not agree she is drunk," you at once withdrew it?—No.

9489. You did not insist on his taking the charge of drunkenness?—No.

9490. This charge of drunkenness on your part was never reduced to writing?—No.

9491. Was it because the charge was not a charge of drunkenness that you said nothing about it at the police court?—Yes.

9492. But it would have been an explanation or an aggravation of the charge of disorderly conduct, would it not?—Yes.

9493. But still you said nothing?—No.

9494. (*Mr. Eldon Bankes.*) I want to ask you one question about when you first saw the woman. I understand what first drew your attention to her was you saw her stop opposite a man?—Yes.

9495. You thought that might or might not be a case of a person accosting?—Yes.

9496. So you went across to see?—Yes.

9497. Did you walk sharply across?—I walked in the ordinary way across the road.

9498. How near to her were you when you stepped on to the kerb?—About a yard.

9499. Was she coming in *this* direction?—Coming up towards Stockwell.

9500. And you were coming up across like *this*?—Yes.

9501. You stepped on to the kerb about a yard from her?—Yes.

9502. And she saw you coming across?—Yes.

9503. As you stepped on to the kerb I understand you stopped to let her pass?—Yes.

9504. Then it was she said "What are you interfering with me for?"?—Yes.

9505. It is possible she saw you coming?—She must have done.

9506. You were coming straight to her?—Yes.

9507. The first thing that happened, according to you, was this—she said "What are you interfering with me for?"?—Yes.

9508. (*Chairman.*) Had you ever seen Mrs. Braham before?—Never.

9509. I understand that simply because she stopped in front of a man you crossed over the road?—Yes.

9510. Why?—At the time I thought she was one of these unfortunate women accosting men. That is what made me cross the road to see. But when she came up to me I could see she was a respectable lady, and I stood still to allow her to pass.

9511. When you say she stopped before the man, do you mean he was walking in one direction and she was walking in the other?—In opposite directions.

9512. And she stopped?—She appeared to stop directly in front of this man.

9513. Instead of stepping aside?—Yes.

9514. Were they walking so that one would have come against the other if one had not stopped?—No, the lady was coming up from Vauxhall towards Stockwell, and the man was walking towards Vauxhall from Stockwell, and as they got within about 40 yards, as near as I can guess, the lady stopped like *that*, right in front of the man, otherwise if they had both continued walking——

9515. There would have been a collision?—Yes.

9516. When she stopped the man passed, I understand you?—Stepped on one side and went along.

9517. It was from that incident alone you inferred she was accosting him, do I understand?—Yes.

9518. Did she appear to speak to him?—No, I could not say.

9519. Everything that you have told me is quite consistent with her having stopped to allow him to pass?—Yes. I came to that conclusion myself when I first saw what sort of a lady she was.

9520. But you crossed the road pretty briskly towards her, did you not?—No, in a leisurely way. By the time I got across the road I judged she would get up to me.

9521. You are certain she simply stopped?—Yes.

9522. The man moved aside and passed?—Yes.

9523. No conversation?—Not that I know of; I did not hear anything. I could not hear anything because I was too far away.

9524. On that, what made you think the stopping was of any significance or had any meaning?—I cannot say.

9525. It was all over in a moment according to your account, I suppose?—Yes.

9526. A couple of seconds?—Yes, no longer.

9527. Do you mean to say that her stopping was a slow, deliberate meaning kind of stopping?—She was walking rather briskly, and she seemed to stop dead all at once.

9528. Do you mean that the stopping was such that it had any meaning apart from what I have suggested—that she was walking briskly, and stopped to let the man pass her?—No.

9529. That is all you suggest by mere stopping?—Yes.

9530. Then why did you say before, I think it was Superintendent Taylor, that you saw the woman deliberately stop a man?—In front of the man.

9531. Did you not say before the Superintendent "I saw the woman deliberately stop a man"? "P.C. 800 W stated that he saw the woman deliberately stop a man, evidently a stranger, who was proceeding in an opposite direction; but the man stepped aside without holding conversation with her"?—That is quite right.

9532. Is that what you said?—Yes.

9533. That is not quite what you have told me today, is it?—I think so, as far as I can recollect.

9534. You told me a few minutes ago, I thought, that the only thing you saw was a man and a woman approaching, that there would have been a collision if one of them had not stopped; that the woman stopped and that the man passed on; and that it only

P.C. W. Atkinson.

23 Oct. 1906.

took a couple of seconds?—Stopped dead in front of the man.

9535. That is all that took place, you say?—Yes.

9536. You crossed over the road. Who first spoke—you or Mrs. Braham?—Mrs. Braham.

9537. Were you walking towards her then as though you were going to speak to her?—I walked across the road. As the lady came along *here* I walked across the road *here*. Just as I got my foot on the kerb she stopped in front of me, and said, "What are you interfering with me for?"

9538. After the man had gone on did she walk on briskly in the direction in which she was going?—In the ordinary way of a female.

9539. When you got on the pavement she stopped dead before you?—Yes.

9540. Why did you think she did that?—I could not make it out at all.

9541. You are perfectly certain the word she used was "interfering"?—Perfectly.

9542. Did you think she meant interfering with her business?—I did not know what she meant.

9543. You have described to me what had taken place. You told the Superintendent that you had seen the woman deliberately stop a man who was proceeding in an opposite direction and then she comes up to you, stops dead, and says, "What are you interfering with me for"?—Yes.

9544. You are certain she used the word "interfering"?—Quite.

9545. And you had not interfered with her?—No.

9546. Except by crossing the road?—That was the only thing.

9547. Did you think, when she used the word "interfering," she meant interfering with her business?—No, I did not.

9548. How far off from where you arrested her was it that you met Allen?—About a quarter of a mile.

9549. Do you say that she had then expressed regret to you and that she had used the words "I am sorry"?—"I am sorry."

9550. Before you met Allen?—Yes.

9551. After she had said that did she become quieter?—Yes, until she saw P.C. Allen, and then she struggled to get away from me.

9552. The moment she saw Allen she struggled to get away from you?—Yes, and she asked him to let her go.

9553. What did she mean by that, according to your view?—She wanted to get out of custody.

9554. Out of your custody?—Yes.

9555. She seemed glad to meet Allen?—I do not know whether she was glad to meet him.

9556. You say she had been going quietly up to that time, but the moment she saw another constable she struggled to get away, and, to use your own words, appealed to him?—Yes.

9557. That was to get out of your clutches, I suppose?—Yes. She said "There is another one over there; he will let me go."

9558. (*Mr. Rufus Isaacs.*) From the first I suppose you realised that this was a very serious matter for you?—I did.

9559. When the Inspector refused to take the charge of drunkenness you quite appreciated, I suppose, that that was rather important to you?—Yes.

9560. I suggest this to you, and let us see if it is right. From your point of view your story is incomprehensible unless she was drunk?—Yes.

9561. That is so, is it not?—Yes.

9562. You cannot give any explanation of her conduct except you thought she was drunk?—Quite so.

9563. When the Inspector refused to take the charge of drunkenness did you realise that you were left in rather a difficult position?—Yes.

9564. Did you remonstrate with the Inspector about not taking it?—No.

9565. Perhaps it is too strong an expression to use to your superior, but did you tell him what you relied upon as showing that she was drunk?—No.

9566. What passed exactly about it. You have told us that when you came in he asked you the charge and you said "Drunk and disorderly."?—Yes. Then he asked me what the disorder was, and I told him I saw the woman stop in front of a man in South Lambeth Road, I crossed the road to her, and when I got on to the kerb she stopped in front of me, and asked me what I was interfering with her for, and that she started shouting, and accused me of assaulting her, and as she would not go away I took her into custody.

9567. Did nothing else pass about the drunkenness. Is that all that happened?—Yes.

9568. I rather understood you before to say that the Inspector took you into a room?—After I had preferred the charge of drunkenness and disorderly he took me into the office and he said, "The woman is not drunk, but she has been drinking, and I shall only put her on for disorderly conduct."

9569. You said nothing?—No.

9570. I want to put this to you quite plainly with regard to your story about her coming up to you and saying to you, "What are you interfering with me for?" or some such words. Once you admit that you were not thinking she was a prostitute it is difficult to explain, is it not?—I said at the first onset that I thought she was one of these low creatures.

9571. Just follow. When she came up to you and stood in front of you, and used the expression you have told us of, "What are you interfering with me for?" did you think she was referring to her business of a prostitute?—No.

9572. Did you still think that she was a prostitute?—No.

9573. Then what did you think she meant by saying "What are you interfering with me for"?—I could not make out.

9574. You could not understand it at all?—No.

9575. You cannot make it out now?—No.

9576. She charged you very quickly. She stated to you that she should take your number and report you?—Yes.

9577. That was quite early in the conversation that took place?—Yes.

9578. So far from what you have said she had done nothing for which you could arrest her, had she?—No, only she began shouting after I told her to go home.

9579. She began shouting?—Yes, and she was excited.

9580. You cannot arrest persons because they are excited. That is not enough, is it?—No, not for being excited alone.

9581. You say she began shouting after this, and you told her to go home. Do I understand that the shouting began after you told her to go home and keep quiet?—Yes.

9582. That was when she first shouted?—Yes.

9583. Until she told you that she would take your number and report you she had not shouted?—No.

9584. Then she had done nothing, so far as I can understand you?—No.

9585. And you told her to go home?—Yes.

9586. Why did you not give your number?—She did not ask me for it.

9587. Apparently she said she would take your number when you told her if she did not go home quietly you would take her to the station?—I told her if she did not keep quiet I should take her to the station, where she could get my number.

9588. Do you mean she would have to go to the station to get your number?—Yes.

9589. Do you mean if she had asked you in the street for your number, and there had been the conversation which you have deposed to, you would not have given her your number unless you took her to the station?—Yes, I should.

9590. Then I cannot understand why you did not give it to her?—She never asked me to give her my number.

9591. She said she would take your number and report you, and you told her that if she did not go home and keep quiet you would take her off to the station?—Yes.

9592. Do you not think that would be enough to pre-

vent her from asking you for your number after that?—No, I do not see that it would. If she had said, "If you will give me your number I will go," I should have given her my number.

9593. Does it not occur to you that saying a thing like that to a lady, supposing you had been making a mistake, and she had said to you she would take your number and report you, and you then told her that if she did not go home and keep quiet you would take her to the station, would be the very thing that would prevent her from asking you for your number? Does not that occur to you now?—Yes, it does.

9594. Why should you up to that time threaten to take her to the station?—I did not threaten to take her to the station until she began shouting about my assaulting her, and she would have my coat off.

9595. Now, just think for a moment. I want you to be careful about that. Do you want us to understand that she said both those things before you told her to go home and keep quiet or you would take her to the station?—Yes.

9596. She said to you that you had assaulted her?—Yes.

9597. And that she would have your coat off?—Yes.

9598. What did you understand her to mean by that?—Goodness knows. I could not say what she meant by it.

9599. Do you mean that?—Yes.

9600. You do not know at the present time what the meaning of saying to you "I will have your coat off" is?—No.

9601. Not at the present moment? Do you mean that?—Yes.

9602. Just follow for a moment. Are you telling the Commissioners that when a person says to you "I will have your coat off" you do not know what that means?—A person saying "I will have your coat off" means that you have done something to them for them to say it.

9603. Do you not know what it means?—I cannot say that I do.

9604. No notion?—No.

9605. Have you ever heard the expression before?—It is frequently said in the streets by low class people.

9606. Is it frequently said in the streets by low class people, and it is frequently said by people who come into collision with the police?—Yes.

9607. You have heard it often?—Not to me.

9608. No, but you have heard it said to others?—Yes.

9609. It is the sort of expression that is often used to a constable—"I will have your coat off"?—Yes.

9610. When a man is arrested he often says it?—Yes.

9611. You are quite used to hearing it?—Yes.

9612. And you do not know what it means?—Only "I will try to get you the sack."

9613. Why did you not tell us that before? You know quite well that that is what it means, and that is what people use it to mean?—Yes.

9614. Why did you not tell us that?—I did not grasp the question properly.

9615. Now you tell us that she used that expression, do you?—Yes.

9616. Have you ever, before making that statement in the witness-box to-day to Lord Russell, made that statement before?—Only what I wrote down two or three days before the charge was preferred.

9617. Think?—Only in the report there is not quite so much as what I have said this morning.

9618. In the report which you made a few days after?—Yes.

9619. I will ask you about that in a minute; but I want you to think about this before you answer. Have you ever before you made the statement in the witness-box to-day said that Mrs. Braham said to you, "I will have your coat off"?—No.

9620. The incident we are dealing with took place on the 6th June, 1903?—Yes.

9621. So far as you are concerned, at an early stage you knew that complaint was made, and that it was a serious matter to you?—Yes.

9622. You were anxious to tell everything that had taken place?—Yes.

9623. To make a full and true disclosure, and to state exactly, so far as you could, without colour what had happened?—Yes.

9624. Why did you not, then, make that statement to the Commissioner?—I put the brief facts down.

9625. Does it not occur to you that a statement of that kind would be of extreme importance? It is not the kind of statement which a respectable married woman would be likely to use to you, is it?—I should not think so.

9626. And therefore it is a statement to which you would attribute importance, and would put in your report, is it not?—Yes.

9627. Now you are telling us in October, 1906, for the first time of that statement. I want you to explain, if you can, how it is that in all the inquiries there have been with reference to this matter you have never made that important statement before to-day?—I never gave it a thought—not that statement alone. I have not given it a thought.

9628. Not that statement alone; but you did give a thought to what she said to you, did you not?—I bore it in my mind.

9629. I want you to consider carefully when making the answer. Are you quite clear that she ever said that to you at all?—Yes.

9630. Has it always been present to your mind that she said that to you?—Yes, I have always borne it in mind since that case. I have been very careful ever since in dealing with females.

9631. You mean since that event?—Yes.

9632. Have you always borne in mind that statement since it took place according to you on June 6th that Mrs. Braham said to you "I will have your coat off"?—Yes.

9633. Do you not see now that it is a statement of considerable importance so far as your account of it is concerned as to what she said to you before you told he to go home or you would take her to the station. You see now that it is an important statement?—Yes, I can.

9634. Did it never occur to you as being an important statement before?—No.

9635. A matter of no consequence?—No.

9636. After that she began shouting you have told us. Did she make much noise?—A pretty considerable noise.

9637. What did she shout?—That she was a respectable woman, and that I had no business to interfere with her.

9638. That is what she said?—And that she would have my coat off.

9639. Again?—Only the once.

9640. Either you are not quite following or I am not quite appreciating your evidence. As I understood you before (I put it to you two or three times) she said to you that she would charge you with assaulting her, that she would have your coat off, and she would take your number and report you, and on that then you told her to go home and keep quiet, or to be quiet, or something to that effect, or you would take her to the station, and then she began shouting, and you told me that she had not shouted till then?—She started shouting when I told her to go home, otherwise I should take her to the station.

9641. That is what I understand you to say. You did not tell her to go home or you would take her to the station until she said she would take your number and report you?—No.

9642. Then we have got to it again that she did not begin shouting until after that?—No.

9643. That is right, is it?—She did not shout any more after I took her into custody.

9644. I understand that, but we have not got so far as taking her into custody yet. What I want to know is this. Up to this moment you have told me she then began shouting. That is right, is it not?—Yes. She accused me of assaulting her.

P C. W. Atkinson.

23 Oct. 1906.

9645. You told her to go home or you would take her to the station?—Yes.

9646. So far she had done nothing for which you were justified in arresting her in your view, had she?—Except shouting. I cannot call to my mind the words she used when she was shouting.

9647. To say a woman is shouting is a general term which does not convey very much. What I want to know is this. What sort of thing was going on? What sort of things was she shouting?—She was apparently hysterical.

9648. Did you think she was hysterical?—She seemed so.

9649. You thought so?—Yes.

9650. Did you think she was shouting because she was hysterical?—I did not know what to think she was shouting for.

9651. You gave me an explanation just now that you thought she was hysterical?—She appeared to be hysterical by her shouting. A person in drink does seem to be hysterical.

9652. Did you tell the inspector she appeared to be hysterical to you when she was shouting?—No, I cannot say that I did.

9653. But does it not seem strange. If she had done nothing up to then, why should you arrest her because she was shouting and hysterical?—Because she would not go home. That is why I arrested her.

9654. You arrested her because she would not go home and leave you alone?—Yes.

9655. You gave an explanation to Lord Russell about this man who was present, that is to say, you said you could not let go of Mrs. Braham in order to take his name and address in the book?—Yes.

9656. Why did not you ask him for his name and address without writing it in the book. I suppose that is a thing you could carry?—I did not give it a thought at the time.

9657. Although you were being charged with having assaulted this lady?—I was not being charged. I was accused.

9658. You are quite right. You were dealing with it in the street. She was charging you, or accusing you, of having assaulted her, and you had a witness present?—Yes. I asked him to accompany me to the station.

9659. Why, when he would not accompany you to the station, did you not ask him for his name?—I did not give it a thought.

9660. Now, what sort of street is this?—A main road.

9661. With houses on either side?—Yes.

9662. Are you often there?—Not very often.

9663. I suppose sometimes you come to it on your beat in your Division?—I am frequently round there at times, but sometimes I would not see that part of the road for six months.

9664. You have told us about her shouting. Is there any person, so far as you know, who was disturbed in the street by her shouting?—No.

9665. As far as I understand, there was nobody in the street at all except this one person who would not go to the station with you?—That is all.

9666. And Mrs. Braham and yourself?—That is all.

9667. You were the only occupants of the street?—Those were all I could see.

9668. Nobody opened a window to see what was the matter or anything of that kind?—No.

9669. (*Mr. Dickinson.*) You say you asked the man whether he would go to the station with you?—Yes.

9670. And she did, too?—She did not ask him to go to the station.

9671. What did she ask him?—She said to him "Did you see this officer interfering with me." He said "No." She said "Did you see him assault me." He said "No."

9672. She appealed to the man; she said "I have not done anything; will you come to the police station with me." I understand you to say that is not so?—No.

9673. At any rate she appealed to this man?—I appealed to the man.

9674. She also did according to you. You first of all said, "A man whom I did not know came up to us. I said 'Have you seen me interfere or assault this lady in any manner?' He said 'No.' The lady then appealed to the man herself, and he gave her the same answer." That is what you said?—Yes.

9675. Then she appealed to this man?—That was about my interfering or assaulting her.

9676. You looked upon her as a respectable woman at that time?—I did.

9677. What did this man do?—When I asked if he would come down to the station he said he could not; he had to go to work, and he went along up the road.

9678. You made no effort to keep him?—No.

9679. Tell me exactly how you held Mrs. Braham?—Under her arm.

9680. With which hand?—With my right hand I held her left arm.

9681. What did you do with your left hand?—When she struggled to get away from me then I caught hold of her wrist with my left hand; then when she went more quietly I let go my left hand, and only held her with my right.

9682. When she became quieter. How long did the struggle in which you had to use both hands go on?—For a distance of about 50 yards.

9683. Do you mean to say you had to drag her along? Not drag her. She was struggling to get away from me.

9684. You held her by one arm?—Yes.

9685. What did you ask this other constable to do when he came up?—To assist me to the station.

9686. Why did you want assistance?—Because she was trying to get away from me. She appealed to him to let her go.

9687. You did not meet him for a quarter of a mile?—No. Until we met him she was coming along pretty quietly.

9688. Until you met him you were holding her with one hand I suppose?—With one hand. That was from the corner of Lansdowne Road.

9689. Then you say she began to struggle?—When she saw him.

9690. For what purpose did she appeal to him?—She only appealed to him to let her go.

9691. She struggled to get away from your two hands, knowing there was another policeman close by?—She wanted him to let her go.

9692. She wanted him to deliver her from you?—Yes.

9693. Then you asked him to help you along with her. How did he hold her?—He caught hold of her right arm with his left hand.

9694. Did you both hold her the whole time until you got to the station?—Yes.

9695. She was struggling all that time?—No, not when he caught hold of her; she became quieter again.

9696. I see you said that you thought she had been drinking?—Yes.

9697. What made you think that?—She smelt strongly of drink—of some spirit or other.

9698. When did you first notice that she smelt of some spirit?—When I took her into custody—coming down Lansdowne Road her breath came in my face.

9699. When you were coming down Lansdowne Road. That was after you had had her for what distance—a quarter of a mile?—Fifty yards.

9700. That was the first time you noticed it?—Yes.

9701. Then before that you only thought she was drunk because of her behaviour?—That is all I thought from the way she carried on when she stopped in front of me.

9702. Did you tell the Inspector that she smelt of drink?—No.

9703. You did not tell him?—No.

9704. You told him you thought she had been drinking?—I preferred the charge of drunkenness against her.

9705. And he told you, after looking into the matter, that he did not think she was drunk?—But that she had been drinking.

9706. You say you did not tell him that you had smelt the smell of drink?—No.

9707. Surely that was a very important thing. If she had been drinking, and you smelt the smell of drink, was it not important for you to tell the Inspector that? Why did not you tell him?—I did not think it was requisite.

9708. (*Mr. Rufus Isaacs.*) I want you to explain this matter to me. There is nothing in the report which you made on the 10th which would show that you had charged her with being drunk?—No.

9709. When you arrested her did you think she was drunk?—I did.

9710. Supposing you arrest a person on the two charges of being drunk and of being disorderly, and then the Inspector refuses to take your charge of drunkenness and only takes the charge of disorderly conduct, when you make a report is it your practice never to refer to the fact that you have preferred a charge which the Inspector would not accept?—Yes.

9711. That is the practice?—Yes.

9712. Is that the usual practice amongst constables?—I do not know whether it is usual amongst everyone, but I never have done it myself. It is the first case I have had of preferring a charge against anyone where one charge has not been entertained.

9713. How long had you been in the force when this happened?—Nearly 12 years.

9714. You had never had any difficulty of this kind before?—Never.

9715. I do not know whether I caught what you said correctly, that you had never preferred a charge——?—I have never preferred a charge against anybody before that has not been entertained.

9716. You do not mean in which a person was acquitted?—No.

9717. You have preferred charges against persons who have been acquitted, I suppose?—Yes.

9718. Do you mean it was the first case which you have ever preferred which the Inspector has refused to take?—Yes.

9719. I do not understand why you should not state in your report when you are stating the facts and the reasons for arresting a person what had actually happened?

(*Chairman.*) Upon that I am going to ask a question, because I have what he stated before me.

9720. Are you quite certain you did not tell Inspector Billson that she smelt of drink? Did you tell Inspector Billson that she smelt of drink?—So far as I remember I do not think I did.

9721. My reason for asking is to give you an opportunity of stating so if you did. I find it in Inspector Billson's own statement in the following terms: "When at the station the woman was rather excited, but I considered that she was not drunk, and told the P.C." (that was yourself, and Inspector Billson spoke to you outside, you told us) "so. He informed me he thought she was drunk because she smelt strongly of liquor." That is Inspector Billson's statement?—They were Mr. Billson's words to me.

9722. Inspector Billson did not tell her that you had said she smelt strongly of drink, I suppose?—No.

9723. Is Inspector Billson's statement correct. What Inspector Billson says is this: "I told the P.C. I did not consider she was drunk." Did he tell you that?—Yes, but that she had been drinking. *P.C. W. Atkinson.* 23 Oct. 1903.

9724. Did you then inform him, or had you informed him before, that you thought she was drunk because she smelt strongly of liquor?—I cannot say that I did.

9725. Inspector Billson says that you did say so?—Probably I may have done, but I have forgotten.

9726. (*Mr. Rufus Isaacs.*) I just want to finish what I was putting to you on the report. At the time you made the report on the 10th of June you knew that a complaint had been made against you, did you?—No.

9727. You knew that Mrs. Braham's case had been dismissed and you knew that a report was called for about Mrs. Braham's case?—Yes.

9728. Why was it called for?—On the dismissal of the case by the court.

9729. Do you mean that whenever a case is dismissed at the court, as a matter of practice, you then write a report?—When the husband applied to the Magistrate or applied to the court for a summons.

9730. You knew she was making a complaint against you?—Yes.

9731. Then you had to state the facts so as to have them on record?—Yes.

9732. Did it not occur to you as being very important that you should have stated then that when you arrested her you thought she was drunk?—No, it did not.

9733. Does not it strike you now?—I see it now.

9734. Except upon the assumption that this woman was drunk, do you suggest that there was any justification for your arresting her? I could quite understand your doing it if you thought she was drunk?—Only by the way in which she carried on. When I crossed the road she accused me of interfering with or assaulting her.

9735. I do not want to go through it again, but I have pointed out to you that if she was drunk there was some possibility of understanding that, but if she was not drunk I suggest to you it is very difficult of explanation?—Yes.

9736. You agree?—Yes.

9737. So that drunkenness became a very important element in what had affected your mind in arresting her?—Yes.

9738. It was?—Yes.

9739. Why did not you mention it in the report?—I did not give it a thought of mentioning it in that report. I told the Sub-divisional Inspector I had preferred the charge.

9740. The Inspector had refused to take the charge. I only want to know this from you. When you make a report of this character, in which a woman is preferring a complaint against you, and the question is which of you is telling the truth with regard to it, does it not occur to you as important that your superior officers should know that you had been under a mistaken impression as to her condition, and that you had made a charge which the Inspector had refused to take?—I only made the report out with reference to the evidence which I gave on the disorderly conduct.

Police Constable Albert Allen, 749 W, sworn.

9741. (*Mr. R. D. Muir.*) Are you Police Constable 749 of the W Division?—Yes.

9742. Do you remember, on the night of the 6th June, 1903, being on duty in Larkhall Lane?—Yes.

9743. When Police Constable Atkinson was bringing Mrs. Braham towards the station?—Yes.

9744. What did you notice about them when you first saw them? Did you notice anything at all?—Nothing out of the ordinary way.

9745. Both walking quietly along?—Coming towards the station.

9746. Did Atkinson speak to you or you to him?—The lady spoke first. As soon as she saw me she asked me to let her go.

9747. Were you at that time holding her or not?—No, I was standing on the footway.

9748. Close by where they were?—Yes. *P.C. A. Allen.*

9749. What did you say?—I said, "I cannot let you go, madam; you are in custody. You must go to the station"; and assisted Police Constable 800 with her.

9750. Why did you assist him?—She stopped and tried to get away.

9751. And you assisted. How did you assist?—I just took hold of her arm, and we walked to the station quietly.

9752. When you took hold of her arm she walked quietly on?—Yes.

9753. At the station did you hear the charge preferred by Atkinson before Inspector Billson?—Yes.

9754. And did you hear what the lady said in answer?—She made no reply.

9755. Did she say where she had been?—When

P.C. A. Allen.
28 Oct. 1906.

Inspector Billson and Police Constable 800 went into the office she said: "I have been to see some sick people in South Lambeth, and was late in leaving there."

9756. Was that before she was charged, or after she was charged, that she said that?—Before she was charged, while they were in the office.

9757. (*Chairman.*) You remained in the room where she was?—I stood by the side of the dock.

9758. (*Mr. R. D. Muir.*) Did you hear her ask for a doctor?—Yes.

9759. When was that—before she was charged or after, do you remember; it is some time ago now?—I could not say whether it was before or after.

9760. But you heard her ask for a doctor?—I heard her ask for a doctor.

9761. Who did she ask to send for a doctor?—Inspector Billson.

9762. What did the Inspector say?—I believe he said it was not necessary to send for a doctor; she was not charged with being drunk.

9763. Was she satisfied with that?—I believe she was.

9764. (*Chairman.*) She did not persist in her application for a doctor after that?—No, not to the best of my knowledge.

9765. (*Mr. R. D. Muir.*) Did she make any complaint in your hearing against Atkinson?—No.

9766. Or you?—No.

9767. Were you there all the time she was there, or when did you go out?—I went out as soon as she was taken out of the dock. I went back to my beat.

9768. Up to that time had she made any complaint in your hearing against Atkinson or against you?—No.

9769. (*Earl Russell.*) About how long before Mrs. Braham spoke to you was she in sight?—A matter of 10 or 15 yards.

9770. Did they come into the street where you were by turning a corner?—No; the road slightly bends, that is all. I was standing about the middle of the road.

9771. And you sighted them when they came round the bend?—Yes.

9772. At that time you noticed nothing out of the ordinary about her?—No, they were coming along together.

9773. You saw Atkinson taking the woman to the station in the ordinary way?—Yes.

9774. Nothing unusual?—Nothing unusual.

9775. Any struggling of any sort?—No, not until she stopped against me.

9776. When they got opposite you you say the lady spoke first. What exactly did she say?—She said: "Let me go. Oh, let me go."

9777. Was she speaking to you or speaking to Atkinson?—To me.

9778. You had not got hold of her?—No.

9779. Can you be quite sure that she did not say, "Let me go from this man," or anything of that kind?—I do not remember her saying that.

9780. You explained to her that, being in custody, she could not be allowed to go, and that she must go to the station?—Yes.

9781. Did she say anything further on that?—No.

9782. Did she begin to struggle when you said that?—No.

9783. Did she try, while you were there, to drag herself away from Atkinson?—When she stopped opposite me she tried to pull her arm away from Police Constable Atkinson as she asked me to let her go. She seemed to think that I could make him release her—that was my opinion.

9784. After she had pulled away from him like that did she try to get nearer to you or further from you as well as further from him?—I stepped towards him.

9785. But was the direction she pulled herself away from Atkinson towards you or going away from you?—Towards the other side of the road.

9786. Away from both of you?—Yes.

9787. After she had pulled herself away did she continue to struggle in any way?—No.

9788. After this conversation you had did she begin struggling?—No.

9789. What did Atkinson say to you? Did he ask you to help him?—He asked me to help him to the station with her.

9790. Did you see any reason for being asked for that help?—I did not know whether he had had any previous trouble with her in getting along the road.

9791. I want to know what you saw yourself. You did not see anything?—No.

9792. But, being asked, you took hold of her other arm?—Yes. I was on the beat against the station.

9793. But you saw nothing yourself that made it necessary for two constables to take her?—No.

9794. Did she say anything more that you remember on the way to the station?—No.

9795. Did Atkinson tell you anything about what had happened?—No.

9796. You had no conversation about what the charge was?—No.

9797. When did you first learn what the charge against this woman was?—When I arrived in the station.

9798. When you heard him tell the Inspector?—Yes.

9799. When you got to the station was Mrs. Braham taken to the dock at once?—I think she was put straight into the dock.

9800. Did Atkinson then and there make the charge?—Yes.

9801. What did he say—"I charge this woman with being drunk and disorderly"?—Yes, in the usual manner.

9802. Before her?—Yes.

9803. You cannot say for certain whether she heard it or not?—I expect she heard it. She was within a very reasonable distance.

9804. Was she excited and upset by this time?—A trifle. She was pretty quiet, but I could see she had been a trifle excited. She was pretty well exhausted and breathing fast. She smelt of drink.

9805.—Was she crying?—No, I do not think she was crying.

9806. Did she behave in any way like a drunken woman after the time you came to help Atkinson to take her to the station?—No.

9807. When she spoke to you did her voice sound like the voice of a drunken person?—No, she spoke pretty clearly, but I could smell her breath when she spoke and put her face to mine.

9808. I am told in the case of a person who has even had one glass of beer you could smell the breath. Is not that true?—I could not say. You might if you smelt him directly after he had drunk it. We very often smell a prisoner's breath.

9809. Then, except that she dragged herself away from Atkinson when she first appealed to you, you would not say that she struggled to get away from him, or continued to struggle?—No.

9810. You do not agree with Atkinson about that?—No, she did not struggle—not after I came on the scene.

9811. Immediately that Atkinson said he charged her with being drunk and disorderly, did the Inspector then and there take him away to his office?—Yes, after he had looked at the woman a matter of a few seconds.

9812. Your account of what happened is that the woman was put in the dock, the Inspector said "What is the charge," and Atkinson said "Drunk and disorderly"?—Yes.

9813. Then you say the Inspector looked at the woman and beckoned Atkinson into his private office?—Yes.

9814. Did you go with him?—No.

9815. Then you do not know what happened?—No.

9816. Did you hear any fresh or different charge made when they came back?—I heard the Inspector say "She will be charged with disorderly conduct."

9817. Did you hear the charge read over to Mrs. Braham?—No, I had left the station then.

9818. After they came back from the Inspector's office?—I left the station when she was charged.

9819. You did not have to sign the charge sheet yourself?—No.

9820. When she was charged the second time you were not there you say, if she was charged the second time?—I was there when it was put on the charge sheet, but I was not required any more, and I left the station.

9821. Do I understand it was not written on the charge sheet when Atkinson first said "Drunk and disorderly." That was not written down?—No.

9822. Instead of that the Inspector took him away and had a conversation with him?—Yes.

9823. Which you did not hear?—No.

9824. Then the Inspector came back and then the charge was put on the charge sheet?—Yes.

9825. And you heard the Inspector say "She will be charged with disorderly conduct"?—Yes.

9826. Did you hear that charge read out to Mrs. Braham then?—Yes.

9827. You heard it read out to her?—Yes.

9828. What answer did she make?—I do not think she made any reply at all.

9829. No reply whatever?—Not that I can remember.

9830. You heard her make a statement about having been to see some sick people and staying late with them?—Yes.

9831. At what stage did she make that statement?—When Inspector Billson and Police Constable 800 were in the office.

9832. To you alone?—I stood by the dock there, with the reserve man with me.

9833. She did not say that in answer to a charge from the Inspector?—No, she may have done afterwards.

9834. Will you just look at your report of the 10th June. You wrote a report on this case on the 10th June, and you say there "At the station in answer to the charge she said she had been to see some sick people"?—It is some time ago.

(*Mr. Rufus Isaacs.*) Just look at your report. (*Document handed to witness.*)

9835. (*Earl Russell.*) That was the report you wrote a few days afterwards?—Yes.

9836. You have looked at that. Do you think she said that in answer to the charge or that she said it to you alone?—I think she must have said it in answer to the charge now that I have seen the report.

9837. You think you were mistaken?—I do.

9838. I do not want to be unfair to you. You think you were mistaken in saying you were alone with her, and that she said this while the Inspector was in the office with Atkinson?—Yes.

9839. Then if she said it in answer to the charge Atkinson was there when she was charged?—Certainly.

9840. And must have heard it?—Certainly.

9841. And the Inspector must have heard it?—I should say so.

9842. He was the person who charged her, and he read over the charge to her?—Yes.

9843. You agree now you think that she said that in answer to the charge?—Yes, I made that report out a few nights afterwards, and I could remember it better then than I can now.

9844. Did you hear Mrs. Braham give her evidence to-day?—I heard a little bit of it.

9845. Can you remember now whether what she said about the sick people was practically what she said to-day—that is to say, that she had been staying with this lady and that a constable had run her in when she was doing nothing but going to catch a tram to join her husband?—No, I do not remember her saying all that.

9846. All you remember is about the sick people?—Yes.

9847. During the time you were in the company of this prisoner and Atkinson you did not see any disorderly conduct?—No.

9848. Did you consider yourself that the woman was drunk?—She had been drinking.

9849. So I have heard you say. She was not asked that herself, but do you consider now that she was drunk or was not drunk?—No.

9850. You think she was not?—No.

9851. When you were asked to make this report can you remember being asked to make it? Were you asked by Inspector Hamilton or by Superintendent Doyle, or whom?—The Station Inspector I believe to the best of my knowledge. It was in the middle of the night when I was called to the station to make that report out.

9852. The report of the 10th June was made in the middle of the night?—About three in the morning, if I remember rightly.

9853. Were you told what it was wanted for?—Yes.

9854. What were you told?—Concerning Louise Braham.

9855. I quite understand who you were told it was about, but were you told what it was the Commissioner wanted to be informed about?—No.

9856. You were simply told to report what you knew about Louise Braham?—Yes, about that case.

9857. Everything or part of it?—To report all the facts.

9858. Without any exceptions?—Certainly.

9859. Everything you could remember at that time?—Yes.

9860. You knew at that time, did you not, that Atkinson had charged the woman with being drunk?—He had preferred the charge of being drunk.

9861. And that the Inspector had not taken it?—Yes.

9862. You did not mention that in your report, did you?—No, I should have done if she had been charged with being drunk.

9863. Because the Inspector did not take the charge you thought it was not necessary to mention it?—Yes.

9864. That is why I began by asking you whether you were to report all the facts or only some of the facts. Did you understand when the report was asked for that you were asked to report simply on the charge of disorderly conduct that came before the magistrate or on everything that happened that night in connection with this woman?—Everything that happened, but as she was not charged with being drunk I did not think it was necessary to state that.

9865. And you did not state either in this report at the time that her breath smelt of drink?—I might not have done.

9866. You may as well look at the report?—(*Mr. R. D. Muir.*) No, he does not state it.

9867. (*Earl Russell.*) You were present at the police court the next day?—Yes.

9868. You gave evidence then?—Yes.

9869. What did you say about disorderly conduct in giving that evidence?—I never witnessed any disorderly conduct.

9870. You stated that. Is that what you told the Magistrate?—He did not ask me for it.

9871. You were put in the witness box at the police court after Atkinson had given his evidence?—Yes.

9872. What did you tell the Magistrate? Did you tell him just what is in your report, that you were called by this constable and assisted to take her to the station?—Yes, and that she asked me to let her go.

9873. Did you tell the Magistrate that you saw any disorderly conduct?—No.

9874. Did you tell him that she smelt of drink at that time?—I am not aware that I did.

9875. Have you made any other written report besides the one I have here, that I have just given you to look at?—No.

9876. When did you first state to anybody that this woman smelt of drink?—The next morning to Police-constable Atkinson, when we came off duty.

9877. You told Atkinson that?—Yes.

9878. Discussing it between you?—Yes.

9879. Did you discuss the action of the Inspector in refusing to take the charge?—No.

9880. But you thought he was right in not taking the charge, did you not?—Yes.

P.C. A. Allen.

23 Oct. 1906.

9881. (*Chairman.*) How long had you been in the Force at that time?—Four years last June.

9882. At that time you had only been two years?—Barely that—about eighteen months, I think.

9883. Did you know Atkinson at all personally?—No, not personally.

9884. Did you come across him officially before this?—Occasionally.

9885. Were you at the same police court in the same case with him?—No.

9886. You say it was about ten or fifteen yards off that you first saw Atkinson and Mrs. Braham, I understand?—Yes.

9887. How was he bringing her along?—Holding her arm.

9888. Show me where he was holding her arm?—About here. (*Pointing to the middle of the arm.*) I could not say whether he was holding her left arm or her right arm now.

9889. When she saw you did she rush forward?—No.

9890. Or struggle to get away from him?—She just pulled herself on one side.

9891. From the police-constable?—Yes.

9892. Did she seem glad to see you?—Yes.

9893. And ask you to let her go?—Yes.

9894. Did you understand by that that she thought you had the power to order Atkinson to let her go?—That was my belief at the time.

9895. When you answered her, as you have told us, she went quietly, I understand?—Yes.

9896. And you did not put your hand upon her at all?—I took hold of the other arm.

9897. Why?—Police-constable 800 asked me to assist him to the station with her.

9898. She was not resisting?—No, but I did not know whether she had been struggling.

9899. She was not struggling then. You have told me she was not struggling then?—No, only when she pulled herself on one side when she saw me.

9900. And then she appealed to you—to use Atkinson's words?—Yes.

9901. You told her you could not let her go?—Yes.

9902. Did she struggle still to get away?—No, she stood still.

9903. Why did you catch hold of her arm?—She seemed as if she did not want to go any further.

9904. I thought you told me a moment ago that she went quietly?—After I took hold of her arm and persuaded her to go.

9905. Do you mean to say she stopped and resisted?—She stood still when I asked her to go to the station, as she was in custody.

9906. What did she say then?—She said, "Oh, let me go."

9907. Once more she said that?—Yes, two or three times, and I believe, to the best of my knowledge, she was saying it before she came up to me.

9908. You thought it was necessary to take hold of her arm?—I did, sir, and as soon as I did she walked quietly to the station.

9909. (*Mr. Dickinson.*) A question about these reports. I think you said you were told to write your report late at night?—Yes.

9910. What day was that?—I could not tell you the exact day; it may have been two or three nights afterwards.

9911. It is dated the 10th June, and the event happened on the 6th June?—Yes

9912. How did it come about that you were told to write this report at that time. Is it a usual thing?—I was on duty.

9913. You happened to be on duty?—Near the station.

9914. Who else was on duty at that time at the station?—Police-constable 133.

9915. Who is that?—Police-constable Gribble.

9916. Who else?—Police-constable Varney—I forget his number now.

9917. Who else?—I could not tell you who the station officer was now. I do not remember.

9918. Was Atkinson there?—No, I did not see him there.

9919. Were Varney and Gribble also asked to write a report?—I believe they were, but not while I was doing mine.

9920. You say you believe they were. What makes you believe they were?—I heard afterwards that they had to make out reports as well.

9921. Are you sure they did not make them at the same time they were on duty at the station?—They were on duty at the station.

9922. Were they not asked to make a report then?—I could not say. I went into the library and made mine.

9923. Do you know where they made theirs?—No, I made mine, and went back out on my beat again.

9924. How do you set about writing reports like this? This one you have written here is very neatly written. Is that the first bit of paper you wrote on, or did you write it out in pencil before?—I wrote it out roughly with a piece of pencil on paper beforehand.

9925. Do you know if they wrote out theirs roughly on a piece of paper?—I could not say.

9926. (*Chairman.*) Is that your handwriting?—Yes.

9927. (*Mr. Dickinson.*) You had no consultation with them?—No.

9928. And you did not see their reports?—No.

9929. Do you know at all whether they saw your report?—That I could not say. I handed it to the officer inside.

9930. I see that both you and these other constables refer specially to the fact that Mrs. Braham said she wanted to see a doctor when the Inspector said it was not necessary, as she was not charged with being drunk. When did it first occur to your mind to put down that statement—when you were writing the report, or had you talked it over before?—Whilst I was making my report out.

9931. Do you always write these reports quite on your own account?—Yes.

9932. Without any advice?—Yes.

9933. (*Mr. Rufus Isaacs.*) You have told us Mrs. Braham said, when she saw you, a good many times, "Let me go"?—Yes.

9934. That is all she said?—That is all.

9935. Did you know what Atkinson had arrested her for?—No.

9936. You did not know one way or the other?—No.

9937. Have you ever said that she said "Let me go; I am sorry"?—I may have done.

9938. You have told us a good many times what she said, which is "Let me go." There is all the difference in the world, is not there, in the addition of the words "I am sorry"? Let me call attention to your own report. In your own handwriting, when you put down the words, there is nothing about "I am sorry." The words are "Let me go." You wrote that on the 10th June—that is, four days after the event, and that is what you recollected of it then?—Yes.

9939. That is, I suppose, what she said?—Yes.

9940-1. That is your recollection of what she said at this date?—Yes.

9942. There is nothing about being sorry?—I think that is about right.

9943. I want you to tell me, if you can, what is the meaning of it? I see from Inspector Billson's report, which is made on the 16th June, he says: "The latter Police-constable," that is you, Allen, "was not a witness of the disorderly behaviour, but both said," that is you and Atkinson, "that the woman requested them to let her go as she was sorry." As far as you are concerned that appears to be a mistake, does it not?—It may have been; she may have said she was sorry in the station after I had gone.

9944. As far as you personally are concerned, have you ever said to the Inspector that she said she was sorry?—No.

9945. When he said they both said it, you think he is making a mistake?—He may have done.

9946. You could not have been making a mistake. You could not have said that, could you?—Not that I am aware of. She may have said it in the station in my hearing.

9947. What do you mean by "She may have said it in my hearing"? If she had said it in your hearing, I suppose you would have remembered it?—There may have been a lot of things you might miss in such a long time.

9948. But you would not miss them four days afterwards?—You might.

9949. I can quite understand your missing them now, but I am speaking of your report of the 10th June, 1903, four days afterwards. You could not make a mistake as to an expression of that kind, could you?—Mistakes do happen, sir.

9950. A mistake of that kind in making a statement of what happened four days before? Do you appreciate the importance of it, because by the addition of the words "I am sorry" it suggests that she was admitting she had been doing wrong, and that she was sorry for it. In the story you have told us again and again, and in your report of the 10th June, you never state anywhere the words "I am sorry," but only state as what she said "Let me go." The reason I am putting it to you is that I find in the Inspector's report of the 16th June that statement that you and Atkinson had said that she was sorry. I am putting to you, so far as you are concerned, did you ever say that she said she was sorry?—I may have done. I may have forgotten to put that in the report.

9951. You may have forgotten. Which do you think it is now?—I think I forgot to put that in the report.

9952. You think now that she did say it?—I do.

9953. And when you have been telling us all she said again and again, until I had reminded you of what the Inspector says you said, you had forgotten those important words?—All I remembered was the facts in my report.

9954. I agree. That is what I should have thought you would have remembered. That report is what you wrote as a statement of fact that you remembered at the time?—Yes.

P.C. A. Allen.

23 Oct. 1906.

9955. You did not remember at the time you wrote that report that she had used the expression, "I am sorry"?—No.

9956. Does it not occur to you that if you did not remember it at that time—an important statement as it is—that she did not make it to you in your hearing?—She may have done, and she may have not.

9957. Or somebody may have told you that she did afterwards?—Not that I am aware of.

9958. Do you not think that that is what might have happened?—No.

9959. How did you get to those words to the Inspector? If you say you used them to the Inspector, how did you get to them?—I do not remember using them to the Inspector.

9960. If the thing had taken place, you would have used them, and you would have told him. If she had said it, you would have told him?—Yes, if I remembered all the facts.

9961. And all you remembered at the time was that she had used the expression, "Let me go"?—Yes.

9962. In fact, from what you have told the learned Chairman, she was appealing to you to let her go as if you were in authority, and could order Atkinson to let her go?—Yes.

9963. And that is how you understood it?—Yes.

9964. There was no admission in any way on her part of any offence?—No.

9965. And you never understood that she was admitting anything?—No.

9966. Therefore, there was nothing for her to say she was sorry for?—No.

9967. And at that moment you do not remember that she actually did say it?—No; I do not know whether she did or whether she did not.

9968. (*Mr. Whitmore.*) Do you think you did say to the Inspector that she had said she was sorry?—I do not remember saying so at all.

9969. Not to the Inspector?—No.

Inspector William Billson, sworn.

9970. (*Mr. R. D. Muir.*) You are an Inspector of the W Division, and on the 6th June, in the early morning, you were in charge of the station at Clapham when Louise Braham was brought in by Police Constable Atkinson and Police Constable Allen?—Yes.

9971. What charge was preferred against her?—Drunk, and behaving in a disorderly manner.

9972. Who preferred that charge?—Police Constable Atkinson.

9973. What did you do upon that?—I said, "What was the disorder?"

9974. To Atkinson?—Yes. Atkinson said that he had seen her stop a man or men in the South Lambeth Road, that he crossed the road to speak to her or caution her, but as she was apparently a respectable woman he did not speak, but allowed her to pass, and stood on one side to allow her to pass. I forget the exact words, but I believe at that time she said something about "Why" or "What are you interfering with me for?"—some such words. The lady at that time said to him, "Why are you interfering with me?"

9975. (*Mr. Rufus Isaacs.*) He said she had used those words to him?—Yes. Atkinson replied he was not interfering with her, and requested her to go home quietly; that she had then raised her voice and commenced shouting, and at that time a gentleman was passing, and the lady at that time accused him of assaulting her. The police constable again requested her to proceed home quietly, but she continued shouting about taking his number and being interfered with by him, and by her shouting, as she was disturbing the public, the police constable took her into custody. At the station I considered the woman was not drunk, and told the police constable so.

9976. Where did you tell him that?—At the office door. He had explained to me when I asked him the question, "What was the disorderly behaviour?" I went into the office to fetch the charge-sheet I had in the office, and called Atkinson to me. I said, "I consider the lady or woman is not drunk, and I shall not take the drunkenness, but I shall simply charge her with being disorderly." Nothing was said. When the charge was read over to Mrs. Braham, she said, "I want to see a doctor." I said, "Do you complain of illness?" She said, "No; I am not ill or drunk." I said, "You are not charged with being drunk, so I consider a doctor is unnecessary," and no doctor was fetched. The police constable at that time said, before he had met the second witness Allen, she had asked him to let her go, saying she was sorry, and also she repeated that when they met Allen. I asked Allen if that was so—whether he witnessed any disorderly behaviour, and he said, "No," but it was so that she had said that at the time. A document was then sent to the husband, residing at Balham, and she was fetched out between one and two.

Inspector W. Billson.

9977. 1.50 is the time the husband arrived?—Yes; she was allowed to occupy a chair in the charge-room at that time, and she was not detained in the cells.

9978. Did she at that time, in your hearing, say where she had been and how it was she was out so late?—Yes, but I forget whether it was before or after the charge was taken. She had been to see some relatives or some sick person in South Lambeth Road.

9979. She stated that in your hearing?—Yes.

9980. And you were satisfied she was not drunk?—I considered she was not drunk, but I think she had been drinking. I think so.

9981. You were satisfied she was not drunk?—She was not drunk.

9982. There was no justification for making that charge, and accordingly you did not take it?—No.

9983. Did the lady make any complaint about her treatment by the constables?—I asked her to explain

Inspector W. Billson.

23 Oct. 1906.

what she meant by "being interfered with," and she said the constable had assaulted her by taking hold of her, but on investigating the charge I found it was when he took her into custody when he put his hand upon her. She said nothing further than that had taken place. Nothing further with regard to any assault or any kind of assault was mentioned at the station beyond the police constable taking her into custody.

9984. Atkinson had said to you that the lady complained to him about his interfering with her?—Yes.

9985. You thereupon asked the lady what she meant by that?—Yes; she meant by that when he stood in front of her. She considered he crossed the road and stood in front of her.

9986. What did she say further about that—anything?—No.

9987. You said something about his taking hold of her?—She meant the time that she was taken into custody.

9988. (*Chairman.*) I took down a moment ago that she said the constable had assaulted her?—I meant to convey by that that the assault was when he put his hand on her taking her into custody.

9989. In answer to Mr. Muir you said most distinctly that she said the constable had assaulted her?

(*Mr. R. D. Muir.*) Then you said you investigated it. What was it passed about the assault? Who said it first—the constable, the lady, or you?—As far as I can recollect it was the lady.

9990. What did she say about it, and how was it she came to mention it?—I forget the exact words now, but it dwindled down to the statement that it was simply when he took hold of her.

9991. Then the lady did say something about an assault?—Yes.

9992. By the constable upon her?—Yes.

9993. And you investigated that by asking questions?—Yes.

9994. And in the result what did you find she meant by the assault?—Simply that the police constable put his hand on her to arrest her.

9995. Did she make any further complaint of any assault other than that?—No.

9996. When did you see your own report last—I suppose some time ago?—I had a glance at it last night.

9997. Will you look at it now. (*Report handed to witness.*) "Mrs. Braham said she had been visiting friends"—now read on?—"Mrs. Braham said she had been visiting friends, and while on her way home the police constable, 800 W, roughly pushed by her. Resenting such conduct, she asked him why he had assaulted her in that manner."

9998. Do you remember now that that was the nature of the assault that she complained of?—Yes.

9999. Beyond that charge of assault did she make any other charge of assault of any other nature than the pushing by her which you mention in your report?—Also that he had caught hold of her.

10000. Anything further in the nature of an assault?—No.

10001. You were due for your leave on that very morning?—Yes, I commenced on that morning.

10002. When did you go off duty?—At 6.

10003. You went for your holiday, I think to Westgate?—That is so.

10004. What train did you take?—A very early one I think it was, or I may have gone by the boat.

10005. At any rate, had you left the station before the telegram requesting your attendance at the police court was received there?—I do not think I received one respecting my attendance at the police court.

10006. There was a telegram sent to your station requesting your attendance at the police court—that was at 11.45?—It was not transmitted to my address at Westgate.

10007. Had you left the station at the time that telegram arrived?—Yes.

10008. (*Chairman.*) But you knew the case would come on in the morning?—Exactly.

10009. I am not suggesting any blame to you for going off duty at 6 o'clock and going on your holiday, but is that customary although you know a case in which you are a necessary witness is coming on?—If we think we shall be required certainly we should remain and go to the police court.

10010. Your view was that being simply the Inspector who had taken the charge you would not probably be called for the prosecution?—Certainly.

(*Mr. R. D. Muir.*) The telegram is marked as received 11.45 a.m.

10011. (*Earl Russell.*) I do not want to go into the matters which concern yourself and which have been dealt with by the Commissioner, but you were cautioned on the ground that, there being a question about this charge, you should have taken more care about it. That was one of the grounds on which you were cautioned?—No, I think not.

10012. (*Chairman.*) There need be no question about this, because we have got it in writing: "Inspector Billson clearly failed to use proper discretion in dealing with the charge, and showed negligence in not attending the court." Is that what you were cautioned for?—That is so.

10013. (*Earl Russell.*) I do not want to deal with your conduct now—the Commissioner dealt with that—but I want you to try and let us understand everything you can about Atkinson. You say when he came in he made the charge. In the first place, the woman was put into the dock?—Yes.

10014. And he said, "Drunk and disorderly"?—Yes.

10015. Then you say you asked for particulars of the disorder?—Yes.

10016. Were those particulars of the disorder given to you in the hearing of Mrs. Braham?—Yes.

10017. Whilst she was standing in the dock?—Yes.

10018. And before this interview in your private office?—Yes.

10019. This is what you say Atkinson said: "That he had seen her in South Lambeth Road stop a man or men." You are not sure now whether he said one or more than one?—No.

10020. That he crossed the street in order to caution her, and that when he got there and saw she was a respectable woman he stood on one side and allowed her to pass, and she asked him why he was interfering with her. With one exception of his telling you that, seeing she was a respectable woman, he stepped on one side and allowed her to pass, that is exactly the sort of evidence that would be given in an ordinary charge of solicitation, is it not?—No, not hardly.

10021. Surely if a woman is seen speaking to a man or men, and when a policeman approaches her she says "Why do you interfere with me?" that is the sort of thing that might happen, is it not?—Partly, but not in a case like that. It is always the practice to give a caution to these women.

10022. (*Chairman.*) "To these women"?—Speaking of what the constable thought she was.

10023. In answer to Earl Russell's question I understood you to say that Police Constable Atkinson distinctly used language which suggested to your mind that when he crossed the road he thought it was a case of solicitation?—No. The words used were, "He saw her stop a man or men."

10024. You did not follow me. When he crossed the road he did so because he thought it was a case of solicitation?—He meant to convey that. I did not put that to him, but he meant to convey it.

10025. "Atkinson said he had seen her stop a man or men in South Lambeth Road, and that he had crossed the street to caution her, and seeing she was a perfectly respectable woman he did not do so?—Yes.

10026. (*Mr. Dickinson.*) That conveyed to your mind the impression that when he crossed the road he was doing so because he thought there was a case of solicitation which he might attend to?—Yes.

10027. (*Earl Russell.*) If this had been a case of solicitation in fact, there would have been sufficient in her soliciting several men to support a charge of disorderly conduct, would not there? That would be the sort of evidence you generally give?—It is generally a little stronger than that to make a charge of soliciting.

10028. You have to say something about the woman's

character?—The character of the woman has nothing to do with it in a case of soliciting.

(*Mr. Rufus Isaacs.*) You are drawing a distinction between character and occupation, are you not?

10029. (*Chairman.*) What do you mean?—Married women—so-called respectable married women—have been charged and convicted for solicitation in addition to the unfortunates in the streets.

10030. Do you mean to say that, according to your version of the law, a constable has a right to stop a woman from speaking to a man in the street even though she is not a prostitute or a night walker?—No, I do not wish to convey that.

10031. What do you mean?—Lord Russell mentioned that the case would be strong enough for a charge of solicitation in addition if she belonged to the unfortunate class, I believe Lord Russell mentioned. I say it is not a question of the unfortunate class or a so-called respectable married woman.

10032. (*Mr. Rufus Isaacs.*) Do you mean that the offence of soliciting has nothing to do with that, or the charge of disorderly conduct?—The question of a woman being an unfortunate or a married woman makes no difference to the charge of solicitation.

10033. (*Chairman.*) No. Do you mean that a married woman may come within the reach of the law of solicitation?—That is all I meant to convey.

(*Chairman.*) We are all agreed about that.

10034. (*Mr. Rufus Isaacs.*) She may be married and at the same time a night walker?—Yes.

10035. (*Earl Russell.*) Anyhow, up to the time that he had cautioned her there was nothing that would constitute disorderly conduct if she was not soliciting?—He had not cautioned her.

10036. Up to the time he had crossed the street to caution her and got out of her way?—No, nothing.

10037. Then he told you that instead of cautioning her he stood on one side to let her pass?—Yes.

10038. Apparently without putting himself in her way or anything of that sort?—Yes.

10039. And on his doing that she turned round on him and said "Why do you interfere with me?"—Yes.

10040. And he asked her to go home quietly, and instead of doing that she raised her voice and began shouting?—Yes.

10041. Was that conduct that you were able to understand when he told you on any assumption other than that the woman was drunk or not respectable?—I regarded it then that the woman had clearly committed herself as behaving in a disorderly manner in the street.

10041*. But did it seem to you like the conduct of a sane person?—The woman was sane enough.

10042. What I am asking you is whether respectable women do begin to shout to constables in the street when a constable stands on one side to let them pass?—Yes, in South Lambeth generally.

10043. It is the custom in South Lambeth?—Yes.

10044. (*Chairman.*) You say the police-constable told you, according to your own report, "On the police-constable's crossing, the woman came towards him, stopped in front of him, and said 'What are you looking at?' and 'Why are you interfering?'" Do you mean to say that you consider that, taking that statement to be literally true, to be disorder?—No.

10045. Or illegal. What has the woman done that is illegal up to that point?—Nothing at all up to that point.

(*Earl Russell.*) He did not say that. He said it was the custom in South Lambeth of women to do these things.

(*Mr. Rufus Isaacs.*) I do not think he meant quite that.

10046. (*Earl Russell.*) What do you mean?—Respecting what?

10047. I asked you whether you think the conduct which P.C. Atkinson had described to you was intelligible. Did it seem a reasonable or likely thing for a respectable woman to have done?—Yes, I think so. It seemed feasible at the time, and I still think so.

10048. A woman who was respectable and who was not drunk?—Yes.

10049. You think that was conduct which you might expect?—I took it as the conduct that was displayed.

10050. You found it possible to believe?—Yes.

10051. Then according to the story Atkinson told you she went on shouting, and she became more violent, and a gentleman passed.

(*Chairman.*) Do not put the thing too much against yourself, Earl Russell. The constable does not say she became violent. "The police-constable informed her that he was not interfering with her, and requested her to go home, when she became very excited and shouted that she would take his number for assaulting her."

10052. (*Earl Russell.*) That is a little later. What I have here is that she raised her voice and commenced shouting. That is what Atkinson told Inspector Billson as far as he is able to remember. At that stage Atkinson told you that a gentleman passed along the road?—Yes.

10053. Would you mind telling me if you understood what class of life this man was in. Do you mean a working man?—Which man are you speaking of?

10054. This gentleman who passed along the road at the time of this conversation. Did you understand from Atkinson what class of life he was in?—No.

10055. You did not understand whether he was a working man or what he was?—No, I did not.

10056. Did you never inquire from Atkinson what sort of person it was?—I may have done at the time.

10057. But you do not remember now?—I do not remember whether the question was put.

10058. And he told you that when this man appeared the lady accused him of assault, and the lady turned to this man and said "Did you see the constable assault me?" That is what Atkinson told you at the time, is it?—That is so.

10059. And thereupon he again requested her to proceed home quietly, and when he did that she commenced shouting again, and this is what you said: "Commenced shouting about taking his number and about being interfered with by him"?—Yes.

10060. Did that also seem to you a creditable story for a woman who was respectable and sober?—Yes, I think so under the circumstances.

10061. In South Lambeth. And then because she was shouting and disturbing the public peace he took her into custody?—That is so.

10062. You believed the whole of that story, and believing it you said that in your opinion that constituted disorder, and you would take the charge of disorderly conduct?—Yes.

10063. Now about the drunkenness. What opinion did you form exactly as to the woman being drunk?—I could see no evidence at all of drunkenness about the woman.

10064. Could you smell drink in her breath?—I do not think I was near enough for that.

10065. What you say in your report is that "I failed to observe any sign of drunkenness," and that is what you say now, I understand, that you failed to observe any sign?—Yes.

10066. You did not smell drink in her breath?—No.

10067. Or see any other signs?—No.

10068. You were told by the police constable, of course, that he thought she was drunk, because he charged her with it?—Yes.

10069. Did both Atkinson and Allen tell you that?—No, only Atkinson.

10070. Did Atkinson tell you that her breath smelt of drink?—Yes.

10071. Did Allen tell you that her breath smelt of drink?—He may have done. I would not say; I could not say.

10072. You did not think it worth while verifying that with your own nose?—No.

10073. Although they had told you that they thought the woman was drunk, and you might have smelt the drink, you made up your mind she was not drunk, and did not trouble to see whether her breath smelt yourself?—It would not be sufficient to charge her with drunkenness if her breath did smell.

10074. But you did not in fact do it?—No.

10075. Did you form the opinion that she had been

Inspector W. Billson.

23 Oct. 1906.

drinking?—She may have been drinking. Of course, she was very excited at the time.

10076. Did you form an opinion that she had been drinking?—I should say that she had.

10077. On what did you base that opinion. What facts did you observe that made you think that she had been drinking?—Excitability, and the way she had acted in the street.

10078. The way you had been told she acted?—Yes.

10079. I have already told you that part of that acting would only agree with the conduct of a drunken woman, but you have made up your mind that she was not drunk. You think she had lost all self-control, all the same?—There was no sign of drunkenness about the woman.

10080. On what did you form the opinion that she had been drinking? Was it simply on what the constable told you?—On her excitable manner. She was not exactly thick in her speech, but she did not speak so plainly as I thought she should have done.

10081. You know that neither Atkinson or Allen have said she was the least thick in her speech?—No.

10082. You tell us now you think she was rather thick in her speech?—Yes, I think she was.

(*Chairman.*) That is a sign of drunkeness, I suppose.

10083. (*Earl Russell.*) It was on that fact that you observed that you formed the opinion that she had been drinking?—Yes.

10084. Did you communicate that opinion to Atkinson, as he says? Did you say to him in your office "She is not drunk, but she has been drinking"?—Yes, I think I used those words.

10085. That is true?—Yes.

10086. You know now that Atkinson was punished for making a charge of drunkenness which he was not able to sustain?—It is not very clear about that punishment, I think.

10087. "The police constable may in the first instance have been guilty of an error of judgment only, but his subsequent action in preferring a charge of drunkenness against a sober person looks as though he sought to make the case stronger. He will also be strictly cautioned." Were you aware of that?—Yes.

10088. You know now, do you not, that Atkinson was punished for making a charge of drunkenness against a sober person?—Yes.

10089. Did you realise when you refused to take the charge of drunkenness that it might lead to Atkinson being punished, and that it might be a serious thing for him?—No.

10090. You did not appreciate that?—No.

10091. You did not think it of importance one way or the other?—Not the slightest.

10092. Did you realise that to a respectable woman it was rather an important thing to have a suggestion made that she was drunk if there was no ground for it?—If she had been charged with it she would have had every assistance.

10093. Atkinson brought the woman into the dock, and said, "I charge this woman with being drunk and disorderly." It is perfectly true that the Inspector would not take the charge of drunkenness, but at the time, to your knowledge, she was charged with being drunk, was she not?—That was the charge preferred.

10094. Why, when this lady asked for a doctor, did you not send for one?—I considered there was no necessity.

10095. If she wanted a certificate of her condition, and if she wanted somebody who would say she was not drunk. and possibly not smelling of drink, do you not think it would have been wiser to have sent for a doctor?—At that stage, no.

10096. It was entirely in your discretion, was it? You had power to send for a doctor or not to send for him?—Certainly.

10097. You asked her, according to her statement, whether she was ill?—Yes.

10098. She said, "No; I am not ill and I am not drunk, but I should like to have a doctor"?—No, at the time she did not. The doctor was not mentioned again.

10099. There was one stage at which she asked for a doctor?—That is so.

10100. (*Mr. Rufus Isaacs.*) That was the answer given when the Inspector asked her "Did she want a doctor," and she said "I am not ill and I am not drunk." That is what you mean?—Yes.

(*Mr. Dickinson.*) It is at page 24.

10101. (*Earl Russell.*) This is according to your own report: "I informed her that if she felt ill I would send for one, when she replied, 'No, I am not ill, but he could tell that I am not drunk.'" So far as you remember, is that what she said?—Exactly.

10102. And she would like to have a doctor to make it perfectly certain by independent evidence that she was not drunk?—The lady thought at that time she was being charged with drunkenness.

10103. Whether charged officially or not charged officially, you understood that she would like to have a doctor to satisfy her as to her condition?—If she was charged with drunkenness. I took it like that.

10104. You mean to say when you told her that she was not charged with being drunk, because she did not persist, you did not send for a doctor?—The subject had been dropped.

10105. Would you have sent for a doctor if she had persisted?—Yes.

10106. You would?—Yes.

—10107. The only reason you did not send for him was because she only asked once, and you thought she was satisfied with your answer?—Yes.

10108. You had made up your mind when you took this charge that she was a respectable woman, and not a night-walker?—Yes.

10109. You were quite clear about that?—Yes.

10110. You saw her husband when he bailed her out?—Ys.

10111. Did you understand what station of life they were in before they left?—Roughly, but I could not say exactly.

10112. Roughly, you understood they were in a respectable position?—Yes.

10113. When you knew all that, did you still think Atkinson's story was a reasonable one?—Yes.

10114. Did you hear Mrs. Braham at any time protest that she had not done any of the things that she was charged with?—No. She made no reply to the charge.

10115. But surely she did tell you—and I thought I understood you to say she did tell you—the reason for her being out so late, did she not?—Yes, about the friends.

10116. And you did not see any reason to disbelieve it?—No.

10117. She made that much reply. Did she protest against being brought there by the police-constable at all?—No.

10118. She did not complain of his having brought her to the police station at all?—As far as I can recollect at the time, no.

10119. Had he told you about the shouting?—Yes, and she heard it at the time.

10120. Did she not say there was no truth in that?—I do not think so

10121. She remained quite silent?—Yes, I believe she did.

10122. The only thing you think she did was to explain why she was out late?—Yes.

10123. Did she protest at all against the charge that she had been speaking to men?—She said something about the men had spoken to her.

10124. That is not quite what I asked you. Atkinson said he had been attracted to her, and gone across the road to her because she stopped men. Did she hear him tell you that?—Yes.

10125. Did she protest against that, or deny it in any way?—I think it was at that time she said the men had spoken to her.

10126. Did she say that she had not stopped any men?—Yes, I believe she did.

10127. Did she say she had not spoken to any men?—No, she did not say that. I think she said she had—she had answered them when they spoke to her.

10128. This is what you say in your report, which you made ten days afterwards: "Mrs. Braham denied having stopped a man, but stated that several men had looked at her as she passed, which she considered very offensive." You do not say there that she had spoken to any men, or that any men had spoken to her?—But this is three years ago.

10129. That is why I am reading your report. You think that is more accurate?—Exactly.

10130. She did not deny the statement about the men?—Yes, in that way.

10131. But you say she did not deny any of the statements about the struggling?—I do not think struggling was mentioned.

10132. Did she deny any of the statements about shouting?—No.

10133. Did she did deny the statement about being drunk?—Yes, she said she was not drunk.

10134. Of course you are accustomed to taking night charges?—Yes.

10135. If a respectable married woman is arrested when she is on her way to her lawful husband, you would expect to find her a little excited when she got into the police station, would you not?—Certainly.

10136. Was the condition of Mrs. Braham the hysterical condition which I think Atkinson spoke of?—No.

10137. Was it consistent with this?—No; I could not regard it as hysterical in any shape or form.

10138. Was her condition of excitability consistent with the shock to a respectable woman at being arrested and dragged to a police station at midnight?—Yes, you could regard it as such.

10139. You say that you asked her questions about what she meant by the constable interfering with her. Is that so?—Yes.

10140. You put questions to her?—Yes.

10141. In answer to that she said he had assaulted her?—Yes.

10142. And that he had put his hand on her?—Yes.

10143. And that he had caught hold of her?—Yes.

10144. Do you say that after investigating all those statements the only impression left on your mind was that she was simply complaining of his action in arresting her?—And, in addition, since the report, it was pointed out to me she alleged that he had roughly pushed against her.

10145. But apart from the rough pushing against her, the handling, you understood it was merely laying his hand on the woman to arrest her?—Yes.

10146. Nothing more?—Nothing more.

10147. The words she said were he assaulted her, and put his hand on her, and caught hold of her?—Yes.

10148. It did not at that time convey to your mind the suggestion of anything else?—No.

10149. I think you say in your report that Allen was not a witness of the disorderly behaviour?—Yes.

10150. Are you quite clear still that Allen told you that the woman had said she was sorry in his presence. You remember Allen was asked about that, and thought you must be mistaken?—I think it is quite correct that the question was repeated in Allen's presence—the words used by her, "Let me go; I am sorry." It is clearly impressed on my mind that those words were used.

10151. According to the statement you took it that those words were used both to Atkinson and to Allen?—Yes.

10152. (*Mr. Whitmore.*) Did you ask Allen whether he heard the words used, "Let me go; I am sorry"?—That was the second question to him—yes, I did.

10153. He answered "Yes"?—Yes.

10154. Do you think it is possible he may have been thinking of the first half of the sentence and not the second half?—The first question I put to him was, Did he witness disorder? Did he hear the woman say this to Atkinson? The first answer was "No," and then it was "Yes."

10155. The second question was, "Did you hear the words 'Let me go; I am sorry'"?—Yes.

10156. To that he answered "Yes"?—Yes.

10157. (*Earl Russell.*) Did you see the written reports of Allen and of Atkinson?—No.

10158. You never saw them at all?—No.

10159. But still, to the best of your recollection now, Allen told you at the time he heard the woman say, "Let me go; I am sorry"?—Yes, to the best of my recollection.

10160. Did you understand what she meant by that?—I should regard it that she was sorry for having done what she had.

10161. Shouting?—Yes.

10162. I understand no effort was made at any time to find this stranger, or to trace him so far as you know?—The man?

10163. Yes?—No. I asked the police constable should he know him again. He said "No."

10164. You asked the police constable if he should know him again?—Yes.

10165. But without asking for any description of the man?—If he would know the man again.

10166. But you did not ask him for any description of the man yourself?—No.

10167. What did the police constable say?—I forget now whether he said he would know him or not.

10168. You had understood that these people were people in a respectable position, and you understood that the woman was charged with being drunk, and in your opinion she was not drunk?—Yes.

10169. And you understood that generally she denied being disorderly? You will go as far as that, will you not?—No.

10170. You thought she admitted being disorderly?—Yes.

10171. Did not you think, even so, something more might be heard of this case?—No.

10172. You did not think it worth making a note of, or staying in town for?—No.

10173. Nor even to send for a doctor to corroborate the statement of the woman to help you in any way?—No.

10174. Or to help her?—I do not see how it would help her.

10175. (*Mr. Dickinson.*) I want to understand this from you. After this lady had been brought in, I suppose the first thing you did was to ask for the name and address?—No; we investigate the charge first, and see if there is a charge.

10176. How long does that take?—Not long. We usually investigate the charge first. The first thing, after investigating the charge, is to take the name and address—after we have decided to take the charge.

10177. When did you first know this lady's address?—About ten minutes after she was brought to the station.

10178. What is your usual course when people are brought in to the station who give you a name and address? Do you take any steps to check it?—Yes.

10179. What steps did you take to check it?—We sent a wire to the husband's address.

10180. You sent a wire to the husband's address?—I sent a wire to Balham station to inform the husband, and if he would bail her out.

10181. But that wire to Balham station did not arrive until half-past one. When did you send it?—I could not say now.

10182. Surely you have a recollection what took place. The lady was brought there at 20 minutes past 12. How soon after that did you send a wire to the other police station?—I cannot say, but I should think it was sent before that, because the husband was there at 1.50.

10183. Among these reports we have the fact that he came to the station at half-past one?—The wire must have been received.

(*Chairman.*) It might have been a telephonic message.

Inspector W. Billson.
2 Oct. 1906

10184. (*Mr. Dickinson.*) Did you or not send a telephonic message?—No, a telegraphic message.

10185. Was that sent by ordinary post, or by ordinary wire?—A police wire.

10186. So that the moment you send it you know it arrives at the end of its journey?—Yes.

10187. Did you get any answer to that?—I think the answer to it was that Mr. Braham was at Balham station inquiring about his wife, and that he would come over.

10188. Have you no method of checking an address by means of books?—Yes; the local directory is in use.

10189. Does it never occur to you to look at the local directory? You are not very far from Balham?—No.

10190. Do you look at the directory?—We should send for the husband.

10191. I want to ascertain what steps you take. When a woman or a man comes into the station who is apparently respectable and gives you a name and address, do you take any steps at that moment to ascertain from the directory whether a person of such a name does live at that address?—Having no local directory of Balham, we sent a wire instead.

10192. Do you mean that at every police station you have not a directory?—No.

10193. (*Chairman.*) Have you not the Post Office Directory?—Balham would be out of the radius. I think at the present time there is a directory covering the whole of that district.

10194. (*Mr. Dickinson.*) It might have taken a long time to communicate with the husband. I should have thought the first thing you ought to have satisfied yourself upon was whether she was giving a right name and address, and whether that address was a house in a respectable neighbourhood. Did not that occur to you as being the first thing to do?—A wire was sent as soon as possible, but I cannot say now at what time the wire was sent.

10195. I should like to know at what time the wire was sent.

(*Mr. R. D. Muir.*) I daresay we can get that for you, but we have not got it here.

(*Mr. Dickinson.*) In one of these statements at page 7 it states that Mr. Braham called at half-past one.

(*Mr. R. D. Muir.*) It was at the place where she was charged. It does not appear when the wire arrived.

(*Mr. Dickinson.*) Either the statement was made verbally, or it is amongst these papers, that just as the husband arrived the message was coming in.

(*Mr. R. D. Muir.*) That I have not got.

10196. (*Chairman.*) "I was fully two hours waiting for my husband; my husband arrived nearer 3 than 2." We know from Mr. Braham that he was at the police station near Balham Station when he was told that a message had been received saying that his wife was at Larkhall Lane station, and that then he took a cab and drove to the police station. How long would it take him to drive from one police station to the other?—About twenty minutes.

(*Mr. R. D. Muir.*) There is a statement at page 24, but I do not think it clears it up, that a telegram was sent to her husband, Philip Braham. That is Inspector Billson's own report.

(*Mr. Dickinson.*) I only wanted to ascertain what steps this Inspector took.

10197. (*Chairman.*) Was it Mrs. Braham who gave you the information as to where to telegraph to?—Yes.

ELEVENTH DAY.

Wednesday, 24th October 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman.*)
Rufus Daniel Isaacs, Esq., K.C., M.P.
Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law.)
Charles Algernon Whitmore, Esq. (Barrister-at-Law.)
J. W. St. Lawrence Leslie, Esq. (Barrister-at-Law), (*Secretary.*)

Sergeant William Childs, 25 W, sworn.

Sergeant W. Childs.
24 Oct. 1906.

10198. (*Mr. R. D. Muir.*) You were station-sergeant at the Clapham station on the morning of the 6th June, 1903?—I was.

10199. And did you come in from your patrol about 2 in the morning?—Exactly.

10200. At that time was Inspector Billson there?—In the charge room.

10201. And was Mrs. Braham there also?—She was.

10202. And Mr. Braham?—Yes.

10203. How long did they remain in the station while you were there?—A matter of five or six minutes, I should think. A very short time.

10204. Was there anything in the nature of complaint made by them while you were in the station?—Nothing whatever.

10205. (*Earl Russell.*) Bail had been taken at that time?—I believe so.

Police-constable Samuel Gribble, 133 W, sworn.

P.C. S. Gribble.

10206. (*Mr. R. D. Muir.*) Are you Police-constable 133 W, and were you on reserve duty in the Clapham station in the early morning of the 6th June, when Mrs. Braham was brought to the station by Police-constable Atkinson and Police-constable Allen?—Yes.

10207. Where were you when they came in?—In the charge room.

10208. Did you remain in the charge room while Mrs. Braham was there?—No.

10209. How long did you remain in the charge room?—About five minutes, and then I went out and came back again.

10210. During that five minutes had Mrs. Braham been charged?—No.

10211. Did she make any complaint during that five minutes?—No.

10212. Do you say you went out of the charge room?—Yes, out of the charge room.

10213. How long were you away?—A matter of three or four minutes.

10214. When you came back again what was going on?—Inspector Billson was taking the charge.

10215. Did you remain then in the charge room?—Yes.

10216. Up to the time that Mrs. Braham left, or did you leave before that?—Practically.

10217. Did you hear any complaint made by Mrs. Braham as to the conduct of the constables?—None whatever.

10218. (*Earl Russell.*) You made a written report on this on the 10th June, did you not?—About the 10th June, I believe.

10219. Will you just look at it. (*Report handed to the Witness.*) "I beg to report that I was on reserve duty when the above was brought to Clapham Station by Police-constable 800 W. Atkinson. She was charged with behaving in a disorderly manner, and when the charge was read over to her she said 'Why, I have been to see some sick friends,' and also asked to see a doctor, but when told by Inspector Billson that she was not charged with being drunk, she made no other remark or any complaint. I was within hearing all the time"?—That is so.

10220. But you have told me that you were away for five minutes?—But that was before the charge was taken.

10222. Between the time that she was brought in and the time that the charge was read over to her you were away for five minutes?—That is so.

10222. But you say in this report that you were on reserve duty "when the above was brought to Clapham station"?—Yes.

10223. Then you go on to speak about the charge?—Yes.

10224. You finish the report by saying "I was within hearing all the time"?—I meant by that that I was within hearing all the time when the charge was being taken while she was in the dock.

10225. Can you tell me how anybody reading that report is to understand you were away for five minutes?——

(*Mr. R. D. Muir.*) Is that a question for the witness? I may tell you I read it in that way: "She was charged with behaving," and so on. "I was there all the time."

10226. (*Earl Russell.*) I shall be very glad to have his explanation. It begins, "I beg to report that I was on reserve duty when the above was brought to Clapham Station"?—That is so.

10227. That means, does it not, when she was first brought into the station in custody?—That is so.

10228. Then you go on in the next sentence and say, "She was charged with behaving in a disorderly manner, and when the charge was read over to her"——?—That is so, she was charged.

10229. You finish your report by saying, "I was within hearing all the time"?—Yes. When Atkinson brought Mrs. Braham to the station she was put straight into the dock. I went from there then outside. I came back and the charge was taken, or being taken, at the time. Inspector Billson had come out of the office with the charge sheet and commenced taking the charge. I never left the charge room then.

10230. But it is not true that you were within hearing all the time from the time she was brought in till the time she was finally charged?—No, not from the time she was brought in.

(*Mr. Rufus Isaacs.*) It is capable of being read in the way the constable says he meant it. I should think, literally, your criticism, Earl Russell, is just, but the constable's view is one that he might easily have held.

P.C. S. Gribble.
24 Oct. 1906

(*Chairman.*) If Earl Russell's suggestion is accepted, it amounts to this, that the police-constable ought to have said after the first sentence, "I then went away for about five minutes. I came back and she was charged." Then it would be perfectly clear.

(*Earl Russell.*) I am merely putting to him the effect it would have on the mind of his superior who read this as a report of what he heard.

(*Mr. Rufus Isaacs.*) He is dealing with the charge of disorderly conduct, and that is the thing his attention is directed to. He does not attach importance at the time to the fact that he was out of the room for five minutes.

10231. (*Earl Russell.*) Did you hear Mrs. Braham say she had been visiting?—Yes.

10232. Did you hear her say that Atkinson had roughly pushed against her?—No.

10233. Did you hear her say she had resented his conduct, and asked him why he had assaulted her?—No.

10234. This is in the report of Inspector Billson, who took the charge?—I never heard it.

10235. (*Mr. Dickinson.*) I want to know when you wrote this report?—I cannot exactly say; a few days after.

10236. It is dated the 10th June. What time of the day did you write it, do you know?—Half-past ten in the evening. When I say half-past ten, it was shortly after I came on duty.

10237. Where do you write these reports?—I wrote my report in the library.

10238. What rooms are there in this police station?—The charge room, the office, the single men's kitchen, the cook's kitchen, the library, bedrooms upstairs, and several rooms downstairs.

10239. I suppose you have to write your reports in the library?—No.

10240. Where else do you write them?—In the charge room.

10241. Had you refreshed your memory at all about this before you wrote this report?—I only had a glance at that report yesterday morning.

10242. I do not mean now, but before you wrote this report at half-past 10 in the evening on the 10th June, had you refreshed your memory about what happened on the 6th?—No—as to the time I had.

10243. Will you tell me what you had done?—I looked at the charge book and saw the time the woman was brought to the station.

10244. That was all you did?—Yes.

10245. You did not ask any other constables about it?—No.

10246. (*Mr. Rufus Isaacs.*) Did you speak to anybody at all before you wrote the report?—No.

10247. You wrote it as you recollected it at the time?—Yes.

10248. Various other matters had, of course, come between that time and the 6th June?—Yes.

10249. You had not taken any prominent part in this matter at all?—No.

10250. You wrote down what you recollected?—Yes, I was called upon to report, and I put it down just as I thought.

Police-constable HARRY VARNEY, 190 W, sworn.

10251. (*Mr. R. D. Muir.*) You are Police-constable 190 of the W Division, and were you on reserve duty in the station at Clapham in the early morning of the 6th June when Mrs. Braham was brought there?—Yes.

10252. Did you hear the charge preferred against her?—I was present the whole time.

10253. What do you mean by the whole time?—From the time she was brought in to the time she was bailed out.

10254. Did you hear her make any complaint of the conduct of the police-constables towards her?—Not actually against the constables.

P.C. H. Varney.

10255. You say not actually. What did you hear her say about the constables?—I heard her tell Inspector Billson that the constable had taken hold of her, and Inspector Billson had elicited the fact that that was in the act of arresting her.

10256. Did she make any other complaint with regard to the conduct of the constables?—Not that I heard.

10257. (*Earl Russell.*) Did you hear everything that went on?—Yes, everything.

P.C. H. Varney.
24 Oct. 1906.

10258. Did you hear her say the constable had pushed roughly against her?—I might have heard that, but I have forgotten it now.

10259. Did you hear her say that she had resented his conduct?—No, I did not hear her say so.

10260. And that she had asked him what he meant by insulting her like that?—I heard the constable say that.

10261. Did you hear Mrs. Braham say that?—No, Mrs. Braham did not say it. The constable said it.

10262. Do you say she did not say it, or you do not remember?—I do not remember her saying it. I heard the constable saying it in his evidence to Inspector Billson.

10263. You would rather say you do not remember?—Yes, I would rather say I do not remember.

10264. (*Mr. Dickinson.*) What time did you write this report on the 10th June?—I believe I came back from Brixton at one o'clock.

10265. (*Mr. R. D. Muir.*) One a.m. or one p.m.?—It would be one a.m. on the 10th.

10266. (*Mr. Dickinson.*) One a.m. on the 11th?—According to the date on the report that was the day.

10267. It would have been on the night of the 10th?—Yes.

10268. Allen said that you were at the office at the same time that he was?—That is quite right.

10269. Did you have any communication with Allen about the form of the report?—No. I sat down at the table in the charge room and made my report out.

10270. Did you write out this report in the form we see it here or in pencil?—I wrote it straight on to the paper.

10271. That is the only paper you wrote?—Yes.

10272. Allen told me he wrote it first of all with pencil?—Probably he did.

10273. I only want to put it to you. Allen's account of this event is this: "She then asked to see a doctor to certify if she was drunk. The Inspector said it was not necessary as she was not charged with that offence." You say, "She also asked to see a doctor to certify that she was drunk, and she made no other complaint. The Inspector told her it was not necessary to see a doctor as she was not charged with being drunk"?—I used the Inspector's words as nearly as I could, and probably Allen did the same.

10274. How did you refresh your memory about what the Inspector's words were?—I did not need to be refreshed. I remembered.

10275. Are you quite sure she did ask for a doctor to certify that she was not drunk?—She asked for a doctor for that purpose—to certify that she was not drunk.

10276. (*Mr. Rufus Isaacs.*) Do you mean she said that?—She said that was the reason she required a doctor.

10277. (*Chairman.*) What were her words?—I cannot exactly remember her words, not word for word.

10278. (*Mr. Dickinson.*) Are you sure you never talked it over with Allen to see what really you remembered jointly about this?—I never saw Allen—not before that time.

Chief Inspector JAMES TAYLOR, sworn.

Chief-Insp. J. Taylor.

10279. (*Mr. R. D. Muir.*) Are you a Chief Inspector?—Yes.

10280. On the 16th June, 1903, were you acting as Superintendent at the Brixton Police Station?—Yes.

10281. By directions from headquarters did you take the statements of Mrs. Braham and her husband and a lady, Miss Marion Young?—I took Mrs. Braham's statement.

10282. The husband and Miss Marion Young being present?—Yes.

10283. You made a report about this matter on the 16th June?—Yes.

10284. Would you like to refresh your memory with it as to what took place?—It is a long time ago, but I will try to tell you to the best of my ability.

10285. You had better have it before you. (*Report handed to Witness.*) Is that a correct report of what took place?—Yes.

10286. We need not trouble you to go through it as far as I am concerned?—It was a covering report with Mrs. Braham's statement.

10287. The second paragraph begins: "Mrs. Braham with her husband and the lady she had visited on night of 5th instant attended here to-day, 16th instant, and I took her statement in presence of the police concerned. There are variations in the statement from the letter of complaint." The letter of complaint had been forwarded to you, had it?—Yes, through the Home Office. Mr. Braham had written to the Home Office.

10288. "I explained to Mr. Braham that it was the Inspector who took the charge that had gone on leave and not the police-constable preferring the charges as stated in his letter. Mr. Braham said the only thing he wanted to know was whether it was suggested by police that his wife was soliciting. I told him no, there was no such imputation or suggestion. Miss Marion Young, the lady friend, where Mrs. Braham had been visiting, only knows that she left about 12 midnight after paying a visit to her; she knows nothing more. Inspector Billson's explanation as to the private conversation detailed in letter is that Police-constable Atkinson had at that time stated the charge he had preferred, in the presence of the accused, and he went purposely from the charge room into the Inspector's office—out of the woman's hearing—to tell the police-constable she was not drunk, and he should not entertain that part of the charge; also asked the police-constable whether, when he crossed the roadway, did he think the woman was a prostitute. As to the charge itself, there is no corroboration; it is the word of Mrs. Braham against the police-constable. The man"—was that "the man" or "the men"?—They both spoke of one man.

10289. "Neither know, so he cannot be found and his version taken of what occurred. It is a pity that Inspector Billson did not attend the police court at the hearing of the charge. Mr. and Mrs. Braham wish to say that she received every kindness when at the police station. Mr. Braham has not decided upon his subsequent action in this matter; it is in the hands of his solicitor, and he shall act on his advice." Then on page 25 is the statement by Mrs. Braham. "About 12 night 5th instant I left my friends, 4, Victoria House, South Lambeth Road, the daughter, Miss Marian Young, accompanied me to Tate's Library, South Lambeth Road. She left me there; I hurried along to catch the tramcar at Stockwell to Balham. I had passed all the shops where the lights were on, and there were only houses on either side, when the constable seemed to dart out from a gateway (P.C. 800 W). There was a man there. He seemed to come on the scene at almost the same time that P.C. 800 W did. I appealed to the man, saying 'You see I have not done anything; will you come to the police station with me?' He did not answer me. The constable then took hold of my shoulder and I looked at him and asked his number. He refused his number and again took hold of my shoulder. I was indignant, and said, "How dare you!' He told me he would show me what he dared to, and took me to the police station. He held my arm the whole of the way. I asked him to let my arm go, but he did not. On the way to the station he called another constable. I don't know what he said—I think it was 'Come here,' That P.C. 749 W took my right arm, then we arrived at the station. I then complained to the Inspector there. That complaint was exactly the words you have written down here." That was signed by Mrs. Braham. Then question by Atkinson: "You say I seemed to dart out of a gateway. (A.) Yes. (Q.) Did you stop about forty yards away and stop in front of a man? (A.) No, certainly not. (Q.) Did you not stop in front of me when you came up to me? (A.) Certainly not; no. (Q.) Did you ask me what I was interfering with you for? (A.) No. (Q.) Did I not say I am not interfering with you and requested you to go on, and I moved into the church gateway? (A.) No, and you did not move. (Q.) As I went to go

into the gateway did you not say, 'What are you assaulting me for?' (A.) I did not say such a word. (Q.) Did I not ask a man if I had interfered or assaulted you in any way? (A.) No, you did not." That is signed by the lady and by Atkinson and by yourself?—Yes.

10290. You forwarded that to headquarters with the remarks that I have read?—Precisely.

10291. And I think a covering letter which does not add anything to it at all?—Yes.

10292. (*Earl Russell.*) You were in charge of this inquiry at Brixton station?—I had the papers sent to me.

10293. You conducted the inquiry?—I made an appointment with them to attend there.

10294. You were the person who conducted the inquiry and called the witnesses and had the notes taken, and so on?—Yes.

10295. You have already seen written reports in connection with the case?—Yes; they had been previously submitted, and were sent back with the papers from the Home Office with Mr. Braham's letter of complaint.

10296. Were the witnesses freshly examined at this inquiry and their answers written down?—No. I asked them if they wanted to supplement their reports after hearing what Mrs. Braham said, and they did not wish to do so.

10297. You took Mrs. Braham's evidence first?—In their presence.

10298. I understand that everybody concerned was present at Brixton station when you were in charge?—Precisely.

10299. Then you took Mrs. Braham's statement first?—Exactly.

10300. That is the one your learned counsel has just read, and the one we have?—The first and the only statement.

10301. With the questions and answers, and at the end the date the 16th June?—Yes.

10302. That was the one made in your presence?—Yes.

10303. Then did you take any other statement and reduce it into writing?—No.

10304. Did you take a statement from this lady whose house she had been at?—No.

10305. You took no written statement from her?—No.

10306. You took a verbal statement from her?—Yes. She said Mrs. Braham had been there and left at about 12 o'clock at night.

10307. She confirmed Mrs. Braham's statement to that extent?—Oh, yes.

10308. But you did not reduce what this lady said to writing except to the extent of incorporating it in this paragraph in your covering letter?—Yes, that was all there was to say.

10309. I only want to get at the way in which these things are done. This paragraph, "The lady friend only knows she left at 12 midnight. She knows nothing more." That is the only written statement you made of what she said?—Precisely.

10310. Then with regard to the constables concerned, Atkinson and Allen, and Inspector Billson, you put to them the reports they had already written on the 10th June?—Billson I had wired for. He was away.

10311. Atkinson had written a report on the 10th June?—Yes.

10312. What you did was to show him that report and say, "Do you desire to supplement it or add to it in any way?"—Hardly in that way. I had their reports, and I said, "Do you want to supplement anything in your report after hearing Mrs. Braham's complaint?" Each one said "No."

10313. So that the report which they had already written was taken as the evidence they had given?—Precisely.

10314. And on that date, the 16th June, they found nothing to modify or nothing to alter in their reports?—Yes.

10315. Does the same apply to Allen as to Atkinson?—It applies to all of them.

10316. No. Inspector Billson, I thought you said, made a fresh one?—Except Inspector Billson, as I have said.

10317. Mr. Braham was present?—Yes.

10318. Was an opportunity given to Mr. Braham or to Mrs. Braham to put questions to the constables?—No.

10319. No opportunity?—No.

10320. Is that the usual practice?—They did not ask to.

10321. They did not wish to ask any questions at all?—No.

10322. Either of Atkinson or Allen?—No, not to the best of my recollection. It is three years ago, and I am speaking to the best of my recollection.

10323. Would you say to them in the ordinary course, "Is there any question you wish to put to the constable on his report?"—No.

10324. Did you say that to the constable about Mrs. Braham's report?—Yes.

10325. Because at the end of Mrs. Braham's report we find a cross-examination and a few questions by the constable and the answers?—Yes.

10326. You said to him, "Is there anything you wish to ask Mrs. Braham on this report?"—That is in accordance with our general orders.

10327. You did not say to Mrs. Braham after reading the constable's report, "Is there any question you wish to put to the constable on his report?"—No.

10328. You say they made no attempt to ask questions?—Yes, I do, to the best of my recollection.

10329. If they had attempted to ask questions in the nature of cross-examination of the constable you would have allowed them?—I think I should have put it down.

10330. And the answers?—Yes; I think that would have been fair.

10331. Any question they thought useful to get at the truth?—Yes, I think so.

10332. Did you know any similar inquiry in which questions by the public have been put to a constable and put at the end of the report? Have you conducted any?—No.

10333. You have conducted several of these inquiries?—No.

10334. Half a dozen?—I should not like to say—oh, yes, I have taken several statements.

10335. Will you go so far as this, that it is not the usual practice to invite members of the public or allow members of the public to cross-examine constables at these inquiries?—Yes, I will go that far.

10336. It was stated earlier in this case that no accusation of improper conduct or indecent conduct had been made until now. You were aware at this time you conducted this inquiry that there was a statement of that sort, were you not?—What do you mean?

10337. Did you not know that the accusation made by Mrs. Braham against Constable Atkinson was not merely that he had assaulted her, but that he handled her in an indelicate manner?—I did not know anything of that. I go by her statement to me.

10338. What is the meaning of this last sentence in Mrs. Braham's statement: "I then complained to the Inspector there. That complaint was exactly the words you have written down here." What are those words?—The lady's words. That is her statement, not mine.

10339. You mean the complaint she made to the Inspector was exactly the words of this statement written out now?—It is what she means. It is her statement.

10340. Yes, but that is what you understand that to mean. The words written down here are the words in this statement?—I understand it as it is. I really cannot tell you what was in my mind then.

10341. When you conduct an inquiry of this sort do you go down to the station and start the inquiry more or less as if you were a judge, or do you have any conversation with the people?—What people?

10342. With the police constables concerned. Do you try and get at the facts first in an unofficial way, or do you simply go down there and start the inquiry in public without any previous communication with them?—I had got the reports in this case except Inspector Billson's.

Chief-Insp. J. Taylor.
24 Oct. 1906.

10343. Had you seen any of the men personally?—The Superintendent had dealt with the previous reports.

10344. Superintendent Doyle?—Yes.

10345. You had no conversation with Atkinson?—No.

10346. Or with Allen?—No.

10347. Or with Inspector Billson?—No.

10348. You came fresh to it at this inquiry?—Yes.

10349. When you came to this inquiry had you heard anything at all about a charge of drunkenness?—I must have seen that in reading the papers.

10350. You said that she asked for a doctor to certify that she was not drunk, or do you mean you saw it in the reports?—In the reports.

10351. (*Mr. Rufus Isaacs.*) You saw what in the reports?—With regard to a doctor—that she mentioned it when she was taken to the police station.

10352. I do not think that that was Lord Russell's question. He asked you about the drunkenness?—Of course, I had nothing to do with that. I was not dealing with that.

10353. (*Earl Russell.*) Let me take the statements which you had seen and which I think you enclose. You asked no questions about the charge of "drunk and disorderly"?—No.

10354. You had seen Inspector Billson's report, had you not?—Yes.

10355. He mentions in his report that Atkinson had preferred a charge of being drunk which he had refused to take. Let me read you the words: "When at the station the woman was rather excited, but I considered she was not drunk, and told the police constable so, who informed me that he thought she was drunk because she smelt strongly of liquor. I failed to observe any signs of drunkenness, and as the evidence of the police constable clearly showed that she had been guilty of disorderly behaviour I entered it on the charge-sheet as such." That was one of the reports that you had before you when you were making this inquiry?—Yes, he was directed to make a full report of the whole of the circumstances. I was dealing with the complaint against the police.

10356. (*Mr. R. D. Muir.*) Just look at that report before you answer, because it bears the same date as your own report?—Yes, it does.

10357. You had it before you embarked on your own inquiry. Inspector Billson's report was written on the same day as your inquiry?—I had to send a telegram for him to come from Chatham, where he had been, because there was no report in the original papers.

10358. You had that report before you before Mrs. Braham made her statement?—I cannot say.

10359. That is the foundation of Earl Russell's question?—I cannot say. I cannot charge my memory with everything.

10360. (*Mr. Rufus Isaacs.*) Look at them both, and see whether they will not help you to say something about it. The question that Earl Russell is putting to you is whether you had this statement of Inspector Billson's before you when you were conducting the inquiry at the station?—I could not say whether he made that before I conducted the inquiry or afterwards. I would not be sure.

10361. (*Earl Russell.*) Was he present at the inquiry?—Yes.

10362. Then in any event he would have made it during the inquiry. That would have been the latest time?—Yes, either before or after.

10363. Either it was handed to you before you began the inquiry or it was made by him in the course of the inquiry?—Not in the course, because he could not make the report when I was making the inquiry—not when all the witnesses were there.

10364. I thought I understood that in a case where reports were not already furnished the evidence was taken down in longhand by a clerk?—No, I did not do that. He had to answer them himself.

10365. Can you charge your memory at all as to how and when exactly this report of Inspector Billson's came into existence?—No, I cannot.

10366. But Inspector Billson was at this inquiry?—Yes.

10367. What did you do about Inspector Billson's evidence in connection with the matter?—Submitted his report.

10368. But while you were holding the inquiry what did you treat as his evidence—did you treat the report that was in existence as his evidence, or did you take fresh evidence, or was this report not in existence till after the inquiry was closed?—I simply submitted the report with Mrs. Braham's statement.

10369. Do you think it possible that this report of Inspector Billson's was written after the inquiry was closed?—I tell you I cannot say. I cannot charge my memory with that.

10370. Inspector Billson was considered so important a witness that he had been recalled specially for this purpose?—Certainly.

10371. You would not have conducted this inquiry without taking what Inspector Billson's version of the occurrence was, would you?—It was a complaint against the police. I do not know why I should not. He could have been called on to report afterwards.

10372. You did not think it was necessary when you conducted the inquiry to know what Inspector Billson said?—I do not know what was in my mind, but he could have reported afterwards just as well as he could before.

(*Mr. Rufus Isaacs.*) Inspector Billson's reports are attached to the letter which is the report of Acting-Superintendent Taylor, dated the 16th June. "I beg to report that Inspector Billson was wired to on his return to Chatham and his report is attached." That is dated the 16th June, and Inspector Billson's report is dated the 16th, so it is clear from that that Superintendent Taylor had the report in his possession at the time that he reports.

(*The Witness.*) At the time I submitted that Report, oh yes, there is no doubt about that. It is very difficult to remember these things three years afterwards.

(*Mr. Rufus Isaacs.*) Yes, that is why I called attention to the Report.

10373. (*Earl Russell.*) I only want you to remember what you can. Can you remember apart from the question of Inspector Billson's report whether, when you were holding this inquiry, you knew as a fact that there had been a charge of drunkenness preferred by the constable, and not taken by the Inspector?—I am not sure.

10374. If I understand the procedure you were not to adjudicate or pronounce a decision upon these papers, but to send them on to your superiors?—That is right—to get the facts.

10375. And, I suppose, as far as you could get at them, the whole of the facts of the case?—Exactly.

10376. In a case of that sort, if you get a report from two different people, I do not care whether they are two constables or a member of the public, but if you get a report which was quite inconsistent from two different people would you ask any questions to attempt to reconcile them or explain them?—This is their version.

10377. You would send it on exactly as it is sent in?—Yes.

10378. You would not ask any questions to try and see how near you could get them together, or where the truth was?—It is their version of what transpired. I do not think it would be right on my part to question them on that.

10379. I understand you were holding this inquiry not in order to pronounce a decision, but in order to get all the facts for your superiors?—Yes.

10380. It might be possible if A tells one story and B tells another that by asking some questions you would get considerably nearer the actual facts?—I took Mrs. Braham's story, and the Inspector was directed to report fully what transpired, and he did so, and I submitted them both.

10381. And in the case of Mrs. Braham, you did try to get near the actual facts by having supplementary questions?—That is in accordance with our orders, that if a complaint is made against a police officer it shall be made in his presence, and he shall have an opportunity of questioning the complainant.

10382. I should be right in saying you took the practice to be that you would say, "This is their version of the occurrence," and even if it was obvious that they could not both be true you would send them both on without comment and without asking further questions.

(*Mr. R. D. Muir.*) Not without comment?

10383. (*Earl Russell.*) Without asking further questions to try and reconcile them?—Every case is different. In that case I submitted it with a covering report.

10384. You had before you, at any rate, the reports of Atkinson and Allen?—Yes.

10385. In neither of those reports is anything said about a charge of drunkenness having been preferred against the woman and refused by the Inspector. Do you remember that, or would you like to look at them?—I heard it yesterday.

10386. If you knew at the time that a charge of drunkenness had been preferred against the woman and not taken by the Inspector, did you not think their reports wanted supplementing in that respect?—I did not labour that question.

10387. Were you sending on to your superior a full account of the case if you did not know that that fact existed?—She was not charged with that. There was no charge of drunkenness.

10388. I quite agree, but if a constable is found to make a mistake in one case it may have some influence on your judgment as to whether he has made a mistake in another. Do not you think the superiors should have had that information?—She was not charged.

10389. That is what you say, that she was not charged before the Magistrate?

(*Mr. Rufus Isaacs.*) I do not think that is quite right, because Inspector Billson's report is sent at the same time as he is making his report, and Inspector Billson's statement does contain it.

(*Mr. R. D. Muir.*) And this officer's report at the bottom of page 21 comments on it.

(*Mr. Rufus Isaacs.*) It does not state it in such precise terms as Inspector Billson's report does. But he does refer to it.

10390. (*Earl Russell.*) My suggestion is not that he was not informed at all of that fact, but he should have been given whatever explanation was available from the constable who is said to have made a mistake. I will tell you exactly what I suggest, that you should have asked Police-constable Atkinson and Police-constable Allen at the time what the foundation was, or Atkinson at any rate—for his making a charge of drunkenness, and have noted the statement which he made here that she smelt of drink. You did not ask that?—No.

10391. You tell us as there was no charge of drunkenness before the Magistrate you thought it of no importance?—I do not know what I thought. I tell you I cannot remember what was in my mind then.

10392. Inspector Billson reports it at that date, and Police-constable Atkinson was cautioned in the end, as I understand, almost entirely, if not entirely, on the ground that he had preferred this charge, which could not be supported?—Both of them were cautioned.

10393. But that was the ground on which Police-constable Atkinson was cautioned?—I did not deal with those papers. The Superintendent dealt with him.

(*Mr. Dickinson.*) Can you tell me, Mr. Muir, what those initials on page 19 signify. It is Mr. Braham's letter of the 9th June?

(*Mr. R. D. Muir.*) It is a Minute apparently on Mr. Braham's letter, acknowledged the 11th June: "To Superintendent for report, through Chief Constable." That means the papers are to be sent to this officer for him to report.

(*Mr. Dickinson.*) There is a query there.

(*Mr. R. D. Muir.*) "F. H." makes a suggestion, and there was a query upon it.

(*Mr. Dickinson.*) Who is "F. H."?

(*Mr. R. D. Muir.*) Mr. Underwood is one of the clerks, and "F. W." is Major Wodehouse, who apparently accepts the clerk's suggestion, and that was acted on, and the papers sent to this officer.

10394. (*Mr. Dickinson.*) Who would get the report through the Chief Constable?—That is the report I submitted.

10395. Who would be the Chief Constable?—Major Gilbert.

10396. (*Earl Russell.*) May I take it generally, without going into details further, that you had the statements of this policeman before you, and you did not think it any part of your duty to ask questions to elucidate them further?—No.

10397. You let them lie as they were, unexplained or incomplete?—Yes.

10398. Except you said to the man himself, "If you wish to add anything you may do so"?—Yes.

10399. Thereupon you did not think it your business to make any further inquiry or cross-examination about the statements in any way?—That is right.

10400. (*Mr. R. D. Muir.*) May I ask a question to clear up something which I think is a little in confusion. (*To the Witness.*) When you took this statement from Mrs. Braham the constables were the accused persons?—The complaint was against them.

10401. The constables were the accused persons?—Yes.

10402. Mrs. Braham was the accuser?—Exactly.

10403. You took the accuser's statement as she gave it?—Exactly.

10404. You gave the accused persons an opportunity of asking their accuser questions?—Precisely.

10405. Is that the method in which you take such complaints?—Yes.

10406. You then forward the result of that statement and the questions put by the accused persons to headquarters to be dealt with?—Yes.

10407. You also give the accused persons an opportunity of adding anything to their original statements if they desire to do so?—Certainly.

10408. That is the inquiry you were holding?—Yes.

10409. A complaint against the constable, not any re-hearing of the original charge against Mrs. Braham?—That is so.

10410. But the complaint against the constable?—That is so.

10411. That is the sole issue before you?—That was the whole of the matter that I was dealing with.

10412. (*Chairman.*) Do you remember what hour in the day this inquiry commenced?—I do not.

10413. In what room in the station did it take place?—In the Superintendent's office.

10414. I should like to know a little how it was conducted. Did you sit down during it?—Yes; I sat at the desk.

10415. You have just told the learned counsel that in a proceeding of this kind the police are deemed to be the accused persons?—Yes.

10416. All those who are accused are present, I presume?—Yes.

10417. And in this case that was so?—That was so.

10418. Police-constable Atkinson was there?—Yes.

10419. Police-constable Allen was there?—Yes.

10420. What other constables?—Gribble and Varney and Inspector Billson.

10421. Inspector Billson had by that time come back?—Yes, I telegraphed to him.

10422. And he was in the room at the time that you commenced this inquiry?—Yes.

10423. And Mr. and Mrs. Braham and Miss Young were there?—Precisely.

10424. How did the proceedings begin?—The complainants took a seat, and the officers were standing in front of me. I was seated at the desk, and I told Mr. Braham and Mrs. Braham that I had received their letter of complaint. It had been transmitted from the Home Office, and I said it was in accordance with our Regulations that if a complaint was made by the public it should be made in the presence of the officers complained of; it should be reduced to writing, and an opportunity given to the officers to put any questions to them. I think—I would not say now for certain—that she asked me to write it down,

Chief-Insp. J. Taylor.

24 Oct. 1906.

but whether she did or did not I could not say. At all events, I wrote it down. When it was written down the statement was read by her or to her before she signed it. She then signed it, and Police-constable Atkinson, 800, then asked her certain questions. After those questions were taken down, and the answers thereto, Mrs. Braham signed it, and Police-constable Atkinson signed it again, and I believe I countersigned it.

10425. Had you, when this was done by Mrs. Braham, had any conversation with Inspector Billson about the case?—I cannot say, but at one portion of the case I had directed him to make a full report of the circumstances in connection with the charge.

10426. Had you seen Inspector Billson before you commenced the inquiry and Mrs. Braham gave her statement?—I would not like to say at this time. The interval is too long to remember every little incident—I mean to say, in its sequence. I could not say.

10427. Was Inspector Billson required to make a statement in your presence, as the other constables were?—No. As I have told you, I directed him to make a full report of the whole of the particulars in connection with the charge.

10428. Was that done at the inquiry?—Oh, yes, on that day—the 16th.

10429. After you had commenced the inquiry or before?—I cannot charge my memory with that.

10430. Do you not think it was likely that you saw Inspector Billson, who had returned from his leave, before commencing the inquiry?—I do not know, because I had sent Sub-divisional Inspector Hamilton to see the Brahams, and whether I had seen Inspector Billson before they arrived to make their statement or not I really cannot say now. He might have been warned to attend at the same time as them.

10431. I rather gathered from your report that Mr. Braham asked you a question. Do you remember what it was?—Yes, about the soliciting.

10432. He did ask you that?—Yes, he asked me that question.

10433. Was that before or after Mrs. Braham had finished and signed her statement?—I think she had made her statement then. I think so, I believe so.

10434. Did you make any answer to Mr. Braham when he asked about the solicitation?—Yes; I said there is no such imputation or suggestion. I remember that.

10435. Was that, in fact, a true answer to Mr. Braham's question?—I think so, sir.

10436. Was it, in fact, true from what you know now? You have heard all the evidence yesterday, for instance?—Yes. I think that was transient, if I may use that expression, in the constable's mind, as he told you yesterday. He thought so before he stopped her, and then he altered his mind when he got to the woman. Therefore, I say we had no right to say there was anything. It was dropped undoubtedly.

10437. In the report you say, "Mr. Braham said the only thing he wanted to know was whether it was suggested by the police that his wife was soliciting"?—Yes.

10438. But in fact it had been suggested, had it not?—Soliciting.

10439. Yes?—Not that I am aware of.

10440. Inspector Billson, when you gave that answer to Mr. Braham, had not written his report, as I understand from your evidence?—I tell you I really cannot say. If I could commit myself I would, but I cannot.

10441. I do not want you to commit yourself in any way. I only want to get at the facts?—I cannot say now.

10442. Inspector Billson was present at this inquiry. You have told me that?—Yes.

10443. He did come back from his leave?—Yes.

10444. We know he has made the statement. Was that statement in writing in existence at the time that you commenced this inquiry, and Mr. Braham asked you this question in the course of it?—As I told you before, I really cannot say when Inspector Billson made that report. It is made on the 16th, but I cannot tell you what portion of the day it was, and whether before I commenced the inquiry or when I finished it.

10445. Do you know Police-constable 800 W, according to Inspector Billson's report, said that he saw the woman deliberately stop a man, evidently a stranger?—Yes.

10446. Police-constable Atkinson in the box yesterday admitted that, reading that, he might think it meant that she had been accosting him—"deliberately stop a man, evidently a stranger, who was proceeding in the opposite direction?"—Yes.

10447. When Mr. Braham asked the question did you know that P.C. Atkinson had said that to Inspector Billson?—I had not a copy of the notes at the police court, but of course that is ten days afterwards, and I evidently had it in my mind and knew it was not so.

10448. You had it in your mind and knew it was not so?—The allegation—that there was no truth in it. There was no question about it. We dropped every suggestion of solicitation.

10449. You told Mr. Muir that it was customary at these inquiries to give the complainant an opportunity of enlarging or amending the charge against the constables. At the time the inquiry commenced there had been a letter to Scotland Yard and to the Home Office, and those letters were before you, I understand?—Yes.

10450. You told the learned counsel, Mr. Muir, that it was customary to allow the complainant to add to or amend the charge against the constables?

(*Mr. R. D. Muir.*) I am afraid, sir, I did not make my question clear. What I asked was whether it was usual at those inquiries to allow the accused persons, the constables, to amend their evidence. That is the question I put.

(*Chairman.*) There was another question about what the complainant was allowed to do.

(*Mr. R. D. Muir.*) To take her statement as she gave it. That was the form of the question. It is all set out on page 33 of the White Book.

10451. (*Chairman.*) But Mr. Braham said that was the only thing he wanted to know, and he asked the question?—He asked me that question.

10452. Did you invite him to ask any further questions?—No, I did not invite him.

10453. That was his interposition?—Yes, he had no statement to make. He was not there. He never saw his wife locked up or anything.

10454. But he was at the inquiry. Did he volunteer that and say "The only thing I want to know is," and so on, or did you ask him the question whether he wanted to know anything more?—No, I do not know how it arose now, but that was all that he did want to know as a fact.

10455. At the time you gave your answer to him am I to understand that you did not know in the least that P.C. Atkinson had given the evidence about Mrs. Braham stopping a man, a stranger?—I do not know what I heard in the interval from the 6th to the 16th. I could not say, but I was satisfied that there was no suggestion or imputation against his wife soliciting, and I told him so.

10456. But in fact there was an imputation—not in the charge room, but in the evidence that had been given and in the statements made by the police-constable?—I never saw a copy of the notes of evidence.

10457. (*Earl Russell.*) It is not in the evidence?—I never saw a copy of them.

10458. (*Chairman.*) You yourself, later in this report of the 16th June, say "Inspector Billson's explanation as to the private conversation detailed in letter"—that is, I think, a letter to the Home Office, but I am not sure?—You are quite right, sir, there was a letter sent there.

10459. "P.C. Atkinson had at that time stated the charge he had preferred, in the presence of the accused, and he went purposely from the charge room into the Inspector's office—out of the woman's hearing—to tell the police constable she was not drunk, and he should not entertain that part of the charge, also asked the police-constable whether when he crossed the roadway, did he think the woman was a prostitute"?—Yes, that is what transpired in the charge room when the charge was taken.

10460. You knew, then, when you wrote those words, at any rate, in your report that P.C. Atkinson had made a statement that he had crossed the road to approach the woman?—Oh yes, certainly.

10461. (*Mr. Rufus Isaacs.*) Do you say that took place in the charge room?—Yes.

10462. That that question was asked. Just think?—Yes, that is what Inspector Billson told me.

10463. (*Chairman.*) "And they went purposely from the charge room"—they were out of the charge room?—Yes, because I will tell you how that arose so far as my memory charges me, that in one portion of the letter Mr. Braham complained that the Inspector and the constable had left the charge room and gone into the Inspector's office and had a private conversation.

10464. Then the words "whether, when he crossed the roadway, did he think the woman was a prostitute." Was that part of the conversation out of the charge room?—Exactly, in the Inspector's office.

10465. (*Mr. Rufus Isaacs.*) I asked you the question, and you said that you could not swear that that took place in the charge room. That was the answer you gave?—I was not thinking.

(*Mr. R. D. Muir.*) I think he meant on the occasion of the taking of the charge.

(*The Witness.*) Yes, that is what I mean. It was on the 6th, not the 16th. That is what I meant to convey.

10466. (*Chairman.*) In the light of that do you think it was in fact a true answer to Mr. Braham to say that there had been no imputation upon his wife as to soliciting?—Undoubtedly on the 16th. This is on the 16th when I am asked that question, and I maintain that now.

10467. I do not know exactly the words Mr. Braham may have used?—Neither do I.

10468. (*Mr. Rufus Isaacs.*) I want to understand what your practice is in these matters, not in reference to this particular case, but I wish to know generally how these inquiries are conducted. First a direction is given to you, assuming that you are the officer to conduct the inquiry, to conduct it?—To inquire and report generally.

10469. Is the object of that inquiry and report that you should report to your superiors who will have to deal with the case your view of the statements which are made in your presence—the verbal statements?—The idea is to get both statements communicated to them in writing, and then, of course, for my superiors to deal with it.

10470. That is the part that is not clear to me?—I was not dealing with it.

10471. I quite understand you were not dealing with the matter, but when you had reported it was to be dealt with by your superiors?—Precisely.

10472. But your superiors never call the witnesses before them again?

(*Mr. R. D. Muir.*) Unless required by the person accused.

(*Mr. Rufus Isaacs.*) He may require it?

(*Mr. R. D. Muir.*) Yes.

(*Mr. Rufus Isaacs.*) In this particular case we are dealing with I think I am right in saying no statement was ever made in their presence, and that the only statements that were verbally made were those made before you at this inquiry?—I am sorry I do not quite follow.

10473. The complaint is made, and an inquiry is to be held?—Yes.

10474. The inquiry is held?—Yes.

10475. One person saying one thing and the other saying the other?—Yes.

10476. You then make a report to your superiors, who have to deal with it. I have no doubt your superiors have power, if they choose, to call upon the persons to come before them, but in this particular case you were to report after hearing the statements and questions put upon the statements by the accused, were you not?—They were sent to me for inquiry and report, and I took Mrs. Braham's statement and submitted the reports to each officer in the case, so that both sides of the case were represented there to the Commissioners.

10477. But both sides of the case would be represented if both sides sent their statements in to the Commissioner. You have something more to do than merely take the statements, have you not?—Of course, you express an opinion. *Chief-Insp. J. Taylor.* 24 Oct. 1906.

10478. That is the first thing I have been seeking to get from you. You express an opinion. Your opinion is expressed to the Commissioner as the result of the inquiry which has been conducted before you?—Yes.

10479. Your view, I suppose, is not necessarily final?—Oh, no.

10480. But it is your view?—It is my view.

10481. Right or wrong, it is your impression of the case as presented before you?—Precisely.

10482. In order to arrive at that expression of opinion, it is necessary that you should form an opinion as to which side is telling the truth, is it not?—Yes.

10483. I should have thought so?—You can form your opinion.

10484. That is what I am trying to get at. But that is the object of your inquiry?—Yes.

10485. So that when two persons are making directly conflicting statements, you, with the assistance of the reports and such assistance as you may get from a question, then report to your superiors your opinion of which side is right?—Yes.

10486. And thereupon your superiors, having the advantage of your view as to the result of the inquiry which has taken place before you, deal with the offender, if offender he be, according to their views?—Yes.

10487. They deal with it according to their views of the punishment which should be inflicted upon the man in reference to the report you have made?—As to whether he should be made a defaulter or not. If I considered the evidence was sufficient, if I was Acting Superintendent, if I considered the evidence was convincing, and that the officer should be made a defaulter, I should place him on the morning report and deal with him as a defaulter, and send it to the Chief Constable to deal with.

10488. When you say a defaulter, you mean he has done wrong?—Yes, when I was convinced it was so; if I thought the evidence was sufficiently strong. If I did not I should not put him on the defaulters' sheet.

(*Mr. R. D. Muir.*) The defaulter is placed on the defaulters' sheet and is treated as an accused person and suspended from duty. In such a case an inquiry must be held by the Superintendent, and must be by an officer. As I understand, the inquiry here was for the purpose of sending it to the office, but putting a man on the defaulters' sheet is as to whether he should be made a defaulter or not. In this particular instance, the man was not treated as a defaulter. In the case we have already dealt with of the man Murray, he was treated as a defaulter at once by the Superintendent and treated as such, and his papers were sent up to Scotland Yard.

10489. (*Mr. Rufus Isaacs.*) I understand that. I did want to know what the technical meaning of "defaulter" was. Supposing at an inquiry such as this it had been admitted by the policeman that he was wrong, and that the complainant was right, then I quite follow if you had not been told to make an inquiry and report, you would then put him on the defaulters' sheet?—This case had been before the Magistrate; there had been no comment on the evidence there that I knew of.

10490. I do not quite follow what that answer means?—I mean this, that it had been the subject of judicial inquiry before I had to deal with it. If the Magistrate had made any adverse comments on the constable's evidence at the time, then that would have been dealt with.

10491. But it was just in consequence of the matter, as far as I follow it, being left in a state of doubt that you were called upon by your superiors to inquire and report?—I was called upon by my superiors to make a report in consequence of the letter from the Brahams.

10492. I follow that—a complaint made by them, and your superiors sent you down to inquire and re-

Chief-Insp. J. Taylor.
24 Oct. 1906.

port upon it. You then did inquire and report, and sent it to your superiors, who then say how the man should be dealt with?—Yes, the officer was subsequently dealt with.

10493. From whatever point of view you take that, it follows, from what you have told me before, that this inquiry which you were to hold was for the purpose of arriving at the facts to report to your superiors?—Yes.

10494. That is what I understood before. Now I want to see how you arrive at the facts which are in dispute between the two persons. The charge is made by a letter which is before you?—Yes.

10495. Is the first thing you do to call upon the complainant to make a statement to you in your presence?—It all depends on what the nature of the complaint is; I mean the gravity of it.

10496. It is a grave charge?—Certainly.

10497. You looked upon it as such?—Yes. You know the way I looked upon it.

10498. This was an important matter between these two persons?—Decidedly.

10499. Therefore it was a serious matter on which you had to get a statement. Then you get the statement from her first?—Yes, I get the statement from her.

10500. Would she make it in your presence?—Yes.

10501. And it is taken down as she makes it. Is that it?—Yes, in her own language.

10502. Then she signs it?—She reads it over, or I should read it over, either one or the other. Before it is signed it is read over to know that it is literally true.

10503. Upon that, if I follow correctly, what happens (I am now only dealing with your practice); what takes place is the accused constable has the right to put questions to her?—Yes.

10504. That is according to your general order?—Yes. The paragraph is there.

10505. I have it before me. If I follow your practice, the person making the complaint has not a right to put questions to the accused?—There is no order on that subject that we are to do that.

10506. Therefore, if I follow you correctly, you say if they had asked to put questions you think you would have allowed them to do it?—I might have done in this case.

10507. You might or might not?—I might or might not.

10508. I rather follow that in this case you think you would have allowed them to put questions?—Yes.

10509. That would have been a matter of indulgence?—Indulgence, if you like. If I had thought it would have cleared it up I should have allowed it, certainly. I mean there is no reason why I should not.

10510. Not at all. I am only trying to get at what the practice is of ascertaining the facts. So far as the complainant or the husband is concerned, if I follow correctly what you said in answer to Lord Russell, no intimation is given to them that they have the right to ask questions?—That is so.

10511. It was never suggested to them that they should put questions to the constable after the constable had put questions to Mrs. Braham?—Just so.

10512. That is the usual practice?—Yes.

10513. Upon that statement, if you have to make a report to the Commissioner upon the facts, it seems very difficult for you to arrive at the facts unless there is some kind of examination on both sides?—There is an examination on both sides, because there is the statement of the person complaining, and there is the officer's report submitted. You have both answers; you have the accusation, and you have the answer to it.

10514. What do you mean—in the form the questions are put?—No, in the form of the report of the incident.

10515. If that is so, you might just as well leave out the questions altogether. The object of putting the questions is to arrive at the facts, and to give a man the opportunity of testing the truth of the statement which is made by the accuser?—To give the constable an opportunity—that is so.

10516. If you have to get at the truth, what is puzzling me is to know how you can arrive at it if you have questions put by one side and no questions put by the other side?—The truth is in a very deep well, and we get at it in the best way we can; I mean they do not always speak the truth. I am afraid it is the same now as when that Big Book was written. What St. Paul said is true to-day.

10517. If you have to make a report it seems all the more desirable that there should be an opportunity given for the purpose of testing the truth of the statements made by the accused?—I see what you mean.

10518. I can appreciate the justice of giving a man who is accused an opportunity of putting questions, but if you are trying to arrive at the facts I want to understand how you could get at the facts unless you gave an equal opportunity to the person who is accusing a constable of putting questions?—I quite follow what you mean.

10519. I am not asking you to commit yourself, but there does not seem to be any difficulty, or does there seem to be any difficulty to you, in so altering the practice as to allow a person who is making a charge to put questions in your presence?—There might be some difficulty. Of course, every case is different. If subsequent proceedings by summons are taken against a policeman in which one of these initial inquiries have been held, and he has committed himself in those papers, it would scarcely be fair, I think.

10520. It would scarcely be fair to him, do you mean, because he had made an exact statement on the inquiry before you?—If subsequently the person took out process against him. Of course, you never know. I mean to say, dealing with generalities, I think the present procedure works very well. I have never heard a hitch against it.

10521. That may depend upon the point of view from which you are looking at it?—I am looking at it from my experience.

10522. That is from the point of view of doing justice to the man who is accused?—Yes, exactly.

10523. What I am putting to you is the other point of view of doing justice to the person who has made a charge, and whose character is involved in the questions that are before you?—I think if a person makes a charge he ought to be able to sustain it. I think if persons bring an accusation against a policeman they ought to be able to sustain it.

10524. That is perfectly right. That applies to a policeman just as much as to anybody else?—Yes.

10525. In order to sustain it, it would be necessary, in order to arrive at the facts, that that person should have the right of putting questions to the constable?—Yes.

10526. That is what I am suggesting to you?—Yes.

10527. Except for what you have said to us, which, for my own part, I shall consider carefully in view of what you have said, do you see any objection to the right of a person making complaint, and not as a matter of indulgence, putting questions to the accused constable in the presence of the person holding the inquiry. Please understand that I am not finding fault with anything?—No, I quite understand that; only you want an expression of opinion from me.

10528. Yes. You have had a large experience?—I have always found the present order work very well, and I am rather reluctant to express an opinion on what you say.

10529. (*Chairman.*) I understand you to say in substance that you think a complainant ought not to be allowed to cross-examine a policeman on an inquiry of this kind lest that process should be used for making a complaint against a policeman?—Exactly. No two cases are alike. You never know what subsequent action the complainant is going to take. They may make an allegation that is absolutely groundless.

10530. (*Mr. Rufus Isaacs.*) I told you when I put that question to you that I would give every consideration, speaking for my own part, to that view which you have expressed, which deserves the fullest consideration, but, leaving that apart for the moment, is there any other reason that occurs to you?—Not that I am aware of, but I should think that is more a matter for legal opinion than for me to answer.

10531. I was trying to get from you the experience

of a practical man as to whether you could suggest to us any objection to it. That is all. Nothing occurs to you except what you have already told us?—No.

(*Mr. R. D. Muir.*) May I make a suggestion?

(*Mr. Rufus Isaacs.*) No; I want the Inspector's opinion. The legal opinion we will supply.

(*Mr. R. D. Muir.*) The system set out here is the English system.

(*Mr. Rufus Isaacs.*) I do not agree. I thought the English system was to give each party an equal right.

10532. (*Chairman.*) Do you not think discipline might be better administered in the police if you gave a complainant the right to ask questions before you as superior, because you would then be in a better position to report to your superior? If the complainant in this case, for instance, had asked Atkinson and the other constable some questions, you, speaking as the constables' superior officer, and the tribunal being a kind of domestic police tribunal, do you not think you would have been in a better position to report to your superior on the conduct of these officers?—No, I do not. I did not see so then, and I do not see so now.

10533. (*Mr. Rufus Isaacs.*) You would have allowed them to do so if they had asked?—I might.

10534. I thought you said you would have done?—If I did—goodness only knows—I might.

10535. Why might you?—I do not know. I might.

10536. But what would induce you?—This did not arise.

10537. What would induce you to allow them to put questions except your desire to get at the truth, so that you might report?—Nothing else.

10538. The point of allowing them to put questions would be in order to get at the truth?—Yes.

10539. That is the only reason that would influence you in giving a decision as to whether they should put questions?—Certainly.

10540. All I put to you is that that which you think would help to elucidate the truth should be the practice?—I think I gave you the answer.

10541. You did, and it was one which, as I say, is worthy of every consideration. I want you to consider one further aspect of it. In this particular case there was this difficulty, that the only person who apparently could corroborate by testimony could not be produced?—Quite so—that man.

10542. You had a complaint made by this lady against the policeman and no corroboration?—That is right.

10543. I suppose what you mean by no corroboration is that there was no evidence available so far as you knew which would assist?—Exactly.

10544. What rather troubles me about this report of yours, which is sent to your superior, is what is your finding. Was it your intention to report the result of the facts, or did you simply leave the thing where it was?—To report that that was all that I could find out—all that I knew. I do not know any further facts to lay before the officer who was going to deal with it.

10545. You do not express any opinion one way or the other?—Only in this part about Inspector Billson: I said it was a pity he did not attend the police court. That is all I said as an expression of opinion.

10546. That was a matter of duty as far as he was concerned. It was not a matter of whether he ought to have attended or not. It does not throw any light upon the facts?—Not upon the inquiry.

10547. The result of that seems to be, as you express no opinion one way or the other, when it gets to the Commissioner who has to deal with it, he cannot express an opinion one way or the other?—I did not see the papers afterwards. They came back afterwards.

15048. There was no further inquiry?—Not that I know of.

10549. You may take it we have all the papers?—I think you may take it that is so.

10550. And there was no further inquiry?

(*Mr. R. D. Muir.*) There was no further inquiry There was an inspection of the papers. That was all

10551. (*Mr. Rufus Isaacs.*) There was an inspection of the papers, but no further inquiry, and no examination of the witnesses beyond what had taken place before you?—Exactly. I could get no more.

10552. You transmitted all that you had?—I transmitted all that I could get. I mean to say the facts spoke for themselves, I thought.

10553. Did you not attribute some importance to the charge of drunkenness being preferred, which charge had been refused by the Inspector?—I cannot tell you what was in my mind then, but the primary thing in my mind was that the woman was not charged with it. This thing was never expressed in the police court that I know of.

10554. That is quite right. The charge was refused by the Inspector. That we know. But I want you to follow this?—The charge of drunkenness was not entertained. I mean to say that is what Inspector Billson said.

10555. I said it was refused. You mean it was not taken?—That is right.

10556. But Atkinson arrested Mrs. Braham on the charge of being drunk and disorderly?—Yes.

10557. And he preferred that charge when he got to the station?—Yes.

10558. The Inspector then refused to take the charge of drunkenness because he said he saw no evidence at all of drunkenness?—That is right.

10559. What I want to ascertain from you is this: Did not that, in your view, throw some light upon the matter so far as you could judge as to which side was telling the truth?—No. There was nothing striking in that. I mean to say a policeman can very easily make a mistake about a question of sobriety; it is really very difficult. There is no question of that. I mean to say doctors disagree. It is a question of degree very often in drunkenness.

10560. So far as you are concerned, I understand you thought nothing of it?—No.

10561. You thought nothing of his having preferred a charge which was not taken?—No.

10562. And of which the Inspector said he saw no evidence?—Just so. I was not dealing with that. I was dealing with the complaint.

10563. I quite understand; but what I am suggesting to you is that the fact that the charge had been made and not accepted was some evidence which you should or would have considered in sending your report to the Commissioner. You say not?—What I say is it is a thing as to which a policeman might easily be mistaken as to a question of drunkenness in the street.

10564. (*Chairman.*) But not as to being disorderly?—No, but a combination sometimes.

10565. Quite. You mean the question of whether a person who is disorderly in the street is or is not drunk is a difficult question?—It is so.

10566. (*Mr. Rufus Isaacs.*) Apparently that was not the view of the Commissioner. The view I am putting to you is somewhat the view that the Commissioner took. The Commissioner seems to have thought that the action in preferring a charge of drunkenness against a sober person looks as though he sought to make the case stronger. I am not going to ask you questions on your superior's report, but that is the view that Major Wodehouse took?—Yes.

10567. These questions that are asked in the inquiry before you are not on oath, I understand?—No.

10568. So that when the Commissioner adjudicates upon the charge which is made no statement has been made by the persons on oath with regard to the complaint?—No.

10569. That never is asked for?—I never knew a case, speaking from my own knowledge.

10570. The person merely makes a statement?—Yes.

10571. (*Earl Russell.*) Might I ask the learned Commissioner to call Inspector Taylor's attention to a paragraph in the letter of complaint of the 9th June which begins: "My wife is tall and good-looking." I ought to have put that to him. He did not seem to be quite sure whether there was any charge made of impropriety or improper conduct.

(*Mr. Rufus Isaacs.*) I did not so understand the Inspector. With regard to that, I understand the husband asked if there was any suggestion or imputation against **him.**

Chief-Insp. J. Taylor.

24 Oct. 1906.

(*Earl Russell.*) I am not talking of an imputation.

10572. (*Chairman.*) I read it the other way. The way I looked at the report was this: Mr. Braham knew what he had written to the Chief Commissioner on the 9th June. There he made the very complaint which Mrs. Braham made in the box yesterday. When I read in the Inspector's report the passage relating to Mr. Braham's question I thought Mr. Braham was asking the question with regard to his wife?—No. You may take it there was no suggestion of soliciting.

10573. It is ambiguous. I thought Mr. Braham's question was: "Have the police at any time alleged that my wife was soliciting?"—No, it was not so direct as that. Of course, I am charging my memory three years ago.

10574. I know, and we are making every allowance for that?—I feel that you would do so.

10575. We are not making any complaint.

(*Mr. Rufus Isaacs.*) The passage is this: "Mr. Braham said the only thing he wanted to know was whether it was suggested by the police that his wife was soliciting. I told him no, there was no such imputation or suggestion."

10576. (*Chairman.*) If the words "had been" had been used there that would have related strictly to the past tense?—He asked only in the present tense. There is no doubt about that.

10577. Lord Russell is quite right in pointing out that in the letter of the 9th June Mr. Braham had alleged offensive conduct on the part of the policeman, and publicly had been making the suggestion?—That might be so; but I do not think in Mrs. Braham's statement there is anything of that kind—in the statemen that I took.

10578. I do not think there is ——

10579. (*Mr. Rufus Isaacs.*) I understood what you meant to say by this (I quite appreciate what the Chairman has said) was that Mr. Braham asked you whether the police did suggest that his wife was soliciting?—Yes.

10580. You said there was no imputation, I suppose?—Yes, there was no imputation or suggestion of the kind. With regard to a man and his wife I think it is a very proper thing that I should have relieved his mind when there was no suggestion of that kind.

(*Chairman.*) I rather thought Mr. Braham said something about it in his evidence yesterday, but I do not think it is important.

10581. (*Mr. Dickinson.*) I understand that when you held that inquiry you only concerned yourself with the statement which had been made by Mrs. Barham before you at that moment?—Quite right.

10582. Of course, what is referred to you is the letter of the 9th June?—I do not know; you have the original.

10583. The letter of the 9th June was referred to the Superintendent to report to the Chief Constable?—That, you see, is dated on the 12th June. At that time it was pointed out that Inspector Billson was away on leave.

10584. Is that the letter that was sent to you (*handing*)?—Yes, the document was sent to me.

10585. Therefore it was the complaint in the letter that was referred to you?—Yes. Then, you see, on that the Commissioner directed that Inspector Billson should be recalled, and a further report submitted. Then he was recalled. He came from Chatham and he made his report on the 16th. Then I took Mrs. Braham's statement and submitted the former papers—Mrs. Braham's statement and Inspector Billson's report.

10586. Then you based your inquiry, I understand, solely on what she said at that time?—Yes.

10587. You did not think it was your duty to go into the general statement made in the letter?—This was her statement. She was the party that was there, and knew all about it.

10588. I quite understand that, but you did not deal with the letter at all. You simply asked her to make a statement, and then you dealt with that statement?—Yes.

10589. You had on that occasion all the various reports?—All except Billson's.

10590. That is to say, the reports of the three constables, Atkinson, Allen and Varney?—Yes.

10591. Those you had read, I suppose?—Yes.

10592. I do not quite understand how you came to say that you are not to ask the accused any questions. The rule says: "The accused officer is to submit his reply to any complaint in writing." That he did not do?—Yes, Billson did submit his reply to the complaint in writing.

10593. After this statement had been made by Mrs. Braham in your presence he did not submit his answer?—He had already submitted his answer in writing.

10594. That was your view of the case?—Yes, he did not wish to supplement his original report.

10595. You asked him that, did you?—Yes.

10596. And any verbal statements made by him in reply to questions. Would you take that to mean that you were not to ask him questions? You were inquiring into it?—I know, but he had nothing to add. I did not ask him any questions further than that.

10597. You did not try to test his accuracy?—No.

10598. You did not think that was your business?—No, I did not do it.

10599. What is your position exactly. You are Chief Inspector of the W Division?—Yes.

10600. Is that a position subordinate to the Superintendent?—Yes, the Superintendent went on leave on the 15th, and I took charge of the Division during his absence.

10601. You are his second to act as Superintendent, are you?—Yes.

10602. In the ordinary course the Superintendent would have made this inquiry?—He would have made the inquiry, or given it to another person. I do not know which he would have done; of course, it is quite optional.

10603. Did you have this report by Inspector Castle before you or not?—Yes, the papers would be attached; but then those papers had been submitted to the Commissioner. That is the report of the 6th June.

10604. The report of the 6th June is made by Inspector Castle, which gives an account of this case?—Yes.

10605. Did you see that?—It would be attached to the papers. I ought to have seen it.

10606. I suppose when a case is sent down to you the first thing you do is to see all the papers?—Yes.

10607. You cannot make an inquiry without you read all the papers?—No.

10608. So that you would see this report?—The report would be attached.

10609. Can you tell me what this report is which is signed by Inspector Castle, Sub-Divisional Inspector Cousins and Superintendent F. Beard, dated the 6th June, from Rochester Row Police Station?—No, I cannot tell you what it was now. The Assistant Superintendent dealt with the papers first of all. I do not say that I did see them or not.

10610. You saw those reports, and I suppose they must have made some impression on your mind. You would not read the reports without being impressed by them, would you?—I really do not remember what it was now. I do not want to keep repeating myself.

10611. In this report it is stated that she became very excited, commenced shouting, and as a number of people got round her and she would not go away, the police-constable took her into custody. If you knew that, would it not occur to you to ask if there were any other persons in the street?—It evidently did not, because I did not ask the question.

10612. You did not ask that question?—No, I do not think I did. I do not think I should ask the question.

(*Mr. Dickinson.*) I should like to know, Mr. Muir, how this report comes forward?

(*Mr. R. D. Muir.*) There is always an Inspector on duty at each police court, and when anything takes place which he thinks it is the duty of his superiors to know he reports upon it, and in this case, as you know, Mr. Braham had asked for summonses against the police for perjury and assault, and he had been

referred to the Commissioner of Police. Inspector Castle, apparently upon his own initiative, thought that that was a matter which he ought to report upon, and this is the report. That is quite a usual practice.

(*Mr. Dickinson.*) He had been in attendance at the police court?

(*Mr. R. D. Muir.*) Yes. There is always an Inspector on duty at each police court, and it is his duty to report upon accusations made against police officers and other things.

10613. (*Mr. Dickinson.*) You had been acting as Superintendent of this division. I asked the Inspector yesterday whether there were no means in the office by which he could have at once tested the accuracy of the name and address of the person brought up?—That has been remedied since 1903. At that time there was not any directory.

10614. What is there now?—There are local directories at every station, and the Suburban and Post Office Directories at the chief station, where they can get information at once by telegraph or telephone.

10615. Where this gentleman and his wife resided, and where she was charged, are in the same division?—Yes, but of course in a different section.

10616. They had no means then of ascertaining. Would they have means now of ascertaining anywhere in London?—Yes.

10617. Immediately?—Immediately.

10618. ((*Mr. Rufus Isaacs.*) I should like to ask one question, not on this case at all, but dealing with the system. As I understand, under Rule 60 the accused officer is called upon to submit his reply to the complaint, and that he has to make in writing?—Yes, you have got it.

10619. Suppose questions are being put by a policeman, does he put the question direct to the witness, or is it put through you?—It is put through the inquiry officer.

10620. He would have to say to you what it is he wants to ask, and then you put the question?—There it is. The question is put.

10621. Sometimes you do not go through the form of having it translated, do you?—If it was an improper question I should not allow it.

10622. Are you supposed to question him at all?—If I thought it was a case which wanted elucidating I should question him.

10623. You would take down his answers?—I should express myself in my report.

10624. I say you would take down his answers?—I should express myself in my report.

10625. Would you not take down any verbal statement which he made to you?—Yes, I should make a note of it, and show it in my report. I mean to say he would make his own report.

10626. I do not care for the moment about the report. You put questions to him for the purpose of elucidating the case?—Yes.

10627. That is your duty?—Yes. If I put a question to him then I should put it down.

10628. And you would put down his answer?—Yes.

10629. That takes place sometimes?—Yes.

10630. Then you have got the very thing which I was suggesting might be put to him, only it is done by the police officer holding the inquiry, instead of being done by the person who is complaining?—Yes.

10631. Equally that might be used against him?—Yes, it might.

10632. Please understand I am not finding fault with you. I am only trying to get at your view. So that you see all that would be of no avail against him in the event of a prosecution against him too?—Yes, it could be used in evidence. *Chief-Insp. J. Taylor.* 24 Oct. 1906.

10633. If the questions are supposed to be put through you—as they are, according to the rule—any questions which he, the accused, may put through you, or which you, the officer holding the inquiry, may put to him, and the answers would all be noted down?—Yes.

10634. So that, as I follow from what you say now, the only distinction in what I was suggesting to you merely for the purpose of hearing your view about it, and not in the slightest degree committing myself or anybody else to any such view, which you draw is between you, the person holding the inquiry, putting the question, and the complainant being allowed to put the question. That is the only distinction, as far as I follow you?—It is narrowing the limits, of course.

10635. That is what I mean. You have the right clearly, and you do, as you tell me, put the questions and you do take answers?—Yes.

10636. And answers which may incriminate him, or does a constable never give answers which may incriminate him?—I am afraid they do.

—10637. They do give answers which may incriminate them?—I mean to say a constable is the same as everybody else. Just taking a policeman's coat and donning or doffing it, does not make a difference, does it?

10638. The result is he does sometimes make answers, I suppose, which may incriminate him?—I suppose he does.

10639. And they would be taken down. Exactly the same result would happen supposing the complainant put the questions, if the constable had to admit something which incriminated him. It would be exactly the same thing, would it not, except that it would be done through the complainant instead of through the police officer? Let me follow it out for a minute. If the complainant had in the same way to put the questions through you as the accused police officer has to do—technically, that is, leaving you supreme control as to whether the questions should be put or not—then the complainant and the police officer would be in the same position for the purpose of putting questions?—Yes.

10640. And you, as the police officer holding the inquiry, would be entitled to say whether or not either of them should put a particular question which is put forward?—I should only put proper questions.

10641. That is what I mean to infer. Any improper question would be ruled out by you?—Yes.

10642. Any question which was relevant to the inquiry, and which would help to elucidate the facts so that you might report, you would presumably allow, unless for some reason or another, which we need no discuss now, you nevertheless thought it was an improper question?—Yes.

10643. My only object in putting those questions to you was to follow out the objection which you had very properly pointed out as to what might be the result of questions being put to the police-constable. What I wanted to point out with reference to the rule was that exactly the same thing happens now, the only difference being that the questions would be put by you instead of by the complainant?—Quite so.

Superintendent Charles Doyle, sworn.

10644. (*Mr. R. D. Muir.*) You are a Superintendent of Police of the W Division?—Yes. *Supt. C. Doyle.*

10645. Have you got there a copy from the telegram book of the Clapham Station?—Yes.

10646. Does that show that the telegram was sent out at one o'clock?—One o'clock.

10647. Would you read the telegram which was sent out, please?—It is from Clapham Station to Tooting Station, and it was forwarded at 1 a.m.: "Please inform Philip Braham, of 7, Culverden Road, Tooting, that his wife is charged here with disorderly conduct, and wants bail. Will he attend? Bring receipts. Reply, or whether she resides there.—Signed W. Billson, Inspector."

(*Chairman.*) To what police station was that sent?—Tooting.

(*Mr. R. D. Muir.*) Do you desire the result of his inquiries to be given?

(*Chairman.*) No. The material thing is the time.

(*Mr. R. D. Muir.*) An officer was at once sent to

Supt. C. Doyle. 24 Oct. 1906.

the address?—Yes. The officer who received the telegram at Tooting is present in Court. He sent a constable to the address with a copy of the telegram. The officer who received the telegram went out patrolling at half-past one. He informs me that he subsequently met the constable returning from the address, who informed him that he could make no one hear at the house. The sergeant directed him to go back and make further inquiry.

10648. Then, does it appear that not till six o'clock the next morning, or thereabouts, were they able to get anybody to answer at the house?—Then a telegram was sent from Tooting Station to Clapham Station at 6.35 a.m. on the 6th June, 1903 "Mrs. Braham at home on arrival of message." You may recollect Mr. Braham went to Balham Police Station.

(*Mr. Rufus Isaacs.*) He was there at 1.30, and he went to the other station at 1.50, and Mrs. Braham was bailed out.

10649. (*Mr. Dickinson.*) That is the nearest to the address given by Mrs. Braham?—The address is situated in the Tooting section of the W Division.

10650. The telegram left your station at 1 a.m.?—Yes.

10651. (*Mr. R. D. Muir.*) You, on the 11th June, submitted a report by Sub-divisional Inspector Hamilton with reference to Mrs. Braham's case?—Yes.

10652. On page 4 of the papers there is this. You say: "No complaint has yet been received from Mr. or Mrs. Braham. Possibly they will let the matter rest." Then you speak about Mr. Crabb. You say Inspector Billson is away, and that a report will be obtained from him on his return as to what transpired at the station. Then you say: "So far as I can ascertain at present, Mrs. Braham made no complaint there." After the matter had been finally dealt with by the Commissioner of Police the matter was sent to you with their decision upon it?—Quite so.

10653. You reported on the 4th July, sending the papers back to the head office: "Referring to attached, I beg to report having strictly cautioned Inspector Billson and P.C. 800, W. Atkinson, as directed"?—Yes.

10654. (*Earl Russell.*) What is the meaning of "strictly cautioned"? Does it mean you gave the man a verbal admonition?—Yes.

10655. Is he reduced in rank in any way?—No.

10656. Is his pay affected?—No.

10657. (*Chairman.*) Is the fact of his having been cautioned, or severely cautioned, entered in any book?—On the papers—on the correspondence. Of course, the report is kept in the Report Book, but it is not entered on the Officers' Defaulters' Sheet.

10658. A verbal caution is not entered on the Officer's Defaulters' Sheet?—No.

10659. (*Mr. Rufus Isaacs.*) Is this the lightest form of punishment there is, if punishment it be, to the officer?—Yes.

10660. The lightest thing there is?—Yes.

10661. You gave him a strict caution?—A strict caution.

10662. Which means, I suppose, that you tell him he is to be very careful, and that this sort of thing is not to happen again?—Just so, but if he does he will get into trouble.

10663. Can you tell me in your experience whether you have had similar instances in which similar punishment has been meted out to a man with regard to whom a similar report was made. I am not speaking of Inspector Billson?—I cannot recall any case to mind.

10664. What I mean is this: Major Wodehouse in his decision, which is what you act upon, says this: "The police-constable's subsequent action in preferring a charge of drunkenness against a sober person looks as though he sought to make the case stronger." That was his view?—Yes.

10665. Have you known any other case in which with such an expression of opinion from the Commissioner the punishment has only been this caution you have told us of?—I cannot recall any particular case to mind.

10666. I do not know whether in your experience you can recall any case in which a similar statement has been made?—The officer's character is taken into consideration.

10667. That means, I understand, his character was very good?—Very good. During the whole of his career he had only had one minor report against him for discipline. That occurred in the X Division. Upon that report he was sent to me. That was nothing of importance. That was in March, 1903.

10668. What sort of thing was it?—It was a squabble he had in one of the section houses with another constable.

10669. That was the only thing there was against him during the whole of the time?—That was all.

10670. Would you, for example, as Superintendent, look upon it as a very serious thing if a constable sought to make the case stronger against a person by giving evidence which was not correct?—Certainly, it would be a serious matter.

10671. Or equally without giving evidence. If he makes statements which are incorrect that involves him in the risk of coming in conflict with the law?—Yes.

10672. But, apart from that altogether, suppose he makes statements—not sworn statements in the witness box—to support a charge before the Inspector taking the charge which are not true, and the Inspector thinks he is trying to support a charge by making statements which are not true, what in the ordinary course, happens?—If it was proved against him he would be dealt with.

10673. I must ascertain exactly what is meant by "dealt with." Have you known such cases happen?—I cannot recall any case to mind.

10674. I suppose the fact must happen sometimes?—If a man brings a prisoner to a station and the charge is not entertained, or there is insufficient evidence, or a constable is considered to be wrong in bringing the accused person to the station, as a rule the constable is dealt with as a defaulter, and is dealt with by the Chief Constable, or in some cases reports are submitted to the Chief Constable, and the constable may be treated as a defaulter, or he may be cautioned, or strictly cautioned, to be more careful in the future.

10675. You have had a large experience?—Yes.

10676. You understand I am not asking you about this case?—I have known men placed on the Defaulters' Report for bringing an improper case to the station.

10677. I suppose equally it has happened amongst the very large number of police that there are that a policeman has made a statement in preferring a charge which was not true to support a charge which he was making?—Yes.

10678. Perhaps I ought to ask you this. Are those instances rare?—Yes, they are.

10679. When a policeman does make such a statement then he is dealt with. Would he be reported upon by the Inspector?—Yes, the Inspector dealing with the case at the station would report, and the constable would report, and in due course the reports would reach the Superintendent.

10680. It would be looked upon as a very serious matter?—Yes.

10681. You would agree with me it is an extremely serious matter for a constable to make false statements before an Inspector who has no means of ascertaining whether they are true or not. He has to take the statements of the officer in the ordinary course which he would believe?—Yes.

10682. Then if he finds out that the statements are untrustworthy it would be looked upon by the Inspector in charge as a very grave matter?—Yes.

10683. I am drawing every distinction, and I understand you would, between a man who is making a mistake, which must happen, of course, to everybody, and a man who is seeking to bolster up a charge by making a false statement. Of course, a man may make a mistake, and in that case it would not be looked upon, I suppose, as a serious matter?—No.

10684. It is only if you think he is seeking to bolster up a case by telling untruths about it?—Yes.

10685. I suppose it does sometimes happen that a

man makes a mistake as to whether a person is drunk or not?—Yes.

10686. It is with that object that the Divisional Surgeon Rules are made, so that you may have medical testimony at once?—Yes. The station officials have liberty to call in the doctor in any case they choose.

10687. (*Mr. Dickinson.*) When a charge is brought before the Magistrate and dismissed do you take any notice of that at all from the point of view of ascertaining for your own satisfaction whether the constable was justified in making the charge or not?—No, not unless there is some comment by the Magistrate.

10688. You say it is only when the magistrate comments on the action of the police-constable, that you would take any action?—Yes; or, on the other hand, when the prisoner is put up and the officer is not present, then I should get a report from the Inspector attending the police court for his Superintendent.

10689. On what?—On the officer's absence. A prisoner might be put up and the officer might not be in attendance.

10690. Merely on the question of why he was not in attendance?—Yes.

10691. But with regard to a question of whether or not the man's accusation is groundless, that you do not inquire into at all?—No.

10692. Unless the public take it in their own hands and bring an accusation against the police-constable?—That is so.

10693. (*Chairman.*) Mr. Rufus Isaacs asked you some questions as to the meaning of the words "severely cautioned," and you told us that was the lightest punishment, if punishment it be, that is meted out to constables?—Yes.

10694. I want you to give me your opinion about Major Wodehouse's judgment, if I may call it so. "The police-constable may, in the first instance, have been guilty of an error of judgment, but his subsequent action in preferring a charge of drunkenness against a sober person looks as though he sought to make the case stronger." Did you understand him to mean by that that in arresting Mrs. Braham, Atkinson may have been guilty of a mere error of judgment as to arresting her?—Yes.

10695. That is to say, that her conduct may not have been so disorderly as to justify the arrest?—That is how I take it.

10696. What Major Wodehouse is really censuring is the discipline, and he says that the police-constable having been guilty, really, of an error of judgment, proceeded to strengthen his case by alleging drunkenness?—Yes.

10697. So as to make the offence not one of disorder in the street, but one of drunkenness and disorder?—Yes, the two combined.

10698. The censure on Atkinson was for preferring the charge of drunk and disorderly when he ought to have preferred the charge merely of disorderly?—Yes.

10699. (*Mr. Rufus Isaacs.*) This is the charge sheet which you sign, is it not?—Yes. I take charge of it when it is complete before it goes to Scotland Yard.

10700. This is the only point I want to know about. There is a column here for "Charge: How disposed of by Magistrate," and "What offence proved." With regard to this particular case, it is "Dis."—dismissed?—That is, discharged.

10701. Who would put that on?—That would be the magistrate's clerk, or possibly the Inspector on duty at the court. In some courts the Inspector marks the sheets so used, but in other courts it is done by the magistrate's clerk.

10702. I read that to mean "Insufficient evidence"?—Yes.

10703. Apparently, that at some time has been written over?—That would be done at the court. It might have been a bad pen. It is rather smudgy.

10704. I am not attaching importance to it?—It is quite clear there were two "f's"—"Insfft. evidence."

10705. I want to know who put this as the reason?—The clerk.

10706. The clerk at the court?—Yes, I should say it was the clerk. There is not a hard and fast rule. I have marked sheets when I have attended courts. In other courts it is done by the clerk himself.

Supt. C. Doyle.

24 Oct. 1906.

10707. What I was trying to ascertain was, who is responsible for saying that the charge was dismissed by reason of insufficient evidence?—I think the clerk at the court.

(*Chairman.*) He has added something which is not required by the direction "Charge: How disposed of by Magistrate," and "What offence proved."

10707.* (*Mr. Rufus Isaacs.*) Can you tell me whose writing it is in?—No.

(*Chairman.*) The evidence before us is that the Magistrate said, "Charge dismissed—not a word against her."

10708. (*Mr. Rufus Isaacs.*) It seems to me that somebody has put that in afterwards. It is not of very great importance, but I want to understand what it means?—We will find out and let you know.

10709. When you signed that charge sheet had it those words on it that it has now?—It is impossible for me to say now. During the last three years I have signed thousands of papers.

10710. Whose signature is that?—That is the signature of the Sub-divisional Inspector. He initials the sheet before it reaches me.

10711. Who is he?—R. H. Hamilton. He is here.

10712. I only wanted to know whether it was the Sub-divisional Inspector Hamilton's writing?—No, that is not his writing.

10713. (*Mr. Dickinson.*) You said just now that it might be the Inspector who would write this. How is it possible for the Inspector to do it?—He would get it from the clerk.

10714. Is *this* a copy?—No. That is the original sheet.

10715. When would he have found out?—It might not be for a week afterwards. I have sheets up, perhaps, twice a week from the station. They keep the sheets.

10716. There is a charge on the 2nd, there is a charge on the 3rd, and then there is one on the 6th. Do you say this paper is brought away from the police-court and put on your desk?—No, it would get to the station where the charges are taken. It would not reach me, possibly, for four or five days; it might be a week.

10717. (*Mr. Rufus Isaacs.*) Do you mean the station or the court?—The police-station.

10718. (*Mr. Dickinson.*) That is where the Inspector is. But there are different stations for one court, are there not?—Yes. They send the charges to various stations.

10719. These all came from the same station?—Yes. The charge was taken at Clapham Police Station.

10720. Who fills *this* up?—The officer taking the charge.

10721. (*Mr. Rufus Isaacs.*) The original sheet as he enters it when the charge is taken?—Yes.

10722. Where is *this* paper when he enters it?—Before him.

10723. I do not quite understand it. There was a case which was tried on the 2nd June?—Yes, that is entered by an Inspector named Smith.

10724. Where does he enter it—in the station or in the police court?—In the station when he is investigating the case.

10725. Then he takes *this* paper to the police court?—No, the papers are sent to the police court the following morning.

10726. And the case is heard?—Yes.

10727. Then what happens? Is it sent back to you from the court?—Yes, when they finish with it at the court they send it back.

10728. It goes backwards and forwards from the station to the police court?—Yes.

10729. The cases are on different days, and therefore it goes backwards and forwards?—Yes.

10730. Therefore those are really the property of the police?—Yes.

10731. Therefore you think in that case it might have been done by the police?—That was done by the

Supt. C. Doyle.

24 Oct. 1906.

Clerk, I should think. You see the writing on the following day is somewhat different.

(*Mr. Rufus Isaacs.*) Will you look at it?

(*Mr. R. D. Muir.*) I only want to know if you can tell us whose handwriting it is.

(*Chairman.*) At the top of the column you will see the words "Charge—how disposed of by Magistrate."

10732. (*Mr. Dickinson.*) Is there any note taken of what is done with the charge?—The Clerk takes a note and the Magistrate takes a note.

10733. Therefore the Inspector would only get from the Clerk's book what was in the Clerk's book?—I should say from that writing it was done by the Clerk.

(*Mr. R. D. Muir.*) Mr. Muskett and the Inspector both know the writing. It is the handwriting of Mr. Titterton, the Chief Clerk at the Westminster Police Court.

10734. (*Mr. Rufus Isaacs.*) That is the entry he makes with regard to what has been done with the charge?—Yes.

(*Chairman.*) In this case it was quite an incorrect entry, because the Magistrate says "Charge dismissed—not a word against her."

(*Mr. Rufus Isaacs.*) "Discharged" might mean that you had not properly proved the case, but you tell us it was written by the Clerk, and it is his view.

(*Mr. R. D. Muir.*) It is correct as far as it goes.

(*Mr. Rufus Isaacs.*) It is correct in every case where the prisoner is discharged.

10735. (*Mr. R. D. Muir.*) Supposing an Inspector taking a charge thinks that the constable preferring it is giving improper evidence, or untrue evidence, the Inspector would report to you in your division?—Yes.

10736. In writing?—In writing.

10737. You would consider his report?—Yes.

10738. If you took a clear view of it then you would on your own initiative place the constable or accused on the defaulters' sheet that morning?—On the defaulters' report.

10739. He would be dealt with as a defaulter in the ordinary course?—Quite right.

10740. But supposing you were in doubt as to whether it was a perfectly clear case, do you in some cases simply forward the Inspector's report to the Chief Constable?—Yes, with my report upon it.

10741. And the Chief Constable then has the decision of whether that accused person shall be placed on the defaulters' sheet or not?—Yes.

10742. Or whether he should be strictly cautioned, as was done in this case?—Yes.

10743. In this case the man was never placed upon the defaulters' sheet at all?—No.

10744. He was merely strictly cautioned?—Yes

(*Mr. Rufus Isaacs.*) Would you draw the distinction the learned Chairman drew my attention to when I was putting questions relating to this point. You put it as evidence?

(*Mr. R. D. Muir.*) I beg your pardon. I had a good precedent for making a mistake.

(*Mr. Rufus Isaacs.*) You must not assume it is a mistake, but it does not cover the whole ground.

10745. (*Mr. R. D. Muir.*) It is in the nature of evidence, although not on oath?—Quite so.

10746. Because the Inspector has put it as evidence on which he has to act as to whether he will take the charge or not?—Yes.

10747. (*Mr. Rufus Isaacs.*) The same thing would apply if it was a statement made, although not a statement made on oath?—Yes.

(*Chairman.*) That finishes your evidence, Mr. Muir?

(*Mr. R. D. Muir.*) Yes.

(*Earl Russell.*) Is Inspector Castle not to be called?

(*Mr. R. D. Muir.*) He is not here.

(*Earl Russell.*) I do not press to have him called if I can refer to his report which is at page 11. Perhaps I might take his report as in. Then I can refer the Commissioners to the points I want to refer to?

(*Chairman.*) Yes. These are the police reports and documents.

(*Mr. Rufus Isaacs.*) It is obvious, whatever it may be, we have the report from him which is all he can tell us.

(*Earl Russell.*) This, I understand, is his own impression of what he heard in court. The first point I want to call the attention of the Commissioners to is the one which has been already mentioned, that she commenced shouting, and that a number of people got round her; the second point is, that the constable took hold of her shoulder in a most offensive way and pushed her; and the last point is that a summons was applied for, and the Magistrate said, "If you have any complaint to make, make it to the Commissioner," and he declined to grant a summons. Might I ask again that the Commissioners at least should have before them the Clerk's notes of the proceedings at the police court?

(*Chairman.*) There were depositions, no doubt.

(*Earl Russell.*) They have not been produced.

(*Mr. R. D. Muir.*) We have notes of evidence in the Clerk's book.

(*Chairman.*) The witnesses were called and sworn, and the case was dismissed. There was a formal trial before the Magistrate?

(*Mr. R. D. Muir.*) Yes.

(*Chairman.*) Then we can get the depositions?

(*Mr. R. D. Muir.*) "Notes of Evidence" they are called. Throughout this inquiry by everybody the report in "Lloyd's News" has been treated as correct, and it is for that reason we do not think it necessary to get a copy.

(*Mr. Rufus Isaacs.*) It has been referred to several times.

(*Chairman.*) I have treated it as a true report.

(*Earl Russell.*) That may be. We can see when we get the notes.

(*Mr. R. D. Muir.*) Do the Commissioners desire the notes to be obtained?

(*Chairman.*) I think we ought to have them in all the cases we inquire into.

(*Chairman.*) We will now take Andrews' case.

(*Mr. Schultess-Young.*) There were two cases before the magistrate, all arising out of the same incident, which were taken separately at the wish of the defence, but I have no doubt they will be taken together here. There was Andrews against Manning, and Andrews against Peck and Dawson.

(*Chairman.*) Do you appear for Andrews?

(*Mr. Schultess-Young.*) Yes.

(*Chairman.*) And you apply for liberty to examine the witnesses, do you?

(*Mr. Schultess-Young.*) Yes, sir.

(*Chairman.*) Then let Andrews come forward, and we will hear his complaint.

(*Mr. Eldon Bankes.*) This particular case has been the subject of recent judicial investigation, and the whole matter is on record, and, of course, can be utilised by the Commission if they wish it.

(*Chairman.*) We will hear what Andrews has to say, and hear what his complaint is.

(*Mr. Rufus Isaacs.*) What do you say, Mr. Bankes, has been the subject of judicial investigation?

(*Mr. Eldon Bankes.*) In this case summonses were taken out before the magistrate, Mr. Biron, and both these charges were fully investigated and dealt with by him. That is what I meant by "judicial investigation," but I only made the observation for the purpose of informing you that all the proceedings are on record, as far as I know.

(*Chairman.*) Very likely that will shorten our inquiry very much, but I think our duty is to hear what Andrews has to say.

(*Mr. Schultess-Young.*) These are only notes of evidence, not full depositions.

WILLIAM HENRY ANDREWS, sworn.

Mr. W. H. Andrews.

24 Oct. 1906.

10748. (*Mr Schultess-Young.*) What are you?—A french-polisher.

10749. How long have you been engaged in your last employment?—For the last two years.

10750. Will you recall your mind back to the 28th and 29th July this year, at midnight, and will you tell the Commissioners what happened then? What were you doing about half-past eleven?—On the 29th July I was having a drink in the "Antelope" at Phipp Street, Finsbury.

10751. You came out of there?—Yes.

10752. What next?—I was proceeding up Luke Street towards home. That would be about five minutes past twelve—it was on a Saturday night, and the public-houses close at 12 o'clock—and I got part of the way up Luke Street, and I passed some people who were a bit noisy. I think they had had a little drop to drink, and one of them made an offensive remark to me. I walked on and took no notice, and then one of them came forward and attempted to strike me. I baulked the blow and struck at him, but he neither struck me nor did I strike him. Then his missus, who was with him, came forward and threw the contents of the can they were taking some beer home in for supper, and threw the beer in my face, but she never lost hold of the can, and the can never left her hand.

10753. She gave evidence before the magistrate, and is a witness here to-day?—Yes, she is a witness on my behalf.

10754. What took place then?—One constable came up first, and then another constable came up. The first constable who came on the scene there is no doubt would not have arrested me at all if the second one had not come up, but the second one happened to have a bit of a grudge against me, and he arrested me. There was no necessity to arrest me whatever, because I had done nothing wrong.

10755. With regard to that point, had you been taken before to the station and the charge refused?—Yes, I have been interfered with several times by the police at Old Street Police Station.

10756. Have you reported them?—Yes, I have reported them on two or three occasions. Two occasions on which I have reported them I can call to mind.

10757. What took place next after the constable arrested you?—My hat was knocked off, and I asked them to pick my hat up off the ground, and then I would go to the station, and I also asked them what they had arrested me for, and why they should wish to charge me. My hat was not found, so they took me to the station, and on the way to the station they twisted my arms up my back very much as high as they could get them, and caused me a great deal of pain, and eventually they got me to the station.

10758. What took place there?—They took me in the station, and when I was taken into the charge-room there were two young fellows standing in the dock being charged.

10759. Were they Obeney and Bassett?—Yes, they had been taken in just before me.

10760. You were present in court the next day when Obeney and Bassett were brought before Mr. Cluer, and the charge against them dismissed?—Yes.

10761. What took place with regard to you in the station?—The sergeant in charge of the station, as soon as I was taken into the charge-room, said, "Downstairs with him!" There were several constables in the station at the time; twelve to fourteen constables were in the charge-room at the time, on account of the charges being taken before me, and I should think quite a dozen of them closed round me, and I was taken through a door down a flight of steps into a basement. All the way going down the steps the two constables who had taken me in charge were holding my arms behind me, and the other constables who were following behind me downstairs were kicking and punching me from behind, and as soon as I reached the bottom of the stairs the constables holding my arms let me go, and as soon as they did that the constable on the right-hand side of me, who was holding my right arm, struck me with his right fist, and caught me on the jaw, and he kicked me. I should think there were five or six who were left below with me in this basement, and they all set about me and knocked me about something shocking.

10762. Was there any reason which you know of why you should be sent down those stairs?—No reason whatever—in fact, a prisoner has no business downstairs in the basement.

10763. Were there any cells there that you saw?—No. I never saw any cells. There was only one gas-light down there, and that was turned down very low.

10764. Did you, at the magistrate's request, describe this underground passage?—Yes, he asked me to describe it.

10765. Did the magistrate say he had been to see it?—Yes.

10766. Was any question raised as to the accuracy of your description?—No question whatever.

10767. Was it also denied by the police that you had been taken there?—Yes; they denied that they took me downstairs.

10768. Was it suggested that you could have had any access to the place, or knowledge of the place?—No.

10769. Did you see any constable you knew on the steps of the station when you were taken in?—Yes.

10770. Who was that?—I saw Police-constable Manning standing on the steps in private clothes as I was taken into the station.

10771. I think, when the case came before the magistrate, you were the only witness who testified to having seen him?—Yes, I was the only witness there.

10772. He was said by the police to be in bed?—Yes, they said he was in bed.

10773. Have you witnesses in court now who saw him on the steps of the station on that occasion?—I have.

10774. What took place after you were knocked about, as you have described, in this underground passage. Were you brought up again?—Yes, after about a quarter of an hour or twenty minutes the sergeant who had ordered it called out, "Bring him up." He had finished the charge he was taking when they took me in, and the young men had been taken to the cells, and he called out, "Bring him up," and they then caught hold of me and brought me upstairs into the charge-room.

10775. Did you hear the constable say anything when you were taken into the station?—No, I cannot say I did.

10776. When you were brought up into the charge-room what took place?—I was placed in the dock and charged.

10777. What were you charged with?—I was charged with disorderly conduct and using obscene language.

10778. And something else, were you not? You were charged with having assaulted the police?—Yes; I was charged with assaulting the police.

10779. What took place then?—The charge was booked, and I was then taken to the cells.

10780. Did you make any complaint?—Not at that time, because I was almost unconscious. I was very much confused.

10781. Then you were taken to the cells?—Yes.

10782. How long were you in the cells before you were bailed out?—I was in the cells three and a quarter hours.

10783. You were brought upstairs afterwards when you were bailed out?—Yes.

10784. Did you make any complaint then? Did you say anything then?—When I was bailed out, certainly.

10785. What did you say, and to whom?—To the sergeant who ordered it I said: "You coward, what did you tell them to do *this* for? He said: "Nonsense; you had that when you came in."

10786. Had you, so far as you know, any mark or wound upon you of any kind when you went into the station?—I had no marks on me whatever.

10787. Then I think you left the station with the

Mr. W. H. Andrews.

24 Oct. 1906.

persons who bailed you out?—I left the station with the people who came and bailed me out.

10788. Where did you go?—They accompanied me to St. Bartholomew's Hospital.

10789. And what was done there?—I had a cut over the eye that they had done to me down in the basement, and the doctor sewed that wound up.

10790. Have you the scar of it still?—I have a scar still. (*The witness pointed out the scar.*)

10791. I do not know what would be the opinion of the Commission as to this, but I submit it is a proper question. Did you make a statement to the doctor directly you got to the hospital?—I did.

(*Mr. Schultess-Young.*) I suggest I am entitled, as part of the *res gestæ*, to ask what that statement was.

(*Mr. Eldon Bankes.*) Are you going to call the doctor?

(*Mr. Schultess-Young.*) Yes.

(*Mr. Eldon Bankes.*) Then I shall not have any objection at all if you call the doctor.

10792. (*Mr. Schultess-Young.*) What did you say to the doctor?—I complained to the doctor about it, and told him where it had been done, and that the police had done it.

10793. You accounted for the wound?—Yes, I accounted to the doctor for the injuries that I had.

10794. What did you say to him?—I told him I had been arrested, and the constables had set about me in Old Street Police Station.

10795. Then you went away?—Then I went home.

10796. You were brought up before Mr. Cluer the next day?—Yes.

10797. Charged with assaulting the police and with being drunk and disorderly?—Yes.

10798. I think you were bound over to keep the peace?—Quite right.

10799. Mr. Cluer remarking that the assault must have been a very trifling one? Is that so?—Yes.

10800. Did you make any complaint to Mr. Cluer then about what took place?—I did. I told Mr. Cluer everything that had taken place in the station.

10801. Did Mr. Cluer suggest a remedy?—Yes.

10802. Did he say he would deal with the case if you did something?—I asked Mr. Cluer what steps I should take about it, and he said: "If you take out a summons at the proper time I shall be only too pleased to hear it. I have heard of similar things occurring at this station before."

10803. That appears in the "Daily Telegraph" report?—Yes.

10804. Then I think you did take a summons out?—Yes.

10805. Against one man, Police-constable Manning?—Yes, I summoned Police-constable Manning first.

10806. Had you known him by the name of Manning?—No; I had not known him by that name.

10807. What name had you known him by?—I had known him by the name of "Charley Wood."

10808. Do you know why he was called "Charley Wood"?—Yes.

10809. Why?—Because he is in the habit at every opportunity he has of resorting to his truncheon. He has been known, on two or three occasions, to pull his truncheon out if he sees anybody walking about, and telling them if they do not clear out they will get some of "Charley Wood," alluding to his truncheon; and that is the reason that he is nicknamed "Charley Wood."

10810. Then I think you took out a summons against him?—Yes, I did at first.

10811. Several days afterwards were you called upon to pick him out?—I went to the station and asked for a parade, so that I could pick him out. I said: "I know him quite well, and if you parade them I will pick him out," and the Inspector in charge of the station said: "If you come up at three o'clock in the afternoon I will have one parade, and if the man is not there I will have another parade, and he is almost sure to be amongst the two parades." I went up at three o'clock, and I should think there were 80 or 90 police-constables and detectives in private clothes—every one was in private clothes—paraded in the charge room, and I picked Police-constable Manning out.

10812. I think your feeling mostly was against Manning more than anybody else?—Yes, because it was him who inflicted most of the injuries upon me. It was him who did the cut over my right eye.

10813. Did you afterwards summon Peck and Dawson?—I did.

10814. I think that summons was also heard by Mr. Biron?—That summons was heard by Mr. Biron.

10815. Were they two of the constables who were down in the underground cellar with you?—Yes; they were the men who took me in charge.

10816. This is rather difficult to understand—how that arose. A man named Stevenson took you in charge, did he not?—Yes; but Stevenson left me on the way to the station and handed me over to Peck, and then Stevenson went back to his point. Stevenson never escorted me to the station at all.

(*Chairman.*) What became of the summonses before Mr. Biron?—The summonses were all dismissed.

(*Mr. Whitmore.*) Against Peck and Dawson?—Against Manning first, and then the summonses against Peck and Dawson.

10817. (*Mr. Rufus Isaacs.*) The same Magistrate heard them all three?—The same Magistrate heard them all three.

10818. (*Chairman.*) Were they two distinct trials, or was the case all one case?—No, there were two separate cases. I summoned Manning alone, and then I took out a summons against Peck and Dawson, and Peck and Dawson's cases were heard together.

10819. Evidence was taken in Manning's case?—Yes.

10820. And evidence was also taken in Peck and Dawson's cases?—Yes.

10821. And the Magistrate dismissed both summonses?—Yes; he dismissed all the three summonses.

(*Mr. Schultess-Young.*) I tried to get the summonses heard together, and the defence objected, and the Magistrate said he had no option but to take them separately. Costs were asked for, but Mr. Biron refused to grant costs.

(*Chairman.*) Were there two summonses?

(*Mr. Schultess-Young.*) One summons first, and then Dawson and Peck appeared on another summons.

(*Chairman.*) There were two summonses. First of all, Manning alone was summoned, and then Peck and Dawson were summoned on the second summons?

(*Mr. Schultess-Young.*) Yes.

(*Chairman.*) There were, therefore, two trials?

(*Mr. Schultess-Young.*) Yes. Costs were asked for, but the Magistrate refused to grant them.

(*Mr. Dickinson.*) On separate days?

(*Mr. Schultess-Young.*) Yes. There were six hearings altogether. In consequence of the repeated adjournments there was a great difficulty in getting our witnesses together, so that only a very small proportion of the witnesses were really heard, the most important ones being entirely left out.

10822. (*Mr. Eldon Bankes.*) How old are you?—I am 29 next June.

10823. And a considerable part of your life you have either spent in prison, have you not, or in industrial homes?—No, not a considerable portion.

10824. You are making this serious charge against these men, so I must ask you this. On the 24th December, 1891, you were sent for two years to an industrial school for stealing coke?—Yes, that is right.

10825. On the 6th January 1896, you were sentenced to fourteen weeks' imprisonment, at North London Sessions, for stealing butter?—Yes.

10826. On the 2nd February, 1897, you were sentenced to six months' imprisonment for housebreaking?—Yes.

10827. That also was at North London Sessions?—Yes.

10828. On the 24th February, 1898, you were sen-

tenced to five years' penal servitude for shop-breaking?—Yes.

10829. And on the 18th August, 1903, you were sentenced to four months' imprisonment for being a suspected person?—Yes, that is quite right.

10830. Then, on the 30th June, 1904, you were sentenced to one month for attempting to obtain 10s. by false pretences?—Yes.

10831. Then, on the 5th September, 1905, you were charged with shop-breaking, and acquitted?—Yes.

10832. And, on the 8th May, 1906, you were fined 40s. for an act of indecency with a female in the streets?—Yes.

10833. Those convictions were under the names of Anderson, Jones, Martin, Chapman, and Roberts. Are those names under which you have passed at different times in your career?—I have never been convicted in the name of Roberts.

10834. You were charged in the name of Roberts, and acquitted?—Yes.

10835. But you were convicted twice under the name of Anderson, once under the name of Martin, and once under the name of Chapman, and twice under the name of Andrews. Are those all names under which you have been passing?—Yes, that is quite true.

10836. This night, I understand, was Saturday night?—Yes, it was Saturday night.

10837. And had you been about in different public-houses?—No.

10838. How many had you been in that you can remember?—I could not say to be sure; I daresay I had been in a few, but I could not give you the number. That is impossible. Nobody could do that. Going about for three or four hours I do not suppose anybody could tell you how many public-houses they had been into.

10839. If in three or four hours you go into as many as you can in the time, it amounts to a good number, and you may forget them; but you cannot remember how many that night?—No.

10840. I suppose you had something to drink in each one, if you could get it?—I do not suppose I should go into public-houses if I did not go in for something to drink.

10841. How long had you been in and out of the public-houses? We have now got to midnight. Had you been at it since six o'clock?—No.

10842. What time did you begin?—I cannot now tell you what time I really came out of doors that night; but I know I had not had many drinks.

10843. (*Mr. Rufus Isaacs.*) Can you give us any idea of what that means? What do you call many?—It is a difficult thing to recollect, but I should think I had perhaps half-a-dozen.

10844. (*Chairman.*) What did you drink?—"Pony" bitters, or stout-malt liquor.

(*Mr. Schultess-Young.*) He is not charged with being drunk.

(*Mr. Rufus Isaacs.*) No.

10845. (*Mr. Eldon Bankes.*) You are a man who can stand a great deal of drink, are you not? You can take a great deal without getting drunk?—Yes, I can.

10846. (*Mr. Rufus Isaacs.*) You used an expression I do not understand—"pony bitters"?—It is a small bitter.

10847. (*Mr. Eldon Bankes.*) "Pony" as opposed to a horse—the diminutive. Where were you going to when you were going up Luke Street?—Home.

10848. Was that in the direction of your home?—Yes.

10849. You did not start to go home until you were turned out of the public-house? You stayed there as long as you could?—I had not been there very long, but I was only a few yards from home, and I generally have the last drink there before I go home.

10850. You stayed in the public-house until you could stay there no longer?—Yes.

10851. And then you started to go home?—Yes.

10852. In the street there were a number of people congregated, who were the worse for drink?—No, there were no people congregated there at all.

10853. Who were there?—Everybody who was there was on the walk. There were several people who came out of the public-house with me at the same time, and I passed some people going up Luke Street towards home; they had had a drop, and they were singing a little, but they were not congregating. They were walking.

10854. Was there a number of them together?—Yes.

10855. One of them used an offensive term to you as you passed?—Yes.

10856. Do you know who that was?—Yes, I do know now.

10857. Is he here?—I do not know whether he has arrived yet.

10858. What is his name?—Mr. Webster.

10859. He used an offensive term?—Yes.

10860. Was it very offensive?—No.

10861. It annoyed you?—Yes.

10862. And you struck at him?—He struck at me first.

10863. And you struck at him?—I struck at him back.

10864. It is true to say, then, that you started fighting?—Oh, no.

10865. If a man strikes at you, and you strike at him, is not that starting fighting?—But it ended there.

10866. And then up came Mrs. Webster?—Yes.

10867. Was she one of the jovial party?—She was with her husband and two or three more people.

10868. Did she seem as jovial as her husband, or less jovial, or about the same?—Just about the same as one another.

10869. She had taken the precaution to take some beer home with her?—Yes.

10870. She had got it in a pewter pot?—No, in a beer can.

10871. When you were trying to strike her husband she was trying to bash you in the face with a can?—Nothing of the sort.

10872. We will see. Did she throw the can at you?—No, the can never left her hand.

10873. Will you swear that?—Yes, I will swear that.

10874. You gave evidence before the Magistrate?—Yes.

10875. Did you say this in cross-examination: "My face was not marked when I went into the station. The woman threw a can at me, but it missed me"? Did you say that?—Where was I supposed to say that?—

10876. At the police court on the first occasion when you were charging Manning with assaulting you. Did you tell the Magistrate, "My face was not marked when I went to the station. The woman threw a can at me, but it missed me"? Did you say that?—No, certainly not. She threw the beer at me, not the can. The can never left her hand. The beer went over me.

10877. At the moment that this was going on the police came up?—Yes.

10878. When they came up were you attempting to strike the woman, or did you strike her?—Yes, I did strike her.

10879. Were you then using very violent language?—No, I was not.

10880. I suppose when you are angry you do not mince words, do you? You say the woman did not strike you, and it never left her hand. We will hear about that in a moment, but, at any rate, the beer went all over you?—Yes.

10881. And you were attempting to strike her. What the policeman says is that at that time there was a large crowd of people, and fighting between man and woman, and making use of very obscene language. Does that correctly describe what took place when the constables came?—No, that is untrue.

10882. What part of it is untrue?—I did strike at Mrs. Webster, and I hit Mrs. Webster on the mouth, and she threw the can of beer over me.

10883. And that was the time the constable came up?—Yes.

Mr. W. H. Andrews.

24 Oct. 1906.

10884. Did he ask you to go away?—No.

10885. And you allege that at once, while this was going on, he took you into custody?—Yes.

10886. Now, from the time that he took you into custody to the time that he got you to the station were you resisting?—No; I never resisted at all on the way to the station.

10887. How many constables had got hold of you?—Two.

10888. Are their names Dawson and Peck?—No. In the first place, their names would be Dawson and Stevenson.

—10889. Stevenson stayed behind and Peck took you?—Oh, no. Stevenson met another constable—that was Constable Peck—and Stevenson handed me over to Constable Peck, and Stevenson went off to his duty.

10890. So the two men who actually took you to the station were Dawson and Peck?—Yes.

10891. Do you tell the Commissioners you were not struggling and fighting all the way?—Yes.

10892. When you got to the station the usual course would be to go into the charge-room, would it not?—Yes.

—10893. You know enough about a station to say that?—Yes, certainly.

10894. When you got there there was a considerable number of people already in the charge-room, was there not?—There was Obeney and Bassett in there, and the sergeant was booking that charge.

10895. Supposing you were making a great noise and were very violent, the charge-room would not be a proper place to keep you in while other charges were being taken, would it?—Most decidedly. I should say a prisoner should not be taken out of the charge-room till he is charged.

10896. You think if he is very violent, and making a great noise, so that other people cannot hear what is going on, that that is the best place to keep him, from your wide experience of police stations?—They had better keep him there than take him where they took me.

10897. Is there a passage between the cells and the charge-room in this police station?—Yes, there is.

10898. Is that where you were taken?—No. Do you mean when I was taken to the basement?

10899. I have a body of people who will speak about this. Do you tell these gentlemen on your oath that you ever went down into anything that can properly be called a basement?—I do.

10900. I suggest to you that where you were taken was the passage between the charge-room and the cells, and that there are two steps down to it, and that is all?—Nothing of the sort.

10901. Have you ever been in this police station before?—Yes, I have once.

10902. This basement that you speak of used in old times to be the passage by which prisoners were taken to the prisoners' room?—I could not answer you that question, because I have never been taken from there to the prisoners' room yet.

10903. When were you at the police station before?—When I was there before I had my own young lady with me, and that was the person I was charged with acting indecently with.

10904. And convicted?—I was fined, and she was taken to the cells with me.

10905. So that on that occasion you went to the charge-room, and you went from the charge-room to the cells?—On that occasion.

10906. In that way would you pass or go near this basement that you are now describing?—No.

10907. You were charged—at any rate, you were brought back from this place that you say you were taken to and assaulted. How many constables do you say actually hit you?—There was quite a dozen, I should think who closed round me; but all the time going downstairs I received kicks and punches from behind.

10908. Can you suggest any reason why any number of constables should have come round you except and unless you were very violent?—Oh, yes; most decidedly I can.

10909. What for?—On account of reporting constables at this station on two or three occasions.

10910. You mean to say they crowded round you in order to punch you?—Yes. In fact, as soon as the sergeant said "Downstairs with him" I understood what was going to be done.

10911. You understood he had sent you down there on purpose?—Yes, for that purpose.

10912. That they might kick you and hit you as much as ever they liked?—That is the reason he gave the order.

10913. (*Mr. Rufus Isaacs.*) What was the order?—"Downstairs with him." That was the order.

10914. (*Mr. Eldon Bankes.*) Then you came back. When you came back the charge was written down by the sergeant in charge in the book?—Yes.

10915. You knew what was going on. He read it over to you, did he not? Now, think. When you came back from this awful basement the sergeant wrote the charge down in the book?—Yes.

10916. And he read it over to you?—I cannot say for sure whether he did read it over to me.

10917. Just think. Is it not a fact that you made no reply and no complaint at all?—Not then I did not, because I was all but unconscious.

10918. And then you walked by yourself straight from the charge-room into the cell?—Yes, I did walk to the cell.

10919. In this unconscious condition. How did you know which way to go?—The constables escorted me to the charge-room.

10920. You were quiet after the charge, were you not?—When I was in the cell.

10921. No, before. After the charge was recorded against you you then walked quietly to the cell, did you not?—Certainly.

10922. You required no support?—No, I had no support. I could manage to do that.

10923. And you perfectly well understood the charge that the sergeant had read out against you?—I could not answer that question whether the charge was read out to me or not. I do not suppose it made much difference to him whether he read it out or not.

10924. Do you say that this assault by this number of men was of a violent character?—Most decidedly it was.

10925. Severe kicks and real hard blows?—Certainly.

10926. On what parts of the body were the kicks?—received kicks going down the stairs in the back and punches in the back of the head, and when I got to the bottom of the stairs I received the injury to my face.

10927. In the eye?—Yes.

10928. There is no doubt about that that they were real hard knocks?—If you had seen me you would have said so.

10929. We have got the doctor coming who examined you. Now that happened on the 29th July?—Yes.

10930. And you were bailed out?—I was.

10931. Did you come to the station on the 31st July and make a complaint against the police. You had been up before the magistrate on the 30th?—On the 1st it was when I made the complaint. It was on a Wednesday that I made the complaint.

10932. We will get the thing in order of sequence. It was the 29th on Saturday night or the Sunday morning that you were arrested?—Yes.

10933. On Monday you came before the magistrate?—Yes.

10934. And then you were bound over?—Yes.

10935. On the sworn evidence of the police that you had assaulted this policeman?—Yes.

10936. Then Mr. Cluer suggested if you had got a complaint against the police you had better take out a summons?—Yes.

10937. Before taking out the summons did you go round to the station and make a complaint against a particular policeman?—After I applied to Mr. Cluer as to what I could do, and understanding from him what

I could do to take steps to get justice for what was done to me, I went to the station and I asked the Inspector in charge of the police station——

10938. Inspector Allison?—Yes.

10939. Do you know him?—I did not know his name.

10940. Just listen to this. You made a definite complaint to him against a policeman?—Yes.

10941. Is this what you said: that while you were being brought into the station in custody, and when on the station steps, you were assaulted by a constable in plain clothes, who struck you on the face with his fist and kicked you on the leg. Is that what you said to the Inspector?—No, that is what Inspector Allison said that I said, but he detailed a conversation in the police court in the evidence that he gave that never took place between me and him.

10942. I will ask you again, because I want you to realise the importance of it. Did you tell the Inspector that the place where the assault had taken place was on the station steps?—I did not.

10943. You deny that?—I deny that. You mean the steps leading to the station?

10944. Yes?—No, I never received a blow there.

10945. But did you tell the Inspector so?—No, I did not.

10946. You realise, do you not, that if you had been assaulted there you would have had the cut on your face when you got into the charge-room?—It all depends if I had been struck there.

10947. If you had been, you realise that point. Did you tell him that you knew the constable's nickname but not his real name, and that he was wearing a ring at the time, and that is how it was he did the injury?—Yes.

10948. And you told him that his nickname or what you knew him as was Charley Wood?—Yes.

10949. Did you ask for a parade of all the constables so that you might identify the man you knew as Charley Wood?—I did.

10950. And did they, in accordance with your request, parade a number of constables?—Yes, I was told to call again in the afternoon, and I went up in the afternoon.

10951. And how many men were paraded for you to select your man from?—I should think eighty or ninety in private clothes. It is a big charge-room, and they were packed together right round the charge-room, as close as they could get.

10952. You knew your man quite well?—Yes.

10953. They happened to be there because it was the time when they were going out, was it not? You were told to come at the time when the greatest number were there?—They were all in private clothes. I think they had been called in on purpose for it.

10954. There was no difficulty about it, because you had only got to see your man and you would recognise him?—Yes.

10955. You do not suggest there was an attempt to confuse you. You knew the man quite well?—Certainly I did.

10956. You saw him there?—Yes.

10957. And you said, "That is the man"?—Yes.

10958. And that man was Manning?—Yes.

10959. Was Dawson, the man whom you afterwards charged with this assault, amongst those men?—Yes, Dawson was amongst those men.

10960. And you did not say anything about him on that occasion?—Not on that occasion, but he fully expected to be picked out.

10961. Did you tell the Inspector you did not know any of the other constables who had assaulted you except Charley Wood?—No, I did not say except Charley Wood. It stands to reason I must have known the constables who arrested me, because they gave evidence against me in the police court.

10962. No, I am not asking you about the constables who arrested you, but about the constables who assaulted you. Did you say to the Inspector you knew Charley Wood, but that you did not know any of the other constables who assaulted you?—No, I did not.

10963. Having picked out Manning, the charge that you preferred against him was heard before the Police Magistrate?—Yes, it was heard before Mr. Biron.

10964. And you gave evidence?—Yes, I did.

10965. And all the witnesses you wanted to call were heard by the Magistrate?—Yes, on the first occasion.

10966. And then a number of police-constables were called to prove that Manning was not there at the time at all?—Yes, they were all police-constables.

10967. And the Police Magistrate believed them and did not believe you?—Yes.

10968. So that was the end of that. It was on the 12th September that it was dismissed. There were three hearings, and it was heard at great length. You did not yourself take out the summons against the other constables, but it was taken out by some society?—I took the summons out against the other two constables.

10969. But the society helped you or suggested that you should, did they not. I see a reference in your evidence to a society?—The society read the report of my case in the papers, and they sent an envelope on to me with a pamphlet inside, and when I opened the envelope and read it I sent on word to them and asked them whether they could assist me in any way to get justice, as I meant to summon them for it.

10970. Was that after the summons against Manning was dismissed?—No, before.

10971. Was this the same society we have heard of before. What was the name of it?—The Police and Public Vigilance Society.

10972. You got into communication with them?—Yes.

10973. And as a result of that, two summonses were taken out against Dawson and Peck for assaulting you?—I then applied for two more summonses against Dawson and Peck.

10974. And, of course, by that time the Police Magistrate had heard the evidence which the police were giving with regard to Manning not being there at all. He had heard a great deal of the police evidence before you took out this second summons?—Yes. I think there had been one hearing.

10975. You knew pretty well what his decision would be before he gave it?—No, I did not.

10976. Did not you anticipate his decision?—I thought—in fact I knew as well as the police did what they were going to say to get Police-constable Manning out of it a month before.

10977. So this second summons was taken out, and that was heard also before Mr. Biron?—Yes.

10978. And he heard you and all your witnesses?—Oh, no.

10979. All that you chose to call?—They had been there the time before, and the case was not called on. They could not take the case then, and on the next occasion several of my witnesses were not there, and nine or 10 of my witnesses had not arrived.

10980. He heard all the witnesses that you tendered?—There were very few there, and he heard those few, and heard them very quick, and then he got on to the other side of the case.

10981. Let us see how many you did call?—I think there were five called.

10982. That charge against those constables was dismissed?—Yes.

10983. Amongst other witnesses, did you call a Mr. Belcher?—Mr. Bletcher.

10984. Was he one of your witnesses?—He was.

10985. Is he here now?—Yes, I believe he is.

10986. You are going to call him?—Yes.

10987. Were you asked before the Magistrate whether the night previously you had not been obliged to help that particular witness of yours into a cab because he was so drunk that he could not walk?—No, the man was not drunk. I certainly put him in a cab.

10988. I am not saying which hearing it was, but at one of the two hearings, did you tell the Magistrate you had unfortunately been obliged to put your witness Bletcher in a cab the night before and take him home because he was so drunk, because he could not walk—or words to that effect? Is that what you said to the Magistrate?—No, I never said he was so drunk he could not walk. He was not drunk. I put him in

Mr. W. H. Andrews.

24 Oct. 1906.

a cab because he was surrounded by eight constables. and I could see what they were going to do. They were signalling to one another, and they knew he was a witness of mine, and they were going to arrest him, but I called a cab and cheated them. I put him in a cab. I admitted all that in front of the Magistrate the next day when I was asked.

10989. There was nothing to admit according to you, because he was doing nothing except running away from the constables?—I was asked the question you have just asked me about Mr. Bletcher and the cab, and I admitted all that when it was asked of me in the court.

10990. "All that" included the question as to whether you did not put him in a cab because he was too drunk and could not walk?—Oh, no.

(*Mr. Rufus Isaacs.*) It is at the end of the cross-examination of this witness in the case of "Andrews v. Dawson and Peck." I presume this is what you mean "I never knew Bletcher till I was arrested. I know him now pretty well. I was with him last night. He had a little more drink last night than was good for him, and I put him in a cab."

10991. (*Mr. Eldon Bankes.*) That is it. Perhaps my language was more familiar than you used in the police court, but was it not the fact that he was so drunk that he could not walk?—No, nothing of the kind.

10992. A little more drink than was good for him, so you put him in the cab?—That was not the reason I put him in the cab. If I had not put him in the cab he would have been in the police station before another quarter of an hour was over.

10993. Was that because he was so drunk?—No, it was because he was a witness of mine, and not a police witness. In fact, one of the constables was concerned in it, and was with him who I summoned, and that was Constable Dawson.

10994. (*Mr. Schultess-Young.*) You have been asked about your previous convictions. How long have you been in your present situation?—Two years.

10995. I think your employer's son came up to give evidence on your behalf?—He did.

10996. Have you been convicted, or been accused of doing anything dishonest for the last two years anyhow?—I was acquitted last September on a charge. I was proved to be innocent of it, and I was acquitted at Clerkenwell Sessions.

10997. A question has been asked you in respect of what the Inspector or sergeant in charge of the station said—"Take him downstairs." You informed this man at the station—is that when you made a complaint to him, "You coward, look at what they have done to me"?—That was when I was bailed out when I said that.

10998. Was that why you did say it, because you believed he did it on purpose?—Yes. No doubt he must have done it on purpose, because I have known one or two cases when men have been taken to the same station and have gone in with nothing the matter with them, and have come out with black eyes, and there have been two or three cases since my case.

10999. You knew Manning by the name of Charley Wood?—Yes.

11000. Did you know Dawson and Peck at all?—No, I never knew either of their names.

11001. That is what you mean when you say you did not know them at the station?—Yes, I knew them by sight well, but I never knew their names.

11002. (*Mr. Rufus Isaacs.*) Do you know Obeney and Bassett?—No, I never saw them before in my life.

11003. The two persons who were being charged when you came in?—No, I never saw them in my life; in fact, I never noticed them that night in the dock.

11004. Was there anybody else in the charge room?—I believe there was another case dealt with—a burglary charge.

11005. There were three persons being charged at that time when you were brought in, or waiting to be charged?—Yes, Obeney and Bassett were there, and I believe there was another charge being booked for burglary.

Mrs. Annetta Chapman, sworn.

Mrs. A. Chapman.

11006. (*Mr. Schultess-Young.*) Are you a widow living at 3, Alexandra Buildings?—Yes.

11007. Do you remember midnight on the 29th July?—Yes, distinctly.

11008. Are you a stranger, or were you then a stranger, to Andrews?—Yes, I was a perfect stranger to him.

11009. Did you see what took place with regard to him and the police on this occasion?—No, I did not.

11010. Tell us what you did see?—I saw him first of all in company with an old friend of my husband's, and this man had had a glass, and he spoke to me as he always did when he saw me, and this man Andrews was standing on one side. I did not know he was with the other man at that time. He had had a glass to drink, and he made use of a word he ought not to have done, and this man said to him "Joe, you are in the presence of a lady, don't use that talk," and he said "It is getting late Joe, come home." I was waiting for a neighbour outside "The Antelope," and as soon as she came out we went round, and as we went I said "Wait a moment, there is a row here," and almost as soon as I said the words I saw this man being pulled back by a constable without his hat. He stopped deliberately in front of my window where I live, and where there is a lamp they came to a stop, the man being pulled along by the arm by the constable.

11011. Was he resisting at all?—No, he was not. The policeman held him just as if he had just caught hold of him, and I said "Whatever are you taking that man for, he has not been out of my company five minutes, he could not have done anything?" He said "I want my hat." I said "Do not resist for the sake of your hat; it is no more disgrace to go without your hat than it is to go with it." I said "I will come up and speak as a witness for you that you could not have done anything in the time you have been out of my company." He said "No, that is what I want to know what I am being locked up for; and you ought to have taken up the people who interfered with me." I turned round to the policeman and said "I want to know what he is taken up for," and he said "That is my business," and then a second afterwards he said "If you want to know what you are taken up for it is for striking me in the mouth." Andrews said "I shall not go without my hat," and the policeman beckoned to the other policeman on point duty facing where I live, and said "Come along," and they both took him by the arm and went away.

11012. Did he resist at all?—No.

11013. He was without his hat?—Yes.

11014. Was there a good light there?—Yes, it was right facing the lamp.

11015. Had he any marks on his forehead or face at all?—No.

11016. If he had a cut on his forehead an inch and a half long would you have seen it?—I should have seen a scratch if he had one, but I never saw one. The policeman pointed to his mouth and said "He struck me in the mouth," but I saw no marks of any blood or anything. I was quite upset that the man was taken. I did not know the man. On the next day somebody who knew me told me that they would not be mixed up in the case if it was them because the man was such a bad character. I said "Whether a bad character or not, the man ought to have justice done and ought not to be taken up for nothing."

11017. Did you give evidence before the Magistrate, Mr. Biron?—Yes, at the latter end of the case.

11018. You did not give evidence in the first part?—I gave evidence when they summoned me and asked me to go.

11019. (*Mr. Eldon Bankes.*) What is the name of the house you live in?—It is a building—model dwellings.

11020. What is the name of it?—Alexandra Buildings.

11021. Is that in Luke Street?—It is called Luke Street now, but it was called Phipp Street. It is on a bend from Luke Street.

11022. What is your occupation?—I sell perfumery and toilet soaps since my husband has been dead. I have three children to provide for.

11023. But what is your business?—I sell perfumery and toilet soaps.

11024 Where?—In my own place. I sell it to friends who know me and respect me and help me. They are private customers really, and they recommend other customers.

11025. On this night where were you coming from?—First of all I came out, as the policeman on duty can prove, from my house about half-past eleven.

11026. Where did you go?—To Pitfield Street, and bought a joint of meat, and then I was coming home. I hurried out and hurried back.

11027. You passed this man and went past him to your own house?—No, I came through a turning with my neighbour who was with me. She went in to get her husband's supper, and I waited outside while she was inside, and I saw this gentleman who was with Andrews, and he spoke to me.

11028. He was then standing in the street?—Yes.

11029. You did not see any of the bother between him and the woman?—No, I did not.

11030. You did not see beer thrown?—No.

11031. You did not see him strike the woman in the mouth?—No.

11032. Because you had passed on?—No, he passed on and I waited for my neighbour.

11033. Then when you saw him in custody you thought he had been very badly treated because there was not time for him to do any mischief?—Yes.

11034. He did hit the woman in the mouth?—I am not aware of that.

11035. You know now that he had been doing mischief?—It did not look as if he had.

11036. You realise now that there was some time for him to do mischief?—I realise it has been said he had done so.

11037. You heard him say so?—Yes.

11038. Do you believe him?—I believe my own eyes.

11039. So, in spite of what he said you still think he was not there a sufficient time to do any mischief?—I do not think it was possible for such a thing to happen in the time.

11040. You think he invented this story about the beer?—No, I think other people have invented a lot of stories.

11041. You heard him say so?—Yes.

11042 Was there any time for anybody to throw beer?—I suppose there was.

11043. He could do a lot of mischief in that time?—It seems like it, according to this case. *Mrs. A. Chapman*

11044. I suppose you talked to your neighbours about this?—No, I do not talk to my neighbours very much at all. I am too much occupied with my own business. 24 Oct. 1906.

11045. But when you do get on the talk you can say a good deal in five minutes?—Yes.

11046. When this man came along in custody of the policeman, you must have talked to somebody about that?—Yes, I talked to the policeman Stephenson when he came back.

11047. You were busy talking there?—I was not busy. I spoke to him and said, "Surely they have not locked that man up for nothing."

11048. Were you looking at the policeman at the time you were talking to him?—Yes.

11049. You were occupied in looking at the policeman?—I was not occupied in following the man up.

11050. Then a crowd of people got round?—Not round us.

11051. Round the man who was in custody?—They had gone away before I saw the policeman.

11052. You talked after they had gone away?—Yes.

11053. When the man was close to you in custody of the two policemen there was a large crowd?—The people came round then.

11054. There were a lot of people between you and the policeman?—No.

11055. You were standing up against your door?—No, I was standing in the road.

11056. Where were they?—In the road also.

11057. And a crowd of people all close round there?—No, they came round afterwards, but when I first spoke to the policeman there was the policeman and Andrews and nobody else for a few minutes.

11058. How many minutes?—Not many.

11059. It is not many minutes before there is a crowd in Luke Street when a bobby has got a man?—I suppose not, but there was not in that case.

11060. All you can say is you did not see any marks on his face?—There were no more marks on his face than there are on yours at the present time.

11061. There is a very bad mark on my face unfortunately. You had not noticed that?—But there is no blood on your face.

11062. (*Mr. Schultess Young.*) You were closer to Andrews than you were to the learned counsel?—Yes, much closer. I was closer than I am to *this* gentleman (*about a foot*).

11063. You had more chance of seeing him?—Yes; besides, the light was direct on their faces, both the policeman's and the man's too.

ANNE WEBSTER, sworn.

11064. (*Mr. Schultess-Young.*) You are a married woman, living at 23, Granville Buildings?—Yes. *Anne Webster.*

11065. Before this occurrence, did you know anything about Andrews?—No, I never saw him in my life.

11066. Will you tell the Commissioners what took place on the 28th July?—Me and my husband were coming from market. I had a market bag in *this* hand, and a can in *this* hand. When I got to the lamp-post, which is about a quarter of the length of the street, and I live nearly at the bottom of the street, there were a few people in the road. It appears that two old men were having a few words. My husband was really singing, or saying something, and as we crossed like to go across the road, there was a policeman standing on duty like at the corner, only a few yards from this lamp-post. As I crossed the road with my husband Andrews was standing by the lamp-post talking to these two old gentlemen. Me and my husband crossed the road and my husband seemed like a few steps behind me. I turned round to see where he was, and as I did, I saw Andrews strike my husband a blow.

11067. Did he actually hit him?—No, he went to make a blow at him. I had the can in *this* hand, and the bag in *this* hand, and I put the can up like *that* (*illustrating*), as Andrews made the blow, and he upset all my beer.

11068. Did this can hit him?—No.

11069. Are you sure the can did not hit him?—Quite sure.

11070. You were close to Andrews, of course, then?—Yes.

11071. Was there a good light there?—Yes, there was an incandescent light.

11072. Had he any marks or cuts on his forehead at all?—I never saw any.

11073. Do you think you would have seen them if he had?—Yes.

11074. Had he any bruises on his face, did you notice?—No.

11075. What took place after that? Did you notice?—A crowd got round and I persuaded my husband to go home, and as I did the constable took Andrews into custody.

11076. Did you see whether his hat was on or off?—I did not notice.

Anne Webster.

24 Oct. 1906.

11077. Did Andrews resist at all?—I did not see him at all. I went home with my husband.

11078. (*Mr. Eldon Bankes.*) Andrews has said that your husband was merry-making?—I see.

11079. Was that the result of drink?—He may have had a glass.

11080. Had you been with him?—Yes.

11081. You had been in public-houses, too?—No, I had not. My husband came and met me. I had gone on marketing previously to that.

11082. However, he was merry?—Yes.

11083. He called Andrews an offensive name?—I never heard my husband do so.

11084. Never heard your husband use an offensive word?—Never.

11085. Not even when he is tipsy?—Me and my husband have quarrels indoors if we have one.

11086. He started striking at Andrews, and Andrews started striking at him?—I had my arms full, and I went like *that* (*illustrating*), and in doing so I put up the can.

11087. You have twice given evidence, have you not?—No, once.

11088. Are you Anne Webster, of 23, Granville Buildings?—Yes.

11089. Your present story is that you put up the can to protect your husband, and this man ran against it?—The can never touched the man.

11090. How could he knock the beer out of the can if he did not touch the can?—Only by his hand spilling my beer.

11091. How could he spill the beer if he did not touch the can?—I never put the can to touch the man.

11092. We will go by steps. Your present story is that you put the can up to protect your husband?—Yes.

11093. And somehow the beer slopped out of it?—Yes.

11094. Somebody must have touched it?—I do not know how that was.

11095. Suppose he hit the can of beer with a good knock that would have slopped the beer out of it?—I may have spilt the beer by putting the can up.

11096. Did you say this: "I had a dispute with the complainant," that is Andrews. Did you say that?—No.

11097. "And some beer was thrown over him"?—No.

11098. You did not say that?—No.

11099. Did you hear Mrs. Withey give evidence?—No.

11100. Were you in court when Mrs. Withey gave evidence?—No.

11101. (*Mr. Schultess-Young.*) All witnesses were ordered out of court?—My husband drank the remainder of the beer.

11102. (*Mr. Eldon Bankes.*) Did Andrews hit you on the nose and make your nose bleed?—As he went to hit my husband he might have just touched my nose.

11103. A little touch, but it made your nose bleed?—It never hurt me.

11104. Did he hit you on the nose?—As he went to hit my husband he caught me like by the side of the nose, but he never hurt me.

11105. It was a blow on your nose?—You could not call it one.

11106. Did he stroke your nose in this way before you poured the beer over him?—No.

11107. When did the beer go over him—after he stroked your nose?—The beer was spilt on him.

11108. So that when he ventured to stroke your nose you ventured to throw the beer over him?—No, I tried to get my husband home.

11109. I suppose you were more occupied with your husband and your marketing than with this?—Yes.

11110. (*Mr. Schultess-Young.*) You were both going home?—Yes.

11111. Your husband was doing the merry-making and you were doing the marketing?—Yes, he met me half way.

11112. You had not been frequenting public-houses?—I had not, but my husband had been, I believe.

11113. This blow that my learned friend refers to 'eft no mark I understand?—No, I never had no mark. He just caught my nose, and the beer was spilt. That was all.

11114. Did you happen to notice whether any person did anything to Andrews after that with regard to a handkerchief?—No.

11115. You went away home with your husband?—Yes.

11116. Except what you have told us you had no dispute with Andrews at all?—No, none.

11117. I understand you never saw the man before?—I never saw the man in my life.

11118. Do you mean he was a perfect stranger to you?—I never had seen the man before.

11119. You were not paid anything for giving evidence before the Magistrate?—I have never had one penny piece.

(*Chairman.*) I think you said you had got the doctor here, Mr. Schultess-Young. You had better call him and release him.

ROLAND DOBSON sworn.

Mr. R. Dobson.

11120. (*Chairman.*) Your qualifications, please?—I have no medical qualifications.

11121. (*Mr. Schultess-Young.*) I think on the night of the 29th July you were on duty as house surgeon at St. Bartholomew's Hospital?—I was not house surgeon, but I was on duty that night.

11122. (*Mr. Rufus Isaacs.*) At the hospital?—Yes.

11123. (*Mr. Schultess-Young.*) Do you remember Andrews coming to you?—Yes.

11124. Did you do anything to him?—I put some stitches in a wound over his forehead.

11125. Will you just indicate with your finger to the learned Commissioners how long that wound was?—I should think about as long as *that*, as far as I can remember (*illustrating*).

11126. (*Chairman.*) An inch and a half?—I should say about that.

11127. A cut?—Yes.

11128. (*Mr. Schultess-Young.*) A cut that would leave a scar?—Yes, it would leave a scar.

11129. I do not know whether you have seen Andrews to-day. Was that the scar left by the cut?—Yes, I had a look at it this morning.

11130. Did Andrews make any statement to you as to how he arrived by that cut when you treated him?

11131. (*Chairman.*) What time did he arrive at the hospital?—It was between midnight and 8 o'clock on the 29th.

11132. 8 a.m.?—Yes.

11133. (*Mr. Schultess-Young.*) Can you tell us more closely than that the time?—As far as I can remember, it was between 12 and 3. I do not think it was later than 3. Probably it was about 2 o'clock.

11134. (*Chairman.*) Did you make any note of his coming to the hospital?—There was an entry made in a book there—simply "Cut head."

11135. Would not that book show the time at which he came to the hospital?—It would only show that the case had come in between midnight and 8 o'clock the next morning.

(*Mr. Schultess-Young.*) He could not get there before 3 o'clock, because he was not bailed out until after that time.

11136. (*Chairman.*) It may have been long after that time so far as you know?—There were a few cases, and he came towards the beginning of the cases during that time.

11137. (*Mr. Schultess-Young.*) Did any person come

with him, do you know?—I think a police-constable came with him.

11138. Did he make a communication to you as to how he got that cut?—He yarned about something, but I do not generally listen to that.

11139. Tell the Commissioners what it was he yarned about?—He said something about being set on in the cell.

11140. Meaning the police cell?—I suppose so.

11141. He told you he had got the cut by being set on in the cell?—He did not say he got the cut in that way, so far as I can remember. He said he had been set on.

11142. That was the explanation he gave to you as to his condition?—Yes.

11143. (*Mr. Eldon Bankes.*) I think you were examined at the police court before, were you not?—I was.

11144. Were you examined once or twice?—Once.

11145. I understand that you have no very definite recollection of this case because the dresser did not call your special attention to it, and he would have done so if it had been serious. Is that right?—I attended to the case myself.

11146. I have got a note of what you said. Just see if this is accurate: "I am house surgeon at St. Bartholomew's Hospital"?—No, I did not say that.

11147. This is the evidence of Mr. Bazette Butcher?—I am not Mr. Butcher.

11148. Did Mr. Butcher give evidence?—I think Mr. Butcher came up on a previous occasion.

(*Mr. Schultess-Young.*) We have not called Mr. Butcher, but we have called Mr. Dobson.

(*Mr. Eldon Bankes.*) It was Mr. Butcher's evidence that I wanted to put before the Commissioners.

(*Mr. Schultess-Young.*) Mr. Butcher said he did not know anything about it.

(*Mr. Eldon Bankes.*) I have here the evidence of Mr. Butcher: "The cut might have been caused by a sharp instrument or a blunt instrument—not, I should say, from a fist."

(*Mr. Schultess-Young.*) Mr. Butcher said he did not see the cut, did not see Andrews, and knew nothing about him. Therefore I did not call him.

(*Mr. Rufus Isaacs.*) I have the deposition in Mr. Muir's copy of Dr. Dobson.

(*Mr. Eldon Bankes.*) The undertaking I got was that Dr. Butcher should be called. Dr. Butcher examined the man's head in court, and after examining it he gave evidence to the Magistrate, and that is the evidence I want to put before the Commission. I shall ask to be allowed to read the deposition of Dr. Butcher, if you are not going to call him.

(*Mr. Schultess-Young.*) We did not call him before the Magistrate. We found he had not seen Andrews. *Mr. R. Dobson.* 24 Oct. 1906.

(*Mr. Rufus Isaacs.*) If you look at Dr. Dobson's evidence I am not sure that that is not much the same.

11149. (*Mr. Eldon Bankes.*) You say it was not serious?—I should not consider it serious.

11150. In answer to the Magistrate, did you say, "It is possible it might have been caused by a flint"?—By a fist I meant.

11151. "I remember no other injuries to him. I should have noticed if he had a swollen or put-out jaw. He had not a black eye—not a bad one, any way." Is your recollection that the only complaint he made was with reference to this cut on the eye?—I think so.

11152. He made no complaint about cuts or bruises anywhere else?—Not that I recollect.

11153. With regard to that cut, is a cut like that such a one as you would expect a man to get from a fist, or is it more likely to come from some blunt instrument such as a beer can, or something like that?—I could not say.

11154. It might come from either?—I should think it might very well come from either.

11155. Do you get that shape of cut from a naked fist?—I am afraid I have never seen a cut from a fist.

11156. This is the first cut from a fist you have ever seen?—I do not know whether it was done by a fist.

11157. Would you from your experience expect that shape of cut to be made from a blow from the fist?—I should think it would be quite possible.

11158. (*Chairman.*) When you say "cut," do you mean something more than a mere abrasion of the skin?—Yes.

11159. The flesh had been cut into?—Yes.

11160. (*Mr. Eldon Bankes.*) It was, I understand, a cut in the skin about *this* length?—Yes, about that length.

11161. Was it bleeding much?—No, it was not bleeding much at the time.

11162. (*Chairman.*) Have you ever known a cut of that kind being caused by a fist?—No, I do not think I have seen one definitely caused by a fist.

11163. (*Mr. Dickinson.*) How deep was it?—Probably about one-eighth of an inch.

11164. (*Chairman.*) All along?—Yes.

11165. At least one-eighth of an inch all along?—Yes, just the same.

11166. (*Mr. Eldon Bankes.*) You understand why I am asking the question. I understand Dr. Butcher is a fully qualified surgeon. Is that so?—That is so.

(*Mr. Schultess-Young.*) I think there is a little mistake. Dr. Butcher examined another cut altogether by mistake—a cut he had had from a fender.

Eliza Lowis, sworn.

11167. (*Mr. Schultess-Young.*) You are a married woman, I think, living at 40, Granville Buildings?—Yes. *Eliza Lowis.*

11168. At this time had you known Andrews at all?—I never saw him before in my life.

11169. Will you tell the Commissioners what you saw at midnight on the 29th July?—I was coming along with my friend and my husband. I saw a crowd in the road, and when we went to look what it was it was two constables had got Mr. Andrews. When we went he seemed to be without his hat, and he complained, and said, "Will someone give me my hat? I will go if they only give me my hat." Nobody did not seem to get him his hat. When I looked at him the man was completely covered in beer—beer all over his face.

11170. (*Mr. Rufus Isaacs.*) When you first saw him?—Yes, when I came up with my friend and my husband.

11171. (*Mr. Schultess-Young.*) Did you lend him your handkerchief?—Yes, I spoke to the constable, and I said, "Can I lend that gentleman my handkerchief?" It was only a small one. He allowed me to lend it to him. He gave it to me back. My friend, Mrs. Gibbs, was with me, and my husband.

11172. You lent the man your handkerchief to wipe his face of the beer?—Yes.

11173. Had he any cut on his forehead then?—No, nothing whatever. He had nothing on his face at all, only this beer.

11174. Did you see Andrews arrested?—No; I came up after his arrest.

11175. Did he struggle at all?—No. All he kept asking for was his hat; he wanted his hat. He had no hat.

11176. Did the police take him away?—Yes. I followed him right to the bottom of Luke Street, because we missed my friend's husband, and we were really looking for him.

11177. What attracted your attention to Andrews?—Through there being a bother in the road, and seeing two constables had hold of him.

Eliza Lewis. 24 Oct. 1906.

11178. How close were you to him?—I was pretty close to him.

11179. As close as you are to me?—Closer than that.

11180. You were so close to him that you were still surrounded by part of the crowd, no doubt?—Yes, we were in the crowd.

11181. Could you see him clearly?—I was so close that I lent him my handkerchief.

11182. He had no cut?—He had no cut.

11183. He did not resist the police?—No, he did not.

11184. (*Mr. Eldon Bankes.*) Were there thirty or forty people round him?—I should think more.

11185. Should you think one hundred?—Not so many; but there were a great many.

11186. I suppose they were all pushing?—Yes.

11187. All shouting?—No, they were not making much of a commotion.

11188. But just having a talk about it?—Yes; a lot of them were wondering why he was taken.

11189. And they were all pushing in to see?—Yes.

11190. And asking each other what was the matter?—I do not think they were.

11191. There was a good deal of pushing and talking?—There was not so much pushing.

11192. There was a great deal of excitement?—No doubt there was.

11193. Was it beer or porter that this man had on his face?—It was black beer.

11194. Was there a good deal of froth in it?—I do not know; I did not see anything of it. I simply saw it over the man's face.

11195. Was he holding his head down and shaking it off?—He held his head up and asked for his hat.

11196. The beer was on his face?—It would be more in his eyes than anywhere.

11197. Were his eyes shut?—No.

11198. You gave evidence before the Police Magistrate, did you not?—Yes, I did. I was asked to. I went away on my holidays, and I was out——

11199. Never mind about your holidays. You gave evidence?—It was only the night before—he came on the Monday.

11200. You were there in time?—Yes.

11201. You were not one of those who were late?—Why should I be late?

11202. I cannot imagine. You did not notice he had anything the matter with his face?—I am sure he had nothing on his face I can be on my oath the man never had a cut.

11203. Did you see the lady throw the beer at him?—No.

11204. You were not there then?—No.

11205. Did you see the lady who owned the beer-can?—Yes, after Andrews had gone away I saw them with the next lot talking.

11206. Had she got the beer-can back again?—I do not know; I did not notice what she had.

11207. Did you not see them talking about its hitting a window?—No, I went upstairs.

11208. (*Mr. Schultess-Young.*) By the way, were you paid a single penny for giving evidence before the Magistrate?—No, I have never received anything yet.

GEORGE OBENEY, sworn.

G. Obeney.

11209. (*Mr. Schultess-Young.*) I think you are a cabinet maker, living at 55, Brunswick Street, Hackney Road?—Quite correct.

11210. I think you were charged at Old Street about 12.15 on July 29th?—Yes.

11211. You were brought before Mr. Cluer the next day and discharged?—Yes.

11212. Did you see Andrews brought into the police station?—Yes.

11213. Were there policemen in the station when he was brought in?—Yes, several constables in plain clothes came in with me.

11214. What did they do?—They rushed to the door.

11215. Did they gather round Andrews, or did they keep away from him?—Yes, they all got round Andrews when he came in.

11216. They seemed to know him.

(*Mr. Eldon Bankes.*) That is hardly a fair question.

11217. (*Mr. Schultess-Young.*) What was the sergeant doing?—The sergeant was booking our charges.

11218. What did the sergeant say to the constable with regard to Andrews?—He distinctly said, "Take him below," or to that effect—I could not be sure.

11219. Did you hear the constable say something then?—The constable turned round to the sergeant and said, "Sergeant, I am not answerable." One of the constables said it.

11220. Do you know whether Constable West was present then?—I do not know.

11221. Do you remember Mr. Cluer the next day making a remark about the evidence of Constable West?—I think he did.

(*Mr. Eldon Bankes.*) I object to that.

(*Mr. Schultess-Young.*) I asked West that question in cross-examination, and he admitted it.

(*Chairman.*) I think it will not do. Of course, we are not bound by the strict rules of a court of justice, but we had better adhere to them as nearly as we can.

(*Mr. Schultess-Young.*) I did ask West about it.

(*Mr. Rufus Isaacs.*) But you are asking the other witness now.

11222. (*Mr. Schultess-Young.*) But I may not get West here. You say you heard the sergeant say, "Take him below." What happened then?—Then the constable turned to the sergeant and said he was not answerable.

11223. What took place then?—He took him through the door on the left. It was on my right.

11224. (*Chairman.*) You were in the dock?—Yes.

11225. (*Mr. Schultess-Young.*) Could you see Andrews plainly?—When he came in?

11226. Yes?—We were standing face to face.

11227. Had he any cut on his forehead?—None whatever.

11228. You are perfectly sure?—I am perfectly sure.

11229. Had you ever seen him before to your knowledge?—Never.

11230. Had you ever spoken to him before?—I have never spoken to him before.

11231. You are a respectable cabinet-maker, and there is nothing against you?—I am.

11232. When Andrews was taken out of the room, what did you hear?—I heard him groaning like a dog being knocked about—holloaing and shouting.

11233. You heard that distinctly?—Distinctly.

11234. Blows followed by groans?

(*Mr. Eldon Bankes.*) "Blows" did he say?

(*Mr. Rufus Isaacs.*) He has not said that. He said he heard him groaning.

11235. (*Mr. Schultess-Young.*) What else did you hear?—I did not hear much more. I was removed to the cell.

11236. What was his condition next day at the police court?—The man was standing next to me as we were waiting to go into the court, and I did not know the man—not by the condition of his face.

11237. What was his condition?—He had a lot of strapping over one eye—I could not exactly tell you which eye it was—and he had, I think it was, a collar in a bag—a neck collar—that he was wearing on the night.

11238. What was the condition of his face?—All covered with the strapping.

11239. Did you see anything about his eyes?—I did not notice his eyes.

11240. You say you would not have known him because of the strapping over his face?—Yes.

11241. Did you see any other marks upon him?—No.

11242. You never noticed any other marks?—No, not that I am aware of.

11243. I think you were discharged?—Yes.

11244. You are perfectly sure that when you saw him face-to-face in the charge-room there was no mark on his forehead?—Sure. I looked at the man directly he came in, and more so than I did anybody there.

11245. (*Mr. Eldon Bankes.*) You gave evidence before the Magistrate?—Yes.

11246. Twice, did you?—Once, I think; it might have been twice.

11247. Had you ever been taken into custody before?—No.

11248. Being put into the dock was quite a novel experience to you?—It was.

11249. I suppose you were pretty well occupied in thinking about what was going to happen next to yourself?—That is so. That is quite the thing.

11250. So I should imagine?—Considering the way I got served coming to the station.

11250*. A man who is taken up and put into the dock for the first time does not trouble himself much about the countenances of the other people who are brought in. He thinks more about himself, as a rule?—I do not know about other people.

11251. You told me you were fully occupied in thinking about yourself?—Did I?

11252. Yes?—I was thinking both about myself and about this man when he came in.

11253. Was he brought in in charge of two or three police-constables?—I could not say.

11254. You said this before the Police Magistrate, did you not: "He was brought in by three police-constables"?—They all went to the door when he was coming in. I could not exactly say how many were there.

11255. When they were bringing him in to the charge room the first time, how many brought him in?—I could not say.

11256. Did you tell the Magistrate, "He was brought in by three police-constables, I think, in uniform, and there were others in plain clothes"?—Yes, I might have said it.

11257. Did you see him brought in by three police-constables, or did you not?—I could not exactly tell you now.

11258. How came you to tell the Magistrate you had seen him brought in by three police-constables?—I suppose I must have remembered it then when I do not now.

11259. You have forgotten it since?—Yes.

11260. Have you also forgotten that you saw a cut on his face?—No, I have not forgotten that.

11261. After he was brought in did the sergeant say something to one of the police-constables who were in charge of him?—Only "Take him below."

11262. Did he say, "Take him below"? Just think?—I could not exactly tell you whether it was "below" or where.

11263. How came you to tell these gentlemen that he said "Take him below" unless you were sure?—I thought it was "below" by there being a door there.

11264. Did you tell the Police Magistrate "The sergeant might have said 'Take him outside'"?—Well, I might have said that.

11265. What business have you to tell these gentlemen that he said "Take him below" when you believe he might have said "Take him outside"?—I thought it was "below" at the time. I was being charged. I told my own father when he came to bail me out that they said "Take him below."

11266. You told him they said "Take him below," not taking much notice of what was going on around you?—That is it. *G. Obeney.* 24 Oct. 1906.

11267. Now you are not prepared to say whether it was "Take him below" or "Take him outside"?—I think the words I said were, "Take him out of the door."

11268. The next thing you heard was an awful row?—Yes.

11269. You described it as "groaning like a dog"?—Yes.

11270. Do all dogs groan in the same way?—All mine do.

11271. Have you a very musical lot?—One or two.

(*Chairman.*) He said at the police court "howling and groaning like a dog."

11272. (*Mr. Eldon Bankes.*) What I mean is this. Did you hear a man kicking up a great row and shouting?—Yes.

11273. Dogs do not shout, do they—not even your dogs?—They kick up enough row.

11274. There is a distinction between groaning and shouting. Did you hear a man shouting?—He was shouting.

11275. Shouting in the same way that violent people do shout if they want to get away?—I do not know about violent people. I have not had much to do with them.

11276. You confine your attention to dogs and dogs' noises?—Yes.

11277. Do you think you are a reliable witness to describe what noise this man made?—I do not think I am.

11278. (*Mr. Schultess Young.*) Was this man howling like a dog having a cheerful or a bad time of it?—Like a dog being knocked about.

11279. Where did the noise seem to come from—from above or below?—It seemed from below.

11280. The noise seemed to come from below?—Yes.

11280*. (*Chairman.*) Did you hear any other noise besides the noise made by the man below or outside?—None whatever.

11281. Nothing at all?—No.

11282. No shuffling of feet?—No.

11283. (*Mr. Schultess Young.*) What kind of a holloaing was it?—Like a man being knocked about.

11284. Before he was taken below, was he making any noise or shouting?—No.

11284*. When he was brought in, was he obstreperous, obstructing the police, or howling in any way?—No.

11285. What did you mean answering my friend by referring to the way you got served being taken to the station? What did you mean by that?—They trod on my heels all the way to the station.

11286. So as to hurt you?—They hurt me, and they twisted my arms.

11287. That is the way they took you to the station?—Yes.

11288. You never resisted?—Never moved.

11289. If that is the way they took you to the station you were excited when you got there?—Yes.

11290. Did you refuse to go to the station?—No.

11291. My friend suggests to me that they trod on your heels because you did not move along?—I turned round and distinctly asked the men to keep off my heels, and let my arms go. I was smoking a cigarette at the time, and when I would not take the cigarette out of my mouth they shoved my arms higher up to my shoulders.

11291*. Do you know what you were charged with doing?—I do not know whether the constable himself knew what he was charging me for.

11292. (*Chairman.*) What were you charged with?—Disorderly conduct, I think.

11293. On this very evening?—On the same evening.

11294. (*Mr. Schultess Young.*) The learned magistrate, having heard the case, discharged you?—Yes.

G. Obeney. 24 Oct. 1906.

11295. That was the first time you had ever been taken to any station, or charged at all?—Never been inside a station before in my life.

11296. (*Mr. Rufus Isaacs.*) What did you understand the constable to mean when he said to the sergeant, "I am not responsible"?—What made him say that was the constable thought if anything was done below he was not to blame.

11297. You thought that showed that he knew they were going to take this man downstairs to thrash him?—Yes.

11298. Therefore that was a very important statement which you heard the constable make to the sergeant?—It was.

11299. You recognised that?—I did.

11300. Can you tell me why you never said a word about that in the inquiry before the magistrate?—I did.

(*Mr. Schultess-Young.*) It is in my proof before the Magistrate.

(*Mr. Rufus Isaacs.*) I do not find it in the depositions. Mr. Schultess-Young, I do not think you are entitled to make that observation in answer to the questions I put. I did not ask what was in the proof. I asked whether he stated it to the Magistrate. What is in a witness's proof is often very different to what his statement is before the Court.

11301. What I was asking was this: If it was an important statement how did it come about that you did not make that statement to the Magistrate? According to you it was a most important observation?—Yes.

11302. (*Chairman.*) Do you say you did mention it to the Magistrate or not?—I think I did. I am almost sure I did.

(*Mr. Schultess-Young.*) I think these are not depositions. They are only notes. They are not at all full. I am told he did say so.

(*Chairman.*) They are notes taken down, as we know, by the clerk in court, but they are not signed by the witnesses and they are not called depositions. If this had been an indictable offence the witness would have been asked to sign them.

(*Mr. Schultess-Young.*) In my experience and in yours, and in that of the learned counsel, these notes are not so full as depositions always are.

(*Chairman.*) That is true. I think that is so.

11302*. (*Mr. Rufus Isaacs.*) That does not seem to me to meet the point I am putting to the witness.

11303. Just follow me. At the station, according to this, "the sergeant entering the charge made an observation, and Andrews was taken out of a door, and I afterwards heard him howling and groaning like a dog." Do you remember that?—Yes, after the sergeant had told him to take him out of the door, or below, the constable turned round and said "I am not answerable."

11304. That is what you are telling us now?—And what I told him there. I meant to say it if I did not.

REUBEN HUGHES, sworn.

R. Hughes.

11305. (*Mr. Schultess-Young.*) I think you are a printer?—Yes.

11306. Do you live at 9, Granville Buildings, Luke Street?—Yes.

11307. They are large buildings, are they?—They are.

11308. Did you know Andrews before that time?—Only by sight—never spoken to him.

11309. Do you remember being in Luke Street about midnight on the 29th July?—Yes.

11310. Tell the Commissioners what you saw?—I was in Luke Street at the time I saw Andrews in custody. They were just going to take him away. I followed them behind. They took him straight down Luke Street. I saw the two constables holding his hands behind him very tightly. When they got to Ravey Street another constable came across; he got hold of him, and one of the constables went to his beat again.

11311. Did you see the constables do anything to him?—Twist his arm round and hold him very tightly.

11312. You saw that?—Yes.

11313. Could you see Andrews' face?—I saw his face quite plain.

11314. Had he any marks on him?—Not at all.

11314*. You are quite sure of that?—I am.

11315. No cut on his forehead, or you would have seen it?—I should have seen it if he had any at all.

11316. (*Mr. Eldon Bankes.*) Were you in work at the time?—Yes.

11317. You did not see anything of the row?—No, I saw nothing of the row, only I saw Andrews in custody when I first came up.

11318. You followed him, I understand, behind the constables?—Yes, I followed up behind.

11319. Were you ever in front of him?—I passed him on the way. As he went across Old Street I passed him.

11320. For the greater part of the way you were walking behind him?—Yes.

11321. Some distance behind?—Walking behind, but not so very far.

11322. It was midnight?—Yes, about 20 minutes or a quarter past twelve.

11323. I mean there was no natural light at that time?—No. When he passed the electric light at Old Street Police Station I saw his face plain.

11324. How far were you from him then?—About as far as we are now.

11325. Did he pass before you?—I saw his face—what I could see of it.

11326. Was it the right side of his face or the left side?—It would be the right side.

11327. Which eye was it that was hurt afterwards, do you know?—I believe it was the right that was cut afterwards.

11328. You were standing on the right side of him when he passed?—Yes.

11329. Was there a constable between you and him?—Yes.

11330. I think at the police station you were asked whether you recognised any constable that was with him, were you not?—Yes, I think I was.

11331. You said you were not able to recognise him?—I could not recognise him.

11332. Because you had not been able to see him sufficiently to be able to recognise him?—I should not recognise the constable again.

11333. Because you had not been able to notice him sufficiently plainly?—Perhaps I never noticed him.

11334. The constable was between you and the man about whom you are speaking, and yet you did not see the constable sufficiently plainly to be able to identify him?—I might have noticed Andrews more, knowing him.

11334*. You might or might not. At any rate, the constable whom you could not recognise was between you and him?—Yes.

11335. And the constable is a pretty big chap, is he not—bigger than Andrews?—Not so tall as Andrews.

11336. But he had a hat on?—Yes.

11337. With a hat or helmet on he would be taller than Andrews?—He might be.

11338. (*Mr. Schultess-Young.*) If you saw two constables taking a man to the station, you would naturally look at the man rather than at the constable?—Ye

ELLEN GIBBS, sworn.

11339. (*Mr. Schultess-Young.*) You are the wife of Sidney Gibbs?—Yes.

11340. I have not your address?—17, Canton Terrace, St. John's Road, Hoxton.

11341. I think on this occasion you were with your husband and with a woman who has given evidence—Mrs. Lowis?—Yes.

11342. Will you tell the learned Commissioners what you saw on July 29th, at midnight?—I was passing through Luke Street with my friend and her husband. We were going home to her place, and I saw a crowd assembled. We had to go past that crowd to get to the house. That is how we got into the crowd. I saw Mr. Andrews in the custody of two constables. He had no hat on. He was frequently asking for his hat. He said, "I want my hat. I want to go along respectably, and not like this." "Very well," they said, "we will wait for your hat." They stayed there for a moment. We pitied him because he looked a respectable fellow, and my friend asked the constable whether he would allow her to let him use her handkerchief. He said, "Yes, certainly." He used the handkerchief, and it was returned to her. Of course we got carried on a little way with the crowd, being amongst them.

11343. What was the handkerchief used for?—To wipe his face.

11344. Why?—He had a lot of beer thrown upon him.

11345. You say he had not his hat on?—No, he did not have his hat on.

11346. Did you see his forehead?—Yes, I was close to the crowd. I could not get out.

11347. You were with your friend?—Yes.

11348. Your friend lent him her handkerchief, and therefore you must have been close?—Yes.

11349. There was no cut?—No.

11350. Nothing to attract your attention to his face at all?—No, nothing at all. If there had been a cut I should have seen blood on the handkerchief.

11351. What occurred then? Did you go away?—When the crowd followed I missed my husband. We went to the end of the turning to see if we could see him amongst the crowd. We returned back. We did not follow.

11352. Did you know Andrews?—I never knew that man before in my life.

11353. What attracted your attention to him?—He looked such a respectable young fellow. He had the appearance of it, and seeing constables standing there we did not know what was the matter.

11353*. He was apparently in custody?—Yes.

11354. (*Mr. Eldon Bankes.*) I suppose you are telling us to the best of your recollection what you noticed?—Yes.

11355. I suppose there was a good deal of pushing in this crowd?—There was as it went on. The constables stayed there for a moment, and that caused the crowd to come round.

11356. There was a good deal of excitement among the people about?—Yes.

11357. They were pushing you about?—Yes, we all got pushed about.

11358. You had to look after yourself, had you not?—Yes, we were trying to get through the crowd to get home.

11359. I suppose you had your clothes to think of. It was rather awkward for your clothes?—No, it did not matter about my clothes—they are only working things.

11360. There were a good many things to think about besides Andrews' face, were there not?—There may have been.

11361. At that time you did not think it was at all important to notice whether his eye was hurt or whether it was not?—What made me notice his face was it being so wet.

11362. You did notice a great deal of beer about his face?—Yes, smothered in beer right down his shirt-front.

11363. The beer seems to have hit him principally in the lower part of the face?—The beer knocked his hat off.

11364. The beer knocked his hat off?—It looked as if it had been thrown at him.

11365. At that time you did not know that any importance was attached to it?—No, I never thought anything about it.

11366. To the best of your impression now, he had not got a cut?—I am certain.

11367. But you did not pay much attention to it at the time?—I did. I spoke of it in my firm where I work on the Monday.

11368. You spoke about the beer?—I spoke of seeing the young man. I read in the papers on the Monday night the way he was knocked about, and I spoke of it at my table before all the women. I said, "I know that man never had the marks on him when he was in Luke Street."

11369. That was on Monday?—Yes.

11370. You had a chat with your working friends?—Yes.

11371. You read the "Star" out loud?—We are not allowed to have newspapers.

11372. You read it outside. There was a violent article in the "Star"?—I mean on Monday in the shop I spoke about it, and when I got home it was in the paper.

11373. You had seen, had you not, before you began talking to your friends, what was stated at the police court?—No.

11374. How did you know in the morning that he had been abused?—In the morning?

11375. You were talking to your friends in the morning?—The papers were not published till Monday evening about this case.

11376. You were talking to your friends at the bench on the Monday?—I told them I saw an occurrence in my friend's turning, and that I saw a young fellow locked up. Then on Tuesday morning——

11376*. Now we have got to Tuesday morning?—I saw it in the paper, and I passed my comments on it in my firm.

11377. You did pass your comments on it after you read about it in the paper?—Yes.

11378. You read in the paper that the man said he had been hammered by the bobbies?—Yes, I did read it.

11379. You did pass your comments upon that?—Yes.

11380. You studied it very carefully?—Yes, I did. I reckon it is only right.

11381. When you began to think about it you thought he had not got a cut?—I was positive.

11382. And you are still positive?—Yes, I am certain.

11383. (*Mr. Schultess-Young.*) What attracted your attention was that it was reported in the papers that he had cuts on his face?—I read the report in the paper.

11384. Are you quite sure when you saw him he had not any cuts?—I am positively certain of it. I volunteered to come as a witness for him.

11384*. I think you have not been paid anything for coming up?—No, I have not. I have not had one halfpenny. I work as well as my husband.

CHARLES SPARKES, sworn.

C. Sparkes. 24 Oct. 1906.

11385. (*Mr. Schultess-Young.*) I think you are a show-case maker, living at 58, Granville Buildings?—Quite right.

11386. Do you know Andrews at all?—No.

11387. Never known him before or spoken to him?—No.

11388. Will you tell the Commissioners what took place at midnight on July 29th?—I was standing at the door with my wife, talking.

11389. Who were talking?—Me and my wife and somebody else in the Buildings—another woman who lives down below. This Mr. Andrews was about 15 yards from me. He was standing alone. All of a sudden men and women came along singing, and no sooner did they get up to Andrews than one man called him an abusive name, and with that the man made a blow at Andrews and missed him. With that he made a second blow, and Andrews baulked it off. With that a woman came and threw beer over the man. The beer went over him. She likewise made aim with the can to hit him, but she did not bring that off. No sooner was that done than a constable came, and the crowd holloaed out "Pinch him." With that the copper took hold of him and took him down.

11389*. Did she hit him with the can?—No, she did not.

11390. The crowd holloaed out "Pinch him," and then the constable arrested the man. I thought "Pinch him" referred to something else?—It means taking him in charge.

11391. You say the can did not hit Andrews?—The can never hit Andrews at all. Andrews baulked the blow off when the woman tried to hit him.

11392. Did you see the beer go over him?—I did.

11393. I suppose he was pretty well covered with beer?—He was.

11394. Could you see him well from where you were?—Yes.

11395. I want you to tell the Commissioners what you could really see. Could you see whether he had any marks on him at that distance?—None whatever

11396. Had he any marks?—No.

11397. If he had any on his forehead would you have seen it?—I am quite sure I would.

11398. What sort of light was it?—Outside a chandler's shop shows a light. The same people who interfered with Andrews interfered with my wife.

11399. I suppose they were merry?—I do not know about merry.

11400. They were singing?—The people coming along were singing.

11401. They were merry people, were they not?—The people who interfered with Andrews were singing.

11402. They were not singing doleful songs, but cheerful songs?—I did not take notice what they were singing about. I took notice of how the man was interfered with standing there doing nothing.

11403. You are quite sure he had not any marks on him when he was taken?—Certainly.

11404. I do not know whether you saw him afterwards?—No, I did not; I did not go further.

11405. (*Mr. Eldon Bankes.*) You have no doubt the lady whose nose was touched tried to hit him with a can?—I do not know about the lady's nose being touched.

11406. You have seen her here. She first of all threw beer over him, and then tried to hit him with a can?—When she made aim at him he baulked it off.

11407. She tried to hit him with a can?—Yes.

11408. And tried her best?—Yes; but Andrews was too sharp, and stopped it.

11409. How far were you from him when the woman was jobbing at him with the can?—Ten yards.

11410. So whether she actually hit him or whether she did not hit him it is impossible for you to say?—I cannot say distinctly whether she did hit him at all. Andrews' arm went up, and the can went up in the air. No doubt the can did hit him on his arm, but not on his face.

11411. You were 10 yards off?—Yes.

11412. The woman struck at him with a can?—Yes.

11413. He put his hand up?—Yes.

11414. The result is he knocked the can out of her hand. Is that right?—I did not see the can go out of her hand. His arm went up and baulked the blow.

11415. Whether he was in time to prevent the can hitting his head or not, was it possible for you to see?—I saw Andrews when the constable took him in charge, after the can, and he had no marks.

11416. Is it possible for you to say, speaking from what you saw of the blow, whether it hit him or not?—I could not say. That is true enough.

11417. Then he comes nearer to you?—Yes, I went up.

11418. You joined in the crowd?—No; I went up and saw him being taken down. With that, a party came up and said the same people "interfered with your wife." I went to look after my own.

11419. You looked after your wife?—What would you do? I always look after my own.

11420. I am glad to say I do not live in that street?—You might live anywhere, and meet with the same thing.

11421. The can was empty?—Yes, the beer went out of the can first.

11422. So I suppose there was not very much time between the time you went up to see what was going on and the time when they said, "You had better look after your missus"?—It was my place to.

11423. Directly you heard there was anything the matter with the missus you went back?—I went back to look after her. I should not look after anybody else.

11424. Your opportunities of seeing what was the matter with the man's face were not very great?—When the constable took Andrews in charge he had no marks on his face.

11425. It was all beer?—Beer won't make a cut, will it?

11426. You are giving us the best of your impression?—Certainly; the only evidence I give is true.

11427. (*Mr. Schultess-Young.*) You did not see the can hit him?—No.

11428. As far as you know, it did not hit him?—No, it did not.

11429. Whatever it did, it had no result, for there were no marks on his face afterwards?—Certainly not.

11429*. You were close to him?—Yes.

11430. You were too far away at first?—Andrews baulked the can when the man tried to make the blow.

11431. Whether it hit him or not, there were no marks on his face when the constable took him?—No.

SUSAN WITHEY, sworn.

Susan Withey

11432. (*Mr. Schultess-Young.*) I think you are a married woman, and you live at 101, Longbourne Buildings, Mark Street?—Yes.

11433. At midnight on July 28th and 29th I think you were in Luke Street?—Yes.

11434. Did you see Andrews?—I did see him.

11435. Tell the Commissioners what you saw done?—We were coming out of a public-house soon after 12, me and my husband; we were going along together, and we saw a crowd in the road of about 40 or 50 people. While I stayed there I saw a can thrown, and as it was thrown Mr. Andrews' hat came off, and he got the contents of the beer-can over him.

11436. Did the can hit Andrews?—No; the can struck a shop window, and the woman came out and closed the shutters up.

11437. Did the can hit Andrews?—No, it did not.

11438. Are you quite sure it did not hit Andrews?—No, it did not.

11439. Could you see Andrews plainly?—He was not half a dozen steps away from me.

11440. Had he any marks on his face?—No, none at all. I noticed him so plainly because he had no hat on.

11441. You are quite sure he had not any marks on his forehead?—Certain.

11442. Are you quite sure there was no mark on his forehead at all?—No mark at all.

11443. Did you see him in the custody of the police?—Yes, I saw two policemen take him.

11444. Did he resist them at all?—He did not. I followed him to the end of Luke Street, and me and my husband went towards home.

11444*. Did he in any way resist the police?—Not so far as I saw him.

11445. I do not think you saw him after that?—I did not see him after.

11446. (*Mr. Eldon Bankes.*) You have no doubt whatever that the woman who had the can threw it?—It was thrown; I could not say who threw it; it was thrown from the crowd.

11447. It left her hand; there is no doubt about that?—There might have been more people in the road with cans. There are more cans a little after 12—you take a drop home for supper.

11448. You heard her evidence that the can never left her hand?—I do not know the woman who threw it.

11449. Does not that indicate to you that it is easy to make a mistake when a row like this is going on?—In what way?

11450. She says the can never left her hand?—I cannot help what she says; I know what I saw. *Susan Withey.*

11451. (*Mr. Rufus Isaacs.*) Somebody else might make a mistake?—I only speak what I know of myself. 24 Oct. 1906.

11452. (*Mr. Eldon Bankes.*) From what you know of the neighbourhood, people get very excited when there is a row?—Almost all do.

11453. And when you are excited you do not notice things?—I noticed that much.

11454. When there is a crowd, do you notice whether every man has a cut on his forehead or not?—I do not take that much notice.

11455. You would not pay attention to that unless your attention was called to it?—I noticed when the constables took him he had not a hat on, and he had not a mark on his face.

11456. Were you in front or behind him?—About six steps in front of him.

11457. Looking straight at him?—Yes. This shop was open, and there was a full light in the window. You could see by that.

11458. We are told now that he has an old scar on his face from having fallen on a fender?—That may be. I do not know anything about the old scar.

11459. You did not see that?—I did not.

11460. (*Mr. Schultess-Young.*) Were you excited?—No.

11461. You had nothing to be excited about?—It did not concern me that much.

11462. You would not notice everybody, as learned Counsel says, but you noticed somebody in charge of the police?—I noticed him more because two policemen had got him; he stooped down to pick up his hat, and before he could get his hat they took him.

11463. How far was this man from the kerb?—Right in the middle of the road about half-a-dozen steps from the kerb.

THOMAS BLETCHER sworn.

11464. (*Mr. Schultess-Young.*) You are an engineer, living at 5, D'Arcy Buildings, London Fields?—Yes. *T. Bletcher.*

11465. I think on this occasion you, with your wife and daughter, had been to see friends?—Yes.

11466. About midnight you were coming home?—Yes.

11466*. Will you tell the Commissioners what you saw?—Just about where this incident happened I had been to see some friends in the buildings. I was just leaving them, and a bit of a disturbance took place outside. I know there were some people singing, but the origin of the disturbance I could not explain to you.

11467. Did you see Andrews?—I saw Andrews standing there. There was an aged gentleman mixed up in the affair, and I think the first remarks were passed about an elderly gentleman, and Andrews said: "Do not hit him; you must settle that with me," or words to that effect.

11468. Did you see anything about a can?—Yes, I saw the beer thrown. I do not know whether it was thrown or knocked. There was a bit of a melee going on.

11469. The beer went over him?—Yes.

11470. Did the can hit him in any way?—Not at all.

11471. Were you near Andrews?—Within three or four paces.

11472. Could you see plainly?—Yes. It is only a narrow thoroughfare.

11473. Had you ever spoken to him, or had you ever known him?—Never spoken to the man before in my life.

11474. I think you are an old Colonial, and have been over here for some little time?—Yes.

11475. Had he any cut or mark upon him of any sort?—None whatever—nothing visible.

11476. I am not referring to an old scar which may have been caused by a fender?—There was no mark visible.

11477. No blood?—No.

11478. He did not look like a man who had been knocked about?—No.

11479. I think you felt an interest in the man seeing policemen taking him to the station. Did you follow him up at all?—Yes.

11479*. Did you see what the police did on the way?—He was taken in charge by two constables—the elderly gentleman was on the right, and another on the left—and they went down the road a few yards towards Curtain Road. The constable was taking him round the turning, and then he was relieved by another constable. I think there was undue violence by the constable.

11480. In what way?—He had his left arm behind him, and he raised it upwards, which gave an appearance of resistance.

11481. Do you mean they were lifting his arm up behind him?—Yes.

11482. So as to give him pain do you mean?—Yes.

11483. Did you see him come out of the station?—Yes.

11484. You saw him go in?—Yes.

11485. You tell the Commissioners there were no marks on him then?—Absolutely none. I stood on the kerb and the man passed me. He passed my left with his right to me.

11486. Did you see him well?—Yes, with the light of the lamp outside.

11487. What was he like when he came out?—He seemed a bit dazed.

11488. What was his appearance?—He had a blood-stained handkerchief in his hand, and he said "This is what the cowards have done to me."

T. Bletcher.
24 Oct. 1906.

11489. Did you see his face then?—Yes.

11489*. What was the condition of his face?—His right eye was very much swollen, it was not blackened then, and partly closed. He had a severe cut over the right eye.

11490. Did you notice his hands at all?—Yes; his hands had dried blood between the fingers, and also between the finger nails.

11491. His handkerchief, I think, you said was covered with blood?—Partly covered. It was more red than white.

11492. (*Mr. Eldon Bankes.*) What is your business?—An engineer.

11493. Are you in work?—Yes.

11494. You seem to hesitate?—I am in work.

11495. Who are you working for?—Mr. Allsopp, 22, Aldersgate Street.

11496. How long have you been with him?—I have known the man for many years.

11497. How long have you worked for him?—About eight or nine months.

11498. Regularly?—Yes.

11499. Continuously?—Yes.

11499*. Are you the gentleman who was helped into a cab by Andrews?—Let me say one word.

11500. Would you mind answering my question?—I will, but I must state my case first.

11501. (*Mr. Schultess-Young.*) I will ask you about it afterwards?—Previously to that I was for sixteen years a ratepayer in the City of London, in business on my own.

11502. (*Mr. Eldon Bankes.*) What were you doing?—I was in business on my own, and had eight or nine men working for me as an engineer.

11503. You are not now in as good a position?—No; I have had reverses. We all do at times.

11504. What was the cause of your reverses?—Outside speculation.

11505. Not in beer. What was the business you had in the City?—19, Cloth Fair.

10506. What sort of a business was it?—General engineering.

11507. Are you the gentleman who was helped into a cab?—I was the gentleman who went in one.

11508. You heard what Andrews said about that at the police court, did you not, and about your condition?

11509. (*Mr. Schultess-Young.*) He was not in Court?—I did not.

11510. (*Mr. Eldon Bankes.*) Were you the worse for drink then?—I was not.

11511. Had you had any drink?—I might have had a couple of drinks when I went to the Court.

11512. When you were helped into a cab?—I might have had one or two drinks. I was not the worse for drink. When I came out of the public-house there were seven or eight constables around. I had only seen Andrews about two minutes. He said: "Well, Bletcher, you had better get out of it." I said "What for?" He got a cab. I got in and went away. I thought it was advisable.

11513. Perhaps it was?—Perhaps it was.

11514. (*Chairman.*) I do not know exactly on what evening you got into the cab?—The night before I gave evidence at Worship Street on the second occasion.

11514*. (*Mr. Eldon Bankes.*) You say on the night this happened there was a melee going on?—Yes.

11515. I suppose one of the persons concerned in that melee was Andrews?—Yes.

11516. Were you near enough to see what really happened?—I think so. I was within three or four paces.

11517. You said before the Magistrate, did you not, "A woman threw some beer over Andrews, and seemed to try to throw a can at him"?—The whole of the occurrence took place in so short a space of time that the whole incident from the time of the first disturbance to the arrest did not take 45 seconds.

11518. It was all over directly?—It was all over directly.

11519. You were not able to realise exactly what did happen?—I was a casual observer. There were people around there, and I could see over their heads.

11520. You said the woman seemed to try to throw a can at him?—No, throw the beer.

11521. No. I am reading from the evidence. Is this which you said to the Magistrate correct: "A woman threw some beer over Andrews, and seemed to try to throw a can at him"?—In the melee.

11522. First of all, is that correct?—You must let me qualify myself.

11523. Did you say that?—I may have said words to that effect. What I say is no different now.

11524. Did you say that the woman "seemed to try to throw a can at him"? Did she throw it?—It never left her hand.

11525. You are quite sure about that?—Absolutely.

11526. Why did you say she seemed to try to throw it?—The result of the action was to spill the beer. Whether she released the can or not rested with herself, but the can did not leave her hand.

11527. So the last witness, the lady, is quite wrong?—I cannot help the last witness.

11528. Your view is that she has made a mistake?—Yes.

11529. (*Mr. Schultess Young.*) I am not sure whether you went with Andrews to Bartholomew's Hospital. Did you do so?—No.

11530. (*Mr. Eldon Bankes.*) You say you did not know Andrews before?—No.

11531. Did you see his face after the constables had taken hold of him, or were you behind him?—I went down with them. I passed and repassed as they walked along.

11532. Did you. Just think. Do you tell the Commissioners that as they went along you passed and repassed them? Now, be careful?—There is nothing to be careful about at all. The man was being escorted down to Old Street Station.

11533. Did you pass and repass the constable and Andrews?—When I was walking along with the crowd.

11534. Did you pass and repass him?—Yes, several times.

11535. Did you begin by walking behind him?—Yes.

11536. Did you pass them?—Then I walked up on the right of Andrews.

11537. Did you pass him?—I cannot say I passed him.

11538. Why did you tell the Commissioners a moment ago you passed him and repassed him?—I was down at the police station before he was there, so I must have passed him.

11539. You are sure about that?—Yes.

11540. Did you pass him once or more than once?—I could not say. It had no significance at the time. I did not take much notice.

11541. Were you under the influence of drink when you gave evidence before the Police Magistrate on either occasion?—No.

11542. Sure?—Absolutely.

11542*. Did you say on the first occasion "A woman threw some beer over Andrews and seemed to try to throw a can at him"? Did you say that, or the substance of it?—It may be the substance.

11543. On the second occasion did you say "I saw nothing of the beer throwing"? Did you say that?—I cannot say I did, because the beer was thrown, and it was on the man's collar.

11544. On the first occasion you said to the Magistrate "A woman threw some beer over Andrews and seemed to try to throw a can at him." On the second occasion you said "I saw nothing of the beer throwing." Now both those accounts cannot be true, can they?—No.

11545. Which is true?—My evidence was very brief. I saw the beer thrown standing behind the crowd.

11546. Never mind whether your evidence was brief or not. You follow that both the statements before the Magistrate cannot be true. In one you say you did see it, and in the other you say you did not see it.

Which is true?—The case was so short. I saw the beer thrown.

11547. Then what you said on the first occasion was not true?—When the beer was thrown I cannot say. The beer was thrown on account of the blow. I do not know whether the can was thrown at Andrews or whether he, striking out, hit the can himself.

11548. On the first occasion you said "A woman threw some beer over Andrews"?—It was in the melee that happened.

11549. "A woman threw some beer over Andrews?"—I cannot say they are the identical words.

11550. "And seemed to try to throw a can at him." On the second occasion you said "I saw nothing of the beer throwing"?—I saw the beer on the collar of the man.

11551. Were you sober?—Certainly.

11552. Can you account for giving the Magistrate a diametrically opposite account?—The case took so short a time.

11553. But it was long enough to tell the truth. It takes no longer to tell the truth than a lie?—The beer went over him. I cannot say whether the beer was thrown or not.

11554. Have you been constantly in Andrews company since this happened?—Certainly not.

11554*. How many times have you seen him?—I come through Shoreditch night and morning, sometimes twice a day, and occasionally I see him; perhaps twice or three times a week if I am passing through that way.

11555. Before this you never spoke to him?—Never.

11556. (*Chairman.*) What became of the handkerchief covered with blood?—When he was taken off by his friends to the hospital he took that with him.

11557. (*Mr. Eldon Bankes.*) According to the documents I have, you said this: "I met the complainant coming out of the station with his handkerchief up to his face. It was saturated with blood, and he complained. It was fresh blood. His right eye was practically closed"?—Partially closed, it ought to be.

11558. "And there was a cut over his right eye." Did you say that?—Yes.

11559. Then, when you were cross-examined, did you say his face was not bleeding when he came out of the station?—Of course it was not. How do you expect an incised wound after three hours to be bleeding? His handkerchief was wet with blood.

11560. This is your evidence, that after he came out of the station his face was not bleeding?—Certainly not—not after three hours.

11561. (*Chairman.*) How came you to wait for three hours outside there?—I had my wife and family with me, and we were visiting a friend who was ill. I was down at the door with a friend, and my wife and children were upstairs, and we saw this disturbance take place. I thought it was very hard to see a respectable young fellow maltreated and taken down to the station for what I call absolutely nothing at all. I said, "He may be a stranger round here, and may require bail, and if he requires bail I will willingly go and get it." I followed him to the station, and some of his friends came along and got bail for him.

11562. You did not give your bail for him?—I did not; but I was prepared to do so.

11563. Did you wait outside the station for three hours?—Not outside the station. One of his friends said, "I will go and get bail," and I said, "If you like, I will go with you, and if you are not successful I will stand bail myself." That is why I went. Then I returned to my friends who live in the vicinity, and I took a cab for my wife and children.

11564. (*Mr. Eldon Bankes.*) On the first occasion it is said you told the Magistrate the man seemed to challenge Andrews to fight. He made two attempts to strike Andrews, and Andrews seemed to strike at him. A woman threw the beer over Andrews, and seemed to throw the can at him?—I have said nothing contrary now.

11565. In your view is that a reason why Andrews should be arrested if he was fighting in the street with another man?—There was no fighting.

11566. One strikes and the other strikes back, and the woman throws beer. Is that a reason why the man should be arrested?—In Shoreditch if they arrested everybody like that the police station would not hold them.

11567. On the next occasion you told the Magistrate you saw no reason why he should be arrested?—No, I did not consider that was a ground for arresting the man.

11568. You think, in your opinion, in Shoreditch they ought to fight *ad lib.*?—No, they do—they ought not to.

11569. (*Mr. Schultess-Young.*) On this occasion there was no fight?—No, absolutely nothing.

11570. It has been suggested you have been with Andrews ever since. Is there any truth in it?—Nothing at all.

11571. You have been very carefully shadowed by the police since?—On several occasions. I am pretty well known in Shoreditch to the division down there. As I am passing or repassing they point their fingers at me.

11572. (*Chairman.*) The police-constables?—Yes. I am making new friends since I have been a witness.

11573. Do you mean while you are walking along the road in Shoreditch the police-constables point to you?—Yes, I have passed two, and I have seen one point to me and give a nod, and say, "That is the witness in the Andrews' case."

11574. (*Mr. Rufus Isaacs.*) Have you heard them say that?—No, I have not heard them saying that, but I have noticed the insinuation.

11575. Because they point at you you mean you think that is what they are saying?—Yes. The thing I objected to most was when Andrews came up I was outside the court on the first occasion prepared to give evidence of the arrest. The constable who arrested him passed and repassed me, and I was not called as a witness. I was the only witness up there. Since that time if I pass or repass them I believe I am known by them, and when I left the court on the Monday I was followed from Old Street Police Court down almost to Beech Street by a plain clothes man. One man relieved the other following me down, and I did not think it right.

11576. (*Mr. Whitmore.*) Would you recognise them?—The man had a brown suit on, and he had a cap with a sort of a cycling badge in front of the cap.

11577. (*Mr. Rufus Isaacs.*) How do you know he is a constable?—He left the station after me—I am wrong there, I mean a man with a blue serge suit left the station. I watched him following me. He called a man from across the road and had a conversation, and then the other man followed me up.

11578. The man in the brown suit followed you up, and the man in the blue suit followed on?—Yes, when he saw that I had seen them.

11579. (*Chairman.*) With regard to this pointing. Do you say they have since then pointed at you?—I believe I am a known man to the police down there—not that I bear them any animosity.

11580. Do you mean to say that any constable has pointed at you in such a way that if a stranger were looking on he would notice the action of the policeman?—Perhaps he would not.

11581. Only you yourself did?—It may be my supposition, but I believe that to be the case.

11582. (*Mr. Rufus Isaacs.*) You think that because you were a witness in the Andrews' case that they kept a special look-out for you?—There is no need for that in any way.

11583. I do not understand what your complaint is about it?—It is not a complaint, but I consider myself I have been partially shadowed since this case has been on. For instance, a policeman came down from the Hackney Division and inquired from the caretaker of the building where I live if I lived there. He said "No, he does not live here." He said I did not because he pronounced the name wrong. Then he rectified it, and he said, "That is the man." He said, "Does he live here?" "Yes." "Is he at work?" and so forth. I did not know the police in all these cases between the public and an ordinary defendant made inquiries as to the stability of the witnesses, and

T. Bircher. 24 Oct. 1906.

whether they did that in all cases in the police court, or only on their own behalf. I am not lodging this as a complaint.

11584. (*Chairman.*) There was a summons taken out against a policeman, and surely it was right to make inquiries about the witnesses for the prosecution?—I was wondering if when a private case was on between two parties whether the police would make inquiries on behalf of one side or the other as to the stability of the witnesses, or did they only do that in their own cases.

(*Mr. Rufus Isaacs.*) I do not follow your complaint.

11585. (*Chairman.*) I thought that while you were in the street the constables pointed to you in such a way as to become a nuisance?—It is not a nuisance, but it is noticeable.

11586. (*Mr. Rufus Isaacs.*) It only shows that they knew you; but still many respectable people are known to the police?—That may be so.

11587. (*Mr. Whitmore.*) The only result of the shadowing is that they made inquiries as to where you lived and as to your stability?—That is all.

11588. You do not think it indicated any other object?—Oh, no.

11589. (*Mr. Dickinson.*) You said just now you were not called as a witness. What do you refer to?—Not in the first case when Andrews was bound over.

11590. That was on the Monday morning?—Yes.

11591. (*Chairman.*) You were not called as a witness on the question as to whether he was guilty of assault?—No, I was in the court, but was not called upon. I was in the court prepared to give evidence if I should be required.

11592. (*Mr. Dickinson.*) What do you mean by that? Did you go as a witness on behalf of Andrews?—Yes.

11593. He did not know you?—There was no necessity, really. Mr. Cluer tried the case so well that it was dismissed in a few seconds. As soon as Andrews lodged his complaint I believe Mr. Cluer made the remark that he would be only too pleased to grant a summons as he had heard of such occurrences happening before.

11594. (*Mr. Rufus Isaacs.*) Andrews was bound over?—Yes.

FREDERICK JAMES LANG sworn.

F. J. Lang.

11595. (*Mr. Schultess Young.*) Are you one of those witnesses who did not come before Mr. Biron the second time, because you were not able to leave your employment?—I did give evidence on the first occasion and on the second occasion. When I was first wanted I could not get there because I was not supœnaed on the first case.

11596. You are an engineer's assistant and live at 38, Granville Buildings?—Yes.

11597. Do you remember midnight, July 28th and 29th?—Yes.

11598. What were you doing then?—I left my young lady and was going home, and as I was returning home I saw Andrews in custody with two constables.

11599. Did you know Andrews at the time or was he a stranger to you?—I cannot say he is a stranger, but he is a neighbour living in the same buildings.

11600. Are you intimate with him?—Not at all.

11601. Only because he lived in the same building you knew him?—Yes, just as a neighbour.

11602. What did you see?—I saw him in the custody of two constables, they had him arrested, and one of the constables was twisting his arm up his back, and, of course, I followed to the station.

11603. Did you see him plainly?—Yes, I saw him quite plainly.

11604. You went to the station with him?—Yes.

11605. Could you see him plainly in the light?—Yes.

11606. Could you see any marks on him at all?—None whatever.

11607. Would you have seen them if there had been any there?—Certainly.

11608. How far away were you walking?—I cannot exactly say.

11609. When you were closest to him how far were you away?—About a couple of yards I should think.

11610. Knowing him by sight I suppose you took some interest in the case?—Yes, when I say him in custody of two constables.

11611. Did you see him bailed out?—Yes.

11612. You saw him before he went into the station?—Yes.

11613. What was his condition when he came out of the station?—There was a cut over his eye, and his face was swollen, and there was a lump over the back of his head.

11614. Did he look as if he had had a rough time of it?—I should think so.

11615. Did you go with him to the hospital?—Yes.

11616. Did he make any statement to you at the time as to how he came by those knocks?—Yes.

11617. What did he say?—He said he had been ill-treated.

11618. By whom?—By the constables inside the station who were taking him down in the cellar.

11619. And knocked him about?—And knocked him about.

11620. You went to St. Bartholomew's, and he was there attended to?—Yes.

11621. (*Mr. Eldon Bankes.*) He told you they had taken him down to the cellar?—Yes.

11622. You say when you came out you saw a lump at the back of his head?—I did not see the lump at the back of his head. I felt it.

11623. Whereabout was it. Just point with your own finger?—At the back of his head. There is only one place. (*Pointing.*) *That* is the back of the head I should say.

11624. Whereabout on your head was it?—On the back of his head I felt the lump. *This* is the back of the head. (*Pointing.*)

11625. That is where the lump was?—Yes.

11626. Did you go with him to the surgeon?—Yes.

11627. Did either you or he tell the surgeon anything about the lump at the back of his head?—I was not inside the hospital with him. I waited outside.

11628. You do not know what took place inside?—I do not know what took place inside at all.

11629. Had he got his hat on when he came out?—I did not take notice.

11630. Had he got it on when you felt the lump at the back of his head?—No.

11631. Whereabout were you when you felt the lump at the back of his head?—Opposite the police station in Old Street.

11632. Directly after he came out?—Not exactly directly. He stood across the road for a few minutes.

11633. Did he take his hat off?—He did not have his hat on as far as I can remember. I did not take that particular notice.

11634. When he came out your powers of observation are such that you could not tell us whether he had a hat on or not?—I did not take that interest.

11635. Although you stood talking to him?—Yes. If I recollect he had a cap.

11636. Did he have anything on his head or not—not whether he had a cap or a hat?—I do not think he had anything on his head at all.

11637. You cannot tell us definitely whether he had anything on his head or not?—No.

11638. Although your powers of observation are such that you did not notice that, you are coming to tell us

that he had not a scratch over his eye or a mark over his eye when he went in?—He had no mark over his eye.

11639. His hat is a much bigger thing than a mark over his eye?—Yes.

11640. You were much nearer to him after he came out than before he went in?—Yes, I was when he crossed the road.

11641. Had he got any black eye when he came out?—I did not notice any black eye when he came out.

11642. Which eye was cut?—It was the right eye.

11643. Are you sure?—No, not quite sure. I think it was the right eye.

11644. You do not seem to be very certain about that. Are you able to say whether it was the right or left eye?—I am not exact about it, but I think it was the right eye.

11645. You are not sure?—I am not going to be sure about anything that I am not sure of.

11646. You are not able to say whether it was the right eye or the left?—I think it was the right.

11647. According to your view he had not got a black eye at that time?—No, I did not notice a black eye.

11648. Was it bleeding when he came out of the station?—I did not notice the blood coming from his eye.

11649. Did you see any blood anywhere?—I saw the blood between his fingers and on his handkerchief.

11650. Was it dry then?—I cannot exactly say whether it was dry. I did not take that interest.

11651. Before he went in, just tell me where it was that you first saw him?—Where I first saw him was in Luke Street.

11652. Would that be some way from the station?—Close on 100 yards from the station.

11653. Were you coming up behind him or going to meet him, or where?—I was following him to the station, and I passed him.

11654. When you first saw him, was he between you and the station, or were you between him and the station?—As he was coming along I saw his face as I came to the top of the turning.

11655. He was in Luke Street and you were in Luke Street?—Yes.

11656. Which of the two was nearest the station when you first met him—you or he?—I was nearest the station.

11657. He would have to pass you to get to the station?—He would have to pass me to get to the station.

11658. Did he pass you on his way to the station?—He did not pass me, because I followed up.

11659. You were between him and the station?—Yes.

11660. Did you walk in front of him to the station?—I walked to the station a little way, and then I was in front of him.

11661. Was there a considerable crowd of people round?—Yes.

11662. Accompanying all round, in the way they do?—No, there was not. There was a crowd following when I saw him.

11663. Some alongside and some behind?—They were a little way behind, but not exactly all round him at all.

11664. And some at the side?—No, they were not round him at all.

11665. Some at the sides?—There might be one or two.

11666. You were either walking in front, with your back to him, or at the side?—I was walking in front, and I took special notice of him.

11667. You did not take special notice from the back of your head. You were looking in front of you?—I was looking at him while in front of him.

11668. But when you were in front of him——?—I was looking at him when I was in front of him.

11669. Were you walking backwards?—If I saw two constables taking a man along, would not I look at his face?

11670. I am asking you whether, when you were walking along in front of him, you could see what his face was like?—Yes.

11671. When you were walking in front of him?—Yes.

11672. Have you got eyes at the back of your head?—No, but anybody would notice anything like that—a policeman taking a man in charge; anybody would notice that.

11673. I am not saying you would not notice it. And then you would start to walk to the station?—Yes, the same as anybody might.

11674. And, so long as you were walking in front of him——?—I did not say I was walking all the way to the station in front of him.

11675. But while you were walking in front of him you would not see his face?—Why should I not see his face? Could not anybody look round?

11676. Do you understand my question—because if you understand it, and that is your answer to my question, I shall sit down. Do you suggest to these gentlemen that whilst you were walking in front of him you would at the same time see his face?—I was not walking exactly in front of him.

11677. But while you were walking in front of him, if you were walking in front of him at that time, would you see his face?—In the position I was in I would see his face. I was not exactly in front of him, but I was near enough to notice his face.

11678. (*Mr. Schultess Young.*) I suppose you see hats every day?—Yes.

11679. If you had seen a cut on this man's forehead it would be rather extraordinary—you do not see that every day?—I do not think so.

11680. You would have noticed it?—Certainly.

11681. About this walking in front of him, I suppose while you had absolutely your back to him you could not see him?—I did not have my back to him—not exactly.

11682. You did not have your eye on him all the time?—Very nearly.

11683. You occasionally looked at him and occasionally looked off?—Yes.

11684. Sometimes you saw him and sometimes you did not?—Yes.

11685. Are you quite sure when he went into the station he had no cuts on his forehead?—None whatever.

11686. When he came out you have described his condition, and you felt his head, I think?—Yes.

11687. He made a complaint to you that he had been knocked about?—Yes.

11688. And you took an interest in the matter from that moment?—Certainly.

AUGUSTUS OFFORD, sworn.

11689. (*Mr. Schultess Young.*) Are you an American desk maker, living at 17, Tuilerie Street, Hackney Road?—Yes.

11690. You did not give evidence before the Magistrate?—No.

11691. Do you know Andrews at all?—No.

11692. Can you remember this 29th July?—I do not know the date.

11693. Do you remember midnight one night about that time?—Yes.

11694. Did you see Andrews brought to the station?—I did.

11695. Will you tell the learned Commissioners what you saw on your way?

(*Chairman.*) Do not you think you might put the question to him as to the marks on the face? We have

A. Offord.

24 Oct. 1906.

had a lot of evidence as to the origin of the arrest, and there has not been much cross-examination as to that.

11696. (*Mr. Schultess Young.*) No. Did you see any mark on his face?—None at all.

11697. Would you have seen it if it had been there?—I certainly should.

11698. How far were you from him?—As far as I am from you now (*about two yards*).

11699. Was there a good light or not?—There was a good light outside the police station on the steps.

11700. Did you see anybody else on the steps of the station?—Yes, a policeman—Charley Wood.

11701. Is that Manning?—I have found out now it was.

11702. Is that the man who is deposed to as being in bed at the time?—That is the man.

11703. You did not give evidence before the Magistrate?—No; I was there to be called on, but I was not called on.

11704. (*Chairman.*) Where do you say you saw Manning?—On the steps of the police station.

11705. (*Mr. Schultess Young.*) What time was that?—Between 12 and one.

11706. How long after that, or was it before that, that Andrews was taken into the station? Was Manning there when Andrews was taken into the station?—Yes, he was.

11707. At the same time?—Yes.

11708. Do you know Manning by sight?—I have known him for about two years.

11709. Are you quite sure it was Manning?—Quite sure.

11710. Did you see Andrews when he came out?—No, I went home.

11711. You do not know him?—No, he is nothing to do with me.

11712. I do not know how you come to give evidence now. You did not give evidence before the Magistrate?—He lives past where I work. I work about 10 doors away from where he lives.

11713. (*Mr. Eldon Bankes.*) Is Manning here? (*Police-constable Manning stood forward.*) Is that the man you saw?—Yes—Charley Wood.

11714. That is the man you saw, on your oath?—Yes.

11715. Do you know the expression "Drysdale Street Boys"?—I do.

11716. Are you one of them?—No.

11717. Do any of your friends belong to them?—They do not belong to them. I go with a chap, a friend of mine, a working chap, who lives down there.

11718. Is he a Drysdale Street Boy?—He is not a Drysdale Street Boy. He lives in that street. He does not mix with any of them. I always stand and wait for him.

11719. The Drysdale Street Boys is the name for a lot of young roughs?—So they say. I do not think I should be a rough, because I have had a lot of trouble, and have been in St. Bartholomew's Hospital.

11720. This friend of yours lives in that street, and he is a person whom you associate with?—Yes, he is my friend, and he is here now.

11721. Did you happen to be at the station by accident, or how did you get there?—I always have my last drink in the King's Arms, at the corner of Shoreditch.

11722. I suppose that is a long time after the first one. There are a good many between the first and the last?—I do not drink much, because I have a great deal of pain. I have had appendicitis.

11723. But you always make a point of having the last one there?—Yes, and then I go straight down Hackney Road home.

11724. Why does that account for your being at the police station at this time?—There is a chap in our shop who knows him, and asked me to come up.

11725. Where did you go to? Did you go to the police station?—I was outside the police court, and when I got there it was all over, because I cannot leave at when I like, as I am on piece work.

11726. You are not talking of the same occasion that I am putting to you. I am talking about the occasion when Andrews was taken to the station. I asked you how you came to be there that night, and you were saying you were having your last drink in the King's Arms?—Yes, and it was turning-out time then.

11727. Is the King's Arms on your way home?—Yes.

11728. Where do you live?—In Hackney Road.

11729. Then you stayed there till you were turned out?—Yes.

11730. How far is the King's Arms from the police station?—About 30 yards, I should think.

11731. Why did you go to the police station when you were turned out of the King's Arms?—I saw a crowd coming along.

11732. You went and joined the crowd?—Yes.

11733. You were one of the crowd?—Yes.

11734. Were you outside the crowd?—I was on the outside of the pavement—quite near enough for me.

11735. You were always outside the crowd?—Not always outside the crowd, because I rushed up to see what was the matter.

11736. You saw that from outside the crowd?—No, not from the outside of the crowd. When I saw enough of what I wanted to see I stood in the background.

11737. You told me a moment ago you took care to keep outside the crowd?—When I saw what was the matter, certainly.

11738. At what point did you get near the man—opposite the King's Arms or not?—No, when I first saw him I rushed up outside the London Apprentice.

11739. You went to see what was going on?—Yes, I went to see who it was.

11740. Did you know the man?—No, I did not know the man.

11741. You rushed up to see whether it was one of your pals?—Not one of my pals. I have no pals. I have only one friend.

11742. You went to see whether it was a man or a woman?—I went to see who it was.

11743. Having seen who it was, you came back again?—Yes.

11744. That was all that concerned you to see, whether it was a man you knew or not?—That was all.

11745. You took no particular notice of him except to see whether it was a man you knew?—I saw a mark on his face over his right eye, and I thought he had been having a fight.

11746. You saw a mark over his eye?—Yes.

11747. Was that when he was going into the station?—No, before.

11748. Before he got to the station?—No, he never had any mark going in the station.

11749. You understood my question quite well. I was asking you about what you saw when you looked to see whether it was one of your friends, and you said he had a mark on his eye?—He never had a mark on his eye.

11750. Did you state that when you went up to see whether it was one of your friends or not he had a mark on his eye as if he had been having a fight?—No, not then.

11751. That is what you said?—That was the next morning when I saw him.

11752. Nobody had ever asked you about the next morning. Did you tell the solicitor of Andrews what you knew about this before the case came on at the police court?—Yes.

11753. And did you go to the police court?—I was too ill. It was all over when I got there.

11754. You said just now you went to the police court, but you were not called?—I was too ill to be called.

11755. Was the case all over?—The case was over then.

11756. Just think again. Is it not true what you said just now, that when you saw this man for the first time, when you went to see whether he was your friend or not, he had a mark on his eye as if he had been

having a fight?—No, he never had any mark on his face then.

11757. Do you say that that was the next day when you saw him?—Yes.

11758. When did you see him the next day?—I saw him in Shoreditch.

11759. Where?—Somewhere in Shoreditch. I could not say where it was.

11760. And then, of course, he had his face strapped up?—He had a piece of sticking plaster.

11761. Do you suggest that that was what you were referring to when you said to these gentlemen that he looked as if he had been having a fight and had a mark on his eye?—When I saw him the next morning I thought he had been having a fight because I heard that they did it in there—that they had set about him in there.

11762. In where?—In the police station.

11763. That is what some of your friends down in this street told you?—No, some of my friends did not tell me that.

A Offord.

24 Oct. 1906.

11764. Who told you that?—My young brother told me.

11765. Was that after this matter?—No, that was before.

11766. Had your young brother ever been in the police station?—Only for being drunk, that is all.

11767. Have you ever been there yourself?—I have never been in a police court or a police station in my life, and I have always assisted the police.

11768. How many times has your young brother been there?—Once.

11769. How old is he?—Eighteen. I have always assisted the police when I can. There is a policeman in court now who I assisted one evening.

11770. (*Mr. Schultess-Young.*) I do not know what this means about Drysdale Street. I suppose, like Greek Street, there are some respectable people living in it?—I suppose so—all hard-working men.

11771. Is this young man you associate with respectable as far as you know?—I think so; I am sure so. He is a hard-working chap the same as myself.

GEORGE REYNOLDS, sworn.

G. Reynolds.

11772. (*Mr. Schultess-Young.*) You live at 16, Sarah Street, Kingsland?—I do.

11773. You are described in the document before me as a machine minder?—I am a machinist.

11774. Do you remember this midnight of the 29th of July or thereabouts?—Yes, I remember a little of it.

11775. Tell the Commissioners what you do remember. Did you see Andrews brought to the station that day?—I did.

11776. Do you know Police-constable Manning?—I do not know him by that name.

11777. By what name do you know him?—Charley Wood.

11778. Is that his general nickname?—It is.

11779. Did you see Andrews close to on that occasion?—Yes.

11780. How far off?—About the same distance as I am from you now (*about two yards*).

11781. Where was he when you saw him?—Just as he was stepping on the kerb to go up the police station steps.

11782. Close to the police station?—Yes, very close to the electric lamp there.

11783. Had he any mark on him then?—None whatever to the best of my eyesight.

11784. Would you have seen it if he had a mark on his face?—I should think I should.

11785. Had he any blood about him?—None whatever. I could not see any.

11786. There was nothing about his face to attract your attention?—No.

11787. You say you knew the policeman by sight as Charley Wood?—Yes.

11788. Did you see him anywhere about?—He was standing on the bottom step as I came along.

11789. What time was that?—About midnight.

11790. You cannot be sure of the time, but about that time?—I had just come from Shoreditch. I had been to a playhouse, and I came down Old Street to my house.

11791. You have no interest in this case one way or the other?—No. I have left my work to come here. It has cost me two days up to now, and I do not know how I am going to be paid for it.

11792. Did you see Andrews the next day?—No, I have never seen him since till they came to me and gave me the paper.

11793. That was from the Secretary directing you to come here?—That is right.

11794. (*Mr. Eldon Bankes.*) Are you a friend of the last witness?—Yes.

11795. You do live in Drysdale Street?—I do not. I live in a turning out of Drysdale Street.

11796. Your young brother has been had up for drunkenness, has he not?—No. I have two younger brothers; one is a sailor and one is a very little chap.

(*Chairman.*) You are going rather far afield, are you not, in asking a question like that?

11797. (*Mr. Eldon Bankes.*) The reason was I thought Manning was connected with it. Have you an elder brother?—Yes; he works with me.

11798. Has that elder brother been arrested by this man Manning?—Yes, I believe so. I am not sure, but I believe so.

11799. You have no doubt about it have you?—I am not so sure, but I have an idea he has. I have never had any handling with him.

11800. Were you taking your last drink with the last witness that night?—Yes.

11801. How many drinks do you suppose you had had that evening?—I never count what I have. I am not a big drinker. I like a drink, but I always know when I have had enough, and know my way home.

11802. Had you had a dozen that evening?—I had not been with him this Saturday night I only picked him up when I came from the theatre.

11803. You wished to have your last drink at this same house?—Yes, we generally meet there if we do not go out together.

11804. Are there a number of you who meet there to have your last drink?—Only two of us.

11805. Do you think you had a dozen that night?—No, I had not. I do not know what he had.

11806. I am asking you to speak for yourself?—I cannot have a lot of drink when I am in a theatre.

11807. What time do you come out of the theatre?—All manner of times.

11808. They have three performances in the evening, do they not?—No, I went to a full house where they play a drama.

11809. There were no drinks there?—You can come out in the meantime between the acts.

11810. Whether it is six or ten or twelve, that is your idea?—I generally have a couple of drinks when I go to a playhouse, and I may have one before I go home.

11811. And you and he came out of the public-house together?—Yes, and we parted.

11812. At closing time?—Yes.

11813. And then you saw this crowd?—The crowd was behind, and I walked towards it. He ran away from me.

11814. Why?—Because we said good night. He must have seen the crowd coming, and I walked on towards where the crowd was. Andrews was putting his foot on the kerb as I got there.

11815. Putting his foot on the steps of the police station?—No, on the kerb against the gutter.

G. Reynolds.
24 Oct. 1906.

11816. Was he surrounded by a crowd?—I did not take any notice. I just cast a look at the chap and walked on.

11817. Had he got a hat on or not?—That I cannot say.

11818. You did not notice him sufficiently to see whether he had a hat on or not?—No, I noticed that they had hold of him like that, with his arms behind him.

11819. You cannot tell whether he had a hat on or not, and you just cast a look at him and went on?—Yes.

11820. I suppose the glance was to see whether you knew him?—Naturally enough.

11821. And seeing he was a man you did not know you paid no more attention?—Yes.

11822. I will ask you to be careful about Manning. Do you know Manning?—Yes, and he knows me. I live at the back of the police station at the present time, and we have lived there twenty-four years.

11823. Do you say that on that evening when Andrews was being taken up to the police station that Manning was standing there on the steps?—I should say it was him. I can believe my own eyesight, I think.

11823*. I want you to say positively yes or no on your oath. Will you say on your oath that Manning was standing on those steps when the man was being taken into the police station?—As I said just now I am almost sure that it was him. I looked that way. The door of the police station is that side and Andrews is coming on the kerb like this, and I looked down and walked on.

11824. Do you mean to say you did not pay sufficient attention to be able to say whether it was Manning or not?—I am not saying with regard to that. I thought it was him. I think it was him standing there on the bottom step.

11825. You are not prepared to say it was?—I should not swear on oath anything that I do not know anything about.

11826. But you have sworn on oath about something you do not know anything about, because you have said you saw Charley Wood there?—I should think it was him I say.

11827. That is all you can say?—That is all I can say.

11828. You are not prepared to say positively that it was?—Certainly not.

11829. (*Mr. Schultess-Young.*) Was Andrews resisting at all when you saw him?—No, he was just taking his step on to the kerb as I said. He did not seem to be giving the police any trouble.

11830. You cast a glance at him?—Yes.

(*Chairman.*) You are not suggesting that the cut came while Andrews was resisting the police.

(*Mr. Schultess-Young.*) No, but it is part of the evidence that the police have given or are about to give.

11831-2. You saw nothing about him to attract your attention when you cast your glance at him?—No, nothing whatever.

11833. I do not want you to say anything about Manning that you are not sure of. You know Manning well?—Yes.

11834. (*Chairman.*) How many years have you known Manning as a constable?—I cannot say. I have seen him several times because there is a special beat round where I work now.

11835. You have lived there twenty-four years, I understand, at the back of the police station?—Twenty-three or twenty-four years.

11836. Has Manning been long in the force there?—Not that I am aware of. I have seen him several times.

11837. That is what you mean by knowing him?—That is all.

11838. (*Mr. Schultess-Young.*) Have you ever spoken to him?—No, I have never had any conversation whatever with him.

11839. You have not shown any animosity or spite against him in any way as to your brother or anything else?—No.

11840. How was he dressed?—In ordinary civilian clothes.

11841. Not in a policeman's dress?—No.

11842. In plain clothes?—Yes.

11843. (*Mr. Rufus Isaacs.*) Had you ever seen him in plain clothes before?—No, not to speak of. Never to see him walk about the streets.

11844. You had never seen him out of his uniform before?—No, I have seen him in uniform.

11845. This was the first time you had seen him in plain clothes?—Yes, to my recollection.

11846. You think he was the same man you had seen in uniform, but are not sure?—Yes.

11847. (*Mr. Schultess-Young.*) What was the colour of his clothes?—I cannot tell you. I only looked and walked on.

11848. What kind of a hat had he on?—I could not say.

11849. (*Mr. Dickinson.*) When were you first asked whether you had seen Manning on those steps?—The first time I ever heard anything of this was last Friday week as I came home from the hospital. I was just going out for a stroll.

11850. I want to get it accurately. Last Friday week was the first time that anything was said to you about Manning being on those steps?—A man came and asked me for my statement, because he found out about my friend being there, and my friend told him I was there. I wanted nothing to do with it. I have my work to study.

11851. That was the time they came to you for your statement?—Yes, I gave it to them in brief.

11852. Before that occasion nobody had ever asked you whether you had seen Manning on the steps?—Manning does not know me.

11853. (*Chairman.*) You do not know that?—I daresay the man does know me by sight. He has seen me tons of times—they all have.

11854. (*Mr. Dickinson.*) On that evening you say you saw Manning?—I believe I did.

11855. You did not think about Manning on that evening as anything important?—No.

11856. When was the first time you thought of Manning being there in connection with this case as a matter of importance?—It was on that particular Friday night. I could not tell you the date.

11857. Somebody must have spoken to you about Manning being on those steps?—No one whatever. On this particular Friday they came down about a quarter to one, when I was just going out for a walk after I had come home from the hospital.

11858. That is recently?—That is the first time I heard of it.

11859. Have you ever given any evidence before?—No, I have never been in the witness box before. I have been in the dock, but that was only for gambling when I was a little chap.

11860. (*Mr. Rufus Isaacs.*) Were you asked whether you remembered seeing Manning standing on the door step on that night?—Yes, I was asked that, and I told them I was not quite sure.

11861. You told the person who asked you that you were not quite sure?—Yes, I am not quite sure. I say I thought it was him, and yet I thought it was not him. It is doubtful on both sides.

11862. An equal balance?—Yes.

11863. But helped a little by somebody asking you whether you remembered it?—Nobody has asked me.

FRANCIS BASSETT, sworn.

F. Bassett.
24 Oct. 1908.

11864. (*Mr. Schultess-Young.*) Are you an engineer's assistant, living at 44, Harvar Street?—Yes.

11865. You were charged with Obeney before Mr. Cluer?—Yes.

11866. You saw Andrews brought in there?—Yes.

11867. Had he any marks on his face then?—No, I did not notice any marks on his face.

11868. Did you hear anything said then?—No.

11869. By anybody in the police station?—The sergeant said, "Take him outside" or "down below," or words to that effect. I could not distinctly hear. The constable said, "I won't stand answerable for him, sergeant," and he was taken out of the door. I do not know whether it was downstairs or what it was.

11870. Did you hear anything after he was taken away?—Yes, shouts and holloaing like a man being knocked about, like "Oh" and words to that effect—holloaing and shouting.

11871. Not as if he was having a nice time of it?—No, he was holloaing as if the man was in pain.

11872. Where did those sounds seem to come from?—Out of this doorway he was taken through.

11873. Upstairs or downstairs?—I could not say whether upstairs or downstairs, but like a door on the ordinary level of where I was or else downstairs.

11874. You saw him at the police court the next morning?—Yes, in bandages, and his face was swollen, and he had a black eye.

11875. He had none of that when he came into the station?—He had none of that when I saw him in the station.

11876. (*Mr. Eldon Bankes.*) You have given evidence before, have you?—Yes.

11877. Once or twice?—Twice.

11878. When he came in you and your friend were in the dock?—Yes.

11879. You were both of you charged with being disorderly?—With disorderly conduct.

11880. And at the time this man was brought in the sergeant was in the act of taking the charge against you?—Yes.

11881. Was he asking your names and addresses?—Yes.

11882. And telling you what the charge was?—Yes.

11883. And you were occupied with the sergeant in taking the charge?—Yes.

11884. How far into the room did the man come?—I should think about the distance where you are now.

11885. And how long was it before the sergeant said anything?—He stopped immediately the man was brought into the station and referred to him, which made us look also and stopped us speaking.

11886. So the moment the man came in the sergeant said something the result of which was that they went out?—Yes.

11887. They were hardly in the room a moment?—They were hardly there a minute.

11888. It was done quite quickly?—Yes, the order was given and he was taken out.

11889. So he was not in the room long at that time?—He was in there long enough for me to see him, and I had a good look at him.

11890. I have a note here of what it is alleged you said when you were cross-examined: "It is not the first time I had been arrested. I noticed Andrews' face. I could not say he had not got a cut over his eye"?—I did not say that at all. I was being cross-examined and my words were taken up, and the solicitor who spoke to me said: "Supposing I suggest he had a cut over his right eye, would you contradict me if it was ever so small?" I said: I would not contradict you if it was ever so small." "Oh," he said, "you would not," and he sat down; and on the next hearing when I came up to the court he asked me that question, and he said: "Oh, but on the last hearing you said that Andrews had a cut on his eye." I said "I did not," and he kept on asking me, and of course I would not answer yes or no to the question. They put me down, and would not hear my evidence on the last hearing at the police court.

11891. On the second occasion when you came up you were asked about this, and did you not say this: "I did not hear Andrews' case before Mr. Cluer. Last time I did say 'I will not say he had not got a cut over his eye'"?—That is referring to what I said just now. The solicitor did not say "Did Andrews have a cut on his eye," but he said: "Supposing I suggest that Andrews did have a cut on his eye, what should you say if it were ever so small?" I said: "If it were ever so small I would not contradict you." That was my answer. My word is as good as those people's words are. I know what I said, and I remember what it was.

11892. (*Chairman.*) You deny that you used those words?—I do deny it. I do not deny I said that I would not contradict it. The suggestion was made to me that if there was a cut ever so small would you contradict me. I said "If it was ever so small I would not contradict you," because my meaning was if they had made a close examination of him they would contradict me.

11893. (*Mr. Eldon Bankes.*) You have been in trouble yourself, have you not?—Only on one occasion, and that was very small. I have always had a good reference.

11894. You were sent to prison?—Yes, but that is no reason why you should say "You have been in trouble before, and you have been in the police station." It is not a case at all for your people to bring into this case. I have come here to give evidence, and not for you to put it in the papers about me.

11895. Were you sent to prison for embezzlement?—Yes, which I suffered for; and I do not see why, unless I have committed another offence, it should be brought forward in public.

11896. You think you are entitled to give evidence against other persons, and to assume the position of being a respectable man, although you have been sent to prison for embezzlement?—Have I said I was respectable? I have not said I was respectable. I was subpœnaed to come here to give evidence. I said I did not want to come because I had a situation I wanted to study, and I have only just come out of trouble. I had a good reference until I got into that trouble.

11897. When the man came inside you say the sergeant said something. Did he say, "You must take him outside?"—The words were not very distinct.

11898. What do you say any of the constables said when that order was given?—The youngish constable—I could not recognise him—said, "I won't stand answerable for him, sergeant," and the man was taken out of the room.

11899. Can you recognise the man who said that?—No, I would not say I could.

11900. Was it one of the men who came in with Andrews?—I would not say. There are so many men in that station alike and of the same appearance.

11901. Was it one of the men who came in with Andrews?—I would not say. I was more occupied with Andrews than looking at him.

11902. Have you ever mentioned that before—about being answerable?—No, because I was interrupted on that point when the solicitor in the court stood up. I was stopped and another question was put to me. In the statement that I made to Mr. Young's clerk beforehand I did say it, but it was not put to me because my evidence was interrupted.

(*Mr. Schultess-Young.*) He means Mr. Nicholson, the solicitor.

11903. (*Mr. Eldon Bankes.*) When you went to the court, before you were asked to say what you knew about it before, you were not cross-examined?—No. Mr. Young had my statement, and I answered his questions.

11904. You told the Magistrate that you had heard the sergeant say something about taking him outside

F. Bassett.
24 Oct. 1906.

or taking him below?—Yes, taking him below. I was interrupted.

11905. At that time did you attach any importance to what the constable is supposed to have said about not being answerable?—No, because I did not get a chance to say it.

11906. Did you attach any importance to it?—No; I was making my statement at the time, and I thought I had finished.

11907. What did you think the man meant when he said it?—I did not know what he meant, when all of a sudden I heard shouts of "Oh, oh," and I turned round to my friend in the dock and said, "They are doing it in on that poor fellow—hark at him."

11908. What did you think he meant when the man said it?—You do not know what is meant in a police station like that or what the order is.

11909. You do not attach any particular meaning to it now?—I do now. I can see the meaning of what he was sent there for.

11910. What do you say it was?—My opinion is that the man was sent down for what they done.

11911. When did you first form that opinion?—I have had it in my mind.

11912. You had it in your mind before you went to give evidence before the Magistrate?—I told people directly I was bailed out that they had done it on a fellow in the police station.

11913. You have always had it in your mind what the man said when he said "I won't be answerable"?—When I heard shouts and halloaing I took it they were paying the fellow, because I told my friend.

11914. You have never mentioned this in public before, although you had been twice examined before the Magistrate?—I did not get a chance to speak on the last occasion. I don't reckon I gave evidence on the last occasion. I did not get the chance to.

11915. You and Obeney were the two men who were in the dock together?—Yes.

11916. And both of you have made that statement to-day, but have never said it before to-day?—It seemed that we got interrupted on that point by the solicitor for the police.

11917. I am not talking about the solicitor for the police?—You want to know why and how.

11918. Will you give me your attention for a moment?—I want to speak on my own behalf as well as for yours.

11919. We cannot both speak at once?—Give me a chance.

11920. Do you want to answer my question before I put it?—I want to speak.

11921. (*Chairman.*) Do you reflect that you have come here to give evidence for the benefit of the Commission?—Yes.

11922. Why are you rude to the learned counsel?—He asks me questions, and I don't get a chance of answering them before he asks me another one.

(*Chairman.*) No, you are wrong. You have had every opportunity. Now attend to the question.

11923. (*Mr. Eldon Bankes.*) You went to the police court to give evidence for Andrews?—Yes.

11924. And you gave evidence for Andrews before you were cross-examined at all?—When I stepped into the dock I was cross-examined on my statement which Mr. Young had before him.

11925. You were asked what you knew about the matter, and you were asked to tell the Magistrate what you knew in Andrews' favour to begin with?—I was cross-examined on my statement.

11926. Was this gentleman, Mr. Young, there?—Yes, he was the gentleman who examined me on my statement.

11927. He asked you questions?—On what I had said to him.

11928. Do you say they stopped you telling the Magistrate about what the constable said?—They both got up and started speaking, and there was an interruption, and Mr. Young said something, and they got on to a point, and I stood there, and it was nothing to do with me, and then when they came to terms again I was asked on another question.

11929. Did that happen on both occasions?—What you refer to on the first occasion about the cut over the eye was put down on the other occasion.

11930. On the second occasion you had an opportunity of saying this about the constable if you wanted to?—No, I did not, because they were getting at me that I had said the man had a cut over his eye, and I would not have it, and I got very excited, and they said my evidence would not be sufficient, so I had to stand down.

(*Chairman.*) We have got the depositions.

(*Mr. Schultess-Young.*) There is no jury here, and if I am wrong you must correct me, but here is the original statement made by this man at the time the charge was brought against Dawson and Peck. I hold it in my hand, if you would like to see it.

(*Chairman.*) Is it in his handwriting?

(*Mr. Schultess-Young.*) It is a statement taken down by him and put in my hands many weeks ago by this witness.

(*Mr. Eldon Bankes.*) Is it in his handwriting?

(*Mr. Schultess-Young.*) No, it is a typewritten statement.

11931. (*Chairman.*) Did you make the written statement?—No, I went to a gentleman who wrote it. One of the solicitor's clerks asked me for the statement, and I made one to him, which I handed to Mr. Young.

11932. And he took the statement away?—He took the statement away.

(*Mr. Eldon Bankes.*) He did not typewrite it before you. Who was it who put it down with pen and ink?

(*Mr. Schultess-Young.*) It was given to me at the time, and here it is in my brief if you would like to see it.

(*Chairman.*) I do not think we ought to take that, and I do not see that it is very important.

(*Mr. Schultess-Young.*) Everybody is endeavouring to get at the truth, and if you wish me to say that this man said anything about it I can say it.

(*Chairman.*) If you like to give evidence that you omitted to ask the questions at the police court, that is another matter.

(*Mr. Schultess-Young.*) I think the statement he has made is fairly correct. There was some misapprehension about the effect of this cut over the eye matter, and both parties did not like it at all. They thought he was prevaricating, whereas, as a matter of fact, it was clearly a misunderstanding as to the way in which he answered the question, "If the cut had been very, very small, would you have said it was not there?"

(*Chairman.*) That has nothing to do with the point on which Mr. Eldon Bankes is cross-examining. We have a copy of the depositions, and it appears that something he has said now was not mentioned at the police court. That is the whole point.

(*Mr. Schultess-Young.*) Very likely that may be so.

(*Chairman.*) He has said on oath now that he heard those words, and he does not appear to have been asked as to that at the police court.

(*Mr. Schultess-Young.*) This is the only point I was considering. Mr. Eldon Bankes says, "Have you ever made to any person the statement you have made now about being responsible?" That question I can answer.

(*Chairman.*) Mr. Eldon Bankes asked the question, and took his risk, and I think the witness said "No."

(*Mr. Schultess-Young.*) I believe he did not say so in the police court.

(*Chairman.*) We cannot go further than that, because if we did the inquiry would never end.

11933. (*Mr. Schultess-Young.*) That is quite true. I quite see your difficulty, sir. (*To the Witness.*) You said you were convicted for embezzlement?—Yes, nearly two years ago now.

11934. What punishment did you have?—Six weeks' hard labour.

11935. Have you been in a good situation since?—I have been in a good situation since.

11936. Have you satisfied your employer?—I have not got any employer now.

11937. How long have you been out of employment?—About seven weeks.

11938. What did you leave for?—I think it was partly getting locked up for disorderly conduct and losing the time.

11939. This time when you were accused?—Yes.

11940. He thought you must be above suspicion because of your previous history?—Yes.

11941. Before that unfortunate case you have referred to you had never been convicted before?—Yes, I was convicted once before for desertion from the Army. I was in the Army at 16½, and I came up and passed, and deserted.

F. Bassett.
24 Oct. 1906.

(*Chairman.*) We were rather surprised that Mr. Eldon Bankes thought it was worth while asking this witness the question on that subject, but now you have got out two other cases.

(*Mr. Schultess-Young.*) They are not two other cases. One is the case against him when he was discharged, which tells strongly against the police. I now propose to call Miss Barrett.

(*Chairman.*) What is she called to prove?

(*Mr. Schultess-Young.*) She will prove very strongly the condition of Andrews when he went into the station.

Miss Mary Barrett, sworn.

Miss Mary Barrett.

11942. (*Mr. Schultess-Young.*) What are you?—A shop assistant to my sister.

11943. Do you live at 44, Harwar Street, Hackney Road?—Yes.

11944. Do you remember this midnight of the 29th July?—Yes.

11945. Please tell the Commissioners what you know about it. Were you in somebody's company?—I was in my sister's company at Old Street Police Station, to bail out Francis Bassett, the last witness. I saw Andrews, who I did not know, brought along. I noticed he had a cut over his eye, and also a blood-stained handkerchief, which he held up to me, and he said, "This is what they do in here."

11946. Who did he say that to?—He said that to me.

11947. Did Andrews say anything to you in the station?—No, that is what he said to me as I was standing at the charge-room door. He held up the handkerchief like this (*describing*), and said, "This is how they serve you in here." Then I saw him show it to a sergeant, and the sergeant said, "Do not blame me for it. I was not here when you were charged."

11948. Did you see a sergeant there?—Yes.

11949. Did you know him?—Yes.

11950. Is that Sergeant Hollands?—I do not know what his name is.

11951. Do you know him by sight?—Yes.

11952. Did Andrews say anything to him?—Yes, he made a reply, and he said to Andrews, "I know nothing of it; I was not here when you were charged."

11953. Who said that?—The sergeant.

11954. In response to what Andrews said to him?—Yes.

11955. You have told us what Andrews said to him?—Yes.

11956. (*Mr. Rufus Isaacs.*) No, you have not?—I do not know what he said to the sergeant. I do not think he said anything much to the sergeant—it was only what he said to me.

11957. (*Chairman.*) The sergeant heard it, did he?—Yes.

11958. Was he close by?—The sergeant was in charge of the station, and I heard him say to Andrews, "I know nothing about it," and another sergeant came out and said to Andrews, "You had that before you came here from those who you were fighting with outside." I took no notice at all; I never spoke at all. It did not concern me at all.

11959. (*Chairman.*) Who said "You had it before you came here"?—Another sergeant.

11960. (*Mr. Eldon Bankes.*) Can you recognise either of the sergeants?—Yes, there is one (*pointing*).

11961. Who is that one?—That is the one who said he knew nothing about it, and that he was not there.

(*Chairman.*) What is his name?

11962. (*Mr. Eldon Bankes.*) Sergeant Roberts. Will Sergeant Hollands stand up?—That is the one that said Andrews had it before he came in.

11963. You say you were in the police station, and at that time Andrews had got the cut on his eye?—Yes, he had got the cut on his eye, but how he came by it I cannot say. I know nothing about that. I was in my own home when it must have been done.

11964. Did you see him when he was brought in?—No.

11965. How long after he had been brought in did you see him?—It was near 3 o'clock in the morning when I went. It was half-past 2 when the constable came to our door.

11966. It was 3 in the morning?—It was quite 3 o'clock.

Mrs. Margaret Elizabeth Bassett, sworn.

Mrs. M. E. Bassett.

11967. (*Mr. Schultess-Young.*) I think you are a widow living with your son at 44, Harwar Street?—Yes.

11968. At midnight on the 29th July you went to bail your son out?—At 3 o'clock in the morning.

11969. Did you see Andrews there?—Yes.

11970. What was he doing?—I heard him complain to a constable, a sergeant, and he said, "You brute, you had this done to me."

11971. What did the sergeant say?—He came out of the room, and one sergeant said "No, I don't know nothing about it," and another sergeant came out and said, "No, you had that before you came here."

11972. What was the condition of Andrews then?—He had a swollen face; it was very much swollen.

11973. Did you notice his forehead?—No, I did not notice it. My sister called my attention to it, and she said "That man has had a good knocking about."

11974. When your sister called your attention to his forehead what was the condition of his forehead?—I cannot see very far, and I said "You know I cannot see very far," but she said "You ought to see that."

11975. (*Mr. Eldon Bankes.*) Were you there with the last witness?—Yes.

11976. You would not be able to recognise the sergeant?—No. I know them when I see them there, but I should not recognise the gentlemen from this distance.

11977. Do you say it was as late as 3 o'clock?—Yes, it had just struck 3 as Andrews was being released on bail.

11978. The sergeant your sister has spoken about, Sergeant Hollands, you would not be able to recognise? I saw him yesterday. I can recognise them when I am close to them.

11979. He was not in the station at 3 o'clock I am told?—There were two sergeants in there. It was 3 o'clock.

(*Mr. Eldon Bankes.*) I only wish to say, sir, that it is challenged that this sergeant was in the place at 3 o'clock. I do not know what the materiality of it is, but I do not want it to be understood that I admit that.

11980. (*Mr. Schultess-Young.*) Were you close to him when you saw him in the station, and could you recognise him clearly in the station?—Yes.

11981. Could you, if you went close to that sergeant or he came to you, recognise him now?—Yes. (*Sergeant Hollands stood forward close to the witness.*)

Mrs. M. E Bassett.

24 Oct. 1903

Yes, that is the gentleman who I saw who came out of the room.

(*Mr. Schultess Young.*) That is Sergeant Hollands.

11982. (*Mr Eldon Bankes.*) Yes. You say it was at 3 o'clock in the morning?—Yes.

11983. Did you see that sergeant yesterday?—Yes.

11984. Did somebody point him out to you?—No.

11985. Did you talk to anybody about him?—No. I ought to know some of the constables. I have been in my shop fourteen years, and I know them passing and repassing. I know a great many of them, and they know me, and they know that I am a respectable person, and my husband also.

11986. I am not saying a word about that?—My son's character has been very much taken away through these policemen.

11987. Was the sergeant in uniform yesterday when you saw him?—No, he was in private clothes.

11988. Did you speak to your sister about him?—He spoke to me yesterday, I believe, over there in the court.

11989. Did you ask her or she ask you whether that was the man?—No, I did not. My sister was not with me yesterday.

11990. I understood you to say that yesterday you did speak to her or she spoke to you?—My sister called my attention to Andrews' face, I said.

11991. I am asking you as to what happened in this building yesterday. Did you see that sergeant here yesterday?—Yes.

11992. Had you anybody with you when you saw him?—No.

11993. Was your sister here?—No.

11994. Did you speak to anybody yesterday about that man?—No, nothing about him, only he was over that side I believe in private clothes, and a gentleman here said, "There is room at the back," and he pushed me back there, and my son said, "Come this way, mother."

11995. You were not speaking about the sergeant?—No, I never spoke on the subject to anyone, and I have never all the time.

11996. Have you spoken to your sister about this man since yesterday?—I may have done since yesterday. We spoke about it directly we went out of the station that night when I bailed my son out.

11997. Did you speak yesterday to your sister, or this morning, about this Sergeant Hollands?—No.

11998. Did you tell her you had seen him in court?—I told her yesterday I saw him.

11999. When you got home you did tell her that you had seen Sergeant Hollands?—I told her the sergeant who came out of the room. When my son saw that the sergeant was going to push me right back in that archway he said I had better come out, and I said yes, it was the sergeant who came out of the room.

12000. You told your sister that?—Yes.

12001. Did you tell her what his name was?—I did not know his name.

12002. You described him?—Yes. We do not know many of the names, but we can describe who they are.

12003. Did you see him again this morning?—No, I never saw any of them this morning.

12004. You came with your sister this morning?—Yes.

JOSEPH ALBERT SMITH sworn.

J. A. Smith

12005. (*Mr. Schultess-Young.*) Are you a French polisher living at 37, Granville Buildings?—Yes.

12006. You heard about midnight on July 29th that Andrews was in custody?—Yes.

12007. I think you went to Old Street and asked what bail was required?—Yes.

12008. They told you £5?—First £3 and then £5.

12009. Then you got bail?—Yes, I went and fetched it.

12010. What time?—Twenty to three.

12011. Did you see Andrews brought up from the cells?—Yes.

12012. What was his condition, what was he doing?—He came up with a blood-stained handkerchief to his eye or his forehead, and there was blood all over his hands. Then he took it down and shook it out, and it was all covered with blood, and we could see a cut just over the eye.

12013. Did he say anything to the sergeant?—There was a stout gentleman, a sergeant, at the desk who was taking the bail, and Andrews said, "This is what they have done to me downstairs." He said, "Don't blame me for it, I know nothing about it."

12014. That was Sergeant Roberts—this one? (*Pointing to a sergeant.*)—Yes.

12015. He was not there when Andrews was charged?—No.

12016. Did you see anybody else?—Another sergeant came out of the room.

12017. Will Sergeant Hollands step forward?—That is him.

12018. What did he say?—Andrews said: "You cur, this is what you sent me downstairs for." He turned round and said, "Bosh, you got that before you came in."

12019. Then you went to the hospital?—I took him home and made a cup of tea, and went straight to the hospital. He came out of the hospital at half-past four.

12020. (*Mr. Eldon Bankes.*) I should like to inquire about this. What time do you say it was when you saw these two sergeants?—It was just about three o'clock, when we came out of the station.

12021. This is Sergeant Roberts. Do you say you ever said a word to him about Andrews?—I never said a word to him.

12022. Did Andrews say anything to him in your presence about his (Andrews') condition?—Yes, I saw him come out of the door and stand there.

12023. Do you say that Andrews said to Roberts, "This is how I am treated in the place," or words to the effect?—Yes, I heard every word they said.

12024. You did not say anything about that to the Magistrate, did you?—I could not tell you. I believe I did.

12025. "Joseph Albert Smith"—that is you—"I live at 37, Granville Buildings"?—Yes, that is me.

12027. You never said a word about that before the Magistrate?—I could not tell you what I said there. I answered such questions as were asked me.

12028. You have said he had blood on his hands and also on his handkerchief, and he said something to the sergeant. "I spoke to Andrews and left with him. We went home and afterwards to St. Bartholomew's Hospital"?—Yes.

12029. You realise it was an important statement made by Andrews, whether it was right or wrong, when he came up from down below, that this is what happened to him down below?—He said that directly he entered the room.

12030. Why did you not tell the Magistrate that?—I believe I did. I was asked questions, and it was not for me to tell the Magistrate. When I did go on to speak about what Andrews was saying to the sergeant I was stopped by the other solicitor.

(*Mr. Schultess-Young.*) Yes, I remember quite well that was so, Manning not being there.

(*Witness.*) They would not allow it.

(*Mr. Schultess-Young.*) The accused party being absent, it could not be given in evidence before the Magistrate.

(*Chairman.*) Why not? Not what Andrews had said to the sergeant in the police station?

(*Mr. Schultess-Young.*) So Mr. Biron held. Mr. Biron distinctly held, and I think with some amount of correctness and rightly, that because Manning was not present, therefore what was said in Manning's absence, he being the accused party, could not be given in evidence against him. It is common knowledge as the *res gesta*, and my argument was it was part of the proceedings, but I was overruled.

(*Witness.*) Mr. Young asked me if I saw Manning in the station at the time.

(*Chairman.*) There may be a point about that. That is a sufficient reason for this witness not giving the evidence. *J. A. Smith.* 24 Oct. 1906.

(*Mr. Schultess-Young.*) Yes, the words are in the depositions, he said something.

(*Mr. Rufus Isaacs.*) He said something, and apparently he was not asked what, for the reason you have given.

THOMAS KEOUGH called.

(*Mr. Schultess-Young.*) I understand this man has been subpœnaed, but he is not here. He gives the same evidence.

(*Chairman.*) He will have another opportunity of giving it if you can get him here by to-morrow morning. Have you any other witnesses?

(*Mr. Schultess-Young.*) There is the witness Keough, who is not here, and two other witnesses, Gibbs and Sparks.

(*Chairman.*) You had better give the Secretary the list of those who are not here and who have been summoned already, but we cannot prolong the thing indefinitely. This is a sort of case in which you might get fresh witnesses every day who will come and say they saw something of this thing. One hundred people may have witnessed it.

(*Mr. Schultess-Young.*) The crowd is said to have been a large one.

(*Chairman.*) We must conduct the Inquiry in a reasonable way. If you give the Secretary a list of the witnesses who have been summoned by your client and who have not come, we will call them.

(*Mr. Eldon Bankes.*) I have no objection to their depositions or the note of their evidence being read. Surely at this stage of the Inquiry it is not necessary to call the particular witness.

(*Mr. Schultess-Young.*) The depositions are not very full.

(*Chairman.*) You have asked us for summonses for the witnesses, and we have given you summonses, and they have not come, and you ought to have an opportunity of calling them.

(*Mr. Schultess-Young.*) I will confine it to Thomas Keough.

(*Chairman.*) Then we will call him to-morrow, otherwise we shall not take any further evidence on your side.

TWELFTH DAY.

Thursday, 25th October 1906.

PRESENT:

Sir DAVID BRYNMOR JONES, K.C., M.P. (*Chairman*).
RUFUS DANIEL ISAACS, Esq., K.C., M.P. (Barrister-at-Law).
WILLOUGHBY HYETT DICKINSON, Esq., M.P. (Barrister-at-Law).
CHARLES ALGERNON WHITMORE, Esq. (Barrister-at-Law).
J. W. ST. LAWRANCE LESLIE (Barrister-at-Law), *Secretary*.

(*Chairman.*) Is Mr. Keough here?

(*Mr. Schultess-Young.*) I am not sure.

(*Chairman.*) Let him be called.

THOMAS KEOUGH was called inside and outside the Court.

(*Officer.*) There is no answer, sir.

(*Mr. Schultess-Young.*) I misapprehended you yesterday. I thought the Secretary would be sending another letter to him to see that the subpœna of the Commission was attended to. I know nothing of his absence to-day and yesterday, and it came upon me by surprise. You remember you asked me for the names of the persons I wanted to call, and I gave you that name only, and thought I would not trouble about the rest.

(*Chairman.*) Yes, I think you are quite right in that. He has been summoned and is not in attendance, and if we think his attendance is necessary we will take steps to have him here.

(*Mr. Eldon Bankes.*) Rather than that there should be any idea that every witness who can throw any light on this case has not been called, I am quite ready this witness's statement should be read. Our desire is that every possible investigation should be made into this matter. 25 Oct. 1906

(*Mr. Schultess-Young.*) Keough was one of the bail of Andrews, and I think he substantiates the statements of the other witnesses.

(*Chairman.*) Let Mr. Keough's statement be read.

(*Secretary.*) "Thomas Keough, machine-minder, 13, Ware Street. At 2.30 a.m., 29th July, went to Old Street to bail Andrews. Saw him brought up holding a blood-stained handkerchief to his forehead. He said to a sergeant, 'This is your ordering, you coward.' Sergeant replied, 'Nonsense, you got that before you came in here.' We came out, and left them, and went home."

(*Chairman.*) Do you call any witnesses, Mr. Bankes?

(*Mr. Eldon Bankes.*) Yes, sir. I have had a plan of the police station prepared, and I can call somebody to prove it. (*Handing plan to the Commission.*) On your left-hand side there is the ground floor, and on the

25 Oct. 1906.

other is the floor below. You see the entrance into the station from the street, which is just at the Chairman's right hand. Then you come up the passage and the charge room is the room nearest to me, and you see the dock marked. You see there is a door which is on this side of the room nearest to me which leads out. Then you see a place where we say the complainant was detained, which is marked "Outside landing," and the steps are from there down which he alleges he was taken which would lead him into the basement below, which is shown on the other plan.

(*Chairman.*) Do the steps lead into the parade room or into what is called the basement yard?

(*Mr. Eldon Bankes.*) Perhaps my witnesses had better tell you that.

(*Mr. Rufus Isaacs.*) According to the plan it is the basement yard.

(*Mr. Eldon Bankes.*) I think so, but my witnesses who are familiar with the place will tell you that.

Police-constable FRANK DAWSON 371 G, sworn.

P.C. F. Dawson.

12031. (*Mr. Eldon Bankes.*) Are you Police-constable 371 of the G Division?—Yes.

12032. How long have you been in the force?—Sixteen years come the 3rd of next month.

12033. On the 28th July last, that was a Saturday night, were you on duty in Luke Street?—Yes.

12034. Just describe shortly what it was that you saw with reference to Andrews?—About 12.15 on the 29th July I was on duty in Luke Street. I saw a large crowd just past the corner of Phipp Street. On going up I saw the complainant fighting with a man and a woman. I went through the crowd and separated them, and requested the complainant to go away. He immediately rushed at the woman, and, calling her an offensive name, struck her in the mouth with his fist. She retaliated by striking him on the right side of his face with a quart beer can which she had in her left hand. I then caught hold of him, when he struck me in the mouth. I then took him into custody, when I was immediately surrounded by a very hostile crowd, chiefly composed of his friends, who incited him to resist. With great difficulty I proceeded a few yards with him, when Police-constable 337 Stevenson came to my assistance and advised him to go quietly. He said "I will not go until I get my cap." Someone went to find his cap, but not returning, we proceeded on the way with him. He resisted very violently, and one of the witnesses, Bletcher, got in front of us, and said, "Don't you go, Skin—have a go." I told him that if he continued to interfere with us he would be taken into custody also.

12035. (*Chairman.*) What is the name Bletcher used?—"Skin," that is a nick-name under which the complainant goes. On arriving at the corner of Luke Street and Curtain Road a constable who had been informed of what had taken place on the point came to our assistance—P.C. 245—and on the complainant saying he would go to the station quietly took hold of his right arm, and P.C. Stevenson returned to his special post.

12036. (*Mr. Rufus Isaacs.*) P.C. 245 is Peck?—Yes. We then proceeded through Curtain Road and he went very quietly for about 100 yards, and then he commenced to resist again by crossing his legs in front of us and trying to trip us, and twice in Curtain Road he fell on his knees in consequence of his trying to trip us. When nearly at the top of Curtain Road he said "I will not go any further until I wipe my face," and P.C. 245 released his right arm sufficiently to allow him to take his handkerchief out of his pocket, and he wiped the right side of his face. On taking him into the station other charges were being taken, and a number of persons being in the charge room, the officer taking the charges directed that he should be taken on to the landing.

12037. (*Mr. Eldon Bankes.*) Who was the officer?—Station Sergeant Hollands. He was taken out by me and P.C. 245, and we remained for about 10 minutes, when we were directed by the station sergeant to bring him in, which we did, and he was placed in the dock and the charge preferred against him. In answer to the charge he said, "I am sorry," and asked if he could have bail. He was told by the station sergeant that would be a matter that would be considered afterwards.

12038. And then was he taken to the cells?—Yes, he was taken to the cells.

12039. Who took him, do you know?—I believe, as far as my recollection goes, the gaoler.

12040. Did you have anything more to do with him after that?—No, nothing whatever.

12041. Now to go back a little. You tell us he was fighting with a man and a woman. Is that the man and woman we saw here yesterday?—Not the man—the woman.

12042. Who was the man he was fighting with?—I could not say, but from the evidence I have heard I should imagine it was the woman's husband.

12043. It was my mistake; I thought the husband was called here yesterday. Is that the woman who had the can in her hand?—Yes.

12044. Did she or did she not hit him with the can?—Oh, yes, certainly she hit him on the right side of the face with the beer can—a swinging blow.

12045. When you were taking him to the station had he got any mark over his eye?—Yes, I noticed he had got a slight cut over his eye when I caught hold of him outside the shop. He rushed this woman on to the footway, and by the lights of the little chandler's shop at the corner I could easily see how his face was.

12046. When you got to the station you told us that the sergeant told you to take him into the corridor?—On to the landing.

12047. Is that the landing that leads out of the charge room? Do you understand a plan?—I think I should be able to (*plan handed to witness*). *This* would be the door, and we went out of *that* door to *that* landing.

(*Mr. Rufus Isaacs.*) What is described as the outside landing on the plan?

12048. (*Mr. Eldon Bankes.*) While you were on that outside landing with him who was with you?—P.C. 245, Peck.

12049. Anybody else?—No one else whatever during the whole of the time.

12050. Did you take him downstairs from that landing, or did you remain on the landing the whole time?—We remained on the landing the whole time.

12051. Was Manning there?—No.

12052. Were you two constables alone there with him?—The whole of the time.

12053. Is there any foundation for the suggestion that 10 or a dozen constables got round him and mauled him?—None whatever.

12054. It is said now—we heard yesterday for the first time—that when the sergeant told you to take him outside somebody said "I won't be answerable"?—I never heard any such remark made.

12055. When he was charged he said himself he made no complaint?—He made no complaint with the exception of saying he was sorry.

12056. He made no complaint of any violence?—No, none whatever.

12057. He suggested he was in a dazed condition. What do you say about that?—He was far from being in a dazed condition, I should say myself. He was perfectly *compos mentis*.

(*Mr. Rufus Isaacs.*) You asked a question just now, Mr. Bankes, which is a little ambiguous. You said "Was Manning there?" At that time you were dealing with the outside landing, and, I suppose, the question was meant whether he was on the outside landing.

(*Mr. Eldon Bankes.*) Yes; I understood the complainant said that Manning was one of the 10 or 12 who pushed him out of the charge room, and pushed him downstairs, and hit him.

12058. (*Mr. Rufus Isaacs.*) Yes, but one thing I should like to know is whether Manning was on the

doorstep of the station when Andrews was brought to the station. Can you tell us?—No, nobody was on the steps at all.

12059. (*Chairman.*) In plain clothes?—No one at all.

12060. It was stated yesterday Manning in plain clothes was standing on the doorstep when you arrived with the prisoner?—No, it is not so—neither Manning nor anybody else was on the doorstep when we went in.

12061. (*Mr. Schultess-Young.*) Did you give all this evidence before the Magistrate?—Yes, I believe so.

12062. I do not think I can complain that it is not on the notes of evidence, for I remember some of it was certainly given before the Magistrate, but nothing about the hostile tribe and his friends and the incitement to resistance.

(*Mr. Rufus Isaacs.*) Oh, yes, there is; you will find it on the second day at page 20: "I went a little way with him, and was surrounded by a hostile crowd, chiefly of his friends. They then said, 'Go on, Skin—have a cut.'"

12063. (*Mr. Schultess-Young.*) Yes, that is so. (*To the witness.*) Let me test your accuracy a little in this matter. Were you the first person to arrest Andrews?—Yes.

12064. And you saw what took place, you say, between the woman and the man and him?—I saw part of it.

12065. Were you the constable who went and interviewed Mrs. Webster?—No.

12066. It was not you?—No.

12067. You did not go to Mr. Webster's house and see Mrs. Webster?—I went to nobody with reference to this case.

12068. You say you noticed everything that took place?—From the time I arrived there.

12069. Was there much fuss when you arrived there?—Yes.

12070. And yet you could notice it was a quart beer can?—Yes, certainly.

12071. You particularly noticed that?—Yes.

12072. You noticed he was cut by the beer can?—No.

12073. You could not swear that?—No.

12074. When did you first notice the mark on the forehead?—When he was outside the shop after he had struck the woman and the woman struck him.

12075. Was he bleeding?—Yes.

12076. Did you see any woman offering him a handkerchief?—No.

12077. That you did not see?—No.

12078. But he did want to wipe his face?—Yes, in Curtain Road.

12079. Not till he got to Curtain Road?—No.

12080. How far off is that?—From where it occurred I should say it would be from 400 to 500 yards.

12081. Then it did not occur to this man to wipe his face till he got 400 or 500 yards?—That is the only time he asked.

12082. What did he want to wipe his face for?—I take it he wanted to wipe his forehead where the cut was.

12083. That is what you took?—Yes.

12084. Did you say anything about that at the station?—Yes, in answer to the question asked me.

12085. What sort of a cut was it?—A slight cut over the right eye.

12086. A thing for stitching or a thing for sticking plaster?—I should imagine that a piece of sticking plaster would meet the case. It was not a very deep cut.

12087. Not a thing to send for a doctor for?—No, I should not myself.

12088. Just a little cut?—Yes.

12089. How long?—I should say it would be about an inch or three-quarters of an inch long, or an inch. I would not be certain.

12090. Not longer than that?—There was a certain amount of blood round it, and it would be a difficult matter without examining it thoroughly to ascertain the exact length or anything connected with it.

12091. You think it was about an inch long, and not more than that?—I should not say it was more than that myself.

12092. You say the hostile crowd was composed of his friends?—Yes.

12093. It is rather odd we have not had any of his friends here?—Yes, I noticed that myself, and I think I drew your attention to it at the police court.

12094. I think I drew yours, if I recollect right?—I drew yours, I think.

12095. You have not arrived at the conclusion that the persons summoned here are the friends among this hostile crowd, but we have picked out the respectable ones?—They have all said they are entire strangers to him, but I have frequently seen them in company with him since.

12096. But not before?—I had not been in the division very long before.

12097. You have made some inquiries about witnesses, have you not?—None whatever.

12098. You have heard of inquiries being made?—No.

12099. No inquiries being made about these witnesses?—Not that I am aware of.

12100. You say that Bletcher was evidently a friend of his?—I should imagine he was by the remark he made to him by calling him his nickname.

12101. You know now he has sworn he never saw him or heard of him before?—Yes.

12102. And there is no evidence to contradict it?—Only the fact of his calling him by his nickname.

12103. You say that?—Yes.

12104. You have no evidence to show that Bletcher was known to him or Andrews to Bletcher before this occurrence?—None whatever.

12105. You did not charge Bletcher with inciting to resist the police?—No.

12106. And you went before Mr. Cluer on the Monday morning?—Yes.

12107. Did you say all this to Mr. Cluer?—I stated the case as it was from beginning to end.

12108. Just as you have told us to-day?—Yes, with very few exceptions, I think.

12109. Mr. Cluer said the assault on you, at any rate, was a very trifling one?—Yes, and I admitted it was so.

12110. Yet it was a swinging blow that he gave?—No.

12111. What was it?—He shot out with his right hand—a straight blow.

12112. A severe blow?—I explained to Mr. Cluer that it would have been a severe blow had I not ducked my head and only partly received the force of it.

12113. That I do not understand. I can understand a bullet jutting off an inclined surface, but I cannot understand a blow being any the less because you only received it on one side of your face instead of in the front?—Oh, yes, if you did not receive a blow with the full force on the face, and you got it on the side of your face, a sliding blow, you would not receive the full force of it.

12114. You say he tried to hit you a severe blow?—Yes.

12115. But you turned your face so that it struck the side of your face?—Yes.

12116. Would that make it any the less blow than if it had struck you in the front?—Yes, because I should have received it full in the mouth.

12117. Instead of which you received it at the side?—Yes.

12118. That makes it a less blow, you think?—Yes, certainly.

12119. Andrews complained at the time of being assaulted, did he not?—No.

12120. Not to Mr. Cluer?—Oh, yes, he complained of being assaulted, certainly.

12121. To Mr. Cluer?—Yes.

12122. He said he was assaulted by several constables?—Yes.

P.O.
F. Dawson.
25 Oct. 1906.

12123. Not by Manning only?—Three and a sergeant.

12124. And Mr. Cluer said he had better get summonses, and he would attend to the case?—He did not exactly say those words, as far as I recollect. He said, "If you care to take any further steps in the matter I shall be only too pleased to investigate it."

12125. Did Andrews appear in Court with his face all strapped up?—Yes, he had a bandage over the top of his right eye.

12126. When the sergeant directed him to be taken outside what were the exact words he used?—"Take him out on to the landing."

12127. Those were the exact words the sergeant used?—Yes.

12128. Have you made a report of this case?—I have.

12129. I think you remember I asked for that report at the police court?—I heard you ask for it.

12130. And it was refused?—Yes.

12131. I ask for it now.

(*Mr. Eldon Bankes.*) That is a matter for the Commissioners.

(*Chairman.*) What report is it?

(*Mr. Schultess-Young.*) A report made by this man to his superior officers at the station in regard to the circumstances leading to the arrest of Andrews.

(*Chairman.*) What is the reason for not producing it?

(*Mr. Eldon Bankes.*) There is no reason at all if you think it right it should be produced.

(*Chairman.*) We have had the reports in other cases, and we had better have them in this case.

(*Mr. Schultess-Young.*) Mr. Barker, who appeared for the police in the police court, absolutely cross-examined on that report, but still it was refused me.

(*Chairman.*) Very likely, but that was a criminal proceeding.

(*Mr. Rufus Isaacs.*) Whatever grievance there was then is removed now, because you are going to have it.

(*Chairman.*) In that case Manning, as I understand it, was on his trial for assault.

(*Mr. Schultess-Young.*) That is so.

(*Chairman.*) And the solicitor was cross-examining on the statement made.

(*Mr. Schultess-Young.*) No, he was examining in chief. I make no reflection whatever on the Magistrate.

(*Chairman.*) It was a statement made by the witness. I do not see that you are entitled to look at that and then tender it.

12132. (*Mr. Schultess-Young.*) I will not pursue that. I make no complaint whatever with regard to the Magistrate, who also said he thought the report ought to be produced. (*To the Witness.*) When did you make this report?—On Tuesday, I believe.

12133. On the 31st?—Yes, that would be the Tuesday.

12134. Is the original in your writing?—Yes.

(*Mr. Rufus Isaacs.*) I have no doubt the original is here.

(*Mr. Eldon Bankes.*) Yes. (*Original report produced.*)

12135. (*Mr. Schultess-Young.*) Is this the original report made on the ordinary police paper?—Yes. (*Report handed to Witness.*)

12136. You made your report on July 31st, the same day on which Andrews came before the Magistrate, Mr. Cluer?—No. It was on the Monday that he came before Mr. Cluer, and I believe I made the report out on the Tuesday.

12137. Surely July 31st was a Monday, and surely Andrews was brought before the Magistrates on the Monday. He was arrested on the Saturday night.

(*Mr. Rufus Isaacs.*) The 30th was the Monday.

12138. (*Mr. Schultess-Young.*) This was the day after he had made a complaint to the Magistrate of being assaulted by the police?—Yes.

12139. And then with all the matter fresh in your memory you made this report?—Yes, certainly.

12140. Is that one which you have before you the actual report you made without any alteration?—Yes.

12141. Did you make a draft report?—No.

12142. You made no draft first?—No.

12143. It was written straight off on paper as you have it there?—Yes, I was called upon to make it out as quickly as I possibly could.

12144. And you made it out like that?—Yes.

12145. Did you talk to anybody about it first?—No.

12146. You had no assistance whatever in making that report?—I did not require any.

12147. You made it just as you say straight out on that paper without any corrections or alterations of any kind?—Yes.

12148. How was it that you did not tell them anything about the hostile crowd in the report. Why did you not tell your superiors about the hostile crowd and inciting to resist in the report which you made when the thing was so fresh in your memory?—No one was taken into custody for interfering, and I made out my report as briefly as I possible could, not omitting the principal facts of what led up to taking him into custody.

12149. Do not you think that a very important fact that a crowd surrounded you and persons incited Andrews to resist?—It is the usual thing in the neighbourhood of stations.

12150. And the usual thing to arrest them?—If you get the opportunity.

12151. You did not put that in the report lest it might be suggested you did not do your duty in arresting Bletcher for inciting this man to resist?—I should have done so had he continued to do so.

12152. He did enough to make you tell the Magistrate that he had incited the prisoner to resist?—Yes, certainly.

12153. Just now you told me in answer to my question that you told all to Mr. Cluer that you told us this morning?—Yes, I believe I did, as far as my recollection goes.

12154. You did not tell anything to Mr. Cluer beyond what is here in this report?—Yes, I believe I did mention the fact that there was a hostile crowd surrounding me when I took the complainant into custody.

12155. Did you mention Bletcher's name to Mr. Cluer?—I would not be sure.

12156. Is it not the fact that the first time you gave evidence before Mr. Biron you said nothing about Bletcher. You were all out of court then, and you did not know what was said?—I would not be sure.

12157. But I think I can be. There is nothing in the notes about it is there?—Then I did not say it.

12158. When you came before Mr. Biron again with regard to yourself and Peck, then we heard about Bletcher after he had given evidence?—Yes, I gave him a full account of what took place.

(*Chairman.*) Who appeared before Mr. Biron on the first occasion.

(*Mr. Schultess-Young.*) I appeared for Andrews.

(*Chairman.*) Who appeared for the police.

(*Mr. Schultess-Young.*) Mr. Barker.

(*Mr. Eldon Bankes.*) Mr. Barker is a member of the firm of Wontner and Sons.

(*Mr. Rufus Isaacs.*) Did you also appear in the other cases, Mr. Young.

12159. (*Mr. Schultess - Young.*) I appeared for Andrews on both inquiries before Mr. Biron. (*To the Witness.*) You did not say a single word about Bletcher inciting to resist until after he had given evidence, although you had given evidence yourself in Manning's case?—No, I do not think I did now you have refreshed my memory by my depositions.

12160. (*Chairman.*) You answered the questions put by Mr. Barker first of all?—Mr. Barker was not engaged in that case. The gentleman is speaking of the case before Mr. Cluer.

12161. (*Chairman.*) No, he is speaking about the case before Mr. Biron?—He is asking me whether I said anything about the hostile crowd before Mr. Cluer.

(*Mr. Schultess-Young.*) That only strengthens my case. You did not say anything about it to Mr. Cluer.

12162. (*Chairman.*) Did you answer the questions put by Mr. Barker when he asked you?—Certainly.

12163. (*Mr. Schultess-Young.*) You did not before Mr. Cluer say anything about Bletcher or before Mr. Biron when you came up on behalf of Manning as a witness?—I would not be sure.

12164. There is nothing in the notes of evidence about it, and I called attention to it when I cross-examined you with regard to yourself and Peck. But when Bletcher gave evidence you come forward and say he is evidently a friend of the prisoner, because he called him "Skin" and incited him to resist?—Yes, because I saw him at the police court.

12165. But it was not till then that you said so. Why did you say this? Here is another discrepancy in your evidence. You said just now in answer to Mr. Bankes that Andrews went along within 100 yards all right and then he wanted to trip you up again?—Yes.

12166. But here in your report you say he was very violent all the way?—Yes.

12167. Now which is right?

(*Chairman.*) What are you reading from?

(*Mr. Schultess-Young.*) From the witness's report, dated July 31st, which he made to his superior officer.

(*Chairman.*) In the case against Manning before Mr. Biron, as I understand it, the charge of assault was an assault committed by Manning at the police station.

(*Mr. Schultess Young.*) Yes, that is so.

(*Chairman.*) Then the question of what took place at the time or shortly after the arrest before they got to the police station was quite immaterial, was it not?

(*Mr. Schultess-Young.*) I do not think so, because Andrews had charged three police constables with assaulting him—two police-constables who took him to the station and Peck and Manning who assaulted him, as he says, upon the steps, and therefore the whole of this was germane and material to the inquiry.

(*Mr. Rufus Isaacs.*) The charge against the two police-constables who arrested him was for the assault at the station, as I understand.

(*Mr. Schultess-Young.*) Yes.

(*Mr. Rufus Isaacs.*) They were not charged with assaulting him after arresting him, and going to the station, but it was for what took place at the station that the summons was taken out, was it not?

(*Mr. Schultess-Young.*) For assaulting him generally on that occasion.

(*Mr. Eldon Bankes.*) No, pardon me.

(*Mr. Schultess-Young.*) For assaulting him on that day, and that included, according to the evidence, the twisting of his arms and so on, on the way to the station.

(*Mr. Rufus Isaacs.*) You were there and you know, but so far as I can follow from the depositions that does not seem to have been the question at all. The question was what took place at the station.

(*Mr. Schultess-Young.*) That was the real question, and in my opinion that was the real thing that our attention was directed to.

(*Mr. Rufus Isaacs.*) If that was the real question, I suppose that is the real question now.

(*Mr. Schultess-Young.*) But what took place before this constable got to the station with him was, I think, part of the whole occurrence, and showed the tendency of this constable towards the prisoner.

(*Chairman.*) I am not suggesting that it might not be admissible in evidence. I am only pointing out to you that you are asking the witness why he did not say something about what took place on the way to the station. I am suggesting now to you that very likely that was absolutely immaterial in Mr. Barker's opinion, at any rate, and that Mr. Barker never asked the witness about it.

(*Mr. Schultess-Young.*) I do not think I could have made my question or my meaning clear. What I said was that to-day, in answer to Mr. Bankes, the witness said the prisoner Andrews, as he then was, went along all right for a time on his way to the station—100 yards, he said—and then he began to try and trip the two constables up; but in the report which he made he does not omit something, but he makes an assertion, and he says "The prisoner was very violent all the way." I call attention to the fact that there was a discrepancy in the report which he wrote at the time when the matter was fresh in his memory, and which is very different to the evidence he gives now.

(*Chairman.*) What I understood you were cross-examining him upon was his silence as to certain things at the hearing before Mr. Biron.

12168. (*Mr. Schultess-Young.*) No; I did not put it as clearly to you as it was in my mind. (*To the witness.*) Which is correct of these two statements, the one you made to-day to Mr. Bankes at this distance of time or the other one?—He certainly went quieter for the 100 yards than he did afterwards.

12169. Then why, when you were giving a report which the unfortunate man would not see, do you say, in order to make it bad, that he was very violent all the way?—It is only a short distance that he did not resist so violently.

12170. It made it a little bit worse for him in the report?—I should not say so.

12171. Was he not quiet when you were not twisting his arms, and was he not violent when you were twisting them?—I never twisted his arms at all.

12172. Did you hear the witnesses in court yesterday say that you did?—Yes.

(*Chairman.*) There must have been some little intermittence in the violence. A man is not continually violent for five minutes or when going a quarter of a mile.

(*Mr. Schultess-Young.*) He said Andrews walked about 100 yards without being violent at all. In the report the witness made at the time he says Andrews was very violent all the way.

(*Chairman.*) If his violence occurs at intervals all the way, then there is nothing wrong in the description.

(*Mr. Rufus Isaacs.*) In fairness to the constable, when you are putting that you ought to take into account the next words, which rather describe what he means by being violent all the way—"several times throwing himself on the ground."

12173. (*Mr. Schultess-Young.*) Is that what you mean by being violent?—Yes.

12174. You told us to-day he threw himself once on his knees?—Twice.

12175. Is that what you mean by being violent?—Yes.

12176. I thought it was tripping you up that you told Mr. Bankes was the violence?—It was through attempting to trip us up that he fell on his knees.

12177. Your report does not seem very valuable.

(*Mr. Eldon Bankes.*) You ought not to make these interlocutory observations.

12178. (*Mr. Schultess-Young.*) I do not think I am doing any more than my duty. You say "He was very violent all the way, and several times threw himself to the ground." You told Mr. Bankes this morning that he tried to trip you up?—Yes.

12179. Is that the violence you mean?—Yes.

12180. Why did you not put it into your report?—I did.

12181. As the learned Commissioners have said, you seem to imply there that throwing himself to the ground several times was the violence you intended to imply. It is worse to try and trip up a constable on the way to the station, is it not?—(No answer.)

12182. "Prisoner was still violent in the station." Was he still throwing himself to the ground?—No.

12183. What was he violent in, then?—Resisting.

12184. In the station itself?—Yes.

12185. Can you suggest any reason for his resisting, except that you were hurting him?—No, only his general conduct right from the beginning of the business to the finish.

12186. And then he was taken outside on the landing?—Yes.

12187. By the direction of the sergeant?—Yes.

12188. You have told us to-day he was there 10 minutes. Why do you say he was there 10 minutes?—I should imagine that would be about the time. It might be a little more or less.

12189. Why should you imagine that now? When the thing was fresh in your memory you said five minutes?—I do not think so.

12190. You have your report before you, which Mr. Bankes has requested you to refresh your memory with. You do not appear to have taken advantage of that.

P.C. F. Dawson.
25 Oct. 1906.

If you cannot do it under the protection of the learned counsel, how do you expect the Commissioners to know what you mean?—I said 10 minutes to-day.

12191. You said five minutes the other day?—Yes. I did not say for certain. I gave an estimate that I imagined at the time. I should say it was quite correct—about five minutes or a little more.

12192. I suppose you mean that what you state to be about 10 minutes may be 10 minutes or a little less, so as to make the 10 minutes and the five minutes meet. You say that no violence of any kind was used towards him?—None whatever.

12193. You made that statement since he made the complaint to Mr. Cluer?—No, I spoke the truth.

12194. I am not attacking your truth, but you made your statement, and you wished to deny that any violence was used, after Andrews had made his complaint to Mr. Cluer?—I was requested to make a report of the circumstances, which I did.

12195. You do not, surely, state, as a matter of necessity, that no violence was used to a prisoner unless there is some suggestion that there has been?

(*Mr. Eldon Bankes.*) There had been at the time he made the report.

(*Mr. Schultess-Young.*) I am trying to help him, but he will not accept the help.

(*Witness.*) I do not follow your question.

12196. Did you not put in the fact that no violence was used to Andrews because Andrews had made a complaint to Mr. Cluer of violence?—Oh, yes, that would be so.

12197. Then this report was made in that respect because Andrews had made this complaint to Mr. Cluer of violence?—I had reported actually what took place before that.

12198. It was all leading to the same thing, was it not?—Yes.

(*Chairman.*) I apprehend that the report was asked for in consequence of the remarks of the Magistrate.

(*Mr. Schultess-Young.*) So I should suppose.

(*Chairman.*) In other words, because of the complaint.

(*Mr. Rufus Isaacs.*) The complaint was that three constables and a sergeant had assaulted Andrews, and thereupon, as one would expect, a report was called for.

12199. (*Mr. Schultess-Young.*) Naturally I should think so, but the witness would not accept that suggestion.

12200. The man Andrews was taken out on the landing. What took place then?—We remained with him there.

12201. What happened? What did you do to him?—He continued to abuse us, and resisted to a certain extent, to compel us to release our hold of his arms.

12202. He was still violent?—To a certain extent. He resisted.

12203. The violence seems to be a very shadowy, indefinite thing. What was the violence on this occasion?—He simply wanted to wrest his arms away, and continued to abuse us generally.

12204. When you say he abused you generally, did he not say "Let me go?"—No, I did not hear him say so.

12205. Did he not groan?—No.

12206. Did he not moan?—No.

12207. Did he howl?—No, I cannot term it howling. He was holloaing.

12208. Did he seem pleased?—Hardly pleased, I should say.

12209. Did he seem in pain?—No.

12210. If any other constable states that he was groaning and moaning, you think that is quite wrong?—It would be a wrong interpretation to put on what he was doing.

12211. What do you mean by "interpretation"?—I mean that you might describe it as moaning, but I should not do so myself.

12212. We will not ask for a specimen of what you think is moaning, but a moan you understand to be a noise a person makes when he is in considerable pain?—I should say so.

12213. Have you ever known any other prisoners taken out on that landing?—No.

12214. Have you ever known other prisoners to be brought to the station violent?—Yes.

12215. Have you known the station to be as full as it then was?—No, I cannot say I have.

12216. You have never known it to be quite so full?—I have not been there a great while, and I have not been in the charge room when charges are being taken a number of times.

12217. You have known prisoners brought to the station violent?—Oh, yes, I have brought them there myself.

12218. You have brought them in when they have been making a noise?—Yes.

12219. Making a great row?—Yes.

12220. Why were they not taken outside on the landing?—Because they were placed in the dock.

12221. And not taken out on the landing?—I have never seen one taken out on the landing before.

12222. (*Chairman.*) Did you know Andrews at all before this occasion?—Yes, I knew him, but not by name. About three or four weeks prior to this affair taking place I was on duty in the street in which he lives, and a woman was given into my custody by a man who alleged that she had stolen a shilling from him while he was having sexual intercourse with her. This occurred about one in the morning, about the 17th July. He insisted on my taking the woman into custody, and I took her into custody. On taking her into custody Andrews came out of his house, which was opposite where the electric light was, and suggested that he had been with this woman for an hour, and if she had got a shilling on her the shilling belonged to him, as he had given her a shilling for having sexual intercourse with her, and he came to the station for the purpose of corroborating that statement. That was the first time I knew him.

12223. He came to the station for the purpose of giving evidence on behalf of the woman?—On behalf of this prostitute; but the charge was not sustained,

12224. Did you know his nick-name?—No, I did not know either of his names. I did not know the man was Andrews or "Skin."

12225. How long have you been in the G Division?—Six months.

12226. You have had occasion to go to the police station with a prisoner more than once or twice?—I think I have had about three or four charges, but I would not be quite certain.

12227. When you say that you have never known of any other prisoner taken out on to the landing, you mean that during that six months you had never known that?—Yes.

12228. (*Mr. Rufus Isaacs.*) When first did you know there was any charge against you personally of having assaulted this man?—When he applied for the summons. That was, I think, about three weeks afterwards.

12229. About the 24th August?—Yes, about that date, I believe.

12230. Until that had you ever known that you were one of the three constables who were alleged to have assaulted him?—No; but I came to the conclusion when he told Mr. Cluer that when he was taken into the station he was taken downstairs by three police-constables and a sergeant, where he was brutally ill-treated; so I imagined he might be referring to me as being one of the constables who brought him in.

12231. Can you tell us how many constables there were who you saw at the station on that day when you went into the charge room? Have you any recollection of it?—When I took him into custody?

12232. No, that was in the street, but when you brought him to the station and you brought him into the charge room we have heard there were two men, Obeney and Bassett, being charged, and there was another witness?—I should say there would be about six or seven to the best of my belief, and I believe there were one or two private individuals.

12233. Obeney and Bassett we know were there, and some other persons?—They were in the dock, I believe.

12234. "Skin" is a name that has been used. Did

you at that time know that that was Andrews' nick-name?—No, not at that time.

12235. You found it out since?—Yes.

12236. It is a nick-name, I suppose?—Yes.

12237. For him?—Yes.

12238. (*Mr. Dickinson.*) When you were out on the landing was there any struggling going on at all?—He resisted slightly, which compelled us to retain our hold of him.

12239. You say you were there about ten minutes?—I could not be certain as to the exact time. My attention was engaged with him, and I did not notice the time exactly when we came in or when the charge was being taken. As far as I can remember it would be about five minutes.

12240. Just describe how it was you held him?—I had hold of him by the right arm *here* (*describing*), and hold of his wrist.

12241. Was the door shut?—Yes.

12242. The door between the charge room and the corridor was shut?—Yes.

12243. You had hold of him by the arm and the wrist?—Yes, by the left arm.

12244. Had Peck got hold of him?—Yes, on the other side.

12245. Whereabouts were you standing?—I was facing the door.

12246. And during that time he was shouting?—Yes, abusing us. He was calling us foul names.

12247. The whole of that time you held him in that position, and then brought him in again?—Yes, we brought him in directly we were directed to by the sergeant.

12248. You have looked at this plan?—Yes.

12249. You had gone out of *that* charge room through the door on to the landing?—Yes.

12250. Whereabouts were you standing on that landing?—On *this* side of the complainant, and Peck would be standing on *that* side.

12251. Then the steps go down *there* (*pointing on the plan*)?—Yes. There are two flights of steps.

12252. What is all *that* place marked yellow?—I should imagine that would be the parade shed. There are 17 or 18 steps leading down there. *That* leads into the lavatory; and then, turning to your left, *that* takes you into the parade shed.

12253. You turn to the left down some more steps, and you come into the parade room?—Yes.

12254. Is that the only place you can get to down those stairs?—No, you can turn off to the right and go into some cellars at the back and the lamp room.

12255. Where can you turn off? When you go down *these* steps you get down some further steps and turn to the left?—Yes, turn sharp to the left *there*, and go back *that* way, underneath the landing.

12256. *That* is to the parade room?—No, the door of the parade room is on my right, but, by turning sharp to the left you get to the lamp room, which brings you practically underneath *this* landing, where we were standing.

12257. Under what room is the parade room. If you go down *those* steps you go straight down, and the steps run to a certain point?—Yes.

12258. Do the steps turn then, or not?—Oh, no, there is another landing. You turn to the left and go down another flight of steps straight into the parade room.

12259. Would that be *those* steps?—Yes.

12260. Do *those* steps come on like *this*, and then turn down *here* (*describing on the plan*)?—Yes.

12261. By going down *those* steps, the only thing you come to at the end of those steps is the parade room?—Yes, unless you turn to the left and go along to the lavatory and to the cellars, and that would bring you underneath *this* landing.

12262. The parade room is outside?—Yes.

12263. I want you to describe to me that parade room. What kind of a room is it?—It is a very long room, with a number of windows in the front looking out on to the parade ground outside, and at the back there is a long seat. As you go in the door from the steps you turn to your left and your right, and there are two seats.

12264. *That* is where the windows are, and *there* there is a long seat?—Yes, on the opposite side of the door.

12265. *That* is a seat against the wall?—Yes.

12266. Are there any other seats?—There are no other seats.

12267. What do you use that parade room for in the evenings?—We only use it at certain times for parading for duty. We all parade there for duty.

12268. It is only used for parading for duty?—Yes.

12269. In the middle of the night would it be occupied or unoccupied, as a rule?—Unoccupied.

12270. Was there a light in it?—Yes, but I believe that is turned out at 12 o'clock. All the lights are supposed to be turned out about that time.

12271. You say that when he asked for a handkerchief, and he asked to be allowed to wipe his face, you allowed him to do so?—Peck did. He was on his right side, and he allowed him to release his right arm sufficient to take his handkerchief out of his right-hand pocket.

12272. And he wiped his face?—Yes, we allowed him to do that, thinking that by doing that he would be quieter.

12273. Was his face covered with beer?—I did not notice that he had any beer on his face. He had some beer over his collar and his waistcoat.

12274. What did he want to wipe his face for?—I imagined he wanted to wipe the cut on his face.

12275. Was that cut bleeding?—Yes, but the blood had stopped; it had become corroded down the side of his face.

12276. If it was not bleeding why should he want to wipe his face?—I imagine he wanted to put his handkerchief to the cut over his eye. He said, "Let me wipe my face."

12277. Did you see blood on the handkerchief?—Not at the time. I did not see blood after he wiped his face, but in the station I saw him pull his handkerchief out of his pocket, and I saw some blood on the handkerchief then.

12278. But when he asked to wipe his face the blood was dry?—It was corroded somewhat on his face. It had come down to about *there* (*describing*), and it was not fresh blood.

12279. (*Mr. Eldon Bankes.*) You asked, sir, whether a charge was made against this man before a certain day, and I should like to ask a question upon that. (*To the witness.*) Were you amongst the constables who were paraded on the 31st, when Manning was picked out?—Yes.

12280. Had Andrews the fullest opportunity of picking you out if he wanted to?—Certainly.

(*Mr. Rufus Isaacs.*) That is the 31st July.

12281. (*Mr. Eldon Bankes.*) Yes, were you all in plain clothes then?—Yes.

12282. About how many were there?—I should say, as far as I could recollect, about 24 or 25.

12283. Which room were you in—the charge room?—The charge room.

12284. Did he come up to you, amongst others?—No, he walked straight over to P.C. Manning directly he came to the door.

12285. Were you standing close to Manning, or where were you?—I was standing about four or five feet off Manning.

(*Mr. Rufus Isaacs.*) What is said with reference to that—that the parade was held for the purpose of seeing whether he could identify Manning, or was it for the purpose of identifying various constables?

(*Mr. Eldon Bankes.*) The evidence I shall give here is that Andrews came to the station and complained of an assault by Charley Wood, upon the steps, and that he did not know Wood's proper name or number, therefore would they parade them in order that he might identify him. Then all these men were put there, and amongst them Dawson, and he went and picked out Manning.

(*Mr. Rufus Isaacs.*) The charge was against Manning. There was no complaint made by Andrews at the time when he saw those men paraded?

(*Mr. Eldon Bankes.*) My evidence is that he told the Inspector he could not recognise anybody else.

P.C. ALFRED STEVENSON, 337 G, sworn.

P.C. A. Stevenson. 25 Oct. 1906

12286. (*Mr. Eldon Bankes.*) You are Constable 337, of the G Division?—Yes.

12287. How long have you been in the police force?—Twenty-two years come February next.

12288. I think you were on special duty, were you not, outside Messrs. De la Rue's warehouse on this night?—Yes.

12289. Whereabouts is that warehouse?—It stands a portion in Luke Street and a portion in Leonard Street.

12290. Your duty would be to remain at that point unless you were specially summoned away?—Yes; all that building.

12291. Did you see Dawson coming along with Andrews in custody?—No. When I got up into Luke Street I patrolled round, and came up through Raby Street into Luke Street, and I saw Dawson with Andrews in custody.

12292. Whereabouts were they when you saw them?—I should think about 10 yards from me.

12293. Were they coming in the direction of the station?—They were walking that way.

12294. Did you go up to them?—Yes.

12295. Did you notice what Andrews was doing?—Andrews was resisting P.C. 371 taking him into custody.

12296. Was he saying anything?—When I went to catch hold of Andrews' arm on the right-hand side, he turned to Dawson and said, "What are you taking me into custody for?" Dawson said, "For behaving in a disorderly manner and striking me on the mouth."

12297. Was there a crowd there?—A great crowd.

12298. What was the attitude of the crowd?—They were very threatening towards the constables.

12299. Did you notice Andrews' face?—After he turned round to the right of me I noticed he had a slight cut over the eye.

12300. Then I think you assisted Dawson to take Andrews along?—For a short distance, yes.

12301. How did he behave while you and Dawson were taking him?—He was very violent all the way down Luke Street.

12302. And then did Peck come up?—When I arrived at the corner of Curtain Road.

12303. Did Andrews say anything at that point?—He said "I will go quietly," when Peck caught hold of his arm.

12304. Then, upon that, did you leave him with Dawson and Peck and go back to your special duty?—Yes.

(*Mr. Schultess-Young.*) I want to look at this witness's report, and see if the words in his report are similar to the words in other reports, and if so to ask the witness whether he did not collaborate with these constables.

(*Chairman.*) I understand Mr. Eldon Bankes is willing to give you Stevenson's report, but it is in a bundle of papers he has handed to you, and you are looking at something else.

(*Mr. Schultess-Young.*) No, only the reports.

(*Mr. Rufus Isaacs.*) You can have the original.

(*Chairman.*) Mr. Schultess-Young wants all the reports.

(*Mr. Eldon Bankes.*) Whose report do you want to compare it with?

(*Mr. Schultess-Young.*) I do not know. It is purely speculative. I have not been allowed to see these reports before.

(*Mr. Eldon Bankes.*) You must speculate by yourself, as far as I am concerned.

(*Mr. Schultess-Young.*) I am in the hands of the Commissioners, and I ask to see the reports.

(*Chairman.*) What documents do you call for?

(*Mr. Schultess-Young.*) First of all I call for Stevenson's report.

(*Mr. Eldon Bankes.*) You shall have it.

(*Mr. Schultess-Young.*) I am sure the learned Commissioners see my point. I want to look at Stevenson's report, and I want to compare it with the report of the other constables to see whether the same words are used in the reports, or whether they show signs of being made up together. That is the whole point of my inquiry.

(*Chairman.*) Did several constables make reports?

(*Mr. Eldon Bankes.*) Yes, and any report my friend asks for of any constable I am going to call I am desirous he should have, but I do not want to hand him my bundle of papers for him to use.

(*Chairman.*) There is no reason why you should hand him your bundle, but you can give him the original reports of the constables who have given evidence or are about to give evidence.

(*Mr. Schultess-Young.*) I do not want only to look at the reports of the constables as they come up, and have to bear them in my mind.

(*Chairman.*) No, you shall have all the original reports.

(*Mr. Rufus Isaacs.*) Mr. Bankes' objection, as I understand it, was merely to handing you a bundle of documents which contained other matters for his information, but which were not reports. He is willing to hand you the reports.

(*Mr. Eldon Bankes.*) This is Stevenson's report.

(*Mr. Schultess-Young.*) I do not want Stevenson's report only.

(*Mr. Rufus Isaacs.*) There is no necessity for any discussion about it. In answer to the Chairman, Mr. Bankes has said he will give you the reports of the police-constables he is going to call, and you shall have them now. He then proceeded to do it by giving you the first instalment which he had in his hand, which was this witness's report. He handed that to you while the others are being found to be handed to you.

12305. (*Mr. Schultess-Young.*) This report was not made till long after the last witness's report?—No.

12306. You had not seen that report of the last witness?—No.

12307. But you did not give evidence before Mr. Biron on the first occasion?—No.

12308. Here you tell us that the man named Bletcher and others incited Andrews to resist. You were not called to state that on the first occasion?—No. The question was not asked me.

12309. You were not called by the defence?—No.

12310. Therefore of course the question was not asked you. We know now that Dawson on the first occasion did not say anything about that, but he did on the second. Then you were called?—Then I was called.

12311. Had you not said anything to Dawson about this affair between the two occasions?—It had been a general topic right the way through.

12312. Then you had spoken to Dawson?—Yes, I had spoken to Dawson.

12313. (*Chairman.*) Is the person called Bletcher or Belcher the same as the man Bletcher who was called yesterday?—Yes.

(*Mr. Rufus Isaacs.*) The man who had been 16 years a ratepayer in the City of London?

(*Mr. Schultess-Young.*) Yes.

(*Mr. Rufus Isaacs.*) Can you tell me, with reference to the question you have just put, are you talking of the second occasion on which he gave evidence? Am I right in this, that on the first occasion when he did not give evidence the charge was against Manning?

(*Mr. Schultess-Young.*) Yes, you are quite right, Sir.

(*Mr. Rufus Isaacs.*) On the second occasion, when he did give evidence, the charge was against Dawson and Peck?

(*Mr. Schultess-Young.*) No.

(*Mr. Rufus Isaacs.*) I tell you why I want to know, because his evidence would be relevant upon the charge against Dawson and Peck, and would not have been

relevant to what took place on the charge against Manning.

(*Mr. Schultess-Young.*) Not relevant unless the charge was against Dawson and Peck taking the man into custody and assaulting him on the way.

(*Mr. Rufus Isaacs.*) You do not appreciate what I am putting to you. We are asking you about the first and second occasion. What I am anxious to understand is what that means, because if the first occasion is the charge against Manning, the question as to what took place with Stevenson and whether he resisted when he was taken to the station was not relevant. If, on the other hand, it was with regard to the charge against Dawson and Peck, as he had taken part in the arrest and taking him to the station, then the evidence as to what took place on that would be relevant, as you pointed out before.

(*Mr. Schultess-Young.*) Yes, I appreciate that.

(*Mr. Rufus Isaacs.*) When you speak of the one occasion do you mean still the charge against Manning, or are you referring to when the charge was heard against Dawson and Peck?

(*Mr. Schultess-Young.*) There were several adjournments in the case against Manning, and I am trying to recollect.

(*Mr. Rufus Isaacs.*) I tell you why I am asking. According to the notes as I read them, Constable Stevenson was not called until the charge was heard against Dawson and Peck.

(*Mr. Schultess-Young.*) That is very probable. I do not dispute it. I am only trying to refresh my memory. That no doubt is the case, but my memory is not quite clear enough to appreciate it at once.

12314. (*Mr. Eldon Bankes.*) (*To the witness.*) You were only called once?—Yes.

(*Mr. Schultess-Young.*) Mr. Barker mentioned him as one of the witnesses who was to be called in respect of Manning, but he was not called.

(*Mr. Rufus Isaacs.*) Naturally enough, because he could not give any evidence that was relevant.

12315. (*Mr. Schultess-Young.*) Can you recollect Andrews being taken to the station before this occasion?—No.

12316. You were not there when the charge was not taken?—No.

12317. Have you spoken to any of the witnesses for the prosecution?—No.

12318. You are not one of those who have done so?—No.

12319. How do you say that he was violent?—On the way down Luke Street he tried to throw us, and we had to restrain him very strongly to keep our feet.

12320. You say he tried to throw you?—Yes.

12321. Is that the interpretation of violence in your view?—I should say so.

12322. Is that what you said before Mr. Biron?—I believe so if the question was asked me.

12323. That he was violent, and you interpret that by saying he was trying to trip you?—If I was asked the question I must have said so, because that is what occurred.

12324. Is that what you said?—I believe so.

12325. Is that what you said in your report? Did you make a report about that?—Yes. I did not say anything in the report respecting his trying to throw us.

12326. Which is it you mean—that you did not say anything in the report about his being violent and trying to throw you?—No.

12327. It is a serious matter trying to trip up constables in being taken to the station, is it not?—It is not an unusual thing.

12328. All you said in the report was that Andrews was struggling and saying he would not be taken to the station?—Quite so.

12329. You said nothing before the Magistrate about his trying to trip you up?—No.

12330. Have you talked this matter over with Dawson since?—No.

12331. The curious thing is that Dawson is in the same position as you, because he said nothing in his report about tripping up, and now you both come here and talk about tripping up?—It is such a usual thing that you would not take notice of that kind of thing unless you were grossly assaulted in some way.

12332. Is it not a matter that you would take any notice of—his trying to trip you up on the way to the station?—No.

12333. It is not a matter you would take any notice of?—No, it is what we should term acting in a violent manner.

12334. Why have you told me now that his violence consisted in trying to trip you up. You say you do not take any notice of it, and yet when I ask you what you mean by violence you say trying to trip you up.

(*Mr. Eldon Bankes.*) Are you asking the witness a question?

(*Mr. Schultess-Young.*) Yes.

(*Mr. Eldon Bankes.*) What is the question?

12335. (*Mr. Schultess-Young.*) Why have you noted it now since you have had an opportunity of talking to Dawson about it. Why do you say that "violence" means trying to trip you up?—I have not been speaking to Dawson about it. It is what I should say any time.

12336. You said nothing about it before, but Dawson and you both together come and say that the violence consisted in trying to trip you up?—In resisting and trying to throw us as we were going down.

12337. "In trying to throw you"—you put it in another way that is more serious still. Then you say he said, "I will go quietly"?—Yes, on arriving at the bottom of Luke Street.

12338. You say he said he would go quietly when Peck took hold of his arm?—Yes.

12339. Did Peck hurt him, do you know?—Not in my opinion.

12340. If a man's arm is twisted up behind his back it would be a serious amount of inconvenience and hurt, would it not?—It all depends on the amount of violence he used.

12341. Did he directly Peck touched him say he would go quietly?—Yes.

12342. So far as you know did he go quietly?—Yes, so far as I know.

12343. When you left him was he going quietly?—When I left him he was going quietly.

12344. It would not be correct to say he was violent all the way to the station?—So far as I can see. I did not see a very great distance.

12345. If he said to Peck "I will go quietly," it would not be true if Dawson should say that he was violent all the way to the station?—I cannot answer that question.

12346. How do you begin your reports always?—The same as you see it there.

12347. Supposing you were called upon to report, would you always begin the report in the same way?—Yes.

12348. What is that way?—"With reference to the report called for."

12349. I daresay. I do not think there is anything wrong in that. I have not looked over these other reports yet. Do you know about any of the witnesses being visited?—I know nothing at all about that.

12350. You have never heard anything about it?—No.

12351. When you say Bletcher and some of his friends do you mean Bletcher's friends or Andrews' friends?

(*Mr. Eldon Bankes.*) You had better read the witness the whole sentence.

12352. (*Mr. Schultess Young.*) "Peck came up and took him to the station, Andrews promising to go quietly. I watched them for a short distance up Curtain Road; the crowd then dispersed. Bletcher and some of his friends came to me shortly afterwards and asked if they would accept bail for him"?—Some of Bletcher's friends.

12353. Accept bail for him—you mean for Andrews?—Yes.

12354. "I referred them to the station." You say Bletcher incited the prisoner to resist?—Yes.

12355. One of the witnesses has told us that Bletcher

P.C. A. Stevenson. 25 Oct. 1906.

was not taken into custody. Why did you not take him into custody?—I did not consider it necessary to take him into custody.

12356. Not for inciting a man to resist the police?—We had quite sufficient to do to handle the one man.

12357. Did you? That is the reason, is it, Bletcher came up to you, did he not, and spoke to you quietly?—Shortly after, when I returned.

12358. What was there to prevent you arresting him then? You had not enough to do with Andrews then. He was taken off to the police station?

(*Mr. Eldon Bankes.*) Your complaint is that we had arrested too many already.

12359. (*Mr. Schultess Young.*) I say the action is inconsistent. I am suggesting distinctly that it was an afterthought altogether?—It is not an unusual thing for that to occur.

12360. It is not an unusual thing to see many men in the dock?—If we did that in every case we should have enough to do.

12361. You said just now that your hands were quite full enough with Andrews, and that therefore you did not arrest Bletcher. You have told us the reason was because your hands were full with Andrews. I am pointing out to you that he came up to you and spoke to you, and that you did not arrest him. Give me another reason?—(*No answer.*)

12362. It goes on to say "Bletcher then said he had been a City police officer, and it would take more than six policemen to take him. I said if that is true I am surprised at you inciting the prisoner to resist and assault, but were not man enough to go to the station if you thought you could do any good. He then said he did not think of that. He then went in that direction"—meaning in the direction of the station?—Quite so.

12363. Here is a man who incited the prisoner to resist and said it would take more than six policemen to take him to the station, and yet you did not think it necessary to take him into custody. You say the reason why you did not arrest him was because you had your hands full with Andrews. Do you not think he was just the kind of man you ought to have arrested?—(*No answer.*)

12364. Do you know a man named Charley Wood?—No.

12365. Never heard of him?—No, not until this case.

12365*. I take it what you mean is you did not hear it mentioned until first before Mr. Biron?—Quite right.

12366. Then you ascertained he was in the case?—I have ascertained now—only what I have heard.

12367. You have heard it from the police officers, have you not?—No, I have only heard the evidence given.

12368. You know Manning was called Charley Wood?—Yes, I know now.

12369. Do you say the cut was bleeding, or was it a dry cut?—Bleeding slightly, not much.

12370. Not enough to cause the man to wipe his face?—No, not at the time that I had anything to do with him.

12371. Had he any dried blood on his face at all?—Not at that time.

12372 Dawson had seen him earlier than you, had he not?—No.

12373. After you?—After me.

12374. Who was it who saw him first?—Dawson.

12375. Who was the man who took him into custody before you saw him?—Dawson.

12376. Then Dawson had seen him earlier than you?—Yes.

12377. Therefore the cut would be more recent when Dawson saw him?—I saw him for a few minutes.

12378. But whatever it was, it was more recent?—Yes.

12379. There would not be any dried blood on his face then?—I should not think so.

12380. Did you see any beer on him?—No.

12381. You know it is stated that a woman threw some beer at him or over him?—Yes.

12382. You saw no beer on his face?—No.

12383. No beer on his clothes?—No.

12384. No wet at all?—No, I did not notice it.

12385. How long were you with him?—I should think about four to five minutes.

12386. All that time was he trying to trip you up?—Yes, as we were going down to the bottom of Luke Street.

12387. You do not know why he suddenly said "I will go quietly"?—I do not know

12388. You can give no reason why he said "I will go quietly"?—No. He did say so.

12389. That was at the very moment when the Inspector caught hold of him?—Yes.

12390. (*Mr. Rufus Isaacs.*) You have been cross-examined at some length about why you did not arrest Bletcher. Am I right in this, that you did not want to arrest the man unless it was necessary?—Quite so.

12391. That is why you did not arrest him?—Yes.

12392. I suppose you very frequently get in some neighbourhoods, if you arrest a man for fighting or anything of that kind, a number of people who cry out and want to rescue him?—Yes, it is the usual thing in that particular neighbourhood.

12393. I suppose, unless a man really actively interferes with you, you would take no notice of it?—No. There is a great difficulty sometimes.

12394. A great difficulty because of the neighbourhood?—Yes.

12395. Nevertheless, although it seems to be a neighbourhood in which there is sometimes some difficulty, you do not take any notice of it as long as you get your prisoner to the station without active violence on the part of those who are shouting?—No.

Police-constable William Peck, 245 G, sworn.

P.C. W. Peck.

12396. (*Mr. Eldon Bankes.*) I think you are No. 245 of the G Division?—Yes.

12397. How long have you been in the police force?—Ten years come the 4th of next January.

12398. Have you been stationed in the G Division the whole time?—Excepting for eight months.

12399. I think on this night you were one of the two constables who assisted to take Andrews to the station?—Yes.

12400. At what point did you come up?—At the top of Luke Street and Curtain Road.

12401. I think you took the place of Stevenson, and went from that point to the station?—Yes.

12402. How did Andrews behave on the way to the station?—He walked along fairly quietly for a short distance, and then he commenced struggling, trying to free his arm and placing his legs by the side of our legs, trying to trip us over.

12403. Did you notice his face when you first came up and took hold of him?—Yes. When I came up I was right underneath a strong electric light, and I looked at his face. He had a cut over the right eye.

12404. When you got to the station did you take him into the charge room?—I took him straight up the front stairs into the charge room.

12405. Was any constable standing on the steps as you went in?—None whatever.

12406. Was Manning there during any part of the time that Andrews was in the station?—No.

12407. When you got into the charge room what happened?—Andrews was still struggling and abusing us, trying to free his arm, and the station sergeant directed me to take him outside on the landing, as there were other charges to be taken besides.

12408. Did you take him on the landing?—Yes.

12409. Did you and Dawson remain with him on the landing until he was taken into the charge room?—Yes.

12410. Was any other constable there besides you two?—No.

12411. Is there any foundation for the statement that you took him downstairs?—None whatever.

12412. Is there any foundation for the statement that you took him downstairs and tumbled him, and mauled him?—No.

12413. When the sergeant did tell you to take him on to the landing did anybody made any remark?—I never heard none.

12414. Then I think you brought him back into the charge room, when the sergeant told you to, and he was charged?—Yes.

12415. There was an end of it as far as you were concerned?—That is right.

12416. When did you first hear that any charge was made against you of assaulting him?—I never heard of it till, I think, the 22nd August, when he went to the police court and applied for a summons against us two.

12417. Was that the first you heard of any allegation against yourself?—Yes.

12418. (*Mr. Schultess Young.*) Have you seen any of the witnesses in this case?—Only when I have been at the police court.

12419. You have not called on them or seen them in any way outside the police court?—No.

12420. Do you remember when Andrews was put in the dock his saying: "I am sorry; I am not going to be hit for nothing"?—Dawson was explaining the charge.

12421. I am talking about Andrews?—But it needs explanation as to what reply was made. Dawson was explaining the charge to the station sergeant. Dawson was saying he was fighting in the street when he arrested him. Andrews replied: "I am sorry; I was not going to be hit for nothing. Can I have bail?"

12422. Do you say he was violent on the way to the station?—Yes.

12423. What do you call "violent"?—Trying to free his arm, and trying to trip us up by placing his legs round our legs.

12424. You held him pretty tightly?—Yes.

12425. Did you hurt him a bit?—No.

12426. You did not twist his arms as one of the witnesses has told us?—No.

12427. Where did you really take him when you got him to the charge room?—Took him outside the charge room door on to the landing.

12428. Nowhere else?—Nowhere else.

12429. There are some steps, are there not?—Yes, there are some steps; there are two steps out of the charge room on to the landing.

12430. If you had taken him down the steps you would have taken him to such a place as he described before the Magistrate?—If he had been taken down to a place down there.

12431. You say he was not taken down there?—He was not taken down there.

12432. What did you do when he was outside there?—He abused us, using very foul language to us, and he said: "Leave go my arm!"

12433. He did say that?—Yes; he turned round to me and said: "Leave go my arm."

12434. When I asked Dawson just now the question he said he did not. You say he did?—He said it to me.

12435. "Leave go my arm"?—Yes.

12436. Then you were really holding his arm to hurt him?—I was holding his arm like *that* (*illustrating*).

12437. That is the reason he said "Leave go my arm"?—I do not know whether that was the reason.

12438. He was not likely to escape, was he?—No; but he might have used his arm against me.

12439. Do you mean he might have hit you?—Yes.

12440. As a matter of fact, he did not at any time, did he?—He had not the opportunity when I had got hold of his arm.

12441. You came up and found him in the custody of Stevenson and Dawson, did you not?—Yes.

P.C. W. Peck.

25 Oct. 1906.

12442. Was he quiet then?—He was still struggling to a certain extent. Then he said: "I will go quietly." When I arrived on the scene I took hold of his right arm. Stevenson went back to his point.

12443. Was he quiet for a little bit?—Yes.

12444. For how far?—For 100 yards, or it might be less. I did not take particular notice of the distance.

12445. Do I understand that you are one of the policemen charged with assaulting him when he was before Mr. Cluer?—No; I had no idea of it then.

12446. It did not occur to you that you might be one?—No, it did not occur to me.

12447. You felt so free from any blame in the matter that you could not possibly imagine that you were one of the policemen?—I never had any idea that there was any allegation at all.

12448. I want to get that quite clearly from you. You had no idea then that you were one of the policemen charged?—He alluded to the police-constable and the sergeant.

12449. You did not think you were either one or the other of them?—I was there.

12450. It did not occur to you that you might be one of those persons accused?—Perhaps I might have been.

12451. What do you mean? It is a bit difficult to know what you mean, is it not?—That I might have been one of them.

12452. What did you mean when you made the report on the 31st July? Did it occur to you that you might be one of the policemen who might be accused of assaulting him?—I did think I might be one of the persons accused.

12453. It occurred to you that you might be one of them?—Yes.

12454. It never occurred to you then, or does it only occur to you now?—Yes, it occurred to me then.

12455. When you were writing the report?—Yes.

12456. It occurred to you that you might be one of the policemen accused of assaulting him?—Yes.

12457. You do not say so in the report. You say in the report: "No violence of any kind was used to him; he made no complaint when he was charged; his face was swollen and his face slightly cut when he was arrested." Is that what you say?—Yes, on the right cheek; when he came under the electric light it appeared to be slightly swollen.

12458. Underneath the eye?—Just at the side *here*, it might have been.

12459. Of course, it might have been, but was it?—It was slightly swollen.

12460. As if it had had a blow?—I cannot say whether a blow caused it or not.

12461. Was it consistent with a blow being struck at that place, on the top of the eye?—It might have been.

12462. What kind of a cut was it?—I should say it was about an inch long.

12463. Bleeding?—Slightly bleeding on the right-hand corner at the top. There was a little moist blood there.

12464. Was that all?—It appeared to be drying up on the other part—partly corroded—partly dried up.

12465. I think you told me last time when I cross-examined you on it it was partly wet and partly dry?—That is quite correct.

12466. There was dry blood on his face—on his forehead?—Yes, in one corner.

12467. How long before that was this row with a woman?—I could not say.

12468. You came on the scene when Stevenson had marched him far from the place?—200 or 300 yards.

12469. Did you know anything about his wiping his face with a handkerchief?—Yes; we allowed him to wipe his face with a handkerchief on the way to the station. He asked to be allowed to wipe his face

P.C. W. Peck. 25 Oct. 1906.

with a handkerchief and then he would go quietly. I lifted his right arm slightly to allow him to put his arm round and take his handkerchief out of his pocket.

12470. He did not try to strike you then, did he?—No.

12471. Why did you not release his arm at the station? You had more mercy on him in the street than in the station?—No.

12472. You did not release his arm at the station for fear he might strike you?—Slightly—I did not release it.

12473. Just enough for him to wipe his face?—Yes. I still retained hold of his arm.

12474. Had he beer on his face?—Not when I saw him.

12475. No beer on him at all?—No.

12476. No beer on his coat?—No, I did not notice it.

12477. Did not a woman lend him a handkerchief to wipe his face?—There was no woman there when I assisted him to the station.

(*Chairman.*) The incident of the woman lending him a handkerchief took place before.

12478. (*Mr. Schultess-Young.*) Was he searched at the station?—I believe so. I had no hand in searching him.

12479. Who searched him?—I could not say.

12480. You do not know who searched him at the station?—No.

12481. Who would be the proper person to search him?—The person charging him and the gaoler, as a rule.

12482. The gaoler would search him?—He is only searched to see if he has any matches or a pocket-knife.

12483. He would be searched at the station?—Yes.

12484. You would search his pockets?—Just search his pockets to see if he has a knife or a box of matches.

12485. You would come across the pocket-handkerchief on the way?—No; you would not trouble about that. That is kept in a pocket where there are no matches, or a pocket knife, as a rule.

12486. You would not notice whether there was a handkerchief or not?—No.

12487. How long did you stay in the station afterwards. Did you see him come out at all?—No.

12488. You are sure he had this mark below the eye from what I call a blow, and also a cut?—He had a cut over his eye, and his face appeared to be slightly swollen at the top.

Police-constable Alfred Payne, 420 G, sworn.

P.C. A. Payne.

12489. (*Mr. Eldon Bankes.*) Are you Police-constable No. 420 in the G Division?—Yes.

12490. How long have you been in the Force?—About eighteen months.

12491. What were you before. What did you do before?—I was a bootmaker.

12492. You have been about eighteen months in the Force?—Yes.

12493. I think you were on reserve duty at the station on the night Andrews was brought in?—Yes.

12493*. Were you in uniform?—Yes.

12494. Whereabouts were you standing when Andrews was brought in?—On the landing at the top of the station steps.

12495. Did you notice a man being brought in?—Yes.

12496. He was brought in by Dawson and Peck?—Yes.

12497. How was he behaving as he was brought in?—He was struggling coming up the steps, and shouting.

12498. Did you notice his face?—Yes.

12499. Did you notice anything upon his face?—I noticed a cut over his right eye.

12500. He was taken into the charge room?—Yes.

12501. Did you go into the charge room or did you remain in the lobby?—I opened the door to let them into the charge room. Part of the time I was in the charge room, part of the time I was out on the landing.

12502. Did you hear the sergeant say he was to be taken outside. What did the sergeant say? Did you hear the sergeant say anything?—I am almost sure I was not in the charge room when he said "Take him outside."

12503. Were you in the charge room when the man was taken outside or not?—No, I was not.

12504. You opened the door and let him in, and then you went into the lobby again?—Yes.

12505. Did you come into the charge room later or not?—I was in and out of the charge room, as I say.

12506. Whilst you were standing in the lobby did you hear any noise from the landing where Andrews is said to have been?—No, I did not. I could not hear very well from there.

12507. (*Mr. Schultess-Young.*) You knew, I suppose, did you not, that Andrews had charged some people with assaulting him when you made your report. Did you or did you not?—I knew he had come to make a complaint about Manning.

12508. And about nobody else?—No.

12509. That you are quite sure of?—Yes.

12510. You say in your report: "I saw the police-constables bring the prisoner up the steps into the charge room. Police-constable Manning was not present. I did not see him at all at the time. The prisoner was not assaulted by anyone whilst being brought into the station." The charge against Manning was that he was not assaulted in being brought into the station, but it was after he got outside. Why did you say that if you did not think Dawson and Peck were also charged with assaulting him?—

(*Mr. Eldon Bankes.*) You do not follow it.

(*Mr. Schultess-Young.*) I do, indeed. You do help the witness.

(*Mr. Eldon Bankes.*) I wish I could, but I cannot.

(*Chairman.*) I did not observe it.

(*Mr. Schultess-Young.*) I think it does help the witness to make these suggestions.

(*Chairman.*) You had better read the report.

12511. (*Mr. Schultess-Young.*) "The prisoner was not assaulted by anybody whilst being brought into the station. I was in the charge room whilst Andrews was waiting to be charged. I saw him with two police-constables just outside the door. I did not see or hear anything of any assault." That does not refer to Manning, surely, or if it refers to Manning, it cannot be said to refer only to Manning. It is for the Commissioners to consider that, and not for me. You say you had no idea of anybody else being implicated in assaulting him when you made this report?—No.

12512. You make this statement: "Prisoner was not assaulted by anyone whilst being brought into the station." Do you say now you did not hear anyone besides Manning——

(*Chairman.*) The report was called for because of what Mr. Cluer said on the Monday at the hearing of the charge against Andrews.

(*Mr. Schultess-Young.*) Yes, but the only point I am raising here is: The constable now says that he did not know anything about Dawson and Peck being charged with assaulting him, but only Manning.

(*Mr. Rufus Isaacs.*) What does it matter? He has to tell the truth in his report.

(*Chairman.*) This charge had been made against the police, and his report was called for because of that. He then sits down and writes his report.

(*Mr. Rufus Isaacs.*) You cross-examined the last witness because he had not told the whole of the statement in his report.

12513. (*Mr. Schultess-Young.*) Yes, but in this report

I am looking at the mere question of whether he knew of the charge against the police when he made it. I am suggesting to you that you knew that Andrews complained about the whole of the police, and not only of Manning?—No, against Manning.

12514. Therefore, this report is only referring to what took place in your mind with regard to the assault by Manning?—Yes.

12515. Did you hear any noise outside the door?—No.

12516. Did you hear any noise when Andrews was taken outside?—No.

12517. You did not hear any shouting?—No.

12518. Or howling?—No.

12519. Or any noise of any kind?—Not outside.

12520. You did not hear any noise of any kind outside the door. Then Andrews was quiet when he was taken outside the door?—That I could not say.

12521. At any rate, you did not hear him make any noise?—I did not go outside the door.

12522. How far was the door off you?—I was on the landing most of my time—at the top of the station steps.

12523. Close to this landing?—No.

12524. How far off?—The other side of the charge-room. *P.C. A. Payne.*

12525. You were in the charge room very often, were you not?—No. 25. Oct 1906.

12526. You were in and out of the charge room all the time and did not hear any noise outside the door after Andrews had been taken out?—No.

12527. (*Mr. Dickinson.*) Do you remember the time it was when you were asked to make this report?—In the afternoon.

12528. When was it that you first heard that Manning was concerned in it?—After the charge had been heard at the police court.

12529. On that Monday?—Yes.

12530. That was because it was mentioned in court?—Yes.

12531. You heard that the name of Charley Wood was mentioned?—A man named Charley Wood.

12532. The name of Charley Wood was mentioned?—Yes.

12533. You were told so by the other policemen?—Yes.

12534. I suppose Charley Wood is well known to be the name of Manning, is it?—Yes.

Sergeant WILLIAM HOLLANDS, sworn.

12535. (*Mr. Eldon Bankes.*) I think you were on duty, were you not, at the station as sergeant in charge when Andrews was brought in?—Yes.

12536. When he was brought in were there already in the charge room some other cases?—Yes.

12537. How many?—Two.

12538. Do you remember how many constables had come in with those two cases?—One in the first, two in the second, and two in the third, I believe.

12539. You mean Andrews was the third?—Yes.

12540. (*Mr. Rufus Isaacs.*) When you say two cases let us be clear. Suppose two men are charged together, do you treat that as one case?—Yes.

12541. (*Mr. Eldon Bankes.*) So that there were three private individuals and three constables in the charge room besides yourself when this man Andrews was brought in?—Yes.

12542. Were there any other constables then in the station except the man on reserve that you know of or remember?—I fancy there was one in plain clothes coming off, but I am not quite certain.

12543. That is all you know of. When I say "in the station" I mean in the charge room or in the lobby?—Yes.

12544. When Andrews was brought in how was he behaving?—Violently. He was trying to break away from the constables.

12545. What did you tell them to do?—I told Andrews to keep quiet, but that had no effect, the struggling still continued, and finding that I could not get on with the work with the charges, I said "Take him outside on the landing until I am ready."

12546. Did they do that?—They did.

12547. Did anybody say anything to you when you said "Take him out on to the landing." I forget the words used, but it is said that somebody said "I am not responsible, or I am not answerable"?—No, I did not hear anything of the kind.

12548. Was there anybody there who was not engaged upon one or other of the cases at the time in the room?—There may have been the gaoler there who would not be engaged.

12549. But otherwise there was nobody else except those you have told us?—That is all.

12550. Was the door shut when Andrews was taken out on to the landing, do you remember?—I believe it was.

12551. Did you hear anything whilst he was out on the landing?—Yes, I heard the noise by the constable restraining him and trying to keep him quiet outside on the landing.

12552. What kind of a door is it? Is it a wooden door or a glass door?—Half glass and half wood. From the outside I believe you can see the dock. *Sergeant W. Hollands.*

12553. How long were these men with Andrews out on the landing before you told them to come in again?—I should think about eight minutes.

12554. When they came in again who was it preferred the charge against him?—P.C. 371 Dawson.

12555. Did he tell you what he had seen happen, and what had happened?—Yes.

12556. Did you then enter the charge in the ordinary way?—I did.

12557. Did you read it over to him?—I did.

12558. What did he say?—There is one thing if you will excuse me, that I might mention. When I was half way through the charge Andrews looked up and said "Can I have bail, sergeant?" I said "You can have bail after the charge is taken."

12559. You read the charge out to him?—Yes.

12560. What did he say?—After the charge was signed by the constable I took it from the desk, went over towards him and read the charge to him, and he said "Right."

12561. Did he appear to you to be dazed or injured in any way?—No, I saw him when he first came in with the constables struggling, and he had a cut over the right eye, which was slightly bleeding.

12562. Did you ask Dawson how he came by that?—I did.

12563. Did Dawson tell you?—He did.

12564. After the charge was taken he was taken down to the cells, I think?—Yes.

12565. Or taken into the cell?—Yes, it is on the same floor, just at the back of the dock.

12566. What time was it when you took the charge. Would the charge sheet show that?—Yes. It was 12.35 I fancy, I am not quite certain.

12567. The charge sheet will tell us?—Yes.

12568. "William Andrews—date and hour. Brought to the station 12.35 a.m." So that it would be some little time after that before the case would be completed?—Yes.

12569. How long after that did you remain on duty in the station?—Till two o'clock.

12570. At two o'clock what did you do?—I was relieved by Sergeant Roberts.

12571. Where did you go to?—He and I went together to the cells and took over the prisoners.

12572. Is it the ordinary routine that you tell him who is there and he takes over the charge from you?—He takes over charge of the prisoners.

Sergeant. W. Hollands.

25 Oct. 1906.

12573. Then where do you go to?—I let him know how the cases stand, who we have sent for bail for, who we have not, and so on.

12574. You put him in possession of what is to be done?—True.

12575. Then what did you do?—Then I went into the office, changed my jacket, signed the book, and went on patrol duty.

12576. Were you on patrol duty from two o'clock to —when?—Two to six.

12577. When you leave the office to go on patrol duty, do you have to sign a book saying what time you come back?—Yes.

12578. Is this the duty book (*handing*)?—Yes.

12579. Just show the Commissioners the entries of the time when you left the station, and of the time when you came back?—I went on patrol at 2 a.m. and I returned to the station at 6 a.m.

12580. Did you sign that entry there—2 a.m.—at the time you left the station?—Yes.

12581. Did you sign that entry—6 a.m.—at the time you returned to the station?—Yes.

12582. At the time you returned did you also make those entries shewing where you had met the sergeants and received their reports?—Yes.

12583. Did you enter the station at all that morning between 2 and 6?—No.

12584. We know that this man was bailed out about 3 o'clock. Were you there when he was bailed out?—No.

12585. Is there any foundation for the statement that either of those women who came yesterday or that man saw you in the station at 3 o'clock, and spoke to you about this matter when the man was bailed?—No. At 3 o'clock I had a point with the sergeant.

12586. (*Mr. Rufus Isaacs.*) There is an entry here —Hour and place of Inspector receiving sergeant's report. There is a cross to *this* in pencil?—That is the point.

12587. That you know from the duty you were upon is where you reported first to the Inspector?—The sergeant would report to me. I was Acting Inspector. This was the acting sergeant who would report to me.

12588. There is no name. It is only the place?—Yes.

12589. You would be on patrol duty from 2 to 6 o'clock, and you would receive at Harwar Street the sergeant's report at 3 o'clock. How far is Harwar Street from the police-station?—About 400 yards along the Kingsland Road.

12590. (*Mr. Dickinson.*) Does that table show what you ought to do or what you did do?—What I did do.

12591. When were those names of the policemen written in?—When we returned from our patrol.

12592. *That* is your writing?—*That* is my writing.

12593. When you returned from patrol that morning you wrote down what you had done?—No.

12594. There is no signature there?—No. We do not put the signature. You will find that *that* is my writing there.

12595. (*Mr. Rufus Isaacs.*) *This* is your writing?—Yes.

12596. (*Mr. Dickinson.*) What took place at 11.30?—That is meeting the sergeant out on patrol.

12597. You were not out then?—No; I was in the station.

12598. Then this is not an account of what you did?—This is the account of what I did, but *this* is the account of the sergeant who was out on patrol duty.

12599. Does the man who is out on patrol duty write this in, too?—Yes.

(*Mr. Eldon Bankes.*) If you wish it, I believe we have the reports from the sergeant should you desire to carry it further.

(*Mr. Rufus Isaacs.*) Not at present. The only reason why we asked the questions was this: it is not very clear until you do ask questions about it.

(*Mr. Dickinson.*) There is no name of any of the sergeants.

(*Mr. Rufus Isaacs.*) So we had to find out how far it went.

12599.* (*Mr. Eldon Bankes.*) Is there any foundation at all for the statement made by these two women and the man yesterday, that you were in the station at about 3 o'clock when this man was bailed out, and that you spoke to them about this matter?—No.

(*Mr. Rufus Isaacs.*) That is Mrs. Bassett and Miss Barrett.

(*Mr. Eldon Bankes.*) One was a lady who could not see very well.

(*Mr. Schultess-Young.*) He was brought close to her.

(*Mr. Eldon Bankes.*) And there was one man.

(*Chairman.*) It is obvious there was somebody there at the time.

(*Mr. Eldon Bankes.*) The point was, if you remember, these women said there were two sergeants there at the time; one was Roberts, but he said he knew nothing about it, and then the statement was made to this man.

(*Mr. Rufus Isaacs.*) The importance of the statement made to this man is that one of the witnesses said Andrews turned to him and said: "You coward, see what you have done." That could only be the sergeant who was in charge, if the statement was made.

(*Chairman.*) What I meant was this: I do not suppose those two women, judging from what I saw of them in the box, are likely to be able to distinguish a sergeant from an ordinary police-constable.

(*Mr. Eldon Bankes.*) With submission, it is more serious than that, and I am anxious to investigate this, because I hope it will satisfy you that respectable people, from some reason or other, do make statements which cannot be substantiated, against the police.

(*Chairman.*) I do not see that they were making any statement against the police at all. I follow the point you make about Andrew's alleged observation.

12600. (*Mr. Eldon Bankes.*) Who was the sergeant who took your duty when you went on patrol?—Sergeant Roberts.

12601. (*Mr. Schultess-Young.*) Can you offer any explanation why two witnesses should make the statement that you were the person whom they saw at the station if it was not so?—No.

12602. Do you never go back to the station after you leave it?—No.

12603. Never have done such a thing?—If anything of an extraordinary nature crops up and it is necessary to go back, I should go back, but in this case there was not.

12604. Andrews was put in the dock, was he not, after he was brought from outside?—Yes.

12605. Before that you directed him to be taken outside?—I did.

12606. Did you hear any noise?—Where?

12607. Outside?—Yes, I did, nearly the whole time I was taking the charge against the two other men, and the noise, the disturbance, and the confusion he created in the charge room was the reason why he was told to go outside.

12608. You say in your evidence, I think, that it sounded like two men trying to over-power another?—Yes.

12609. That was the noise you heard?—Yes, the shuffling of feet, and "Oh, oh," and all that sort of thing.

12610. Did you hear any groans?—No, I did not.

12611. Did you hear any howling?—No, you could not call it a howl.

12612. You hear that at the station sometimes, do you not?—Some of them are not quite nightingales.

12613. There was no sound which gave you an indication that a man was being hurt outside?—No, I do not think a man was hurt at all.

12614. When he came to the station did you notice the cut on his forehead?—I did.

12615. What was the condition of his face?—Bleeding slightly.

12616. His face?—It was slightly swollen where the cut was, otherwise his face was all right.

12617. His face was all right except where the cut was?—Yes.

12618. Is that what you say?—Yes.

12619. You are sure of that?—Yes.

12620. His face was all right, except where the cut was. Where was the cut. Indicate it on your own face?—About *there*, on the right side (*pointing*)—about the right eye, or in a line. They were struggling, and as his head came round like *this*, and they were coming round *so* (*illustrating*), I caught sight of it.

12621. You saw it when he was in the dock?—I saw it again in the dock. He wiped his eye then; and it was not bleeding while he was in the dock.

12622. You saw a cut over his eye when he was in the dock?—Yes.

12623. I want to get the time when you had the best chance of seeing it.

(*Mr. Rufus Isaacs.*) You asked him when he saw it, and he said when he was first brought in he saw it, but not so clearly as when he was in the dock.

12624. (*Mr. Schultess-Young.*) You saw it before he was in the dock, but you saw it most clearly when he was in the dock?—Yes, because he was quieter as soon as he got in the dock he seemed to quiet down.

12625. You say there was a cut about his right eye?—Yes.

12626. You say it was not bleeding?—It was not bleeding then.

12627. Was there any dried blood on it?—Slightly round the edges.

12628. You noticed all that?—Yes.

12629. You did not think to call in a doctor?—No.

12630. How big was the cut?—About an inch, or an inch and a quarter, I should think.

12631. That was the only mark on his face?—Yes.

12632. There was no other mark except that cut?—That is all I saw—I saw no other mark.

12633. You had him in full view?—I had.

12634. Right in front of you?—I had.

12635. If another constable says his face was swollen I suppose that is a mistake?—I think one of them did say his face was slightly swollen where the cut was.

12636. No?—At no other place than the cut

12637. When he was put in the dock he made a statement, did he not?—He said, "Can I have bail, sergeant?" I said, "You can have bail when the charge is taken."

12638. Did not he say, "I am sorry; I am not going to be hit for nothing"?—I did not hear that. A constable standing close to him told me that.

12639. I cross-examined you about it before?—I did not hear it.

12640. I ask you if Andrews said it, it would not be true, but if Peck said it, it would be true?—Peck was standing nearer to him, because I was writing the charge out.

12641. How do you make these reports. You are directed to make them, I think, and to hand them in to some superior officer?—That is so.

12642. I find the word "submitted" on this report; what does that mean?—The sub-Divisional Inspector would sign it, and then it would go forward to the Superintendent.

12643. And, having seen it, would add something to it, or take something from it?—No.

12644. Are you sure?—Yes.

12645. Why is this report written afterwards?

(*Mr. Eldon Bankes.*) That is comment.

(*Mr. Rufus Isaacs.*) We have had it in earlier cases that the practice is for the Inspector to make notes of his comments upon it.

12646. (*Mr. Schultess-Young.*) It is in several handwritings. This is your handwriting?—Yes.

(*Chairman.*) I think you ought to read that now.

12647. (*Mr. Schultess-Young.*) I will, of course. *That* is your handwriting?—Yes. *Sergeant W. Hollands.* 25 Oct. 1906.

12648. Is *this* your handwriting?—No.

12649. *This* is not the same handwriting as *that*. Whose handwriting is *that*?—That is Inspector Pilgrim's.

12650. Whose handwriting is *that*?—I believe that is the Superintendent's handwriting.

(*Mr. Rufus Isaacs.*) The witness' writing is contained in what you have got preceding his signature.

(*Mr. Schultess-Young.*) That is so.

(*Mr. Rufus Isaacs.*) Does what appears afterwards appear to be in a similar handwriting, or in somebody else's handwriting?

(*Mr. Schultess-Young.*) I thought at first it was the same handwriting, but this is Inspector Pilgrim's handwriting, then there is another handwriting, and then I understand there is the Superintendent's handwriting.

(*Chairman.*) You had better read it.

12651. (*Mr. Schultess-Young.*) This is the report of the 31st July. The words are: "Submitted. The cell passage referred to is the landing immediately outside the charge room door, and between that room and the cells belonging to the police court. Andrews has made no application for a summons at present. He is well known to Police as a determined thief and a desperate character." Do you know that Andrews was in a most respectable situation then?—No, I did not know the man; it was the first time he came under my notice.

12652. You know now, do you not, that he is in a respectable situation?—No. I have heard so in this case.

12653. Here is a report stating that "He is well known to the Police as a determined thief."

(*Chairman.*) Will you finish the note?

(*Mr. Schultess-Young.*) "His description appears in Case No. 100 Special Release Notice, 1st February, 1902."

(*Mr. Dickinson.*) Which is the line you say was interpolated?

12654. (*Mr. Schultess-Young.*) I do not think it was in the least interpolated. I do not think it is of the slightest consequence. I think it is only intended to be descriptive.

12655. When you go outside this door where Andrews was taken on to the landing, what is there?—It is an open space, as large as from *that* side to *here*.

12656. Suppose you go downstairs, where would that take you to?—Two steps lead to the landing where Andrews was taken.

12657. Two steps downwards?—Yes, from the charge room.

12658. From the charge room you drop two steps on to the landing?—Yes.

12659. From that do you go down more steps?—Yes, about twelve or fifteen, I should think. That brings you to the bottom of the basement.

12660. What is there?—Round to the right you go to the urinal, and if you turn to the left you go from *here* to about *there*, and then down four steps, and then into the long room.

12661. Then Andrews was taken back to the charge room to be charged, and then he was taken to the cells?—Yes.

12662. That would be to a place opening from the charge room?—Yes, to a passage opening from the charge room to take him to the cells.

12663. Why do you say here: "I directed the police constables to take him to the passage between the cells and charge room"?—That is so. There are cells on this landing which nobody, unless they knew about it, would take for cells. It is the backs of the cells.

12664. I do not understand the explanation.

(*Mr. Rufus Isaacs.*) If you look at what is submitted by the sub-Divisional Inspector and Superintendent I think it is clear "The cell passage referred to is the landing immediately outside the charge room door and between that room and the cells belonging to the police court."

Sergeant W. Hollands.

25 Oct 1906.

12665. (*Mr. Schultess-Young.*) But there is no entry to the cells that way?—No.

12666. It is the backs of the cells?—It is the backs of the cells.

12667. Have you any knowledge of Andrews having been taken to the station on a charge before, and the charge not being accepted?—No. As I said a little while ago, this was the first time he came under my notice.

12668. Can you tell me if you remember anyone else being taken on to the landing?—No, I have never had occasion to make use of the landing before.

12669. What was the actual reason why you sent Andrews on to the landing on this occasion?—Because he was so violent, and I could not get on with my work.

12670. Were the other prisoners who were brought into the charge room very violent?—Yes, but the circumstances may not arise.

12671. What were the special circumstances here?—The dock was full, and I was just clearing away the other case, the burglary case, and I was making a start with the two men in the dock.

12672. And another prisoner was brought in making a noise?—That is so.

12673. Are you not ever in that position in a station like Old Street?—On a Saturday night, occasionally; but they were inclined to be exceptional that night.

12674. You do not have them taken on the landing?—I should not do it again, unless it was a case of necessity.

12675. And you have never done it before?—No. The station has not been opened for so over long.

12676. Although you have had similar occasions at Old Street on Saturday nights, especially when the dock was full, and another prisoner was brought in who was very noisy?—I cannot say I have had the exceptional circumstances like it was that night, although many a Saturday night I have had my hands full.

12677. (*Mr. Rufus Isaacs.*) How long have you been in the Force?—22½ years the 22nd of last March.

12678. You have risen from constable?—Yes.

12679. How long were you a constable?—I was nine years in the West End, seven years in North London, and six and a half years where I am now.

12680. How long have you been a sergeant, about?—Since 1893.

12681. (*Mr. Dickinson.*) Do your books show any entry of the exact time when you took the charge against this man?—The charge sheet would show that. From the charge sheet it is copied into the book.

12682. William Andrews, 12.35. Would that be the time when he first came in, or the time when you actually took the charge? I suppose you put down 12.35?—Yes. That would mean as nearly as possible the time he was brought to the station: possibly it might have been 10 minutes before I started on the charge.

12683. Then this does not show the actual time when you took the charge?—No; it may have been a few minutes after.

12684. You say he came into the station at 12.35, and then he was eight minutes outside on the landing?—Yes.

12685. Then you have no means of showing by your book that eight minutes had elapsed?—No.

12686. When you called him in, how did you call him in?—I called out "Bring the other man in."

12687. The door was closed?—Yes.

12688. You called out from the charge room?—Yes.

12689. Would they hear that from the door?—It is not quite certain whether the constable was at the door keeping observation on them out on the landing; if so, he would pass the word on.

12690. Do you ever have prisoners put down in the parade room?—No.

12691. It is never done?—No.

12692. There is no seat on the landing?—No.

12693. But there is a long seat against the wall in the parade room?—That is so.

12694. You know Andrews says he was sitting on a seat. You can give me no explanation of that, I suppose, as there is no seat on the landing?—No.

12695. (*Mr. Rufus Isaacs.*) It is suggested in the case made by the complainant that in giving this order to take him outside you were actuated by some animus against Andrews. Had Andrews in any shape or form come before you before this occasion?—Never, I never knew of him.

12696. You did not know him at all—No. I had not the slightest idea until I had got his papers, and then I knew something more.

(*Mr. Schultess-Young.*) I ask the Commissioners leave either to ask him the question, or to call the Commissioners attention to the fact that it is stated in the report that he is well known to the police as a determined thief, and a desperate character. That is what is added by these two gentlemen, Pilgrim and Hammond; and yet this experienced policeman says he knew nothing about the man.

(*Chairman.*) That is argument.

(*Mr. Rufus Isaacs.*) You do not seem to follow what the witness said. He said: "When I got the papers about him then I knew something more."

Sergeant WILLIAM ROBERTS, 17 G, sworn.

Sergeant W. Roberts.

12697. (*Mr. Eldon Bankes.*) Are you section sergeant in the G Division?—Yes.

12698. Did you relieve Station Sergeant Hollands on the night when Andrews was brought in?—Yes.

12699. Just look at the station book. (*Book handed to Witness.*) What time did you come on duty?—Ten o'clock at night.

12700. What time did you relieve Sergeant Hollands?—Two o'clock in the morning.

12701. What were you doing between ten and two?—Out patrolling.

12702. Do you and Sergeant Hollands interchange duties?—Yes, at two o'clock.

12703. You would be patrolling when he is at the station, and when you are at the station he is patrolling?—That is so.

12704. Did you sign the book when you came on duty and relieved Sergeant Hollands at two o'clock?—Yes.

12705. Is that shown there?—Yes.

12706. How long did you remain on station duty?—From 2 a.m. to 6 a.m.

12707. When you arrived and relieved Sergeant Hollands was Andrews then in the cell?—Yes.

12708. Did you know anything about what happened up to that time of your own personal knowledge?—No.

12709. But he was reported to you as being in the cell?—Yes.

12710. After you had come on duty did someone come to bail him out?—Yes.

12711. Look at the bail book. (*Book handed to Witness.*) What time was he bailed out?—2.30 a.m.

12712. At that time was Sergeant Hollands in the station?—No.

12713. Is there any foundation for the statement that was made by those witnesses yesterday that you and Sergeant Hollands were both in the station when the man was bailed out, and that they spoke to you both?—None whatever.

12714. (*Mr. Schultess-Young.*) Is the time entered in that bail book?—Yes.

12715. Was there a clock in the station?—Yes.

12716. You are so exact about that "2.30." I did not know whether you were particular to a minute or two. With regard to this report of yours, one of the reports referred to as being added to——?—I have not made a report.

12717. You made no report at all?—No.

12718. It is Sergeant Robertson. You were not called upon to do so?—No.

12719. Did you come from your patrol to relieve Sergeant Hollands?—I leave the station at 10 o'clock; I work round to get to the station by 2 a.m. to relieve him.

12720. If anything detains you you would not be there quite as soon sometimes?—I had nothing to detain me on this night. I went under the railway arches in Old Street as the clock in the church was striking two, and I would be at the station door a minute past two.

12721. You were a little after two?—About a minute. The chimes of the clock had not finished when I got to the station door in any case.

12722. But they were striking when you passed under the railway arch in Old Street. That is about 250 yards, is it not?—Oh, no.

12723. Are you sure?—Positive.

12724. I have been there several times. Do you think it was about 250 yards?—No, certainly not.

12725. How far?—I should not call it 50 yards.

12726. You were a little after two?—A minute after two.

12727. Was there any object in putting down the time when you arrived, because it was only your duty to relieve. I suppose Sergeant Hollands took your place and you his?—That is right.

12728. He was not going off duty?—No.

12729. You would not be so very strict to a minute or two?—Yes. I say the clock had not finished chiming when I went up the steps of the station.

12730. You would not be obliged to be very strict?—I should not go in five minutes before two, but I should work so as to get to the station as near as two o'clock as possible.

12731. You might be detained. I do not say you were on this occasion?—Naturally if anything occurred that wanted my assistance in the streets I should stop.

12732. When you got there it was two o'clock, or a minute or two after?—It was not more than a minute in any case.

12733. Is there any object in putting exactly the time when a man is bailed out?—Yes, we always put the exact time when a man is bailed out.

12734. Not to the minute?—I went by the charge room clock. I do not know whether that was exact or not.

12735. But approximately it is enough for you to say half-past two or a quarter past two, or three o'clock, or whatever it was?—About half past two.

12736. There is no reason for putting 2.30 or 2.20 or 2.16?—I should do so if I looked at the clock. I looked at the clock, and it was exactly 2.30.

12737. Were you in court yesterday when the witnesses identified you?—Yes.

12738. Not before that had you come into court?—I have been in court all the time.

12739. You heard what they said?—Yes.

12740. Do you say you did not see any one of these witnesses?—I saw the man Smith, because he came to the station with the bailee, and he said: "I have come with this man to bail out Andrews." I said: "Are you the bailee?" He said: "No." I said: "You wait out in the corridor," and then he went out in the corridor.

12741. What time was that?—I should say about twenty-five past two.

12742. You kept him waiting in the corridor?—Yes.

12743. Then did you send for the prisoner?—I did.

12744. And he came upstairs?—He came out of the cell passage. There were no steps to come up.

12745. There were two stairs?—No, there are no stairs. The cell is on a line with the charge room.

12746. That was close by?—Yes.

12747. You brought him out at once?—The gaoler brought him out.

12748. At once?—Yes.

12749. How long did it take—about a minute to bring him out?—I could not exactly say. It might have been some minutes.

Sergeant W. Roberts.

25 Oct. 1903.

12750. Would it take more?—I should not say so.

12751. That would make it about 27 minutes past, would it not?—Yes.

12752. Did you see Sergeant Hollands go away?—Yes; he went out of the office about eight or nine minutes past two; anyway, it was not beyond ten minutes past two.

12753. You did not look at the clock?—No.

12754. You would not have any reason to?—No.

12755. He had got some little business in the office before he went, leaving you in charge?—He had no business to do, only to go and visit the prisoners.

12756. Then he went out of the office after he had looked at the prisoners?—Yes.

12757. Did he go into Andrews' cell?—No, he did not.

12758. Would it not be his duty to?—No.

12759. Did you make the remark stated by the witnesses yesterday, "I do not know anything about it"?—No, I did not.

12760. You heard what they said?—I heard what they said.

12761. A complaint was made about Andrews being knocked about?—Not to me.

12762. That is what was said, and you said: "I know nothing about it"?—They made no complaint to me whatever. I never used those words.

12763. If they had made it you would know nothing about it?—No, because I was not there.

12764. If they had said that, that is exactly what you would have said?—I do not know that I should have said that.

12765. You might have used different words, but it is what you would have said in effect?—I do not know that.

12766. Do you suggest anything else you could have said?—I might have said: "If you have got any complaint I will deal with it," which is the usual thing to do. But the man did not make any complaint to me.

12767. As a matter of fact, you did not know and could not have known of any affair which had taken place between you and anyone previously?—No; I was not near the station after ten o'clock until two.

12768. Do you suggest that these witnesses have been telling an untruth, and a very serious untruth, amounting to perjury?—I do not know what you mean.

12769. They said when a complaint was made by Andrews: "You have cut me about—this is your doing, you coward," that you said: "I know nothing about it"?—I did not make that remark.

12770. You heard what was said?—Yes.

12771. You say you did not make any remark of that kind?—I did not.

12772. But you remember seeing the parties there?—I remember seeing the man Smith there, and asking him to walk outside where the two women were waiting in the corridor. My back was turned; I do not know whether they were there or not.

(*Chairman.*) You say: "All these witnesses," but I only find three.

12773. (*Mr. Schultess-Young.*) I was referring to three. Of course, Keough was not called. Mrs. Bassett said you said: "Do not blame it on to me, I know nothing about it." You say you did not say that at all?—No, I did not.

12774. But you saw the persons there who made the statement?—They may have been in the corridor in the police station. I am not sure. I did not see the woman there until Mrs. Bassett came in to bail out her son at 2.40 a.m., and I believe I took his bail Possibly they may have been in the corridor outside, which is used practically as a waiting room.

12775. Was Bassett bailed after Andrews?—Yes.

12776. Mrs. Bassett came in before Andrews came out?—She may have. I am not in a position to say.

Sergeant W. Roberts.

25 Oct. 1906.

12777. You did see one of them, at any rate?—I saw Smith, and asked him to wait outside.

(*Mr. Eldon Bankes.*) May I ask the Commissioners to look at the bail book, which is signed by Andrews. The man said he was dazed.

(*Mr. Schultess-Young.*) No; he did not say he was dazed when he came out of the cells, but before he was taken in.

(*Mr. Rufus Isaacs.*) How long have you been in the Service?—Fifteen years on the 17th December. Prior to that I had four years in the Hampshire Constabulary, or just on four years.

12778. How long have you been a sergeant?—About three and a half years.

12779. (*Mr. Dickinson.*) What time do you say it was that Sergeant Hollands left there? You came in at two o'clock, and then I understand you and he went round the cells?—Yes.

12780. What time do you say he left the office?—I should say it was eight minutes past two. It would take us four or five minutes to go round the cells. One prisoner did not speak, and we had to undo the cell door and have at look at him, which is usual, in order to see that he was all right.

12781. You are positive that Hollands had left before this woman came?—I am sure he had.

Police-constable CHARLES IRWIN, 335 G, sworn.

P.C. C. Irwin.

12782. (*Mr. R. D. Muir.*) Are you Police-constable 335 of the G Division, and were you on duty as gaoler when William Andrews was brought to the station in Old Street by Police-constables Dawson and Peck?—Yes.

12783. How did Andrews behave when he was brought in?—He was resisting the constables and shouting.

12784. What was the station sergeant doing at the time?—He was engaged at the desk taking a charge.

12785. Did you hear him give any orders with regard to Andrews?—Yes, to take him outside on the landing.

12786. What was done upon that?—Two officers took him on the landing.

12787. Where were you at that time?—I was in the charge room.

12788. Could you see Andrews after he was taken out on to the landing?—Yes, I could.

12789. Did you see him brought back into the charge room to be charged?—Yes.

12790. All the time between the orders given by the station sergeant to take him out on the landing and his being brought back did you see him?—I had him under observation.

12791. You could see him the whole time?—Yes.

12792. Was he assaulted at all by anybody?—No.

12793. Was he taken down to the basement?—No.

12794. When brought back and charged did he make any complaint?—I did not hear him. No, he made no complaint.

12795. Was Constable Manning there at that time?—I did not see him at all all the evening.

12796. (*Mr. Schultess-Young.*) But you were there when he was bailed out, were you not?—Yes.

12797. Did you see Smith there?—I saw Smith.

12798. Did you see Mrs. Bassett and Miss Barrett?—I did not see her at the time that Smith came there with the other man to bail Andrews out.

12799. When he came out of the cells what did he say?—I heard him making use of offensive language to the sergeant.

12800. Which sergeant was that?—Sergeant Roberts, who bailed him out.

12801. You heard him make use of offensive language to the sergeant?—Yes.

12802. He seemed to have some grievance against the sergeant, do you mean?—I do not know. I did not hear what he was directing his language to him for.

12803. You say you had him under observation when he was on the landing?—Yes.

12804. Could you see him?—I could see him through the glass door.

12805. You were looking at him all the time?—I was.

12806. What was he doing?—He was resisting the constables, and I could hear him shouting.

12807. What was he shouting?—A sort of yawling noise. I could not describe it.

12808. Not a crying noise, as if he was in pain at all?—No.

12809. Just an angry noise?—I could not describe it.

12810. That took place all the time he was out there?—Yes.

12811. Could you hear what he said?—I could not.

12812. You could not hear what was said?—No.

12813. Is it your duty to search the prisoners when they come in?—Yes.

12814. Did you search Andrews?—I did.

12815. What did you find upon him?—I think I took a box of matches from him. That is all I took away from him.

12816. What was there on him besides that?—I could not tell you clearly now. That is all I took from him, and a handkerchief.

12817. Then it was not correct what the constable said?—I took the matches from him, I mean—I did not take the handkerchief from him.

12818. You said you did?—I corrected my error.

12819. When I told you what the constable had already said about it you then correct it. You said you took a handkerchief from him, but now you say you did not take it?—No, I did not.

12820. What was his condition when you took him into the cells?—His face was very red, and he had a cut over his right eye.

12821. Anything else about his clothes?—I did not notice.

12822. Did he smell of beer?—I did not take that notice, and I did not put my face close to him to smell his breath.

12823. Did his clothes smell—were they wet?—No, I did not notice.

12824. Did you see the cut over his right eye?—Yes, some dried blood over his eye.

12825. That is when he came into the station?—You asked me when he came up from the cells.

12826. No. I thought you saw him when he came to the station?—Yes.

12827. You searched him when you took him to the cells?—Yes.

12828. When you took him to the cells you searched him after he was charged?—Yes.

12829. He had got dried blood over his eye?—Dried blood and the other kind of blood, too. There was some damp blood. Dry and damp blood.

12830. Were you present in the charge room when the charge was taken?—Yes, I was.

12831. Did you hear what he said to the sergeant?—I did not take any notice of that, as I was otherwise engaged.

12832. Did you see Sergeant Roberts that night?—I saw him after two o'clock—just after two.

12833. What did he do when he came in. Did he come into the cells with Sergeant Hollands?—Yes, and I accompanied the two officers round to visit the prisoners.

12834. What time was that?—Just after two.

12835. Were there many prisoners?—There were three or four. I could not tell you exactly now.

12836. You said you visited the prisoners, but I

thought you did not visit them unless they called for you?—You visit them without being called.

12837. Do you go into their cells?—No.

12838. You look through the door?—Yes.

12839. You did so on this occasion?—Yes.

12840. How long did that take?—I could not say exactly. It may have been a minute or a minute and a half.

12841. Did you look at the time when Sergeant Hollands went away?—I did not.

12842. You do not know what time he did go away?—He left just after two, I know that.

12843. He only came in at two?—Just after two. I would not be certain to a minute, but a few minutes after he left.

12844. A quarter after two?—No, not so late as that.

12845. Ten minutes after two?—No, I should not think it would be as late as that.

12846. We have just been told that he stayed ten minutes there?—I cannot be certain. I know it was not long after two. *P.C. C. Irwin.* 25 Oct. 1906.

12847. You had no reason, then, to consider the matter, had you?—No.

12848. Did you hear any talking about this case the next day?—I heard talk of it when I was called upon to make the report.

12849. The very next day, Sunday?—No, I did not.

12850. You heard no talking about the case?—No.

12851. Have you seen any of the persons who have given evidence?—Do you mean as regards my brother officers?

12852-3. Oh, no, I mean the witnesses on the other side?—No, I have not.

(*Mr. Eldon Bankes.*) I have the four constables here who were in the charge room at the time in charge of the other cases, and I propose to call them unless the Commissioners express a wish to the contrary.

Police-constable JOHN SWAIT, 391 G, sworn.

12854. (*Mr. Eldon Bankes.*) You are a constable, 391 of the G Division, and how long have you been in the force?—Fourteen years.

12855. On this night were you in this charge room, having brought a charge in yourself?—Yes.

12856. Which charge was it you brought in?—A case of burglary.

12857. Were you alone concerned with that, or was there another man with you?—I was the only constable in the case.

12858. Were you there when Andrews was brought in?—Yes.

12859. How was he behaving?—He was very noisy. He was struggling, trying to release himself from the two constables.

12860. Did you hear a sergeant say anything?—I did. The sergeant said he was noisy, and he asked him to be quiet. That did not seem to have any effect, so he said, as near as I can say, "For goodness sake take that man outside," pointing to the landing.

12861. Then he was taken out?—He was taken outside.

12862. Were you in the charge room when he came back?—Yes.

12863. Did you notice when he came in on the first occasion whether he had any mark on his face?—Yes, I noticed this mark on his eye.

12864. Did you see or hear anything or any assault outside?—No, I could not see him outside.

12865. Is it true that a number of constables accompanied him out of the charge room?—No, there were only two constables, who had him in custody, who took him out.

12866. (*Mr. Schultess-Young.*) Any constable in plain clothes who happened to be outside could have come round by the other door without going into the charge room?—No, not at that time. That door would be locked.

12867. Would it be locked on this occasion?—I do not know. It should be.

12868. You say you saw the cut over his eye?—Yes.

12869. Did you see any other marks on his face?—No, not that I noticed.

12870. No other mark except the cut over the right eye?—That was the only thing that drew my attention as he passed. *P.C. J. Swait.*

12871. Did you give evidence before the Magistrate?—On one occasion.

12872. Would that be the second occasion?—No, on the first occasion in the case of Manning.

12873. Did you hear any noise when he was outside the door?—Yes, I could hear a noise of persons out there loudly talking.

12874. Was that the noise you heard?—Yes, as if they were struggling out there. The noise we hear occasionally in a case.

12875. No cry of pain?—No, I did not put it down to anybody being in pain.

12876. No groans or moans?—No.

12877. Nothing of that sort?—No.

12878. (*Mr. Dickinson.*) When you had done with your charge what did you do? Was your prisoner taken away to the cells?—My prisoner was put back in the cells.

12879. Did you put your prisonner back?—I put my prisoner back because the gaoler was engaged at the time.

12880. Did you go in the cells through a different door from that out of which this man had been taken by the two constables?—Oh, yes. The door I went through was across that side of the charge room, and the door they went through was over here. (*Describing.*)

12881. Did you come back?—Yes, I had a little formality to go through in my case, because in a case of burglary you have to take the descriptions and hand it on to the sergeant, so I had to remain there.

12882. Did you hear the sergeant call Andrews and Peck and Dawson in?—I could not say that I heard him call them in.

12883. Were they in when you came back?—They came in while I was standing there.

12884. (*Mr. Eldon Bankes.*) I ought to have asked you whether Manning was there?—No, not the whole of the time that I was there.

Police-constable HERBERT BARTRAM, 41 G, sworn.

(*Chairman.*) Is Bartram's evidence to the same effect?

(*Mr. R. D. Muir.*) Yes.

(*Chairman.*) Then you might ask him whether he agrees with the last witness.

12885. (*Mr. R. D. Muir.*) Were you in the station on the night of the 29th July, at about half-past twelve in the early morning?—Yes.

12886. Did you see what took place with regard to Andrews?—I saw him brought in.

12887. Did you hear the last witness give his evidence?—Yes. *P.C. H. Bartram.*

12888. Is that correct so far as you know?—As far as I know.

12889. And did you make a report on the subject on the 17th August?—I think it was on that date, but I am not quite certain of the day.

12890. You made a report and signed it?—Yes.

12891. Did you see anything about Andrews' face when he came in?—I saw a mark just here on his face.

P.-C. H. Bartram.
25 Oct. 1906.

(*Describing.*) There appeared to be some blood on his face partly dry and partly moist.

12892. Did you see his face when he came back again?—Yes.

12893. Was it any different to what it was when he came in?—No, not that I could see; not in the least.

12894. (*Mr. Schultess-Young.*) You say he had a cut over the right eye, and that was all?—That is all I know. I was not very close to him.

12895. You say also in your report he had a cut over the right eye and blood over his face?—Yes, he had. It appeared to have come from that cut.

12896. You say blood on the face?—Yes.

12897. That was when he was placed in the dock?—Yes, I think it was.

12898. (*Mr. Dickinson.*) Did you hear the sergeant call them in?—Yes, I think he called them in to the charge room again.

12899. How did he call them in?—He said "Bring them inside now." I believe those were the words he used exactly.

12900. Did he open the door?—I believe the police-constable on reserve opened the door, if I remember right.

(*Mr. Eldon Bankes.*) I will now call P.-c. Williams.

(*Chairman.*) Is his evidence to the same effect?

(*Mr. Eldon Bankes.*) To the same effect.

(*Chairman.*) Unless Mr. Schultess-Young wishes him called we do not.

(*Mr. Schultess-Young.*) I shall not trouble to cross-examine very much, but I should like one or two more to be called.

(*Mr. Rufus Isaacs.*) It is only with regard to these two constables out of the four. We have had two before us, and the only thing is whether you want the other two.

(*Mr. Schultess-Young.*) I want P.-c. West called.

Police-constable THOMAS WILLIAMS, 204 G, sworn.

P.C. T. Williams.

12901. (*Mr. Eldon Bankes.*) Were you in the charge room when Andrews was brought in?—Yes.

12902. How did you get there? Did you bring a charge in?—I was there in connection with the charge taken previous to that—Obeney and Bassett.

12903. Have you heard what the last witnesses have said with regard to what happened in the charge room?—Yes.

12904. Is that accurate?—It is.

12905. Did you see the mark on the eye when he came in?—Yes.

12906. Is there any foundation for the suggestion that Manning was there?—None whatever.

(*Mr. Schultess-Young.*) I have no question.

Police-constable HUGH WEST, 263 G, sworn.

P.C. H. West.

12907. (*Mr. R. D. Muir.*) Are you Police-constable 263 of the G Division?—Yes.

12908. Were you in the station when Andrews was brought there?—Yes.

12909. You have heard the evidence of the last three witnesses as to what took place in the charge room?—Yes.

12910. Is that correct?—Yes.

12911. Was Manning there?—No.

12912. (*Mr. Schultess-Young.*) Do you remember anything before Mr. Cluer with regard to Bassett's case?—Yes.

12913. Who was the Inspector in charge of the police court then?—I could not tell you that; he was a stranger to me.

12914. To your knowledge was any report made of anything that took place in the station on that day?—No.

12915. You are the constable, are you not, who Mr. Cluer charged with endeavouring to mislead him with regard to a prisoner?—Not exactly.

12916. I asked you that question in the police court, and you said "Yes." Have you anything to add to it now?—Mr. Cluer did not quite understand the evidence that I gave him.

12917. Did not Mr. Cluer say, "Why mislead me into believing that both were arrested on the spot where you say they were disorderly? I do not believe the charge after that." Did he not say that to you and dismiss the charge?—No, not both of them, but one of them—Bassett.

12918. Then Mr. Cluer did accuse you of endeavouring to mislead him with regard to the prisoner?—Mr. Cluer misunderstood my words.

12919. Was any report made of that, I want to know?—Yes, there was.

12920. To whom?—I was called on to make a report.

12921. About that particular thing?—I was called upon to make a report on the evidence that I gave in the court.

12922. You were also called as a witness on behalf of Manning, were you not?—Yes.

12923. Before that other matter had been cleared up?—After that had been cleared up.

12924. It had been cleared up, had it?—Yes.

(*Mr. Rufus Isaacs.*) We do not know what had taken place at the police court. Is that observation of Mr. Cluer made in another case on the same day?

(*Mr. Schultess-Young.*) Yes.

(*Mr. Eldon Bankes.*) It was the charge this constable was in charge of.

(*Mr. Rufus Isaacs.*) Obeney and Bassett's charge?

(*Mr. Schultess-Young.*) Yes. I have the shorthand note of the constable's answer, if necessary.

12925. (*Mr. Eldon Bankes.*) You made a charge against the man Bassett?—Against both of them.

12926. And you gave evidence before Mr. Cluer about that?—Yes.

12927. And Mr. Cluer made some observation to you about your evidence?—Yes.

12928. I think I understood you to say that you think he did not understand what you had said?—I do not think I made him properly understand my evidence as to the arrest of Bassett.

12929. In consequence of the Magistrate's remark were you called upon by your superiors to make a report?—Yes.

12930. On that matter of Bassett's?—Yes.

(*Mr. Eldon Bankes.*) I will try and get that report for you, Sir, if you wish to see it.

(*Mr. Rufus Isaacs.*) I do not quite understand what it is that he is supposed to have misled Mr. Cluer in.

(*Mr. Schultess-Young.*) "Mr. Cluer (to the constable): Did you arrest him at the station? The constable: I arrested him. Mr. Cluer: Answer the question. Did he walk to the station, and was he taken into custody at the door? The constable: Yes. Mr. Cluer: Then why mislead me into believing that both were arrested on the spot where you say they were disorderly? I do not believe the charge after that."

12931. (*Mr. Eldon Bankes.*) Had you ever told Mr. Cluer they were both arrested at the same place?—Yes.

12932. Just explain in your own way what happened?—I arrested both the prisoners together, and in the struggle Bassett got away from me, and I got the assistance of two other constables and handed Obeney over to them. When I got to the station Bassett was outside, and I arrested him, or re-arrested

him, at the station. Mr. Cluer understood me to say that I arrested him at the station.

12933. You originally arrested both together, and then one got away and you re-arrested him at the station?—That is quite right.

12934-5. You did not make those facts plain to Mr. Cluer. Is that your view of it?—Yes.

(*Mr. Schultess-Young.*) Here is the actual shorthand note taken at the time at the police court, and it is by the purest accident I happened to have it. (*Handing document to the Commissioners.*)

(*Chairman.*) This is in shorthand. It is not transcribed.

(*Mr. Eldon Bankes.*) Shall I read the whole of the newspaper report?

(*Mr. Dickinson.*) Can we have the newspaper report about the Andrew's charge? You have said there was a newspaper report of the charge against Andrews on the first day.

(*Mr. Eldon Bankes.*) I have not seen that.

(*Mr. Schultess-Young.*) I have that here.

(*Mr. Rufus Isaacs.*) There are no notes of evidence.

(*Mr. Rufus Isaacs.*) There are no notes of evidence, as far as we know, of what took place before Mr. Cluer on the first day when the charge was made against Andrews.

(*Chairman.*) That was on the 30th July.

(*Mr. Schultess-Young.*) Here is the report that appeared in the "Daily Telegraph" on the 31st July, 1906: "William Andrews, about 40 years of age, respectably dressed, was charged, at the same court, with disorderly conduct by fighting, and with assaulting Police-constable Wilson 371 G. The constable said that at 12.15 on Saturday, in Luke Street, Finsbury, he saw prisoner and another man fighting. A woman joined in and attacked the prisoner, and when witness had separated them prisoner passed him and struck the woman. He then arrested prisoner, who struck him in the mouth. Prisoner denied the charge of assault, and said that he was first attacked by the man, then had beer thrown in his face by the woman, and when he struck back he was seized by the constable. Pointing to the condition of his face, with a lint and surgical strapping over the right brow, a bad black eye, and a badly bruised and swollen cheek, prisoner said that before the charge was entered against him at the station, a police sergeant and three or four constables took him by an underground passage, where they beat him about the face and knocked him down, causing the injuries he now showed. He added that he had witnesses to prove he had gone into the station without a mark upon him, but when he was bailed at three o'clock in the morning, he had to go to St. Bartholomew's Hospital for his injuries. He had to have the wound over his forehead sewn up. He said there was some ill-feeling against him on the part of the police because he had had to report constables who interfered with him because there was one or two little things against him. Mr. Cluer said the prisoner's complaint was no part of the charge before him, but he would be glad to investigate it if brought before him in another form—by summonses. He was bound to say he had heard too often the allegation of police violence at the station. The assault charged by the constable was a very trifling one, and he ordered the prisoner to be bound over to keep the peace. Prisoner asked if he could take any steps for the assault on himself, and was told he could apply later."

(*Mr. Rufus Isaacs.*) Is there anything to indicate how many witnesses were called before Mr. Cluer?

(*Mr. Eldon Bankes.*) I can get the notes, Sir, if you wish it. We have not asked for them, and did not know that they were material.

(*Mr. R. D. Muir.*) May I call your attention, Sir, to the fact that this document which is put before the Commission as being a shorthand note of something said by this constable reads thus: "Police-constable West"—that is in longhand—"The constable who was reprimanded by Mr. Cluer for trying to mislead him." It is obviously not a shorthand note of anything that was said at all, but some observation of the person who makes that note in shorthand.

P.-C. H. West.

25 Oct. 1906.

(*Mr. Schultess-Young.*) That note came from the reporter of the court, and was among my papers.

(*Mr. R. D. Muir.*) That is what it says.

(*Mr. Eldon Bankes.*) If that is correctly read by my learned friend, Mr. Muir, somebody is responsible.

(*Mr. Schultess-Young.*) This was not taken at the time when Mr. Cluer dealt with the man in the way mentioned. This was taken at the hearing of the case against Manning, with regard to Andrews, when I cross-examined West as to whether he was not the constable who was reprimanded by Mr. Cluer, and that, I take it, is a short statement of the effect of it.

(*Mr. Rufus Isaacs.*) As pointed out by Mr. Muir, that cannot be a shorthand note of what took place, because it begins by a shorthand description of what the man is.

(*Mr. Schultess-Young.*) I have more of them here.

(*Mr. Rufus Isaacs.*) Do not you think you should not hand up any notes which you say are shorthand notes? We have that one illustration which shows that they are not reliable in any way.

(*Chairman.*) I took that from you because I understood that it was a shorthand note of what had been said before Mr. Cluer.

(*Mr. Schultess-Young.*) No, I tried to explain what it was a shorthand note of. It says, "Swait, West, Williams, and Bartram." These are all notes of the reporter in the court, and this is what they formerly said.

(*Mr. Rufus Isaacs.*) Just follow for a moment. I do not think you appreciate what Mr. Muir read. Obviously, from what he read, if it is a correct transcript of the shorthand note, that cannot be a shorthand note that was taken at the time, because it begins by saying "This is the man who was reprimanded by Mr. Cluer." Nobody ever said that.

(*Chairman.*) That is all that it says.

(*Mr. Schultess-Young.*) That is the very question I asked the constable. I said, "Are you the constable who was reprimanded by Mr. Cluer for endeavouring to mislead him?" and the constable said "Yes." Then I sat down and said, "Then I ask you no more questions." And that is evidently a note of that.

(*Mr. Rufus Isaacs.*) The witness admitted it. I do not know how the shorthand note adds to what we have already heard.

(*Mr. Schultess-Young.*) I could not read it. I did not know what was in shorthand.

(*Mr. Rufus Isaacs.*) Why was it handed to us?

(*Mr. Eldon Bankes.*) It was handed to you as being a shorthand note of what the constable said before Mr. Cluer.

(*Mr. Schultess-Young.*) No, how could it be, when there were the names of West and Bartram and Williams on the same paper?

(*Chairman.*) I should not have looked at it, but I understood it to be a shorthand note of what took place before Mr. Cluer.

(*Mr. Schultess-Young.*) No, of what the constable admitted he said before Mr. Cluer.

(*Mr. Rufus Isaacs.*) There is a misunderstanding about it, because on the note that has been handed up there are the names of the other witnesses who were called.

(*Mr. Schultess-Young.*) Yes.

(*Mr. Eldon Bankes.*) I should ask you to look, if you think it worth while, at the report of the Bassett case before Mr. Cluer, because that will show how the misunderstanding arose, and why the Magistrate made the observation.

(*Chairman.*) Police-constable West has been asked about it, and he has given his explanation. That is all we have to do with it.

Police-constable WILLIAM MANNING, 226 G, sworn.

P.C. W. Manning. 25 Oct. 1906.

12936. (*Mr. R. D. Muir.*) You are Police-constable No. 226 of the G Division?—Yes.

12937. How long have you been in the Force?—Nine years.

12938. You are stationed at the Old Street Station?—Yes.

12939. Where do you sleep at nights?—In the single men's quarters, in the section house.

12940. At the station?—Yes.

12941. That is to say, when you are on day duty you sleep at night, and when you are on night duty you sleep in the day?—Yes.

12942. On Saturday, the 28th July last, were you on day duty?—On early-point duty.

12943. When did you go off duty?—After 9 o'clock at night. I was relieved at 9 o'clock.

12944. Your hours of duty being from 9 a.m. to 1 p.m., and from 5 p.m. to 9 p.m.?—Yes.

12945. How do you get to your section house where you sleep. How did you go that Saturday night from the street. I suppose you were out?—Yes, I went for a walk.

12946. When you came in how did you get to your quarters?—Through a side gate in Old Street, apart from the police station; a private gate.

12947. Is that the ordinary way for men living in the barracks there to go in?—Yes, past the canteen.

12948. You go through the canteen?—Yes, past that.

12949. And up to your quarters?—Yes.

12950. What time did you come in that night?—Half-past 11, as near as I can say.

12951. Who had you been with when you were out of doors?—Police-constable Percival, 439 G.

12952. What had you and he been doing?—A little bit of shopping.

12953. You cater for yourselves to some extent in the barracks?—Yes.

12954. You got in at what time?—Half-past 11 we called in the station mess. We had a drink there, and then proceeded upstairs.

12955. What time did you get upstairs?—Into the bedroom about 5 minutes to 12, as near as I can say.

12956. Do you remember whether anybody went upstairs with you at the same time?—Yes.

12957. Who were they?—Police-constable Percival and Police-constable Lane, 379.

12958. There is a room there called the brushing room?—Yes.

12959. Is that for brushing your uniforms and boots?—Brushing and cleaning.

12960. Did you go in there?—I went in there and changed my boots.

12961. And after changing your boots, what did you do?—I went straight upstairs and into bed.

12962. You sleep in cubicles there, I think?—Yes.

12963. Who was in the next cubicle to you?—Police-constable 340 on one side, and Police-constable Lynch, 91, on the other.

12964. Did you hear Lane at all that night?—I spoke to Lane.

12965. Did you see him?—I saw him.

12966. Where did you see him?—I accompanied him to the dormitory, and I left him at the dormitory. He went into the lavatory, which is on the same floor, I turned into the dormitory and he passed by my bunk to get to his.

12967. Did you see him passing?—Yes.

12968. Did you speak to him at that time?—Yes.

12969. What were you doing when you spoke to him?—Undressing.

12970. What did you say to him?—I said, "Don't forget to call me in the morning, I am on leave, and I want to go out early."

12971. The next day was your leave?—Yes, the Sunday.

12972. What time would that be, as near as you could judge?—Just after 12.

12973. How long was it after that that you got into bed?—Directly.

12974. When did you get up?—I came down just before 10 the next morning.

12975. You had been in your cubicle all that time?—Yes.

12976. Were you on the station steps at all on the night of Saturday, the 28th, or the early morning of the 29th?—No, not after I was relieved from duty at 9 o'clock, when I went in.

12977. When you are off duty do you wear your uniform or not?—No; plain clothes.

12978. Always?—Yes.

12979. That is the rule?—We always do.

12980. On this Saturday evening you were in plain clothes?—Yes, after 9 o'clock I went off duty.

12981. When did you first hear of Andrews being charged at all?—I heard it talked about in the section house amongst ourselves.

12982. Do you wear a ring at all?—I never have in my life.

12983. (*Mr. Rufus Isaacs.*) You were asked when did you hear of Andrews being charged, and you did not answer that question?—On the following day, the Sunday.

12984. (*Mr. R. D. Muir.*) You say you have never worn a ring in your life?—Never.

12985. When did you first know that anybody was making a charge against you?—After they came and picked me out on the Tuesday.

12986. At the special parade in plain clothes on the 31st July?—Yes, on the Tuesday.

12987. (*Mr. Schultess-Young.*) Was there anything very peculiar in Andrews being arrested that called for comment?—I do not know about peculiar. He was well known to us fellows, and we talked about it.

12988. He was well known to you fellows. In your evidence in chief you say he is a well-known thief?—So he is.

12989. That is your feeling about him?—Certainly he is.

12990. Do not you know he has been trying to get his living honestly for the last two years?—I do not know where.

12991. Do you know he has been in the same employment the last two years?—I do not know where he has done it.

12992. Do you know his employer's son came up to give evidence on his behalf?—There was a man who gave evidence.

12993. He has never been convicted of crime since he has been released two years and more ago?—He has not been convicted, but he has been tried and acquitted.

12994. He was also taken to the station in Old Street and the Inspector refused to take the charge?—I do not know anything about that.

12995. Do not you know that was given in evidence by one of the constables?—I have heard it to-day.

12996. Whom did you hear it from?—I heard he went to the station with P.C. Dawson on one occasion—something about a shilling and a woman.

12997. We have not heard anything about that yet?—Yes, you heard it this morning.

12998. I knew nothing about it, and know nothing about it now. You have no reason to say he is not working for a respectable man at the present moment?—I have no reason to say that he is.

12999. Is not that trifling with the matter. You know his employer's son came to give evidence?—I am not always with him.

13000. So far as you know as a policeman he is in

respectable employment at the present time?—I would not say.

13001. You do not want to say perhaps?—I would not.

13002. What was there about this case which would call special attention to it?—Nothing, only "Old Skinner got pinched last night"

13003. That is the way you spoke about it?—"What was that for," "Drunk and disorderly and assaulting Dawson." "Oh."

13004. That is the talk you speak of in your report?—Just ordinary conversation.

13005. You said "I did not know the man had been charged till the following day, Sunday, when I heard some of the police-constables in the section-house speaking about it. That is how they were speaking about it"?—Yes.

13006. Nothing else about his being knocked about?—Nothing said about his being knocked about.

13007. Nothing said about his being knocked about—that is not what they were talking about on Sunday?—No, I heard nothing about that.

13008. You heard nothing about having cuts about him, or anything of the sort?—No.

13009. Do you know Christopher Briggs?—What is he?

13010. Do you know him by name?—I do not know, I am sure.

13011. Standing at the corner of Norton Folgate?—A bookmaker.

13012. You know him now then—yes, a bookmaker?—I know a man of the name of Briggs a bookmaker.

13013. Are you often in his company?—I have never been in his company.

13014. Never been in his company—that you swear?—I do.

13015. That you swear?—I do.

13016. You have had nothing whatever to do with him at all?—I have never been in the man's company. I know this man by seeing him brought into our place. That is all.

13017. He has been brought there?—Yes, lots of times.

13018. Has he been charged?—Yes.

13019. Over and over again?—Over and over again.

13020. And still stands at the same old corner?—I could not say. I have not been down there on duty for some time.

13021. When did you see him last?—Last month I expect.

13022. That is to say in September?—Yes.

13023. Not since?—No.

13024. That you are quite sure of?—Positive.

13025. (*Mr. Rufus Isaacs.*) You say he has been charged. Has he been convicted?—Yes, for street betting times out of number—five or six times this year, I should think.

13026. (*Mr. Schultess-Young.*) Do you know Andrews' brother?—Yes.

13027. You are not on very good terms with him, are you?—I do not know what you call good terms. What do you mean by "good terms"?

13028. Not very friendly with him?—I am not very friendly with any of the lot.

13029. You have nothing to say against the brother, have you. He has never been convicted. He is an honest man earning his living honestly?—Ahem.

(*Mr. Rufus Isaacs.*) Are you not rather inviting answers which are a very long way from this case and do not seem to be of very much use?

(*Mr. Schultess-Young.*) It may be. We had statements made in the police court which seemed to show this witness was antagonistic to the whole family, the respectable ones as well as the unfortunate ones. *P.-C. W. Manning.* 25 Oct. 1906.

(*Chairman.*) If you ask a question you must take the answer.

(*Mr. Schultess-Young.*) I will follow the wish of Mr. Rufus Isaacs.

(*Mr. Rufus Isaacs.*) It is not my wish, but I am merely suggesting to you that I should have thought it desirable not to put the question.

(*Mr. Schultess-Young.*) I have ascertained the man is respectable or else I should not have done it.

(*Chairman.*) The constable has hesitated as to whether he is or not, and we shall not try that issue.

(*Mr. Schultess-Young.*) He has hesitated very much, but it shows his animus if he hesitates.

(*Chairman.*) No, because I do not know whether his hesitation may not be right.

(*Mr. Schultess-Young.*) I ask you the question whether he has ever been convicted or charged?—Not to my knowledge, but I have never known him to do any work.

13030. That is what you said before. When I asked you whether Andrews was not in respectable employment you said you were not always there to see. Now you are not always there to see whether his brother does work or not?—I do not live with him. He cannot do much work if he is loafing about our ground, can he?

13031. You do not know whether he does work in the day or not?—I could not say.

13032. He might be a printer doing work at night and walking about in the day?—He might be anything.

13033. Do not you know that he is in good work with Merritt, of Motley Avenue, Curtain Road, glass bevellers?—I could not say.

13034. You say nothing about it one way or the other?—No.

13035. (*Mr. Rufus Isaacs.*) I should like to understand one thing from you. We have been told you are called Charley Wood?—Yes, all the thieves of Hoxton know me by that name.

13036. Why Charley Wood?—It is my nickname.

13037. There is a reason as a rule for a nickname. Why is it?—I remember on one occasion there was a gang outside a public house in Drysdale Street and I ordered them away. Some of them demurred about going—they considered it as if they would not go. I said "Charley Wood will do you a little bit of good"—that was my stick.

13038. Then "Charley Wood" means your truncheon?—Yes, that is what I call it.

13039. Is it peculiar to you, or is it often called that—is it a name you have given it?—A sort of phrase.

13040. A sort of pet name?—That is it.

13041. (*Mr. Dickinson.*) What did you mean when you cried out "Don't forget to call me in the morning; I am on leave; I want to get up in good time"?—That was on going to bed. In the morning they called me, but I thought I would have an extra half-hour, and then I laid in bed till ten o'clock.

13042. I ask you, first of all, what you meant by asking them to call you, as you wanted to get up in good time?—That was on the Sunday. Being on leave, I wanted to get out before dinner.

13043. What hour did you mean to get up?—About half-past seven or eight o'clock.

13044. And yet you did not get up till ten o'clock?—I did not get up till just on ten o'clock.

Sergeant ROBINSON, 22 G, sworn.

13045. (*Mr. Eldon Bankes.*) Are you the sergeant who on Saturday night, the 28th July, had the section house roll called?—I am. *Sergeant Robinson.*

13046. What is the object of that. Is it to ascertain whether the men are in?—Yes.

13047. How often is it done—in the day or night?—It is done every night.

13048. What time did you call the roll call on that Saturday night?—I commenced about twelve o'clock.

Sergeant Robinson.
25 Oct. 1906.

13049. Is twelve o'clock the time to call it?—Yes.

13050. Where did you call it?—In the dormitory where the men sleep.

13051. And about what time would you reach Manning's name in calling over the names?—About ten minutes past twelve.

13052. And at that time where was he?—He was in his bed.

13053. How many men live in this section house?—Thirty-seven single men.

13054. Is there a communication from the section house into the police station?—No, there is no communication. They have to go out of the section house and go round.

13055. In which street is the entrance to the police station?—Old Street.

13056. Is the entrance into the section house in the same street?—The same street.

13057. And about how far away?—It is about, I should think, 50 feet from the station door. There is a side gate that leads to the background, and then off to the section house.

13058. So there is a gate leading into the section house premises about 50 feet from the main entrance to the station?—Yes.

13059. You have to go through this gate and go back some distance to get to the door of the section house?—Yes, round the background to the section house.

13060. (*Mr. Schultess-Young.*) You mean there are some means of communication. Any man in the dormitory might come down that way and get into the station house?—There is a door leading from this landing or steps into the station.

13061. Did you ever know any man after he had gone to his cubicle come downstairs again?—No, except for the purpose of going to the urinal or lavatory.

13062. Never?—Not to my knowledge.

13063. It is never done—no man ever thinks of doing such a thing?—I do not know of it.

13064. I daresay you may have some explanation of this, but this is your report, made on the 31st July?—Yes, I believe so.

13065. Whose writing is that in pencil at the end of the report?

(*Mr. Eldon Bankes.*) That is Mr. Barker, the solicitor's, writing, the member of Messrs. Wontner's firm, who made a note on it.

(*Mr. Schultess-Young.*) "I finished calling the roll."

(*Mr. Eldon Bankes.*) That, no doubt, is an answer he gave to the solicitor.

13066. (*Mr. Schultess-Young.*) Do you know about any of these witnesses being spoken to?—No.

13067. We had it before, when you gave evidence at Old Street, that some of the witnesses, Mrs. Webster particularly, were seen. Who saw her?—I do not know anything about that.

13068. Who saw Mrs. Webster?—I could not say anything about that.

13069. Do not you know anything about that?—No.

13070. Have you heard nothing about it?—Nothing whatever.

13071. You know, as a fact, that her husband and herself were seen?—I do not know anything about it.

Police-constable JOHN FRASER, 13 G R, sworn.

P.-C. J. Fraser.

13072. (*Mr. R. D. Muir.*) You are No. 13, G Reserve?—Yes.

13073. How long have you been in the Force?—Twelve and a half years.

13074. Had you been at the Britannia Theatre on the night of Saturday, 28th July?—I had.

13075. On special duty?—Yes.

13076. When you came back to the section house did you go into the brushing-room?—Yes, after I had left the station.

13077. You went to the station first, I suppose, to report yourself off duty?—Yes.

13078. Then you went to the section house?—Yes.

13079. Did you take off your uniform and boots in the brushing-room?—Yes.

13080. Was there anyone there at the same time?—Yes, Manning was there.

13081. And did you see where he went?—Yes.

13082. Where did he go?—Upstairs.

13083. Where did you go?—I went downstairs.

13084. To the mess-room?—To the station mess.

13085. (*Mr. Schultess-Young.*) Did you hear this matter being talked about the next day about Andrews?—No.

13086. Were you in the station all the next day—the Sunday?—No. I got up, dressed, and went out. I was on leave that day.

13087. Have you ever known of any person going downstairs after they went to the cubicle?—Not unless it was for a very urgent purpose.

13088. Coming downstairs for their own purpose?—It would be a breach of discipline if they did.

13089. I am asking you if you have ever known of anybody doing it?—No.

13090. Never?—No.

13091. (*Chairman.*) If a man came down, and it was a breach of discipline, he would not go and stand on the station steps?—No.

(*Mr. Rufus Isaacs.*) That is the last thing he would do.

13092. (*Mr. Dickinson.*) At what time did you write this report of the 31st July?—In the afternoon, after three o'clock—after we had been paraded for this identification. After that I was asked by the sub-Divisional Inspector what I knew about it. I told him I knew the man was there when I came home.

13093. Manning having been picked out at this inspection?—Yes.

13094. Just before you wrote the report?—Yes.

13095. Was that the first time you knew Manning was involved?—Yes, just before I stood up there. I did not know who was coming in to identify us.

Police-constable HARRY LANE, 379 G, sworn.

P.-C. H. Lane.

13096. (*Mr. Eldon Bankes.*) You are a police-constable stationed at Old Street?—Yes.

13097. I think you live in the section house?—Yes.

13098. Do your remember on this Saturday coming into the station or the section house?—Yes.

13099. About what time did you get back?—I came in between half-past eleven and twelve.

13100. Had you been on duty?—No, I finished at six o'clock that evening. I had been out for a walk.

13101. You think you got in between half-past eleven and twelve?—Yes.

13102. Was Manning in the section house when you got there?—He was in the station mess.

13103. That is part of the section house?—It is.

13104. Did you and he afterwards go upstairs together?—Yes.

13105. And you entered the brushing room together?—Yes.

13106. Then he went up to bed before you?—No, we all went up together.

13107. What time did he go to bed that night?—As near as I can say it would be close on 12.

13108. You had been in his company from half-past 11 to 12 in the section room or mess room?—Yes.

13109. Did he speak to you about calling him in the morning?—Yes, when I passed his cubicle I went to the lavatory to get a glass of water to take to my cubicle, and he went to the dormitory. He said, "I am on leave to-morrow. I want to be up in good time." I said, "All right, John."

13110. (*Mr. Schultess-Young.*) Have you ever known any constable come down from the dormitory after they have gone up?—No.

13111. Never known such a thing to happen?—No; there are about 80 steps to go down. I do not think anybody would be likely to go down like that after getting up once; I should not, any how.

13112. They could do so, if they liked, by the back way?—Yes, they could go down.

13113. (*Mr. Rufus Isaacs.*) When did you last see Manning that night?—When I passed his cubicle. I saw he was undressing. *P.-C. H. Lane.* 25 Oct. 1906.

13114. Had he any clothes on still?—Yes, he had his coat and vest off, and his collar and tie.

13115. Had he been in uniform or in plain clothes?—In plain clothes.

13116. About what time was that?—That would be about 12 o'clock, or just a few minutes before, or it might have been a few minutes afterwards.

13117. You could not tell within a few minutes either way?—No.

13118. (*Mr. Dickinson.*) Is this lavatory you speak of upstairs?—Yes, it is on the same landing. We come out of our dormitory and go straight into the lavatory to have a wash, or to have a bath.

Police-constable Alfred Percival, 439 G, sworn.

13119. (*Mr. R. D. Muir.*) You are a police-constable, No. 439, of the G Division?—Right.

13120. When did you go off duty on the evening of the 28th July last?—6 p.m.

13121. Did you go out after that?—Yes, I went out with Manning. I waited for him to come off till about 9.30, when we went out. He came off at 9 o'clok.

13122. Both of you in plain clothes?—Yes.

13123. Where did you go?—We went down Shoreditch.

13124. When did you come back?—About half-past 11.

13125. How did you go into the police buildings?—By the side gate.

13126. Did you go into the police station at all?—It is all in the same building. No, I did not enter the station.

13127. Did Manning?—No.

13128. Did either of you stand on the steps of the police station?—No.

13129. Did you enter together, or not?—Yes, we went to the station mess—the canteen—together.

13130. You went in by the side door of the station buildings, together?—Yes.

13131. How long were you and Manning together after that?—About 20 minutes.

13132. Where did you part from Manning?—At the mess room, the second floor up the building.

13133. Which direction did Manning take?—He went upstairs towards the domitory. *P.-C. A. Percival.*

13134. Did anybody go with him?—Yes, Police-constable Lane.

13135. How long after that did you go up to the dormitory?—It might have been 7, 8, or 10 minutes.

13136. (*Mr. Schultess-Young.*) You went to bed about midnight, did you not?—Yes.

13137. You did not see Manning after that?—I did not.

13138. He left you a few minutes previously?—He left me at the kitchen door.

13139. A few minutes previously to that?—Yes.

13140. At about 11.30, I think you say?—Somewhere about that.

13141. It might have been a little later?—Yes, it might have been 11.55?

13142. (*Mr. Rufus Isaacs.*) When you went for a walk with Manning did you pass Luke Street?—No.

13143. Did you go in that direction at all?—High Street, Shoreditch, is not in that direction—not a direct direction to it—it would not be the nearest way to it.

13144. I was wondering whether you could tell me whether you saw Andrews on that walk?—No.

13145. Do you know him by sight at all?—Yes. I did not see him on that night.

13146. You cannot say whether he saw you?—No.

Police-constable Daniel Lynch, 91 G, sworn.

13147. (*Mr. R. D. Muir.*) You are Police-constable No. 91 G in the G Division?—Yes.

13148. When did you go off duty on the afternoon or evening of the 28th July last?—Half-past 11.

13149. What had been the last duty you were on?—I had been on special duty at the Britannia Theatre.

13150. Did you report yourself at the station?—Yes.

13151. What did you do then?—I went away to the brushing room and changed my clothes.

13152. You went into the section house, first of all?—The brushing room is in the section house. I left the charge room, and went into the section house, and went into the brushing room, and changed my clothes, and then I went upstairs into the mess room. I sat up there, had supper, read the paper, and then I went to bed about 10 minutes past 12.

13153. Where does your bunk lie with regard to Manning's?—The next bunk.

13154. Do you know Manning quite well?—Yes.

13155. Do you know his voice?—Yes.

13156. Did he speak to you?—Yes.

13157. What did he say?—He said, "Put the light out, Marquis." They always call me the Marquis.

13158. Why do they call you the Marquis?—You see sometimes if I do not go to bed early I read the paper. and I was very much interested in the Surrey and Yorkshire cricket match at that time. *P.-C. D. Lynch.*

(*Mr. Rufus Isaacs.*) I do not quite follow why you are called the Marquis because you read the paper.

13159. (*Mr. R. D. Muir.*) Is there anything to distinguish you from other Marquises?—Yes, see I have a shirt stud. I do not know whether it is a diamond, but it looks very nice.

13160. You are distinguishable from other Marquises by your shirt stud?—Yes.

13161. (*Mr. Schultess-Young.*) You say, do you not, that you went to bed at 10 past 12?—Yes.

13162. Then it was Manning who asked you to put out the light?—Yes.

13163. I think you said, "Wait a moment, the sergeant has not yet finished calling the roll"?—Yes.

13164. Had he begun calling the roll then?—He must have begun, I expect, because he came along just afterwards, and he had passed several bunks then when he got up to mine.

13165. How long would it take him to call the roll—a minute or so?—I suppose it would take two or three minutes.

13166. He said he began calling the roll at 12 o'clock?—Yes.

13167. This was 10 minutes past?—Yes.

P.C. D. Lynch.

25 Oct. 1906.

13168. Had you any reason for noticing the time?—Not particularly. I say about 10 minutes past 12.

13169. You really began first of all to see Manning about 10 minutes past 12 that night?—Yes. I do not suggest that I saw him; I heard his voice.

13170. Ten minutes past twelve was the time?—Yes, that is all I know about it.

13171. As to what happened before, you know nothing?—No.

13172. And you do not know what happened after?—Nothing whatever, except what I heard after when I was called on to report.

13173. When did you first hear that?—That was after the identification took place.

13174. You heard nothing on the Sunday?—No, I heard nothing whatever about it.

13175. Were you downstairs on the Sunday amongst the police-constables? What did you do on the Sunday?—What I do on any other ordinary day. I went out.

13176. Where did you go—downstairs amongst the constables in the mess-room?—No, I think I went to Mitcham.

13177. Did you hear them say anything about Andrews?—I did not see him on the Sunday.

13178. Did you hear the police-constables talking about Andrews on the Sunday?—No, I never heard anything.

13178*. Manning says he heard it talked about on Sunday—about Andrews?—I was not there.

13179. You heard nothing about it?—We do not all have the same views. I do not talk about business much myself.

13180. (*Mr. Rufus Isaacs.*) I just want to understand about the time the sergeant would call the roll—about twelve o'clock?—Yes.

13181. Does it vary much?—Very little. They are very precise about it.

13182. You say ten minutes past twelve?—I may say I went to our room. There are three rooms, although there is a door at the side which separates us.

13183. Our consideration does not turn on a minute or two. The point turns upon this, that Andrews, according to the charge sheet, was brought there at 12.35. If Manning was supposed to be on the door step when Andrews was brought to the station, Manning must have been there at twenty-five minutes to one. So far as you know, was Manning in bed at twenty-five minutes to one?—He was in bed when I went in at ten minutes past twelve. I do not suppose he went out afterwards.

13184. You might possibly make a mistake of a few minutes, but is there any possibility of you making a mistake of twenty or twenty-five minutes?—No.

13185. (*Mr. Dickinson.*) You made this report, I understand, immediately after the identification?—Yes.

13186. What caused you to make a report?—The Sub-divisional Inspector came to me and said "What tiime did you go to bed last night?" I said "I think about ten minutes past twelve."

13187. What is the name of the Sub-divisional Inspector?—Pilgrim. He said "Was Manning in bed?' I said "Yes." He said "Well, he is accused of assaulting a man, so you will have to write a report on the subject."

13188. Then you wrote the report?—Then I wrote the report, so far as I know.

13189. Did you have any further communication with anybody?—No further communication whatever.

Inspector GEORGE ALLISON, sworn.

Inspector G. Allison.

13190. (*Mr. Eldon Bankes.*) Are you an Inspector stationed in the G Division?—I am.

13191. Did Andrews come to the Old Street Station on Tuesday, the 31st July?—He did.

13192. Was it about mid-day when he came?—About ten minutes past twelve.

13193. Will you please tell us what took place between yourself and Andrews?—He came into the station, standing in the waiting room just outside the door. I called him into the office. I said "What do you want, Andrews?" He said "I want the name of the man who was in plain clothes standing on the station steps when I was brought in." I asked him if he knew him. He said "No, but I know him by the name of Charley Wood." I said "We have not got a man by that name in the station." He said "That is the man that was standing on the station steps when I was brought in. They struck me in the face. He had a ring on his finger, and he cut my eye. He hit me at the back of the neck, and that led up to the disturbance in the charge room."

13194. Did he say where he had been struck—at what part of the station?—At the station steps. I asked him what steps he meant. I said "Do you mean those steps out there?" I pointed through the little window from the Inspector's office looking down on to the steps. He said "Yes, those steps out there."

13195. Did he say anything else about the assault, or any other constable, or anything?—Not just at that moment. I asked him if he could identify him. He said "Yes." I said "You can have a parade of the men in plain clothes if you wish it." He said "Yes, I would like it." He said "I should not know the others that struck me, as there were twelve or fourteen of them."

13195*. Anything else?—I arranged with him to be at the station at half-past three that afternoon, and I made an arrangement with a number of men to be at the station for the purpose of identification.

13196. Before you arranged for the men to come for the purpose of identification had you ascertained who the man was who was known by the name of Charley Wood, or whether there was a man who was known by that name?—No. I said to hom "Do you know him at all other than as Charley Wood?" He said "I think he is on Tabernacle Square point." I said that is not the man on Tabernacle Square point; that is not his name.

13197. How did you select the men whom he was to see?—Those men who were off duty in plain clothes on Saturday night I arranged to be there.

13198. You arranged that all the men who were off duty in plain clothes on Saturday night should be there?—A great number of them. The man being on duty, and as it was suggested he was on duty at Tabernacle Square point at the time, I sent out to him to be relieved so that he should be there.

13199. Were you present when Andrews came again to identify the man?—I was not.

13200. I think that is all you know about it?—That is all I know about it.

13201. (*Mr. Schultess-Young.*) In spite of Andrews having made a complaint, as read out to Mr. Cluer, you say now he complained of being assaulted on the station steps, and not on the ground at all?—That is so.

13202. Do you really mean that?—I really mean it.

13203. He comes to you, points to the station steps, although we know the statement made the day before to Mr. Cluer was that he was taken down some steps?—He told me he was assaulted by a man in plain clothes who stood on the station steps.

13204. Was there anybody present when he said this?—No, not just then—Sub-divisional Pilgrim came in.

13205. You had not heard of the man named Charley Wood then?—I had not.

13206. Had you never heard of the man being called Charley Wood?—No, I knew him called by another nick-name.

13207. What nick-name was that?—"Buttercup."

13208. They are rich in nick-names in Old Street. Is there any reason for that?—I do not know the reason for it.

13209. No reason for calling him "Buttercup"?—I do not know of one.

13210. "Charley Wood" seems more appropriate, now, does it not?—I do not think so—I should think "Buttercup" suits him.

13211. Andrews came to you and said it was on the steps?—Yes.

13212. (*Mr. Rufus Isaacs.*) You made a report upon this on the 31st July?—That is so.

13213. That was the day he came to you?—That was the day he came to me.

13214. How long after he came to you was it that you made the report?—Immediately afterwards. I made the report out, and I sent it by special messenger to my Superintendent.

13215. I notice in the report which was written directly after you do say this very thing, that Andrews "stated that while being brought into the station in custody on the 29th inst., when on the station steps he was assaulted by a constable in plain clothes"?—That is so.

13216. That is what he had told you?—That is what he had told me. *Inspector G Allison.*

13217. What you put there, is all that you know about it?—Yes. 25 Oct. 1906.

13218. I suppose before you sent for the man you had not found out in the station who Charley Wood was?—No; I sent for him in consequence of Andrews telling me he thought he was on Tabernacle Square point.

13219. Manning was on Tabernacle Square point?—He was.

13220. So that you did not know at the time that was Charley Wood?—I did not.

13221. But he was the man who was on duty at Tabernacle Square point, and you had him there?—That is so.

(*Mr. Schultess Young.*) Will you allow Police-constable Williams to be recalled?

(*Chairman.*) Yes.

Police constable WILLIAMS, 204 G, recalled.

13222. (*Mr. Schultess Young.*) When Andrews was taken from the charge room outside I think you told us at Old Street that you heard him moaning and groaning?—Moaning and groaning. *P.-C. Williams.*

(*Mr. Eldon Bankes.*) I do not know whether you want to see Inspector Pilgrim. He is the man who caused these reports to be made.

(*Chairman.*) No.

(*Mr. Eldon Bankes.*) I should now like to finish the evidence I desire to lay before you in this matter, and I should like permission to read the Magistrate's clerk's note of the evidence of the doctor who was called on behalf of the complainant.

(*Mr. Schultess Young.*) That was a mistake. My client supposed that he was the doctor who had actually examined Andrews, but, as a matter of fact, he was not.

(*Chairman.*) Was the witness called for the complainant at the police court?

(*Mr. Schultess Young.*) He was; but we found out by mistake that he was not the right man. We said we did not want him, and we have called the right man.

(*Chairman.*) Never mind; he was a witness at the police court for you.

(*Mr. Eldon Bankes.*) May I read it?

(*Chairman.*) Yes.

(*Mr. Eldon Bankes.*) It is at page 8 of the Magistrate's clerk's note: "Bazette Butcher, sworn. I am house surgeon at St. Bartholomew's Hospital. A man named Andrews was brought to the hospital on the early morning of 20th July. He had a cut on the right side of the head. I cannot say more than that. I do not remember the case particularly. I cannot say if I saw him or not. The dresser attended to him. (Examines Andrews' head in court.) The cut might have been caused by a sharp instrument or a blunt instrument, not, I should say, from a fist. I should not think a great deal of force was used to cause it. Cross-examined: If it had been anything serious the dresser should have called me. I should not think the cut was caused by a ring on the finger." Then I should like, if I may, if the Commissioners desire it, to tender the report which was obtained in the case of Police-constable West, whose evidence was commented upon by Mr. Cluer.

(*Chairman.*) If it were necessary we would ask for it, but at present we do not think it is necessary.

(*Mr. Eldon Bankes.*) This is an indication of the action taken in such a case as this, because here are the copies of the report showing that the matter went as high as Sir Edward Henry, and we are dealing with it at every step to see whether or not the matter was one which required action.

(*Chairman.*) If you press it, you can hand it up. We have received the other reports. If you think it sufficiently relevant we will take it.

(*Mr Schultess-Young.*) With regard to Dr. Butcher, I ought to say a letter has been written by him, and it will be sent on to the Commissioners if they wish it, to say he is sorry that he examined the wrong scar.

(*Mr. Eldon Bankes.*) We had better have the letter.

(*Chairman.*) We had better have the doctor himself in that case.

(*Mr. Schultess-Young.*) He is the doctor who said he did not know whether he had seen the man or not.

(*Mr. Eldon Bankes.*) I understand he examined the man's face in court.

(*Mr. Schultess-Young.*) Yes.

(*Mr. Rufus Isaacs.*) What is the other scar he is supposed to have?

(*Mr. Schultess-Young.*) That is a scar which he unfortunately received some years before through falling on a fender. You have heard the evidence of the man who actually sewed up the wound.

(*Mr. Eldon Bankes.*) Was not the man Andrews examined by the doctor in court in the presence of the counsel or solicitor who represented him?

(*Mr. Schultess-Young.*) There was a very cursory examination at the moment, I believe.

(*Mr. Eldon Bankes.*) Andrews knew where the scar was.

(*Chairman.*) If you at some subsequent date make application that the doctor wishes to be heard I do not suppose we shall refuse to hear him; but I do not think it is worth while going further into the matter now.

(*Mr. Schultess-Young.*) Surely the evidence of Dr. Dobson, the man who sewed up the wound, is of greater importance than the evidence of the man who did not examine that scar.

(*Mr. Rufus Isaacs.*) How long before, in point of time, was it that that scar had been caused by a fender?

(*Mr. Andrews.*) I should think I was four years old.

(*Mr. Rufus Isaacs.*) Do you mean that the doctor mistook that scar for a scar which had been caused a few weeks before?

(*Mr. Andrews.*) He did.

(*Chairman.*) We shall take the witness Platt tomorrow.

(*Mr. Rufus Isaacs.*) It is only right to West to say I notice that Sir Edward Henry says in his report that the police-constable failed to explain clearly to the Magistrate; hence the trouble. He does not appear to be much at fault.

(*Mr. Eldon Bankes.*) I only tendered it, not to deal with West's case particularly, but to show the care taken by the Police Authorities in this case when a complaint of any kind had been mentioned.

THIRTEENTH DAY.

Friday, 26th October 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).
Rufus Daniel Isaacs, Esq., K.C., M.P.
Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law).
Charles Algernon Whitmore, Esq. (Barrister-at-Law).
J. W. St. Lawrance Leslie, Esq. (Barrister-at-Law), (*Secretary*).

Alfred Francis Platt, recalled.

Mr. A. F. Platt. 26 Oct. 1906.

13223. (*Mr. R. D. Muir.*) You told the Commissioners that one thing in corroboration of your statement, that you had an arrangement with the police, was that other men carrying on the business of street bookmakers were convicted oftener than you?—And summonsed.

13224. Convicted on summons or otherwise. Can you name any other man who was betting in that district between May and October, 1903, who was convicted oftener than you?—There are several.

13225. Can you name one?—Yes.

13226. What name could you give?—Chapman.

13227. The date of the first bribe has been fixed as the 29th May. Now Chapman was only convicted twice. You were convicted four times?—About four summonses he had against him which he appealed against.

13228. That was one conviction. He was convicted on that, but it was one conviction?—That would be equal to four if he was arrested in the street.

13229. That was one hearing and one conviction. Can you tell me anybody else?—It would only amount to the same money in fines that I paid.

13230. I am not talking about the amount of fines but the number of times the man was proceeded against. Can you name any man who was proceeded against and convicted oftener than you?—In the same firm connected with Chapman there were several men.

13231. Name one?—I was not aware I had to answer that question, or else I should have had the names down. I could give them to the Court at a future time.

13232. I can save you the trouble, because we have a return of everybody who was convicted at this police court within that period. You were convicted four times and nobody else was convicted oftener than three times. How do you account for that if you were paying the police and the other people were not?—The fines those men paid would equal mine.

13233. How do you account for being convicted four times and nobody else being convicted as often, if you were paying the police and other people were not?—Because there were others in the district who were not convicted as often as I was.

13234. That is the opposite of what you have been saying up to now?—Perhaps I do not explain myself fully. You tell me that only two were convicted in the district as often as I was.

13235. No man was?—The fines he paid amounted to what I was convicted for.

13236. I am not speaking about the fines but the number of times persons were proceeded against. You in the district was proceeded against four times within were proceeded against four times, and no other man that period?—The one firm of Chapman was.

13237. I am talking of the names?——

13237.* (*Mr. Rufus Isaacs.*) There were other partners, you mean?—Not partners, workmen, agents.

13238. Working for the bookmaker who was summonsed, although not in the name of Chapman?—Yes.

13239. The name of Chapman would not give the real answer, in your view, to the question that is put to you?—That is it, Sir.

13240. (*Mr. R. D. Muir.*) Who were the men who were working with Chapman?—I could not give you the names at the present moment, but I could get them.

13241. Then you afford me no means of checking were your statement?—If I had known the question was going to be asked, I should have had an answer for you.

13242. (*Chairman.*) Do I understand you can get the names for us?—Yes. (*The Witness attempted to speak to Mr. Rufus Isaacs.*)

(*Mr. Rufus Isaacs.*) You must not speak to me privately. Anything you have to say you must say it so that everybody can hear.

(*Witness.*) I am very awkwardly placed in this matter. I am fighting this all on my own. I have no assistance from anybody whatever, and I am very awkwardly placed in obtaining evidence, and having unwilling witnesses to get here. There is nobody amongst the men that I have been doing this particular business who is helping me, so you can understand the position I am in in having to answer the questions of the learned gentleman.

13243. (*Mr. Rufus Isaacs.*) As I understand, what Mr. Muir is asking you does not, in the least degree—in fact, you may take it from us that it does not in the slightest degree—pledge you to call them as witnesses, nor is Mr. Muir's question directed to that. He is seeking to get from you the names of persons, if you can give them, who have been convicted oftener than you. As I understand, you have told us there was a firm of Chapman, and, according to your view, other persons who were betting for Chapman were convicted, although not in the name of Chapman?—Yes.

13244. They were of one firm carrying on the business?—Yes.

13245. But you cannot remember those names now?—No.

13246. But you know it did occur?—Yes.

13247. Supposing you were supplied with a list of all the convictions during the material time from the 29th May, 1903, to October, 1903, between this and the next occasion when you come here, will you be able to tell us who are the persons who were convicted?—Yes.

13248. Who were really acting for Chapman?—Yes.

(*Mr. Rufus Isaacs.*) Then that answers it.

13249. (*Chairman.*) That is what you told me. You think you can get us the names of the persons who were Chapman's agents?—Yes.

(*Mr. R. D. Muir.*) I should strongly object to supplying this witness with a list of names which would enable him to say, without my having any check upon it, that any single person in that list was betting with Chapman. He could say everyone of them was and how could I check it? But on the other hand, if he

can supply us with names without having seen the list then we will know how to deal with it.

(*Chairman.*) I understood Mr. Platt to say that he might, when he had had the opportunity of thinking over the matter, be able to get the names for us.

(*Witness.*) Yes.

13250-51. They do not occur to you at the present moment?—No.

13252. You do not require the list of convictions?—No.

13253. (*Mr. Rufus Isaacs.*) You can do it without?—Yes.

13254. (*Mr. R. D. Muir.*) Now I am passing from that matter to another. I want a definite statement from you as to the place at which you first bribed Powell. You say you did so within a few minutes of leaving the police court after you were fined on the 20th May. Where did you bribe Powell?—Southwark Bridge Road.

13255. Whereabouts in the road?—A public-house there.

13256. What public-house?—I could not give you now the sign of it.

13257. Oh, come. If you were inside the public-house surely you would know what it is?—The public-house nearest to the London, Chatham, and Dover Railway. If you have a directory you will find the name of the pub in it.

13258. (*Chairman.*) Which station?—The London, Chatham and Dover, Borough Road Station.

13259. (*Mr. R. D. Muir.*) In the Southwark Bridge Road?—Yes.

13260. Was anybody else with you in that public house at the time you gave the bribe?—Yes.

13261. Who?—Soer.

13262. And did you go there with Soer and Powell straight from the police court?—Yes.

13263. You three together?—Yes.

13264. They were in plain clothes?—Yes.

13265. How did you get them to go to this public-house with you straight from the police court. What did you say to them to induce them to go?—I asked them, as their general system is, if they would have a drink.

13266. You asked them to have a drink immediately after you had been convicted?—Yes.

(*Mr. Rufus Isaacs.*) I understood the witness to preface that by saying "I asked them as their general system is."

13267. (*Mr. R. D. Muir.*) "As the general system is I asked them to have a drink," I understood you to say?—That is right.

13268. Where were they when you asked them to have a drink?—I would not be positive whether it was coming through the courtway or whether it was after we got into the thoroughfare at the back of the court.

13269. Either coming out of the court or just outside?—That is right.

13270. This was the Southwark Police Court. Did they agree at once?—Well——.

13271. Did they come to you without a word?—They followed me on.

13272. Without a word?—Yes.

13273. Which did they do, did they go with you or did they follow you on?—Followed me on.

13274. How far did you walk ahead of them?—A few yards.

13275. You went into this public-house the three of you together?—Yes.

13276. Which bar did you go into, do you remember? I think it was the furthest bar from the station.

13277. What bar would you call that?—I think it was the private bar.

13278. And getting in there what was done?—They were asked to have what they would like; they called for it and then I offered the sums of money.

13279. You paid for their drinks?—Yes.

13280. Up to that time you had neither paid nor offered a bribe to either of those men?—No.

13281. I want to know how you made the proposal?—I said "I don't want to give you chaps a lot of trouble, here is something for your trouble to-day," and I offered each of them the money at the same time, and they both looked at one another, and accepted it.

13282. What was the sum of money which on this first occasion you paid to them?—5s.

13283. Up till now you have said you paid them £1?—That is in a week. That was the first introduction, that was.

13284. I asked you this very question, what sum you paid them on the first occasion, and you said £1?

(*Mr. Rufus Isaacs.*) Can you give us the reference to that?

13285. (*Mr. R. D. Muir.*) Did you say that you gave them £1 when I asked the question before?—You asked me what the weekly bribe was, and I understood you to mean what the sums were that I gave them weekly. I do not think I have ever been asked the question before as to what I gave them at the first time of meeting them after being fined. I do not think I have ever been asked that question in this court.

13286. With regard to Powell you were asked on page 209, Question 8636: "With regard to Powell, have you been bribing Powell?—From the first time I saw him. The first day I saw him he had money—the first day I appeared in the first conviction in 1903." Then at Question 8648: "Do not pass away from Powell, because that only confuses you. We are dealing with Powell. Do you mean you paid him 10s. a week when you saw him on that duty?—10s. or £1. Q. But why 'or £1'?—Sometimes I made it a little more, and sometimes it was less. Q. Sometimes it was 10s. then?—I think I paid one 10s. Q. Who was that to—Powell?—Yes. Q. You paid him once 10s.?—Yes. Q. But all the other weeks that you paid him you paid him £1?—Yes. Q. You are quite clear about that?—Yes. Q. How soon after this conviction did you begin to bribe Powell?—I started from then—five minutes after the first conviction. Q. Just outside the court?—Yes." Then Mr. Rufus Isaacs says, "Before you pass from that I should like to understand this. It is not clear to me yet what the witness says about that. Was Powell paid so much a week. Suppose you did not see him for three weeks, when you did see him what did you give him then?—I perhaps would not give him fully for the three weeks of £1 each. Q. I do not understand what you mean. You would not give him 'fully for the three weeks,' but you would give him for the three weeks?—It might be 50s. Q. You mean you would be paying him then for the three weeks, although you had not seen him during those three weeks?—Yes. (*Mr. R. D. Muir.*) He was paid £1 a week whether you saw him or not?—Yes. (*Chairman.*) £1 a week?—The various sums of money allotted would work out at that. (*Mr. R. D. Muir.*) To each of them?—Yes. Q. As I understand you, as far as Powell was concerned, his was always £1 a week, except when you gave him 10s?—Yes. Q. Down to what date did you continue to see Powell and pay him regularly at the rate of £1 a week. We will not trouble about the 10s. a week?—Up to about October." That is all about Powell.

(*Mr. Rufus Isaacs.*) That is my recollection of it. The specific question was not put to him.

(*The Witness.*) No, it was not, sir.

(*Mr. Rufus Isaacs.*) You are quite right, Mr. Muir, in what you say about the £1 a week, but this specific question was not put to him.

13287. (*Mr. R. D. Muir.*) Perhaps not, sir. (*To the Witness.*) Did the other man, Soer, have 5s.?—Yes.

13288. You paid that in that public-house?—Yes.

13289. Did any person see you pay him?—Not that I am aware of.

13290. Did any person see you in the public-house with those two men?—Not that I am aware of.

13291. Were you ever in the public-house with those two men on any other occasion?—No.

13292. Were you ever in any public-house with those two men on any other occasion?—Not together.

13293. You paid Powell £1 a week you say, or thereabouts. Whereabouts was it you paid him the other moneys?—Near about the vicinity of the police station.

13294. The police station?—Yes.

Mr. A. F. Platt.
26 Oct. 1906.

13295. I am on the question of the place of the bribery rather than the amount. Where is the police station?—In Kennington Road.

13296. That is a continuation of Westminster Bridge Road?—Yes.

13297. Not very far from the end of Oakley Street?—That is right.

13298. Where you gave your false address?—It is quite right.

13299. A false address?—No—a false address in a manner, but there is a thing that I could not explain to you the other day. In the case of these constables who apprehended you on the first conviction they enter the name and address in a book, and then on any future arrest they always put the same name and address down. They do not ask you for the same name and address, but they simply know you, and they just turn their little books back and tell the Clerk or the sergeant the address.

13300. That is a false address?—That was the address I gave.

13301. And a false one?—There is a 27, Oakley Street.

13302. But you did not live there?—No.

13303. That is where the station is, and it was close outside the station, was it—in the street?—Yes.

13304. Always in the street?—Yes.

13305. Did you ever give to either Soer or Powell money, except this one payment in the public-house, anywhere else except in the street?—Yes, I have Soer.

13306. Where did you give him money?—In the Hero, in Waterloo Road.

13307. I think its full title is the "Hero of Waterloo"?—Yes.

13308. On how many occasions did you give Soer money in the Hero?—Several times.

13309. What sums of money did you give to Soer in the Hero?—It averaged £1.

13310. Do you mean sometimes more than £1 a time and sometimes less?—That is right.

13311. What is the biggest sum you have given him at a time?—£2.

13312. Where was that given?—Not very far from my residence.

13313. What was that for? Why did you give him £2?—He was on the sick list at that particular time, and I told him that I thought he could very likely do with a little bit more; you want more necessaries when you are sick than otherwise.

13314. It was charity. That was in the street also?—No.

13315. Where was it?—In the Two Eagles public-house, Brook Street, Kennington.

13316. Is that a place where you are well known yourself?—Fairly well known.

13317. And you have been in this public-house how often with Soer?—I think that was the only time.

13318. But I understand you, with regard to the Hero, you have been there with him several times?—Yes.

13319. The Hero is quite close, is it not, to your pitch, where you did your betting?—Quite true.

13320. What hours were you in the Hero with Soer—in racing hours, or out of racing hours?—It would be within racing hours.

13321. So that the very time that Soer was supposed to be watching you to prevent you from betting or arrest you for betting, you were in the public-house near by with him?—Yes.

13322. On several occasions?—Yes.

13323. (*Mr. Dickinson.*) Can you say when it was you gave him this £2?—In the latter days of May, or the first few days of June. I am not positive of the date, but that was the first time he was aware of where I originally lived.

13324. (*Mr. R. D. Muir.*) He was sick, was he?—Yes.

13325. How long had he been sick?—To the best of my recollection, three or four days.

13326. Off duty?—I believe so.

13327. On the sick list?—Yes, from what he led me to believe.

13328. He may have been practising a fraud upon you?—I do not say that.

13329. Obtaining money from you by false pretences?—I take it to be that he had been sick three or four days.

13330. But still it is open to that difficulty that he may have been practising a fraud on you?—No, I was willing to give him what I did give him.

13331. But he may have been telling you an untruth in saying he was on the sick list?—I do not think that. There is no doubt he was on the sick list.

13332. You have no doubt he was at the time?—Yes, I should think so.

13333. That would be a matter of record?—Yes. I have only his word for it.

13334. (*Mr. Rufus Isaacs.*) Before you pass from that I should like to ask a question. It is difficult to carry dates, but can you give us any idea of how long it was before the first conviction that you gave Soer the £2?—A matter of a few days, I should think.

13335. (*Mr. R. D. Muir.*) A matter of a few days after the first conviction?—Yes.

13336. Was that the only time you gave him £2?—The only time I gave him £2.

13337. What is the highest you have given him next to the £2?—30s.

13338. What was the occasion of giving him 30s.?—They never refuse a bit extra.

13339. No. But why should you give him a bit extra?—I think I had run five weeks.

13340. Without a conviction?—Yes.

13341. So that was the cause of your giving him 30s.?—Yes.

13342. Did that occur on any other occasion?—Yes.

13343. How often did you give him 30s.?—I could not say.

13344. But there was only one occasion on which you gave him £2?—That is right.

13345. And that was because he had been on the sick list?—Yes.

13346. A few days after the first conviction?—Yes.

13347. Can you name any other place at which you have given Soer money, other than in the street, and those ocasions that you have named?—Yes, the Pocock public-house.

13348. Where is that?—Francis Street, I think the name of the street is Westminster Bridge Road. I think the name of the pub. is the Pocock. I forget whether it is Francis Street or Lefranc Street; I am not quite positive; they may have renamed the street.

13349. How often have you been in the Pocock with Soer?—Several times.

13350. Ever in uniform in any of those public-houses with Soer, or was he always in plain clothes?—Always in plain clothes.

13351. Is there any other place that you can name where you have bribed Soer?—No premises.

13352. Only the street?—That is all.

13353. I think we have exhausted Soer, so far as places are concerned, and we have also exhausted Powell, because you only bribed him once in that public-house that you describe, and all the other payments were in the street?—Yes.

13354. Now with regard to Gunn. Where did you first bribe Gunn?—I think it was in the Newington Causeway.

13355. What was the occasion of your bribing Gunn?—He was with the officer that I had been in the habit of bribing, so I used him the same.

13356. When did you first bribe Gunn?—The first time I was arrested.

13357. When he was there as a witness?—Yes.

13358. That was the first occasion?—Yes.

13359. We have had that date before. Tell us how you managed to bribe Gunn. What took place after

you were convicted. You say it was after your conviction?—Yes.

13360. What took place with regard to Gunn. Just describe it to us?—The direction, I believe, that they lived coincided with the way I was going, and passing through the street I simply put it into their hands, and told them to accept it as a present.

13361. This is a casual meeting?—No, this was after we went to the police court.

13362. Not arranged beforehand that you should go the same way?—We generally wait on one another. I have always found it so.

13363. Did you arrange that you should wait on them, or they should wait on you?—No, there was no thorough understanding with regard to that.

13364. Who waited. Did you get out of the court first, or did they get out of the court first?—I believe one of them was out first, and I was in between.

13365. Who was out first?—I am not positive.

13366. One of them, whoever it was, was outside waiting for you?—Perhaps he was waiting for the other officer.

13367. He was waiting?—Yes.

13368. And you came up?—Yes.

13369. When did the second officer come up?—Within a minute or so.

13370. You and the first officer were waiting there?—Yes.

13371. How far from the court was that?—A few yards.

13372. Just outside?—Yes.

13373. (*Chairman.*) What was the name of the first officer?—Soer.

(*Mr. R. D. Muir.*) And Gunn?

(*Mr. Rufus Isaacs.*) Is it clear there were only those two. We have reference to the plural, but we have no statement from the witness, yet, as to Soer and Gunn.

13374. (*Mr. R. D. Muir.*) Soer and Gunn were the officers who arrested you on the first occasion, the 1st August. Is that so?—Yes.

13375. Only those two?—Yes.

(*Mr. Rufus Isaacs.*) Does he mean the only two who gave evidence against him?

13376. (*Mr. D. R. Muir.*) Yes. You all three met together within a few yards of the door of the police court?—Yes.

13377. And did you go away. Tell us how you went away?—It is a very short turning, and we made our way into Newington Causeway.

13378. Did you go together?—Yes, we went together.

13379. Into Newington Causeway?—Yes.

13380. That is only a few streets, really round the corner?—Yes.

13381. One side of the court is in Newington Causeway, and the exit from the court is at the back of the building, and you simply go round the corner into Newington Causeway?—Yes.

13382. That is the same corner?—That is true.

13383. Where was it that the money was paid?—Outside Lillywhites', the cricket-bat makers.

13384. Just at the corner, opposite the Newington Sessions House—almost opposite?—The corner of Borough Road and the corner of Newington Causeway.

13385. And almost opposite the Newington Sessions House?—I could not call it opposite. It is on the same side of the road.

13386. As Newington Sessions House?—I was thinking of the court—yes.

13387. It was in the Newington Causeway, in front of Lillywhites' shop, with all the bats and balls, and so on, in the window, that you met Soer?—Yes.

13388. And Gunn?—Yes.

13389. This was the first time you had bribed Gunn?—Yes.

13390. How did you do it?—Simply offered them the money. Put it in their hand, and done with it.

13391. How much?—One sovereign.

13392. To each of them?—Yes.

13393. Why were you so generous with Gunn?—Because I did not make fish of one and flesh of the other.

13394. You had only given Soer 5s. for his first bribe?—Yes.

13395. And Powell, too?—Yes.

13396. Why were you so generous to Gunn?—Because I did not lower my payment.

13397. I do not follow that, but that is your explanation?—Yes.

13398. (*Mr. Rufus Isaacs.*) I understand him to mean he was giving the others £1 a week at that time, and so he had to give Gunn the same. (*To the Witness.*) That is what you mean, I think?—That is right.

(*Mr. Rufus Isaacs.*) He did not want to give one less than he gave the others.

13399. (*Mr. R. D. Muir.*) I follow. (*To the Witness.*) Did you bribe Gunn on other occasions?—Yes.

13400. Where?—In the "Hero of Waterloo."

13401. Was he with any other officer at the time you bribed him in the "Hero of Waterloo"?—Soar.

13402. Always?—Yes.

13403. Always those two officers in the "Hero of Waterloo." How often have you been with Gunn in the "Hero of Waterloo" when Soer was present?—I could not say, but I was more with Soer than Gunn in the "Hero of Waterloo."

13404. On how many occasions, do you suppose?—I could not say.

13405. About?—I would not like to give an answer to that.

13406. Was it once?—Several times.

13407. Twice?—Several times.

13408. Three times?—More times than that.

13409. Half-a-dozen times?—More than that.

13410. A dozen times—as many as that?—Put it about that number.

13411. About a dozen times with Gunn and Soer together?—No, Gunn was not there each time.

13412. I am asking you about Gunn. We will start again. Were you as many as six times in the "Hero of Waterloo" with Gunn?—I could not say.

13413. Would you say it was more than three times?—Yes.

13414. More than three times. Would you say it was as many as six?—I would not like to say.

13415. Something between three and six?—It might be more, but I am not positive.

13416. You will not pledge yourself to more than six?—It might have been more.

13417. It might have been anything. You will not pledge yourself to more than six times, or will you pledge yourself to more than six times?—It is hard to say.

13418. As I understood you told me, if I am right, that on each occasion when you bribed Gunn in the "Hero" public-house Soer was present. Is that right?—There might have been once or twice when Soer was not there.

13419. There might have been once or twice when Soar was not there?—Yes.

13420. And the only number you have pledged yourself to up to the present is three?—I have not pledged myself to any number of times.

13421. You do not pledge yourself to Gunn being there three times?—He was there more than three times.

13422. Then you can pledge yourself to that. How many occasions have you been in the "Hero" public-house with those two officers together?—I could not say.

13423. More than once?—Yes.

13424. More than three times?—Yes.

13425. More than six times?—I could not say that.

13426. Is there any other place that you can name where you have bribed Gunn?—Yes.

Mr. A. F. Platt.
26 Oct. 1906.

13427. Where?—On the premises of the South-Western Railway at Waterloo Station.

13428. Whereabouts there?—In the tube way of the Electric Railway.

13429. The passage between Waterloo Station main line leading down to the City tube?—That is right.

13430. How did you come to go there?—They had simply looked through the wicket gate at the end of the turning where I was betting, and I followed them.

13431. They looked through the wicket gate at you and you went to them at once?—Yes.

13432. And they led the way to this tube?—Yes.

13433. Who were they—Gunn and who?—When you say "they," Gunn.

13434. I thought you said "they"?—No.

13435. Gunn led the way?—Yes.

13436. To the tube?—Yes.

13437. Was he alone then?—At times he has been.

13438. Then sometimes it was "they." There were two of them sometimes?—Yes.

13439. (*Mr. Rufus Isaacs.*) In the same place, the tube?—Yes.

13440. (*Mr. R. D. Muir.*) Who was the other one?—Soer.

13441. I had been asking you about Soer, and you have never up to to this moment mentioned the tube tunnel in connection with him. Do you say that you bribed Soer in the tube tunnel?—No.

13442. But he was there?—Yes.

13443. You went there when he and Gunn were together, and you bribed Gunn and you did not bribe Soer. Is that what you say?—Yes.

13444. Why was that?—It is quite possible I would have seen Soer during patrol duty in some turning on my way home in the evening, and he might have had his previously.

13445. How many times would you see Soer and Gunn together in the tube?—Once.

13446. Only once?—Yes.

13447. On how many occasions did you see Gunn there without Soer?—I could not say.

13448. About?—I should say several times.

13449. But "several times" does not tell us very much. How often?—I could not say.

13450. You mean you will not pledge yourself to any number of times at all?—No.

13451. Have you bribed Gunn in any other place?—No.

13452. You are quite clear about that?—Yes.

13453. And no other place where you have bribed Soer?—Oh, yes.

13454. Where?—Living in the vicinity of the station, of course I generally make my way past the station, and it is on my way home.

13455. What station?—Kennington Road Station, and it is quite possible for me to pass these officers in the evening on late duty.

13456. In the street, you mean?—Yes.

13457. I am not asking you about the street. I understand you have already answered that you have sometimes bribed him in the street, but is there any other definite place or premises or place like the tube or anything of that kind?—No.

13458. Any place that you can name?—No.

13459. Did you ever bribe Soer in any other definite place than this you have told us of?—Not that I can call to mind.

13460. Did you ever say that you had ever bribed him in any definite place to any Inspector of Police? Let me see if I can help you. Did you ever tell Inspector Spencer of a definite place where you had bribed him? You know Inspector Spencer?—Oh, yes.

13461. Does that help you?—(*No answer.*)

13462. Did you ever tell Inspector Spencer of a definite place where you had bribed Soer and Deed at the same time?—(*No answer.*)

13463. Let me put it to you in another way. Can you tell us of any definite place where you bribed Soer and Deed at the same time?—(*No answer.*)

13464. What I am putting to you is a thing that, if it is true, you could not have forgotten?—It is like this, with regard to these men, their duties were not always together.

13465. No, but do you remember ever bribing Soer and Deed together in any definite place, and I am suggesting that if this statement is true you could not possibly have forgotten it?—I have a lot to think of, and I have not been taking notes or had anybody doing it for me.

13466. It is not a thing that would require a note to impress it on your memory if it is true?—Yes, it would, because their duties have been confusing.

13467. I will give you the date of the 13th October, which is the date of your last arrest.

(*Mr. Rufus Isaacs.*) Is that the date of the conversation with Inspector Spencer that you are suggesting?

(*Mr. R. D. Muir.*) No, the date he alleges as the one on which he alleges he bribed Deed and Soer together. I am much obliged to you, sir, for correcting the ambiguity. (*To the Witness.*) The date I give is the date upon which you said, according to my information, that you had bribed Soer and Deed at the same time in a definite place. Can you remember it at all?—(*No answer.*)

13468. Did it take place—that on that occasion you bribed Soar and Deed?

13469. (*Chairman.*) Do you recollect having a conversation with Inspector Spencer?—Yes, but they have their methods.

13470. (*Mr. R. D. Muir.*) You remember when you were arrested on the 13th October?—You have it there. I know the month, but I am not particular to the date.

13471. You will find that is correct—the 13th October, the day of your last arrest. You were arrested by Soer and Deed together. That is right, is it not. They were the two officers who arrested you?—I am not positive of that.

13472. It was so, there is no doubt about it.

(*Mr. Rufus Isaacs.*) That is the fourth conviction that year.

13473. (*Mr. R. D. Muir.*) Yes. Now on the occasion of your very last arrest in this district did you bribe Soer and Deed together in one place?—I know we had a few words about the shabby trick that I considered Soer had done, and I was very much upset that I had two convictions against me that day when there ought to have been only one.

13474. You are thinking of the 20th August. I am talking of your last arrest on the 13th October. Can you remember bribing those two officers in one place at the same time?—(*No answer.*)

13475. Tell me when I have given you long enough, and then I will go on?—I cannot recall to mind at present.

13476. You cannot recollect bribing those two officers on that day at all?—I cannot recollect where.

13477. Did you bribe them at all?—Yes.

13478. On that day?—Yes.

13479. Before your arrest or after your arrest?—After.

13480. Before you were convicted or after you were convicted?—It would be after I was convicted.

13481. In the court building or outside the court building?—I could not say.

13482. Are you clear it was after your conviction?—Yes.

13484. Absolutely definite?—Perhaps I should count my convictions different from you. I should say from the time I got into their hands—from the time that they handled me.

13483. You are quite clear about that?—Yes.

13485. What time was it that you met them—before you had been before the Magistrate or after you had been before the Magistrate?—I am not positive; I am not sure.

13486. What is your belief about it?

13487. (*Mr. Rufus Isaacs.*) You have got something in your mind. Can you tell us whether it was before or after your arrest?—It would be after my arrest.

13488. (*Mr. R. D. Muir.*) You are quite clear about that, are you?—Yes.

13489. Absolutely definite as to that?—After my arrest—the two officers who arrested me; yes.

13490. It was after your arrest that you gave them a bribe?—Yes.

13491. You do not want to go back on that?—No, I do not think so.

13492. How do you remember it was after your arrest?—I had not seen them previously in the day.

13493. Anything else?—No.

13494. Nothing else that calls it to your mind that it was after your arrest?—No.

13495. After your arrest, of course, you were in custody all the time until you got before the Magistrate?—Yes.

13496. Was it while you were in custody, and before you got before the Magistrate, that you paid them?—I am not positive.

13497. Why are you not positive. If you remember the occasion at all, why are you not positive as to whether you paid it while you were in custody, or while you were a free man?—I know there was some talk going on, and I would not be exactly positive—not to trust my memory that far back.

13498. Was not that the very first bribe you had given to Deed?—No.

13499. He had never handled you before?—No.

13500. It was the first time Deed had ever handled you?—Yes.

13501. Could you remember where it was and when it was?—I paid Deed so much money previously to that.

13502. This is the first time that Deed ever handled you?—Yes.

13503. Cannot you remember where it was?—No, because those two officers were playing off to one another. They had never been out in company with one another to arrest me before. That is how it was that Deed did ever arrest me.

13504. What I am putting to you is that that is a reason why you should remember it. The first time they had ever acted together, the first time that Deed had ever put hands on you at all?

13505. (*Chairman.*) Is that so?—Yes.

13506. (*Mr. Rufus Isaacs.*) You had been bribing him for some time. but it was the first time he had put his hands on you?—Yes.

13507. (*Mr. R. D. Muir.*) Now do you not remember it?—These two men had always worked so different that I know there was something that I cannot just call to mind.

13508. Can you tell me this: How much did you pay them on that occasion?—If I remember correctly, I paid Soer on his own—gave it to him quick, because I did not let these two officers know. These two officers never knew that I was bribing each of them, so what I did was to pay one, as it is commonly called, "to get his head screwed," and paid the other one when I got the other heads screwed.

13509. (*Mr. Rufus Isaacs.*) That applies to Deed and Soer?—Yes.

13510. (*Mr. R. D. Muir.*) On this occasion?—Yes.

13511. So that you paid them separately?—Yes, separately, but they might have been in company, but one would not see what I had done to the other.

13512. But you have never said that with regard to any other group of officers?—No.

13513. You mean the arrest on the 13th October and case?—Because I had known Deed longer than the others, and he had never come and put his hands on me; therefore I did not want the other officers to know that I was doing the same to him as I was to them.

13514. (*Mr. Rufus Isaacs.*) I should like to put a question on this point, because we must understand it as we go along. With whom had the conviction of the 13th October been arranged?—That was not an arranged meeting.

13515. You mean the arrest on the13th October and the prosecution and conviction was not in collusion with the police?—No.

13516. It was unexpected by you?—To a degree, yes. I had not been the same as I had on the previous times, told I should be wanted—not by Soer. But I knew they were out for me, but not to the knowledge of Soer. Deed had sent me the information that I was going down that day.

13517. That is what I am trying to find out from you. Deed had sent you notice on the 13th October before you were arrested that you would be arrested that day?—Yes, and told me it would not be his fault.

13518. (*Mr. R. D. Muir.*) Then do you adhere to your answer to the learned Commissioners that this particular arrest was not an arranged arrest between you and the police?—Not with Soer or Deed.

13519. Was it an arranged arrest at all?—No, not in the way that the others had been.

13520. It was not a collusive arrest?—Not in the way that the others had been.

13521. That is another branch of the matter that I will have to deal with. Can you tell me the amount that you paid to those officers on this day?—Soar's was one sovereign.

13522. And Deed's—the first time he put his hands on you, and he was the person who sent you warning on this day. What was it you paid him?—I think his was a sovereign, but I met him later in the day and gave him more.

13523. Deed's was a sovereign, but you did meet him later in the day and gave him more?—Yes.

13524. So it was a sovereign at the time of the arrest and something more later?—Yes.

13525. Do you remember how much more?—I could not say now.

13526. I have spent a good deal of time over this, because I may tell you that this is the only occasion on which you ever made a definite allegation, giving time, place, names, and amounts, so I want to see exactly what your allegations are with regard to that. Do you want to correct any answer that you have given?—I was rather put out that day having these two very men, and having to play off one against the other. I am not so positive of most of the things that took place.

13527. Here I have got from Inspector Spencer the details of a particular bribe on a particular occasion, and it is the only one that I have got. Do you want to be as indefinite as possible now in case your answers now should contradict your statement then?

(*Mr. Rufus Isaacs.*) I do not think you ought to put it in that way. The witness is unrepresented.

(*Mr. R. D. Muir.*) If you think not, Sir, I will not put it.

(*Mr. Rufus Isaacs.*) The question is quite right, except that last part, which is a thought which you have translated into words.

13528. (*Mr. R. D. Muir.*) If you please, Sir. (*To the witness.*) Do you wish to add anything or detract anything from any answer that you have given with regard to this transaction?—The transactions that day were under more peculiar circumstances than the others, and it was more confusing.

13529. Do you mean that your memory is less definite as to this information than it is as to others?—I should have to be that way.

13530. I do not quite follow what you mean by saying you should have to be that way. Is your memory less definite as to this occasion of which you made a definite complaint than it is as to the others of which you have never made any definite complaint, as I shall show?—(*No answer.*)

13531. Can you give an answer to that question, because if not, I will go on?—I cannot just at the present moment. Something might come to my mind as we are going along.

13532. Would it be true to say that the sum you handed to those police-officers was 10s.?—Perhaps that would be the sum I handed to Deed then.

Mr. A. F. Platt.
26 Oct. 1906.

13533. To the two police-officers, 10s.?—That would apply to Deed, because I should see him later in the day.

13534. Would it be true that the sum you handed to the two police officers was 10s.?—I do not know whether it would apply to Deed.

13535. It certainly would not apply to Soer?—No.

13536. You are definite that you handed him a sovereign?—Yes.

13537. Would it be true that you handed that sum of 10s. to those two police officers in the charge room in the presence of the sergeant who was taking the charge—Station Sergeant Dale? Would that be true?—The sergeant would not be allowed to see it.

13538. Would it be true that you bribed those two officers in the charge room while the charge was being taken?—To the best of my recollection, I think that is the place where I gave it to Soer. As he came over to me talking I should go like *that (illustrating)*, and should give to him.

13539. Do you represent to the Commissioners that if you had bribed those two police officers in the charge room before the station sergeant, while the charge was actually being taken against you, you could possibly have forgotten it?—It is a long time to think about, and I have had a lot of other things to think of.

13540. You have thought of a great many other things, and you have told the Commissioners a great many other things that happened before this. Do you suggest that if that had taken place you could possibly have forgotten that you bribed them in the presence of the man taking the charge? Do you suggest if that had happened that you could possibly have forgotten it?—I gave the money that day, I know, under different circumstances to those that I had given it to previous officers.

13541. That is not an answer to my question. It may be an explanation, but it is not an answer. Do you suggest that you could possibly have forgotten it if it had happened?—It is possible, because I know that day it was under different circumstances I gave these officers the money to what I gave the others.

13542. Did you, on the 23rd November, 1903, go to the station in Kennington Road and see Inspector Spencer, or about that date? I will fix the date for you?—It was earlier than November—my first complaint to Inspector Spencer.

13543. I am speaking about this complaint on the 23rd November. I do not say it was your first complaint at all?—That is my confusion.

13544. (*Chairman.*) How long after the conviction did you first see Inspector Spencer?—I think a matter of seven or ten days.

(*Mr. R. D. Muir.*) I think it was the 19th or 20th October.

13545. (*Chairman.*) Did you see him again?—I have seen him several times.

13545*. Mr. Muir is asking you whether you saw him on the 23rd November?

(*Mr. Rufus Isaacs.*) Take the date as about that time?

13546. (*Mr. R. D. Muir.*) That was about the time. Did you say this to Inspector Spencer that when charged on the 13th October you handed 10s. to two police-constables in the charge room?—I may have told him I gave the money in the charge room.

13547. 10s. to two police-constables in the charge room?—I may have told him I gave the money in the charge room.

13548. I am asking you whether you said that you handed 10s. to two police-constables in the charge room. Did you say that or not?—I do not think so. I may have done.

13549. Then how is it that to-day you tell the Commission that you are absolutely certain that what you gave to Soer was £1, and that you believe you gave Deed £1, and gave him more afterwards?—I gave Deed more money later in the day that I did Soer. It is quite possible for Inspector Spencer to have took me different.

13550. (*Chairman.*) Did Inspector Spencer write down what you were saying?—Not that I am aware of. I do not know whether he wrote it down.

13551. (*Mr. R. D. Muir.*) You gave evidence before Mr. McConnell and other justices on Chapman's appeal?—Yes.

13552. You gave evidence as to the matter we are now dealing with?—As nearly as possible.

(*Mr. Rufus Isaacs.*) Give us the date, Mr. Muir.

13553. (*Mr. R. D. Muir.*) The 15th January, 1904. Did you say this, when giving that evidence, in answer to the learned Counsel, Mr. Elliott, who was counsel for Chapman, and who called you as his witness: "(Mr. Elliott.) Now tell us about the last arrest?—It was through the same arrangement. Q. who came to you?—Soer. Q. Tell us just exactly what he said" (that must be Soer)?—"As near as possibly he said, 'I shall want you to-day.' That was previous to the day I was arrested, Sir. Previous to the time they took me down to the police court they came to me, I think it was on the 10th or the 11th of October, the Duke of York's Stakes day. Deed and Soer wished to take me down, and I begged of them not to, as it was a big racing day. I asked them to let me go the following week, and the arrangement was made then on the Saturday that I should go down on the Monday or Tuesday. I went down on the following Tuesday"?—Deed did not want to bring me down.

13554. That is quite a different account to what you have given to-day that Deed had come and told you early in the day that you were to go down and Soar came and fetched you?——

(*Chairman.*) It was on the 13th October that Deed told him—on the day, I understood.

(*Mr. R. D. Muir.*) Yes. It is different altogether.

(*Chairman*) I do not quite follow that. The conversation put there seems to have taken place some days before.

(*Mr. R. D. Muir.*) Yes.

(*Chairman.*) Platt is not represented here by counsel, and there is nobody here but ourselves to re-examine him. I am only making this interposition that he may follow me.

(*Mr. R. D. Muir.*) Perhaps I had better start at the beginning.

(*Chairman.*) Yes. This was Chapman's appeal. Did Chapman appeal against a conviction?

(*Mr. R. D. Muir.*) I am going to deal with Chapman's appeal on another branch of the case.

(*Chairman.*) I only want to know how this gentleman came to be called as a witness.

(*Mr. R. D. Muir.*) I am going into that, but the only question I am on now is the amount paid to these officers on that day. He has given one account to you this morning as to the amount paid.

13555. (*Chairman.*) That I understand. (*To the Witness.*) Were you called as a witness for Chapman?—Yes.

13556. (*Chairman.*) Is that which you read the examination-in-chief or the cross-examination?——

13557. (*Mr. R. D. Muir.*) The evidence-in-chief by Mr. Elliott, counsel for Chapman. I will read it again: "(Mr. Elliott.) Now tell us about the last arrest?—It was through the same arrangement. Q. Who came to you?—Soar. Q. Tell us just exactly what he said?—As near as possible, he said 'I shall want you to-day.' That was previous to the day I was arrested, Sir. Previous to the time they took me down to the police court they came to me, I think it was on the 10th or 11th of October, the Duke of York's Stake day. Deed and Soar wished to take me down, and I begged them not to, as it was a big racing day. I asked them to let me go the following week, and the arrangement was made then on the Saturday that I should go down on the Monday or Tuesday. I went down on the following Tuesday. Q. That was a special favour?—Yes, for which they received a sovereign each." That was your answer on the 15th January, 1904. Which is right?—I know I made two payments to Deed that day.

13558. The learned Chairman, Mr. McConnell, says, "That was special payment," and your answer is

"Yes." How do you reconcile those statements as to the amounts that you paid on this particular day? Can you reconcile them?—(*No answer.*)

(*Mr. Rufus Isaacs.*) I do not quite follow. From what you read it is not by any means plain to me that that sovereign was paid on the 13th October; in fact, I should infer it was paid earlier, from his not being arrested on the day of the Duke of York's Stakes.

(*Chairman.*) That is why I interposed a little while ago to ask for some more particulars of the character of the evidence.

(*Mr. R. D. Muir.*) My point is that this was a special payment made to those two officers on that particular day, and the only payments mentioned at all.

(*Mr. Rufus Isaacs.*) You have the document before you, and no doubt you have read it, and there may be something else which shows what you are saying, but in what you read to us it did not seem to me to follow at all that that payment of £1 each which is said to have been made as a special favour, and was a special payment, in answer to Mr. McConnell's question, was paid on the 13th October; indeed, I should have inferred that it was paid for not being arrested on the day of the Duke of York's Stakes, and was paid on that date or about that time.

(*Chairman.*) I think it says it was some days before.

(*Mr. R. D. Muir.*) I will read it again. "(Mr. Elliott.) Now tell us about the last arrest?—It was through the same arrangement. Q. Who came to you?—Soer. Q. Tell us just exactly what he said?—As near as possible he said: 'I shall want you to-day.' That was previous to the day I was arrested, Sir. Previous to the time they took me down to the police court they came to me, I think it was on the 10th or 11th of October, the Duke of York's Stakes day. Deed and Soer wished to take me down and I begged of them not to, as it was a big racing day. I asked them to let me go the following week, and the arrangement was made then on the Saturday that I should go down on the Monday or Tuesday. I went down on the following Tuesday. Q. That was a special favour?—Yes, for which they received a sovereign each."

(*Chairman.*) That was postponing the day of arrest from that day to the 13th October. That led to my original interposition.

(*Mr. R. D. Muir.*) It might be that the sovereign was then paid. He does not say anything about any other payment on that day.

(*Chairman.*) I do not see that this statement referred to a payment on the 13th October at all.

(*Mr. Rufus Isaacs.*) The only point is this. You have the document before you, and we have not, and when it is read out to us it makes a certain impression, and you assumed from your question that it was impossible to reconcile the two statements.

(*Mr. R .D. Muir.*) I did.

(*Chairman.*) We have allowed you to cross-examine because we saw that a conflict of evidence was likely to arise, and that permission could be given to you in accordance with our procedure, but we cannot shut our eyes to the fact that Platt has neither solicitor nor counsel present, and, as far as we know, as public Commissioners, we do not know whether he is taking any advice or having any assistance in getting up the case at all.

(*Mr. Rufus Isaacs.*) Mr. Muir is putting the question, and I suppose he reads to us the whole of it. I understand there is nothing more in it, so far as you know. You drew the inference which, when your attention is called to it, may be coloured, perhaps, by something you have been told in connection with it.

(*Chairman.*) What I meant was if Platt had a solicitor he would have asked for all that was said at the Newington Sessions, and it would have been read over to the Witness before he came into the box.

(*Mr. R. D. Muir.*) I hope not.

(*Chairman.*) Why. If Platt had been represented, the very first thing the solicitor would have said, when Platt referred to his documents at Newington, would have been, "I want to see all those documents."

(*Mr. R. D. Muir.*) Yes, but not the evidence which he had given.

Mr. A. F. Platt.
26 Oct. 1906.

13559. (*Chairman.*) Have you tried to get the documents. I think the first day on which you gave evidence you told me that some documents had been impounded at Newington?—Copies of letters that I had.

13560. Have you asked for those letters?—I have asked to have them.

13561. From whom?—I have asked for the whole to be——

13562. Returned to you?—Yes.

13563. Whom have you asked?—The Commissioners.

13564. Do you mean you have asked Mr. Leslie. You do not mean the Commissioner of Police, do you?—I have asked that the letters should be taken notice of. I cannot say I have asked for them to be returned to me personally.

(*Chairman.*) What took place as to that, Mr. Muir?

13565. (*Mr. R. D. Muir.*) As I understand, the witness said there were numbers of copies of letters which he had written to the Commissioner of Police and to the Home Office, which he had kept, and in giving his evidence in the witness-box he produced those copies, and they were put in, and so far as I recollect, those were the only documents put in. I know Mr. Grain, who appeared for the Police, suggested to Mr. McConnell that those documents ought to be impounded, and Mr. Grain impounded those. They would then, I suppose, be in the custody of the court, and I suppose they are there now. I think I ought to read on in order to see if there is anything which shows the date at all: "(Q.) That was a special favour?—Yes, for which they received a sovereign each. (Mr. McConnell.) And that was special payment?—Yes. (Mr. Elliott.) That was Deed and Soer?—Yes. (Q.) Did you go down the following week?—I went down on the following Tuesday. (Q.) The same police court and the same fine? Yes. (Q.) This is the first time you have mentioned Deed in connection with arrest. I should like to ask you, Mr. Platt, whether you had any previous dealings with Deed at all before that time before October?—Yes." That finishes the part about the arrest. So far as I recollect, nothing more is said about it, and nothing at all is said about bribing in the charge room. Now you have been asked some questions about the amount of the bribe, and you said £1 a week?—Yes.

13566. When you were before Mr. McConnell did you say it was 10s. a week?—Perhaps it was the way the question was put to me. I should say in some cases it had been 10s. a week. I was asked for one particular payment, perhaps; I was asked as to one 10s.

13567. What was put to you was whether you would suggest the payment was 10s. a week, and you said no, you would not suggest it; it was £1 a week, and you would not think of saying it was 10s. a week, putting it in great detail. What do you say now you paid those men, 10s. or £1 a week?—It averaged £1 a week.

13568. Just listen to this: "(Mr. Elliott.) Then after that first conviction you surrendered by arrangement?—Yes, after I had been fined we adjourned to the 'Goldsmiths' Arms,' in Southwark Bridge Road." Is that the name of the public-house you were thinking of. You described two houses, not by name, but by situation. Is that the Goldsmiths' Arms?—No, that is not the Goldsmiths' Arms. The Goldsmiths' Arms is just close by.

13569. This was your first arrest by Powell: "(Q.) Powell was brought there because Soer was too well known to arrest you himself?—Yes, Soer was getting so well known that he would not be able to get within 50 or 60 yards of me. (Mr. McConnell.) You knew him too well?—Yes. (Mr. Elliott.) He would not allow Soer to get sufficiently close to him. (Mr. McConnell.) Soer said so himself. (Mr. Elliott.) Then after that first conviction you surrendered by arrangement?—Yes, after I had been fined we adjourned to the Goldsmiths' Arms, in Southwark Bridge Road." You say that is not the public-house you described?—It is not the house that we went into. We went into the house next to the railway station.

13570. "(Q.) Who do you mean by 'we'?—Powell, Soer, and myself. (Q.) In what road?—Southwark Bridge Road, I believe, the road is. I got into conversation with them, and said I hoped they would not trouble me any oftener than they possibly could, at the

Mr. A. F. Platt.
26 Oct. 1906.

same time giving them half a sovereign. (Q.) You said, "After I had been fined we adjourned to the Goldsmiths' Arms. What do you mean by adjourning?—I asked them to come. (Q.) We adjourn the court, but not to a public-house. You say you paid them money on this occasion?—Yes. (Q.) How much?—10s. (Q.) Each?—No, between them, 5s. each. (A Magistrate.) Did they ask for it?—I offered it and they accepted it. At the same time I said I hoped they would not give me any more trouble than they possibly could, and that any time they wished me to go down I was always willing to go. (The Magistrate.) You said you were willing to accept what charge they preferred?—Yes. (Mr. McConnell.) If you thought it was necessary for them to do their duty by taking you before the Magistrate you would go at once?—At any time it suited me I would go. (Mr. Elliott.) You did not want them to give you any more trouble than was necessary?—Yes. (Q.) Of course you knew what the charge would be under any circumstances?—Yes, betting. (Q.) You were not thieving, burglaring, or assaulting?—Not at all. (Q.) After that interview when was your next arrest?"

(*Mr. Rufus Isaacs.*) Are you passing from this incident?

(*Mr. R. D. Muir.*) Yes.

13571. (*Mr. Rufus Isaacs.*) There is something I do not understand about it. Where is the Goldsmiths' Arms?—As near as possible to the public-house.

13572. It is a public-house?—Yes.

13573. But there is another one close by?—Yes.

13574. Which one did you adjourn to?—We adjourned to this one that I cannot think of the name of.

13575. Not the Goldsmiths' Arms?—No.

13576. You are not quite clear about that?—Yes. We attempted to go in one and went to the other.

13577. If I have followed correctly what Mr. Muir was reading, what you said was you did adjourn to the Goldsmiths' Arms. That was the name of the public-house.

(*Mr. R. D. Muir.*) Yes. He says: "After I had been fined we adjourned to the Goldsmith's Arms in Southwark Bridge Road. Q. Who do you mean by 'we'?—Powell, Soer, and myself. Q. In what road?—Southwark Bridge Road I believe the road is. I got into conversation with them, and said I hoped they would not trouble me any oftener than they possibly could, at the same time giving them half a sovereign. Q. You said, 'After I had been fined we adjourned to the Goldsmith's Arms.' What do you mean by adjourning?—I asked them to come. Q. We adjourn the court, but not to a public-house. You say you paid them money on this occasion?—Yes. Q. How much?—10s. Q. each?—No, between them—5s. each."

13578. (*Mr Rufus Isaacs.*) You say you mean by "adjourned" you asked them to come to the Goldsmith's Arms?—To have a drink. That would be about the conversation.

13579. You went to the Goldsmith's Arms. Did you go in?—No.

13580. Why not?—Because there were people there we did not want to see.

13581. You intended to go in there, but went to another?—Yes.

13582. (*Mr. R. D. Muir.*) "Q. After that interview when was your next arrest?—A matter of within four or five weeks. Q. From that date?—Yes. Q. Just tell us all about it. Had you seen Soer or Powell between times?—I had seen Soer. Q. Had any further payments been made?—I passed him further money. Q. Where was that?—In the 'Hero of Waterloo.' Q. At that time did you know Deed at all?—Yes. Q. Perhaps we had better go on with Soer at present. You say your next arrest was four or five weeks after the interview. Just tell us what happened then?—Soer came to me at a place where there was a little wicket gate. He looked straight through. I knew who he was, and I went out on to Waterloo Station and met him there He said: 'I want you to come down to-day. What time would suit' I said, 'Any time after half-past two.' (*Mr. McConnell.*) Where was this little wicket?—The approach where the traffic empties. It is within Waterloo Station in Waterloo Road. (*Mr. McConnell.*) A betting place there?—There was then, but I do not think it is now. (*Mr. Elliott.*) We will deal with the past rather than the present?—Yes. Q. At what time?—Half-past two. I was in the police station about a quarter to three. Q. Was Soer there?—Yes, he took me down. Q. Which station was that?—Kennington Road. Q. And from the station where did you go?—To Stones End Police Court. Q. To Southwark Police Court?—I believe that is what it is called. Q. And you went before the Magistrate and pleaded guilty?—Yes. Q. And the usual fine was imposed?—Yes. Q. £5 was it?—Quite right, Sir. Q. Well, then, was anything paid on that occasion?—Yes. Q. What did you pay on that occasion?—I paid Gunn, the other constable, and Soer half a sovereign each"?—Yes, I expect that was it.

13583. You have told us it was £1?—When I averaged it out at £1 I averaged the money I paid collectively.

13584. You have told us about the money paid outside Lillywhite's this morning.

13585. (*Chairman.*) "The money was paid outside Lillywhite's, almost opposite the Sessions House. I put a sovereign into the hands of each, Soer and Gunn."

13586. (*Mr. R. D. Muir.*) You said before Mr. McConnell that it was half a sovereign. What do you say to that, anything?—No.

13587. "Q. When were you next convicted?—In a matter of four or five weeks. Q. A little over a month each time?—Yes, barring the last conviction. Q. You are taking me now to the third conviction?—He came down to me, Soer, and told me he should require me again. When he came to me it was just after twelve. I had a communication from my wife that her eldest girl was very bad, and I did not go down that day, but the following day he apprehended two of us. Q. What time were you apprehended the following day?—I should think about two. Q. Where were you apprehended. The same place?—Yes. Q. Did you go to the same police station and the same police court?—Yes. Q. And fined the same sum?—Yes, the two of us. The remark was made that it would cost me £10 instead of £5 it would have cost me the day before. Q. What did you pay on that occasion?—Half a sovereign each"? What do you say to that?—No doubt I paid them 10s. each then, but I should see them afterwards, or previously in that week.

13588. "Q. Had any money been paid between the second and third conviction?—If they did not take it one day they had it the next. Q. How much per week." What do you think your answer was before Mr. McConnell to that question, "How much per week"? You have been asked that question a great many times here. What do you think your answer was then. Have you any idea?—I should think it would be £1 a week.

13589. "Half a sovereign each, on the average." That was your answer before Mr. McConnell. How do you account for that?

13590. (*Chairman.*) Was it your answer?—The different way they put the questions there. I suppose I should have to answer the question in that way, but I always meant £1 a week.

13591. (*Mr. R. D. Muir.*) "Q. How much per week?—Half a sovereign per week, on the average." Then comes the passage which refers to the money which I have already read. Now tell us about the last arrest, and the sovereign, and the special favour, and the special payment. Do you remember the first payment you made to Deed?—No, I cannot say I remember it. The first payment?

13592. Yes, the first payment you made to Deed?—It was over some transaction with some relation of his.

13593. I mean the first bribe you paid to Deed. Do you remember that?—I remember where it took place, but I cannot be positive of the time.

13594. Where was it?—At the "Hero of Waterloo."

13595. Do you remember how much it was?—No, not at the exact moment.

13596. You have told us that although Powell was not out against you in plain clothes you paid him regularly his £1 a week on the average. Do you remember saying this before Mr. McConnell: "Q. Were you paying everyone of these men between the dates of the different convictions or only at the time you were convicted?—Three of them I paid every week or fortnight. Powell was the only one that only re-

ceived very little remuneration of me. Q. You did not pay Powell much?—No." Before this Commission you have said that you paid Powell as you paid the others, £1 a week, and you paid it to him because, although he was not out against you, you thought he might be out against you?—Quite right.

13597. Here you put him in a different category altogether. "Three of them I paid every week, or fortnight. Powell was the only one that received very little remuneration of me. Q. You did not pay Powell much?—No."

(*Mr. Rufus Isaacs.*) The statement he made about Powell was that it was £1 a week, only on one occasion he paid him 10s. That is my recollection of his statement.

13598. (*Mr. R. D. Muir.*) How do you reconcile that answer with the evidence you have given before the Commissioners?—The last few weeks of the time I did not see Powell—the last two or three weeks of my betting transactions.

13599. I will now pass to another matter. Have you got your books which were handed in to the learned secretary? (*The books were handed to the witness.*) I want to know the form of the entry which you say indicates to your mind that it relates to the bribery of police officers. Just give me a specimen.

13600. (*Mr. Rufus Isaacs.*) Which is the entry? Point to it?—There. (*Pointing.*)

13601. Under "expenses" do you mean?—That would be it.

(*Mr. R. D. Muir.*) May I look at the book?

(*Chairman.*) Yes. (*The book was handed to the learned Counsel.*)

13602. (*Mr. R. D. Muir.*) Do you mind my putting a red cross opposite to it to identify it?—No.

13603. (*Chairman.*) We must mark that book in some way for the purposes of the evidence. What book is that? How do you describe it?—It is an ordinary paying out book.

13604. Is it an early one or a late one in regard to these transactions?—I think it would be an early one—one of the first I had. (*The book was put in and marked A.P.1.*)

13605. (*Mr. R. D. Muir.*) First of all there is a name, is it—Juris?—I cannot tell.

13606. Just look at it?—You have not marked it against the name I want.

13607. Which is the name?—The one where the dash is.

13608. I thought the learned Commissioner asked you whether it was the word "expenses," and you said yes?—I understood him to say under the list of expenses.

(*Mr. Rufus Isaacs.*) You pointed to something. I thought it might be something which had an initial at the beginning and end indicating the name. I did ask him whether it was under expenses. I meant was it included in expenses? He thought I meant the entry below.

13609. (*Mr. R. D. Muir.*) There is an initial "L," a dash, and then comes a final "g." Is that it?—Yes.

13610. Does that represent a name?—Yes.

13611. Of a police officer?—Yes.

13612. In what Division?—G Division.

13613. At what date was he an officer in the G Division?—From March, to my knowledge, and I believe at the present date.

13614. (*Chairman.*) From March, 1906, that means?—Yes. That is to the best of my knowledge.

13615. (*Mr. R. D. Muir.*) "10s."?—Yes.

13616. So that this book relates to the period between March and July of the present year?—Yes.

13617. Have you any book at all that relates to the period between May and October, 1903?—No.

13618. Absolutely none?—No.

13619. Did you ever have any book relating to that period, May to October, 1903, which contained entries showing payments to police officers?—No.

13620. You never had?—No, these are entries made by one of our men, one of the agents.

13621. (*Chairman.*) The entry "L——g" is not in your handwriting?—No.

13622. In whose handwriting is that book?—One of the agents.

13623. What is his name?—Mr. Leslie has the name.

13624. The book is not in your handwriting, but in the handwriting of some other person who is an agent for you?—Yes.

13625. Cannot you give me his name?—Fisher.

13626. What is his Christian name?—I think his Christian name is William.

13627. He is your agent?—He was at that time.

13628. At any rate, the book is in his handwriting?—Yes.

13629. And you got the book from him?—Yes.

13630. (*Mr. Rufus Isaacs.*) But you know from that entry who the person is who is referred to?—Yes.

13631. You have told us it is somebody in the G Division?—Yes.

13632. And there is the beginning and end of the name of an officer?—Yes.

13633. We must know who that officer is in order to be able to test it?—I handed the name in.

13634. Is it one of the names handed in to us?—Yes.

(*Mr. R. D. Muir.*) With regard to that name, I suggest I should have an opportunity of testing it.

(*Chairman.*) You have handed in the name of "L——g." Have you any objection to Mr. Muir knowing the name?

(*Witness.*) No.

(*Chairman.*) The name is Lang.

13635. (*Mr. R. D. Muir.*) Have you got his number?—No.

13636. Or his rank?—No. I could not tell you his rank.

13637. That is the form of the entry in 1906. I ask you whether you have any similar entries for 1903. You say "No"?—It was not necessary.

13638. I ask you whether you ever had any book containing such entries. You say "No"?—No, it was not necessary.

13639. Did you ever have any memorandum book with such entries?—No.

13640. Or any diary with such entries?—No.

13641. Or any pocket book with such entries?—No.

13642. Are you absolutely definite about that?—About the L Division there?

13643. Yes. Are you absolutely definite that you never had any book, pocket book, diary, or memorandum book?—I had books for betting purposes.

13644. In which you had the names of constables to whom you had paid money?—Not as regards the L Division.

13645. You are quite clear about that?—Yes.

13645*. (*Mr. Rufus Isaacs.*) It is rather important that you should know what is said about the book. I want you to look at *this* book which Mr. Dickinson has been going through. You see, for example, there is *that* entry?—That would be in the other brother's handwriting.

13646. Does that relate to police bribes?—Yes.

13647. You mean that the entry which I have got here, which I read to be "Coppers, 4s.," relates to police bribes?—Yes.

13648. That occurs a good many times in the book, and there are various amounts.

(*Mr. R. D. Muir.*) I thought that the one he handed to me was a specimen of all the entries, but now it appears there is another book.

13649. (*Mr. Rufus Isaacs.*) Yes, Mr. Dickinson has been through it, and pointed out various entries, and it is important to know what they mean. I see, for example, on almost the last page there is an entry of "Coppers, 4s. Looker-out, 4s." Just look at that?—That is right.

13650. Does that mean police 4s., and 4s. to somebody who was looking out?—Yes.

Mr. A. F. Platt.
26 Oct. 1906.

13651. (*Mr. Dickinson.*) Who was not a policeman?—No—what we call a scout.

13652. (*Mr. Rufus Isaacs.*) Apparently from a cursory glance I have given to it it is "coppers"?—Yes.

13653. I see at the same time there is an entry "Looker-out"?—Yes, that would be where they account for the money.

13654. (*Chairman.*) Is that "scout" there?—Scout, 2s. That would be an extra scout we had that day.

(*Mr. Rufus Isaacs.*) I will pass this book to you. Mr. Muir, and I will put a slip in at the entries to which I have referred, so that you may follow it. They are a little difficult to find otherwise. I do not think he had got to this book yet, but it is important that you should see it, and that you should put any question you want to put upon it.

(*Mr. R. D. Muir.*) I see the difficulty of embarking on a cross-examination on this book, which I have never had an opportunity of examining. It is advisable that I should see it.

(*Mr. Rufus Isaacs.*) There are the entries. (*The book was put in and marked A.P.* 2.)

13655. (*Mr. R. D. Muir.*) In whose handwriting is that second book?—Most of the handwriting is in William Fisher's, and odd markings in Robert Fisher's.

13656. Those two are brothers?—Yes.

13657. They are both agents of yours?—Yes.

13658. Will you kindly look at the page where the markers are, and tell me in whose handwriting the words "Coppers" and "Looker out" are in. In whose handwriting is the first one?—I should say Robert's.

13659. (*Chairman.*) We had better have the entry?—"Coppers, 4s."

13660. In whose handwriting is that?—Robert Fisher's.

13661. (*Mr. R. D. Muir.*) The next one?—There is a mark here, "10s."

13662. (*Mr. Rufus Isaacs.*) There are three entries there. One is "Looker-out, 4s." What is the next entry?—"Tecs, 10s."

13663. What does that mean?—One of the others of the G Division.

13664. A police officer?—Yes.

13665. "Tecs 10s., Copper 1s."?—Yes.

13666. (*Mr. R. D. Muir.*) In whose handwriting are those entries?—I should say they are in William Fisher's.

13667. Do they write at all alike, or can you easily distinguish between them?—I can distinguish in most cases.

13668. The next one?—This would be William's. I would not swear to it. It might have been written hurriedly.

13669. (*Mr. Rufus Isaacs.*) Read the entry?—The entry is: "Coppers 4s., Query —, Dart 8s., Chandler 14s."—they are two lookers-out. We have the names here. This happened perhaps on a Saturday when they would receive the balance of the wages that were due to them. That is why the name would be put instead of "Scout" or "Looker-out." "Copper 4s. Comm." That would be commission to some man who had been in the habit of bringing us several pounds during the course of the week.

13670. Not a policeman?—No.

13671. (*Mr. R. D. Muir.*) In whose handwriting is that?—I think that is in Robert's.

13672. Are you sure about it, or are you doubtful?—I rather think it is Robert's. For preference I should say it was Robert's.

13673. Will you turn to the next one?—"Coppers 4s., Lookers-out 4s." That would be in William's handwriting.

13674. Is that the last of those marks?—Yes.

13675. Then do all those relate to 1906?—Yes.

13676. Do all the books that have been handed in relate to 1906?—Yes.

13677. (*Chairman.*) I think it would be useful to have the other books marked now. Do you know anything about the order of date?—No, they were written promiscuously. I was very fortunate to have them by me.

13678. (*Mr. Rufus Isaacs.*) In whose handwriting is this?—That is in William's. (*The book was put in and marked A.P.* 3.)

13679. (*Mr. Rufus Isaacs.*) A.P. 3 is in William's handwriting?—I have not looked at every page, but the generality of them.

13680. (*Chairman.*) What do you say about the handwriting of that one?—The greater part of it, so far as I have looked at it, is in William's hand-writing, but there might be an odd sheet in somebody else's handwriting; the generality of it is in William Fisher's handwriting.

13681. (*Mr. Rufus Isaacs.*) Now will you look at *this* one, and tell us in whose handwriting that is?—The greater part of it is in William Fisher's. (*The book was put in and marked A.P.* 4.)

13682. (*Mr. Rufus Isaacs.*) There is one other book you have referred to. In whose handwriting is that book?—There is one list there that I might be called on to show. There is a little bit of paper in that.

13683. What we want to know is in whose handwriting is the greater part of the book?—Nearly all mine. (*The book was put in and marked A.P.* 5.)

13684. What period does that relate to?—From the latter part of March to July.

13685. (*Chairman.*) Of this year?—Yes.

13686. (*Mr. R. D. Muir.*) That contains entries nearly all in your own handwriting. Does it relate to transactions by yourself or to transactions by your agents?—They would be transactions I had done myself very quickly. It is nearly all relating to betting, but not bets made.

13687. Does it contain any entries relating to payments to the police?—Yes.

13688. Made by you?—Yes.

13689. Personally?—Yes, but not in the book itself.

(*Mr. Rufus Isaacs.*) Mr. Muir's question was as to the entries in that book.

(*Mr. R. D. Muir.*) Certainly.

13690. The book contains no entries of payments to the police?—No.

13691. Not the book itself, but something else?—Yes.

13692. What is the something else?—A piece of paper on which I put the expenses down.

13693. (*Chairman.*) The slip of paper you are referring to?—Yes.

13694. (*Mr. Rufus Isaacs.*) I understand you to say *that* is the slip of paper?—Yes.

13695. Is that the only one which contains any entry about the police?—Yes.

13696. That slip in this book, which, so far as I understand, is not a leaf of the book but is in the book you say is the only entry relating to payments to the police in this book?—That is right.

13697. (*Chairman.*) You found that slip of paper in the book when you brought it to the court the other day?—Yes.

13698. (*Mr. Rufus Isaacs.*) When he brought the book to the court he handed it to me, and he showed me this one entry, which was on a loose sheet, as it was then, in the book, and is now. The entry is, "Police 4s." I do not know whether there is anything else?—"Leach 10s."

13699. Who is Leach?—A detective officer.

13700. (*Mr. R. D. Muir.*) What division?—G Division.

13701. Do you know his number?—No.

13702. (*Mr. Rufus Isaacs.*) There are other names there, but I do not know what they mean. What is "Looker"?—"Looker"—Looker out—"4s. 6d."

13703. "Looker" there means "Looker-out," and not a name?—Yes.

13704. What is *that*?—That is "Lookers" where I averaged their payments up for the week—the number of men we had. That was the balance I paid.

13705. That again means "Lookers-out"—scouts?—Yes.

13706. Do any of the other entries, except what you have told us with reference to Leach and 'Ins and Outs," apply to payments to the police? What does "Ins and Outs" mean?—"Ins and Outs" means that there was a relief police officer on that particular section paid, and I have put it "Ins and Outs." This is where I am making out a list of the payments.

13707. Do you mean that is like "Sundries"?—Yes.

(*The slip of paper from A.P. 5 was put in and marked A.P. 6.*)

13708. (*Mr. R. D. Muir.*) The sheet of paper A.P. 6 is all in your handwriting, is it?—Not all of it, because there are some pencil marks on it. I do not know who they belong to.

13709. You do not know whose handwriting it is in?—No.

13710. Will you tell me to what date that paper relates?—Perhaps I have got the date in the book. (*After referring to book.*) Between May and June, I should think.

13711. Between May and June of this year?—Yes.

13712. (*Chairman.*) Am I to understand that that list relates to some transactions in May and June?—I cannot precisely say, but between on that as it is in this book.

13713. (*Mr. R. D. Muir.*) "Police, 4s." Was that a payment you made yourself to a policeman or policemen?—No.

13714. To whom did you make that payment?—The payment was made by one of my agents.

13715. But to whom did you make it? You have a note of it?—That was a query in the list of expenses for the day.

13716. What payment does that relate to?—That relates to Robert.

13717. Robert Fisher?—Yes.

13718. The other payment is "Leach, 10s."?—Yes.

13719. Was that a payment made by yourself or made by an agent?—It was made near enough for me to see.

13720. What is the name of the agent?—Robert Fisher.

13721. You personally saw him pay it to Leach?—Yes.

13722. You remember the transaction quite well, do you?—I remember it taking place.

13723. Where did it take place?—Clerkenwell Road.

13724. What part of Clerkenwell Road?—Near Great Sutton Street.

13725. I do not quite know where Great Sutton Street is?—It is a turning out of Clerkenwell Road, running into Goswell Road, I believe.

13726. Looking north in Clerkenwell Road, is that on the right hand side or on the left?—Looking towards Old Street from Farringdon Street, it would be on the left—almost opposite the old Foresters' Hall.

13727. It is on the opposite side of the way to Foresters' Hall, is it?—Yes.

13728. That is where you saw this money paid to Detective Leach?—Yes.

13729. Could you see the amount of money that was paid?—I knew, because I was asked for it before it was paid.

13730. You were asked for it, and in your eyesight it was taken and handed to Leach?—I gave the agent 10s.

13731. Robert Fisher?—Yes.

13732. You saw him go to Leach?—He looked into a jeweller's shop window, and I could see it pass like *this*. (*Illustrating.*) I could see through the window. The agent had not any money on him, and therefore I know it was the same coin that I gave him that he passed to the officer.

13733. With regard to those books, have they the handwriting of any other agents of yours than William and Robert Fisher?—No.

13734. Were those your only agents at this time?—They were the two men that we employed. There were five other men who would take occasional bets who would have nothing whatever to do with paying out or making entries in the books.

13735. So that if any agent of yours paid money to the police in 1906 it would be one or other of the officers?—Quite true.

13736. Those were the only agents you employed this year?—The only, as we term them, actual agents.

13737. Who paid the police?—That is right.

13738. (*Mr. Rufus Isaacs.*) One or other of these two afterwards—William or Robert?—Yes.

13739. (*Mr. R. D. Muir.*) So that when you spoke of payments being made to members of the G Division by agents of yours you were referring to William and Robert Fisher?—In one sense, yes, but it is quite possible for Robert or William Fisher to have handed one or other of the men money to take to the coppers on the point.

(*Mr. R. D. Muir.*) I do not wish now to ask any questions about these books, because I have not been able to examine them.

(*Mr. Rufus Isaacs.*) We have had reference made to some documents which were impounded before Mr. McConnell. Has the Commission or have your clients copies of those documents?

(*Mr. R. D. Muir.*) Only in this way, that the documents impounded purported to be copies of letters sent to the Commissioner of Police and the Home Office. We have the originals. Copies of those will be supplied to the Commissioners.

(*Chairman.*) That will answer our purpose. I thought from what was said that they were actually at the Sessions House impounded, but you say you have them.

(*Mr. R. D. Muir.*) We have the originals, but in order to make sure we must see the documents that were impounded at Newington, so as to ascertain whether there is anything which we have not got.

(*Chairman.*) Notice will be given to the public in the usual way as to our next sitting. Notice will be given to you, Mr. Muir, and notice will be sent to the Press.

(*Mr. R. D. Muir.*) I am obliged.

FOURTEENTH DAY.

Tuesday, 20th November 1906.

PRESENT:

Sir DAVID BRYNMOR JONES, K.C., M.P. (*Chairman*).
RUFUS DANIEL ISAACS, Esq., K.C., M.P.
WILLOUGHBY HYETT DICKINSON, Esq., M.P. (Barrister-at-Law).
CHARLES ALGERNON WHITMORE, Esq. (Barrister-at-Law).
J. W. ST. LAWRANCE LESLIE, Esq. (Barrister-at-Law) (*Secretary*.)

20 Nov. 1906.

(*Mr. Eldon Bankes.*) Before the Commission proceeds, would you allow me to make one or two applications? The first is with reference to the case of the man Platt. You may remember he handed in a book or books in which he said there was writing in the handwriting of a man named Fisher or two Fishers, which showed that sums of money had been paid to the police. I ask permission that that book or books may be inspected by the man Fisher—of course, the books remaining in the custody of the officers of the Commission. There is a reason why I suggest that. We do not suggest it is not Fisher's handwriting, but we do suggest that an opportunity should be given to us of allowing Fisher to inspect the book.

(*Chairman.*) I understand from the Secretary that under my order you have had inspection of the books—that is to say, that Mr. Muskett, who is acting as solicitor for the police, and his clerks have had full access to the books.

(*Mr. Eldon Bankes.*) Yes; I am not on that point. We asked the Secretary to allow further inspection by the man Fisher, and he said that would be a matter that he would have to apply to the Commission for.

(*Secretary.*) No; I said I must take instructions from the Commission.

(*Chairman.*) You can tell me about this, Mr. Bankes, and correct me if I am wrong. Upon an ordinary order for inspection in an action it is not the custom for witnesses to look at the books, is it?

(*Mr. Eldon Bankes.*) There is no limit to the people who may inspect, so far as I know. It is common to have an order for inspection by experts, for instance.

(*Chairman.*) However, we are not bound by the technical rules that govern actions at law, and I see, unless my brother Commissioners see any reason against it, no reason why you should not have the kind of inspection that you want. Fisher must not take the book away.

(*Mr. Eldon Bankes.*) Certainly not. It shall be done in the presence of the Secretary.

(*Chairman.*) Mr. Muskett must come with him. It must be done with some formality.

(*Mr. Eldon Bankes.*) Quite so, Sir. Then I have another application to make, and that is with reference to the D'Angely case. That was the case which really was the foundation of the order for the Commission. It is a long time now since the matter was investigated before you, and we have a mass of evidence that we desire to present to the Commission, unless the Commission will make a definite pronouncement that they are satisfied that the Police were not to blame in that matter. Of course, at the present moment nothing has been said, and therefore I am instructed to press the Commission to hear the evidence that was taken at Algiers, but, of course, if there is anything in the nature of a definite pronouncement that evidence would not become necessary.

(*Chairman.*) According to precedent, a Royal Commission proceeds to give its decisions or its recommendations in the form of a report to the Crown, and what you are asking us is, in effect, to make an interim report.

(*Mr. Eldon Bankes.*) No, Sir; what I am asking you to say is this: I press for the admission of this evidence unless the Commission state that they do not require it. Of course, if they do not require it, the inference is that they are satisfied with the evidence that they have got.

(*Chairman.*) I will take a note that you have made the application. We will consider it, and I will let you know later on in the day or to-morrow.

(*Mr. Eldon Bankes.*) Then the last application I have to make is this: I do ask that some intimation should be given to us of the course of procedure. The last time this Commission sat was on October 26th, three weeks ago, and a week ago application was made to the Secretary that he would give us information of the cases that were going to be taken. The only information we have received is that the case of Mander or Maurer would be taken to-day, and that Platt's case would not be taken either to-day or to-morrow. The result is, the only information we have got up to the present, although three weeks have elapsed, is that one case of Maurer may perhaps be taken, which, so far as we know, is quite a short case, and if the Commission are going to sit the rest of to-day and to-morrow we are absolutely unprepared to deal with any matter which comes before you. I must say that that course does give the impression that the Police authorities are not being treated fairly, and therefore I do ask that further information should be given to us. Up to the present we have done our best with the information that has been given us to deal with matters that come before you, but may I give one illustration? The man Platt was called after the luncheon interval on one day without the slightest intimation to us that he was going to be called, or what was the nature of his evidence, and he was well into his evidence before we realised that it was a matter relating to street betting. Of course, at that point it was impossible to interrupt, because people would have thought we were desirous that the matter should not come before you, but if I had known I should have desired to take your ruling as to whether evidence of that kind was within the scope of the Commission at all.

(*Chairman.*) That is for us to determine. You are talking now as though you were counsel with a right to appear before us.

(*Mr. Eldon Bankes.*) I have no right.

(*Chairman.*) We are a Commission charged to make a certain inquiry, and it is perfectly obvious from the very nature of our inquiry that so far from discouraging any evidence, if we are to do our duty we ought to hear any citizen who comes forward and says, "I complain of the conduct of the Police"—that is, assuming his complaint is with regard to a matter coming within our terms of reference.

(*Mr. Eldon Bankes.*) Quite so, Sir.

(*Chairman.*) When Platt came forward to give evidence it was our absolute duty to hear him. We shall, on the other hand, take care that the Police are in no way prejudiced, because every opportunity shall be given to the police to rebut the charges which have been made by Platt.

(*Mr. Eldon Bankes.*) That statement was made on the first occasion, but up to the present I can only say that in our opinion we have not had the reasonable opportunity which we are entitled to. For instance, with regard to this sitting, I do ask that we should have reasonable information at this moment, if possible, of what cases are going to be taken to-morrow.

(*Chairman.*) You are really asking us to make a regular code of procedure suitable for your particular clients.

(*Mr. Eldon Bankes.*) Pardon me, I am only asking that we shall have a reasonable opportunity of meeting the cases that are brought forward.

(*Chairman.*) That I say you shall have. How on earth can you be prejudiced by the fact that A B comes into the witness-box and gives his story, and the Commissioners listen to his story, and then you are given, if you ask for it, an ample opportunity to cross-examine?

(*Mr. Eldon Bankes.*) You have reminded me of a fact which I have always desired to keep present to my mind, that I am not here in the ordinary capacity of a counsel, and I am only entitled to address you to the extent and limit you authorise me to.

(*Chairman.*) We have given no permission to any counsel to make addresses to us.

(*Mr. Eldon Bankes.*) That is quite true, but at the same time you would not have resented my calling your attention to the fact that it is, at any rate, open to question whether under the powers of this Commission such evidence as that of Platt is admissible.

(*Chairman.*) That is entirely for us, and we shall decide it in due course.

(*Mr. Eldon Bankes.*) I suppose you have decided it or else you would not have allowed him to be called.

(*Chairman.*) If I were to answer that observation I should be giving a kind of decision with regard to certain matters. I must not be taken as assenting to your view that cases have been sprung upon you. Reasonable notice has been given in the most important of the cases that have had our consideration and as far as possible we have endeavoured to group witnesses together on both sides for reasons of convenience.

(*Mr. Eldon Bankes.*) With the qualification "the most important cases" yes, but with regard to numbers of them we have been told overnight that they are going to be taken in the morning, and though we have done our best it really is not, with great submission, a reasonable opportunity of getting up the necessary evidence in order to meet the charges which are brought. As I said before, I do not want to make a grievance. It is the last thing I want to do, but I must keep on calling attention to it unless we do get further opportunity.

(*Chairman.*) That is what I keep on saying, a further opportunity you will have. We will hear any witnesses that will throw any light to a reasonable extent on the charges made by Platt. I fail to see any grievance at all.

(*Mr. Eldon Bankes.*) You have said that we shall have the fullest opportunity, and I am quite sure under the circumstances we shall get it, and if we do get it I shall have nothing further to say.

(*Chairman.*) Mr. Dickinson has reminded me that what you appear to want is a reasonable opportunity of getting up your case before the witness has made his statement in the box.

(*Mr. Eldon Bankes.*) Pardon me. For instance, I assume that a certain number of cases are in the possession of the Commission, that is to say the names of them. Why should we not be told the names of the cases that are going to be brought forward? I do not say a proof of the witness's evidence, but merely to enable us to collect together the information which is necessary to put before you in that case. 20 Nov. 1906.

(*Chairman.*) The answer is because the Commissioners do not think that they could conduct the inquiry efficiently if that information were given to you.

(*Mr. Eldon Bankes.*) Not the names of the cases that are going to be brought forward?

(*Chairman.*) Yes.

(*Mr. Eldon Bankes.*) I certainly regret it. That is all I can say.

(*Mr. Dickinson.*) You have never been prevented from bringing your evidence after the case has been called. We have never resisted any application for a postponement.

(*Mr. Eldon Bankes.*) It is not a question of bringing our evidence, but I can tell you the great personal inconvenience and difficulty I have been placed in. In one case which has been brought before you the witnesses were giving their evidence before I had even had an opportunity of reading the Police reports or the evidence of the police constables.

(*Chairman.*) But why not. The statement on oath of the witness may be looked upon as a kind of indictment. You get the indictment we will say on the Monday, and if you say you want time to answer it you get the time from the Commission.

(*Mr. Eldon Bankes.*) If I had taken that course there would have been more adjournments than there have been now. I have struggled with the difficulty. If no assistance is going to be given I must stand on my strict rights, and when the witness is examined he will have to stand down till we have had a reasonable opportunity of considering the matter. I have endeavoured to facilitate the proceedings, and because I have endeavoured to facilitate the proceedings it must not be suggested I am making a complaint which is without justification.

(*Chairman.*) You talk about "rights."

(*Mr. Eldon Bankes.*) I have no rights.

(*Chairman.*) I have already explained that you are not here as counsel in the ordinary sense of the term. We are not bound to allow cross-examination by anybody, and we may do all the work of examination and cross-examination ourselves if we like, but we felt having regard to the peculiar character of this inquiry —I mean the peculiar character having regard to the fact that it is given to a Royal Commission—we thought that it would greatly assist us and be to the general advantage that in some cases counsel should have the right to examine and cross-examine.

(*Mr. Eldon Bankes.*) I do not think I used the word "rights," and up to the present I have endeavoured loyally to obey your ruling.

(*Chairman.*) You said "strict rights."

(*Mr. Eldon Bankes.*) That was a mistake of mine, and I unreservedly withdraw it. I quite admit that I am here subject to your pleasure and with only such an opportunity of asking questions as you think proper. I only ask for a further opportunity, and you say it shall be given. I have nothing more to say.

(*Chairman.*) Now we will go on with Maurer's case. That is a case closely connected with the case of Altfuldisch and Ruppert.

(*Earl Russell.*) Yes, it arose on the same night, and about the same time. The name of the man is Maurer, and he is the same man who was called Mander in Inspector McKay's evidence.

WILLIAM MAURER, sworn.

(*Examined by Earl Russell.*)

13740. What is your occupation?—Gardener. *W. Maurer.*

13741. You work for Mr. Clark, of Priory Lane, Putney?—Yes.

13742. Are you still there?—Yes.

13743. Have you been there some time?—Sixteen months.

13744. Do you recollect on the 16th December last a party at the Wedes Hotel, in Greek Street, Soho?—Yes.

W. Maurer.
20 Nov. 1906

13745. That was the occasion of a meeting of the Floral Society, or something of that sort?—The German Gardeners' Club.

13746. Were you present at that meeting?—Yes.

13747. You are a member of that society?—Yes.

13748. Do you remember what time you broke up?—Yes, 12 o'clock.

13749. Have you heard of the case of Altfuldisch?—Yes.

13750. Do you know Altfuldisch personally?—I do now.

13751. Did you at this meeting on the 16th December know Altfuldisch?—No, I did not know him at all.

13752. Did you see him there to your knowledge?—Yes, I saw him, he was sitting opposite to me at the table.

13753. Were you introduced to him or did you speak to him at all?—No.

13754. When the meeting broke up at midnight what did you do?—We went outside the hotel, and we were waiting until some other friends came out.

13755. How many people were with you?—I could not say exactly how many, but I should guess about ten or twelve were standing outside—not with me.

13756. How many were with you?—I was talking to two gentlemen.

13757. Was there any noise or disturbance from the party?—No, I did not see any noise.

13758. Were you or your two friends making any disturbance?—No, I saw no noise and no disturbance.

13759. You did not see any in the street at all?—No.

13760. While you were talking to your two friends what happened?—These two friends wished me good-night. I was asking the gentlemen where they were going to. They told me to Hampstead, because I did not know them before. It was the first time I was introduced to them, so I wished them good-night, and said I should be very pleased if they became members of the club. Then I turned round and followed the president and several members of the club, and I was going the opposite road.

13761. That was after you said good-night to your two friends?—Yes, it was a matter of a minute or two.

13762. About how many were with you when you were following the president?—I think about five or six; I could not tell you exactly, because there were several more coming out of the hotel.

13763. And then?—Then I was arrested.

13764. But what happened exactly? What was the first you knew of it?—The first I knew was that I felt a push.

13765. Where?—On my back. I did not see any policeman before. I felt a push on my back, and I turned round and said "We are not obliged to run." There was Ruppert and another gentleman in there—I do not know who was with Ruppert, but he was paying the bill of the club. That is all I said, "I am not obliged to run," and I felt a push towards another police constable, and the inspector said "Take this man."

13766. Do you know who the inspector was?—Yes.

13767. What was his name?—I did not know his name then, but I know now, it is Mr. McKay.

13768. You say he pushed you to another policeman and said "Take this man"?—Yes, that is right.

13769. Was that all you had done before you were arrested?—Yes, that is all I had done.

13770. Had there been any fighting on your part since you came out of the restaurant?—No, not on our part.

13771. You did not fight with anybody?—No.

13772. Is it true that you were rolling on the ground?—No.

13773. Were you using bad language of any sort?—No, not at all.

13774. You were standing on your feet with your back to the Inspector?—I believe I was on the pavement, and my friends were walking on the pavement and on the road.

13775. And you were walking slowly?—Yes, slowly, because we were waiting for the others to come out.

13776. At the time you were arrested did you see any other men fighting or rolling in the street?—No, not at all.

13777. Nobody in sight of you?—No. I did not take any notice of what happened on the road.

13778. Then you were taken to the police station?—Yes.

13779. Did you make any complaint of the conduct on the way to the station or at the station?—At the station I told them my case, what happened, and what I was arrested for, because I had not done anything.

13780. Do you mean by "them" the Inspector on duty?—This policeman who took me there.

13781. You told the policeman who took you there?—Yes.

13782. You were taken before the Inspector at the station?—Yes.

13783. Did you say anything to him?—I did not say anything, but I stood there, and the Inspector asked me to sit down, and I said "Thank you." I thought I was coming out again. I thought that I would give my evidence there, and then I could go out, and he said "Sit down." I said "Thank you," and while I said "Thank you" he gave me a push on to the chair, so I had to sit down.

13784. Was that the Inspector in charge of the station or the Inspector who arrested you?—No, Mr. McKay.

13785. Did Inspector McKay come to the station with you?—He came afterwards. I do not know, but I believe he and another policeman brought Ruppert, a friend of mine.

13786. It was Inspector McKay who pushed you down on the bench?—Yes.

13787. But what about the Inspector who took the charge. Do you remember being charged before the Inspector on duty at the station?—I believe that was a man with a bald head. I could not tell exactly who it was.

13788. Did you hear a charge against you made before him. Did you hear him told what you had done?—Yes.

13789. Who made the charge? Was it Inspector McKay or the constable who took you there?—No, Inspector McKay took the charge, as far as I know.

13790. Did you know what Inspector McKay told the Inspector on duty?—Yes.

13791. What did he say to him?—As far as I can recollect, he said we were fighting and using bad language, and we were disorderly.

13792. Did you say anything to the Inspector on duty about it?—Yes, after he came upstairs and asked me, I said I did not know what I was arrested for.

13793. Did you tell him exactly what had happened, what you have told us now?—Yes.

13794. You told him you had not been fighting?—Yes.

13795. You remember that?—Oh, yes.

13796. You were let out on bail soon afterwards?—Yes, but I have to say something more about that. Then I was searched in the pockets, and Inspector McKay behaved to me like a dog. He searched my pockets, and I thought he was going to pull my overcoat from me. I had several papers in my overcoat, but I do not recollect what they were—letters and postcards and a couple of cigars. They went in the fire. I did not get them back.

13797. You say he took the papers and cigars from your pocket and put them on the fire?—Yes, I had several letters and postcards in my overcoat pocket, and I believe there was a programme of that evening there, and a few cigars I had in my pocket. He threw them in the fire in front of me.

13798. When you were bailed did you not get those back?—No; my knife and pencil case and things like that I got back, but not the other things.

13799. Is there anything else that you want to say about the police station?—Yes, in the morning I asked to come out because I had to be on duty that day.

We had a big job on in my place. They sent for bail to Barnes, and as far as I know the policeman was in Barnes early in the morning, about nine o'clock. I had to stop there till one o'clock, so I told my Governor why it was I did not come, as we had a big job on. It was the Sunday before Christmas.

13800. How many hours were you in the police station altogether?—I was in the police station from twelve o'clock at night, or soon after twelve, till one o'clock on Sunday.

13801. Do you mean midnight on Saturday?—Yes.

13802. Then you were about thirteen hours in the police station?—Yes. I told the Inspector who was on duty that I had to go out and do my duty, but he did not take any notice.

13803. It was on Sunday morning that you were let out?—Yes.

13804. Then on the following Monday you had to appear at the Police Court at ten o'clock?—Yes.

13805. Did you go there?—Yes.

13806. You heard the charge made against you?—Yes.

13807. Did you make any defence?—Yes.

13808. What did you say to the Magistrate?—I told him the case as it was, and I said it was untrue what Mr. McKay said.

13809. Did you go into the witness box yourself, or did you say that from the dock?—I do not know the difference between the dock and the witness box. It was a place with an iron bar.

(*Earl Russell.*) I suppose we shall have the notes of what occurred in the Police Court?

13810. (*Chairman.*) If it becomes necessary. (*To the witness.*) Were you sworn upon the book?—No, I do not think I was sworn upon the book.

13811. I think you probably mean you made your statement from the dock?—Yes, it was the dock.

13812. Did you not have an opportunity of being called as a witness? Did not somebody ask you whether you would like to give evidence?—No.

13813. (*Earl Russell.*) Did the Magistrate or anybody tell you that you could be sworn if you liked and go into the witness box and give your evidence on oath?—No, it only took two or three minutes.

13814. The whole case lasted two or three minutes?—Yes.

13815. You called no other witnesses?—I did not have any witnesses at that time.

13816. What did you tell the Magistrate about the case?—I told him very nearly the same, only I did not have time enough to tell the whole case. The only thing I could say was how it happened and that what Inspector McKay said was not true, and then I was convicted.

13817. Who stopped you when you were making your statement. You say you did not have time enough. What prevented you from having time?—The Judge.

13818. Who was it who interrupted you when you were making your statement?—The Judge.

13819. You say that was while you were speaking?—I said it was untrue what Inspector McKay said, and the Judge said "Ten shillings or seven days," and I had to go out. I could not say any more.

13820. Then you paid the fine and said no more about it?—Yes.

13821. Have you had any trouble with the Police before this?—No, not at all.

13822. Or since?—No.

13823. How long have you been in this country?—Very nearly three years.

13824. (*Mr. Eldon Bankes.*) Had you belonged to this club long?—Since last August twelve month, but I had been there several times before without being a member.

13825. Without paying anything?—I only went there several times in August.

13826. Has the club got any rules?—Yes.

13827. Have you got them?—Yes, these are the rules for this year and last year. (*Producing books.*)

13828-9. They are in German, and I am not scholar enough to be able to translate them, but do you pay any entrance subscription?—Not entrance, but 7d. monthly. *W. Maurer.* 20 Nov. 1906.

13830. What does the 7d. go to?—For newspapers and things like that—the gardening papers.

13831. Have you a room of your own?—Not only for us.

13832. Do other people use the room besides yourselves?—Not the same evening when we are there.

13833. Do you have the room to yourselves on evenings when the club meets?—Yes.

13834. How often does the club meet?—Twice monthly—the first and the third Saturday in the month.

13835. Do you have to pay your subscription every month or only when you go?—When we like, but as a rule it must not be too many months back.

(*Earl Russell.*) I will call the President of the club of whom Mr. Bankes can ask these questions.

13836. (*Mr. Eldon Bankes.*) Do these stamps on your membership card show when you paid your subscription?—Yes.

13837. And the months in which you paid it?—Yes.

13838. How many guests is anybody allowed to bring—as many as they like?—Not as many as they like, but they never bring more than one or two.

13839. Is drink allowed at the meetings?—Oh yes.

13840. Do you have anything to eat at the meetings or only drink?—If we like we can eat as well.

13841. You have to pay for it I suppose?—Yes.

13842. How many people were present at this meeting on this Saturday night?—I could not tell you exactly, but I think about 25 or 30. Of course I did not take any notice, but the President will tell you this.

13843. Did 25 or 30 remain there until the closing time?—No.

13844. Did some of them remain up to closing time?—Some of them.

13845. Were you one of those who remained up to closing time?—Yes.

13846. How many were in the room at closing time? I could not tell you.

13847. Would there be 20?—Oh no.

13848. Not so many?—I do not think so. Most of them had to go away and catch the last train.

13849. Were there other people coming out of the restaurants, besides your club at closing time?—I did not notice.

13850. Were there other people coming out of other public-houses and other restaurants in the street?—There were several people in the street. It was just closing time.

13851. Do you say when you got in the street it was very quiet?—I should say for London it was quiet.

13852. You understand what a noise means, and what shouting means?—Yes.

13853. There was no shouting?—There was no shouting.

13854. Was there any singing?—I did not hear any.

13855. Did you hear any people speaking angrily?—No.

13856. You did not hear that?—No.

13857. Were you there when Mr. Altfuldisch gave his evidence and Mr. Ruppert?—No.

13858. Let me read you what Mr. Altfuldisch says about the street. He came out of the restaurant at the same time as you did, did he not?—Yes, or perhaps one or two minutes before.

13859. At page 125, Question 4910, he is asked: "Was anything going on in the street?—The street was very noisy and very full of people that night." And then again when he is asked the question he says: "There was a rare lot of noise and a rare lot of people about the road. (Q) Were those people fighting and quarrelling amongst themselves?—It was a buzzing noise"?—I did not notice that.

13860. You did not hear that at all?—No.

W. Maurer.

20 Nov. 1906.

13861. Were you in a condition in which you would not notice those things. Had you had too much drink?—No, I was talking to my friends quite seriously. I did not take any notice of that, and I was not with Mr. Altfuldisch. He was a little further on.

13862. He was within a yard or two of you, was he not?—No, I did not see him.

13863. He is speaking of the state of things he saw in the street when he came out, or as he came out?—Yes.

13864. You were close to him then, were you not?—Yes, certainly.

13865. Mr. Ruppert says with regard to the people who came out that some of them were jolly. Do you agree with that?—It may be. I do not know, because I was only talking to a gentleman.

13866. And some were singing?—Not our members.

13867. Were there people close to you singing?—I do not know. I could not recollect that.

13868. Is your evidence to the Commissioners that the street was quite quiet, that there was no noise and no quarrelling at all?—No quarrelling as far as I know.

13869. How many people were there standing by you?—About 10 or 12. Of those who came out with me there were about 10. I do not think there were any more.

13870. Do you suggest there was no reason at all why the Police should intervene?—I did not think so.

13871. No reason at all?—Not at all.

13872. Did you hear them telling the people to move on?—No, I did not hear them. They may have done it, but I did not hear that.

13873. Did not you say something just now to the effect that you did not see any reason why you should run?—Because I was pushed, and I turned round and said: "I am not obliged to run."

13874. Did you hear anybody say "Move on"?—No, I did not.

13875. Was there nobody fighting there at all?—I did not see anybody fighting—not members of our club.

13876. Never mind about members of your club for a moment. Was there any fighting going on close to you?—No, I did not see it.

13877. Did you fall on the ground at all?—No.

13878. Did Inspector McKay catch hold of you at all?—Yes.

13879. Did he hold you?—Yes, with both hands under the arms from the back.

13880. How long did he hold you?—Only a moment while pushing me to a constable.

13881. Should you know the constable who took you?—No, I could not recollect him.

13882-3. Is he here. (*P.C.* 134 *C stood forward.*) Is that the constable?—I might have seen him.

13884. You do not recollect him?—I do not recollect him.

13885. Although he is the man who the Inspector handed you over to in Greek Street, and with whom you walked to the station?—Yes.

13886. And with whom you say you spoke?—I spoke several words to him going from Greek Street to the station.

13887. Are you not able now to recollect that man as being the man, or to recognise him?—No, I might have seen him, but I could not recollect him because it is rather a long time, is it not. It is nearly one year.

13888. Did you say anything to the constable as you went along?—Yes, I told him that and asked him what I was arrested for.

13889. What do you say he said?—He said, "I cannot help it, I have got to take you to the station." That is what I believe he said.

13890. And you went with him quite quietly to the station?—I went with him quietly.

13891. And when you got there you went into the charge room?—Yes.

13892. Did you speak to the constable as you were going along in English or not?—Yes, I spoke in English.

13893. Do you remember that?—Oh yes.

13894. When you got to the charge room Inspector McKay had not come in then, had he?—No. I believe he brought Mr. Ruppert.

13895. No, he brought Mr. Altfuldisch. Do you remember that?—No, I did not see Mr. Altfuldisch, but I saw Mr. Ruppert in the same charge room as I was.

13896. You were in the charge room some considerable time before Inspector McKay came in?—Yes.

13897. And during that time you were in charge of this policeman?—I was standing there and the policeman was in there as well, I believe.

13898. Do you remember?—I could not tell now if it was the same policeman or another one.

13899. Could you remember how many people there were in the charge room?—Only a few. I believe there were two policemen in there, and another Inspector on duty in the police station.

13900. Did you stand up or sit down?—I stood up then.

13901. You were quite quiet?—I was quiet.

13902. You made no complaint to the Inspector?—I do not know if I had done it then or later on.

13903. Then later on Inspector McKay came in?—Yes.

13904. He told the charge against you to the other Inspector?—Yes.

13905. Did you hear that?—Yes.

13906. And that charge was read over to you?—Yes, I heard that.

13907. Did you say anything?—Yes, I said that I was not disorderly, and I told them that I came out and was talking to my friends, and moved along slowly, and waited for one or two more from the hotel. That is all I told him.

13908. Who did you say that to?—To this other Inspector.

13909. Should you recognise him?—Yes.

13910. Is Inspector Remfrey here? (*Inspector Remfrey stood forward*). Is that him?—I do not know. I believe it is the same.

13911. You do not recognise him either?—I think it is the same. I believe it is the same. There was another gentleman there with a bald head on the same evening. He was behind the partition, behind the glass window.

13912. Was it Inspector McKay? (*Inspector McKay stood forward*). Is that the man you are referring to?—That is the man who charged me.

13913. Do you say there was another man with a bald head there?—I believe so.

13914. Just think. You are telling the Commissioners your recollection of what happened that night, and you have told us your recollection of what happened in the street, and now you are telling us your recollection of what happened in the charge room?—It might be that Inspector McKay was in that room and I saw him and did not know it was him.

13915. Up to this moment you have been under the impression that there was another man there with a bald head?—I think perhaps it was another man because I did not know Inspector McKay so well then as I do now.

13916. After you had been charged you were taken down to the cells, were you not?—Yes.

13917. How soon did you ask for bail?—I did not know that I could get bail.

13918. How soon did you find out that you could get bail?—A policeman explained to me about three o'clock in the morning.

13919. And then did you ask for bail to be sent for?—Yes, I told him the address I was living at.

13920. And you gave him the name of somebody to fetch?—Yes.

13921. That would be three o'clock on Sunday morning?—Yes.

13922. Where did the gentleman live whose name you gave?—31, Thorn Street, Barnes.

13923. What time was it when your friend came to the station?—Nobody came.

13924. How was it that you got bail?—A policeman came to where I was living and asked after me.

13925. In Barnes?—Yes, he asked after my behaviour, and my landlady told him about it, and he said "That is all right," and so I came out about one o'clock.

13926. You gave this man your name and where you lived, and you know now that the Police went and made inquiries in Barnes on Sunday morning, and as the result of that you were let out about one o'clock?—Yes.

13927. On the Monday following that, you went before the Magistrate?—Yes.

13928. And the Magistrate was Mr. Denman?—I do not know that.

13929. You had been at home, had you not, between the mid-day Sunday and the Monday morning?—Yes.

13930. Had you spoken to anybody about the charge that had been made against you?—Yes, certainly.

13931. You had spoken to your friends about it?—I had only told the people I was working with, and not that day, because it was a Sunday and there was only the governor and another man there.

13932. Who is your governor?—Mr. Clark.

13933. He is your employer?—Yes.

13934. You told him about it?—Yes, he asked me where I had been and I had to tell him.

13935. Then you went to the Police Court and you heard the evidence given against you, did you not?—Yes.

13936. Who gave evidence against you. Was it Inspector McKay?—Yes.

13937. Did the Magistrate ask you whether you wanted to ask him any questions?—Yes.

13938. Did you say you did, or did you say you did not?—I said what happened.

13939. Did you ask Inspector McKay any questions?—No.

13940. Did anybody else give evidence against you?—No.

13941. And then did the Magistrate ask you if you wanted to give evidence?—I believe there was a policeman or Inspector standing beside me, and he said, "Have you got anything to say?"

13942. Then did you say what you had to say?—Yes.

13943. Did you tell the Magistrate that there was no noise in the street at all, and that it was quite quiet?—I only said a few words and then I had to go out. I did not have time to say any more.

13944. Did you tell the Magistrate that the street was quite quiet, there was no noise at all?—I was not asked.

13945. But you were told to tell the Magistrate all you knew about it?—Not all I knew about it. He only asked me if I had anything to say, and I told him what happened, and then he said: "10s., or seven days." That was a matter of two or three minutes.

13946. Let us ascertain what you did tell the Magistrate. First of all, did you tell him anything about the street being quite quiet and there being no noise at all?—No.

13947. Did you tell him that there was no quarrelling at all there?—I said I was not quarrelling, and I was not using bad language at all.

13948. That is all you did say?—Yes.

13949. Did you make any complaint to the Magistrate as to the way you had been treated at the Police Station?—No.

13950. That was last December, was it not?—Yes.

13951. When did you tell anybody that you had been searched at the Police Station and your things had been thrown into the fire. When first did you tell anybody of that? Have you told anybody before to-day?—Yes.

13952. Now think. Who have you told?—The gentleman who was in the nursery and took my statement.

13953. When was that?—That was before the last time the Commission was sitting. *W. Maurer.* 20 Nov. 1916.

13954. Who was the gentleman who took your statement. Do you see him here?—No.

13955. I call for the statement if Earl Russell has got it?

(*Earl Russell.*) I have not the least idea who took his statement.

(*The Witness.*) He did not write it in the statement.

(*Mr. Eldon Bankes.*) Do you suggest to the Commission you told that to the gentleman who came to take your statement, but he did not write it down?—I only told him before, and then we went into the office and he wrote it down.

13956. When he was writing it down you did not tell him?—No. I thought I had to come here and could tell you myself.

13957. So you have never told anybody yet about that suggestion of throwing your things into the fire to anybody who has ever written it down?—No; but I believe my governor reminded me to tell you this as well. He said: "You must tell them this as well."

13958. When did he tell you that?—A fortnight or over three weeks, I believe, ago.

13959. (*Chairman.*) By "Tell this as well" you mean about the papers being thrown into the fire?—Yes, and the cigars, too.

13960. (*Mr. Eldon Bankes.*) Have you ever told anybody before about Inspector McKay pushing you into the chair?—Oh, yes; I told my governor at once.

13961. Did you tell that to the gentleman who took the statement from you?—Yes.

13962. I should like to see that statement?—I do not know if he put that in the statement.

(*Chairman.*) If you have got the statement, Earl Russell, that was supplied to the Commission you might hand it to Mr. Bankes.

(*Earl Russell.*) I was just asking who did take that statement. I am not sure that the statement I examined the witness from is the same as that supplied to the Commission.

(*Chairman.*) I think it is only fair that Mr. Bankes should have it. I am expressing no judgment as to the effect of the cross-examination.

(*Mr. Eldon Bankes.*) The learned Chairman hands me this statement, and I will read it to you and ask you if that is the statement you made to the gentleman who wrote it down: "I am a gardener, and work for Mr. G. Clark, Priory Lane, Putney, where I have been for fifteen months. On the 16th December last I was at a social party at the Wedes Hotel, Greek Street, Soho. We broke up at twelve midnight and went into the street. Two of the people were talking to me, bidding 'Good-bye,' etc. Suddenly I received a push in the back. I looked round and saw a Police Inspector. I said: 'We are not obliged to run.' With that he seized me by the arms and pushed me towards a constable, and said: 'Take this man.' I was taken to Vine Street, searched, pushed about roughly, and locked in a cell. I was released on bail about 1.30 p.m. I was at the Police Court on the following Monday at 10 a.m., and was fined 10s, or seven days. I told the Magistrate that the Police evidence was untrue. I have had no trouble with the Police before or since."

13967. (*Chairman.*) "Vine Street" is evidently a mistake there?—Greek Street, it must be.

13964. No, Marlborough Street?—The Police Station.

(*Earl Russell.*) I have the original here, if Mr. Bankes would like to look at it (*handing document to Mr. Eldon Bankes*). It is identical with what he has read.

13965. (*Mr. Eldon Bankes.*) Now, just look at that. Have you seen that before? (*handing document to witness*). I believe this is what that gentleman wrote.

13966. Did the gentleman bring that to you ready written, and was it altered in your presence?—He read it at the office as I was speaking.

(*Chairman.*) The original had better be put in.

13967. (*Mr. Eldon Bankes.*) If you please, sir. (*To the witness.*) Just look at this. You see there is some writing there at the bottom of that. Was that written at the time that you gave in the statement?—This blue writing?

W. Maurer.

20 Nov. 1906.

13968. Yes?—I do not know

13969. That is in a different handwriting altogether, is it not?—I do not know if he wrote this afterwards, or what.

13970. (*Chairman.*) Is that your signature, William Maurer?—Yes, that is what I wrote.

13971. Did you sign it in the conservatory or the office, or wherever you were?—Yes.

13972. With this gentleman?—Yes.

13973. Now look a few lines above your signature, and you will find some words apparently in a different ink?—Yes, in blue pencil.

13974. Were those words "I told the Police Magistrate" which are in a different ink there when you signed your name in the office?—I do not know. I could not tell you, because this looks as if it was a different handwriting altogether.

13975. Apart from the difference in the handwriting, was the interlineation—the writing between the lines—there when you signed the paper in the office?—I could not recollect. I do not think so.

13976. Do you know who the gentleman was who took the statement?—I believe if he was here I would recognise him.

13977. Do you know what his name is?—No.

13978. When was it he came to you?—I believe it was Wednesday morning—one Wednesday morning.

13979. Was that before Mr. Altfuldisch gave his evidence here or afterwards?—It was the day after.

13980. The day after Mr. Altfuldisch gave his evidence?—Yes, and I did not know anything about it.

13981. (*Chairman.*) You did not know anything about Mr. Altfuldisch's evidence?—That this was adjourned again.

13982. (*Mr. Eldon Bankes.*) Until that gentleman came and asked you for your evidence you had never formulated any complaint at all yourself against the Police?—No, I had not.

13983. I do not know whether that statement has a date upon it. Who are Anthos and Co., Court Florists, Baker Street?—A flower shop.

13984. Was it somebody from their shop who came and took your evidence?—No.

13985. Do you know anything about this piece of paper which is put on this statement?—No.

13986. Was that piece of paper on this document when you signed it?—I believe this is the address that my friend gave to that gentleman.

13987. Which friend?—Mr. Ruppert. He is working at the floral depot.

13988. Was he with you at the time he made this statement?—No. I believe this gentleman went to Mr. Ruppert and asked for my address.

13989. (*Chairman.*) Mr. Ruppert worked for that firm?—Yes.

13990. (*Mr. Eldon Bankes.*) The same gentleman who came and asked you for your evidence had got your address from Mr. Ruppert?—Very likely; I am not quite sure.

13991. Was the slip of paper stuck on to the statement when you first saw it?—I do not know whether he put it on or not. I put it in my pocket, and did not open it any more.

13992. You put this in your pocket?—Yes, in an envelope. The gentleman put it in an envelope and handed it over to Mr. Timewell as he gave it to me.

13993. Did you go and see Mr. Timewell then?—I saw him here.

13994. When was that?—This was about three weeks ago, I believe—three or four weeks ago.

13995. Who brought you here?—This gentleman told me to come here.

13996. Did he tell you to come after he took your statement?—Yes, at once, he said as soon as possible, and I asked him if it would be time enough to get down here about half-past one or two.

13997. Where did he get the paper from that he wrote this on?—I do not know if Mr. Clark gave it to him or if he brought it.

13998. (*Chairman*). As I understand it, the gentleman wanted you to come and give evidence before us in regard to Mr. Altfuldisch's matter?—No, it was the day afterwards. Mr. Altfuldisch's case was on Tuesday, I believe, and this was a Wednesday.

(*Chairman.*) It appears that there was a suggestion that if Maurer could be got on Wednesday we should hear him as a kind of sequence of the other case.

(*Earl Russell.*) I think that was suggested by the Commissioners themselves.

(*Chairman.*) I think that is so.

13999. (*Earl Russell.*) This piece of paper on which there appears the address of the Court florist has on it the address of George Clark, Priory Lane, Putney, in pencil. That is your employer?—Yes.

14000. The words that are added at the end are these:—"I told the Magistrate that the Police evidence was untrue." That is true, is it—you did tell him so?—Yes, I told the Magistrate so.

14001. "I have had no trouble with the Police before or since." That is true also?—Yes.

14002. After you had made this statement you told us you brought it to Mr. Timewell here?—Yes.

14003. And you saw Mr. Timewell about it here?—Yes, in the afternoon.

14004. Did you see him on these additions? Do you know they are in his handwriting?—I do not know his handwriting.

(*Earl Russell.*) I presume the Commission do not want any further evidence about how that got there.

(*Chairman.*) No, I do not think so.

14005. (*Earl Russell.*) About this question of the burning of your papers. You say you mentioned it to the gentleman who took this statement, whoever he was?—Yes, I was in the nursery and from there we went into the office.

14006. The place where you mentioned it to him was not the place where he was sitting writing down your statement?—No.

14007. You did not repeat it any more when he took your statement?—No.

14008. You told Mr. Bankes that your governor reminded you to tell the Commission that as well as about the burning of your papers?—Yes.

14009. You mean Mr. Clark, your employer?—Yes.

14010. You had told him about it then?—Yes.

14011. How long ago had you told him?—The day that the gentleman wrote this statement.

14012. Just a few weeks ago when he took the statement?—Yes, but I told my first governor, the brother of this one. There were three governors, and one departed from the business, and I told him first about it the Sunday I was released from the Police-Station.

14013. You say you told somebody the Sunday you were released?—The brother of my present governor.

14014. You told him the Sunday you were released?—Yes.

14015. Have you told people about it before?—No. I kept it to myself. I thought it was wiser.

14016. You did not want any trouble with the Police?—No.

14017. You would not have come here to give evidence now if you had not been fetched?—No. I was glad to come out of it so, because I had never had anything to do with them. I was very sorry indeed to get into trouble like that.

14018. (*Chairman.*) How many people came out with you at the same time, so to speak, from this restaurant?—I think about ten or twelve.

14019. Were you at the head of them or behind them?—Between—amongst them. I could not tell if I was in front. I am always one of the last.

14020. There is a passage leading from the staircase into Greek Street, is there not? You came out through a door—I suppose there is no doubt about that?—No.

14021. Beyond the door is there a passage or is there a large room or what is there?—You come in a corridor like.

14022. A kind of passage?—A kind of passage about five yards in length.

14023. And then you go up the staircase?—Yes.

14024. About ten or twelve people were coming through this passage together?—Yes, I think we came out together.

14025. You came out one by one then?—Yes.

14026. When you came to the door and looked out on the street did you notice anything particular?—I did not notice anything at all. I did not take any notice.

14027. No noise?—I did not notice any noise.

14028. Were there any people standing in the street?—There were some people coming out of the public-houses.

14029. There were people coming out of the Café Turc. Do you know the Café Turc?—Yes.

14030. People were coming out of the Café Turc as well?—I did not notice whether they were coming from the Café Turc, because I was talking calmly and seriously to my friends. I did not take any notice.

(*Earl Russell.*) The witness said "I did not notice where they were coming from."

14031. (*Chairman.*) I do not know which people you are referring to. My question was: Did you see any people coming out of the Café Turc?—No.

14032. Did you see any people standing in the middle of the street?—No, I did not. People were going about up and down, but I did not see any shouting or quarrelling, or anything.

14033. There was no crowd?—No, I did not notice anything. I only saw people.

14034. You continued the conversation in which you were interested in the street?—Yes.

14035. How long did you continue conversing?—Only about two or three minutes until my friends came out of the hotel, and then I followed them.

14036. Do you mean to say you noticed nobody who was jolly or talking loudly, or laughing loudly?—No, I did not notice anything. I could not really say.

14037. Do you know that Reuscher told us that there were several people, and some that came out from the restaurant were jolly?—Perhaps that was after I was taken away. I had not been there more than two or three minutes.

14038. Then, as I understand it, as far as your evidence goes, you were talking to some of your friends who had just come out of the Wedes Hotel, and there was nothing at all that attracted your attention in the street?—No.

14039. Nothing at all in the behaviour of the people coming from any other restaurant?—I only saw the people coming out of the houses. I did not take any notice.

14040. Nothing attracted your attention?—No.

14041. You would not even describe the street as being noisy at the time?—No, I could not.

14042. Nor crowded?—No.

14043. And then a constable arrested you, I understand?—Yes.

14044. May I ask you why you think he arrested you if your story is true?—My story is true, and I think it was because I said "I am not obliged to run." I thought perhaps that was too much. That was the only thing I said.

14045. But according to you there was no need even to make people move on?—No.

14046. There is no reason why a constable should say to you or anybody else there "Move on"?—We were walking slowly on.

14047. There was absolutely no reason in the condition of the street why Inspector McKay, or anybody else, should be telling people to move on?—No.

14048. Can you suggest any reason why Inspector McKay, or anybody else, should tell you to move on?—No, I could not.

14049. And no reason why he should give you a push in the back?—No.

14050. You want us to believe it was a pure gratuitous interference by Inspector McKay with you?—That is what I think.

14051. You had never seen him before?—No. If I might ask Inspector McKay does he understand German at all.

(*Chairman.*) I think Inspector McKay told us he did understand a little German. Is not that so Mr. Muir?

(*Mr. Muir to Inspector McKay.*) Do you understand German?

(*Inspector McKay.*) No.

(*Witness.*) Then how can Inspector McKay say that I was using bad language, because I was talking in my own mother tongue? How can Inspector McKay say that I was using bad language?

14052. (*Chairman.*) I quite follow your argument, but that does not answer my question. What reason do you suggest there was for Inspector McKay doing anything at all to you if the state of the street was as you describe it?—I reckon it must be what I said first, that Inspector McKay made a mistake and took us for somebody else.

14053. But even if you were somebody else there was no reason at all for his taking you into custody according to your story. What is your age?—Twenty-seven.

14054. How long have you been in this country?—Very nearly three years.

14055. What part of Germany do you come from?—The Rhine land, Kreuznach.

14056. Have you served in the Army?—No.

14057. Where were you educated?—In Kreuznach.

14058. In a public school?—An ordinary elementary school.

14059. You are able to read and write German?—Yes.

14060. And, as we see, you are able to talk English very well, too?—Yes.

14061. If that is so, and there was really nothing in this charge against you, how came it that you allowed yourself to be convicted without insisting on the Magistrate hearing you at full length?—I do not know.

14062. You know our English ways, do you not, by this time?—Yes.

14063. Do not you know that an English Police Magistrate always listens to what the accused has to say. Lord Russell laughs, but you know it is his duty to do so?—Yes, if there is any disturbance, certainly.

14064. I am talking of what took place in the Police Court. You are a well-educated German young man, and I want to know why you did not tell the Magistrate and insist on telling the Magistrate the story you have told us to-day?—As I have told you already twice I do not think I had time enough to tell any more. I was charged too quickly. The case was over too quickly.

14065. Did you see Mr. Altfuldisch in the court or about the court?—Yes.

14066. Did you know that Altfuldisch had instructed a solicitor and counsel?—Yes, I did.

14067. Then, you knew that Altfuldisch was going to defend himself?—Yes.

14068. Why did you not defend yourself?—Because I had not got the means to.

14069. But you know the Magistrate was bound to listen to you if you insisted?—Yes. I did not know then, but I know it now. I did not know anything about a court before. It was the very first time that I had been in a court.

14070. But I understand you knew that Altfuldisch was taking steps to defend himself against the charge?—Yes.

14071. Did it not occur to you that you yourself would have the right to defend yourself?—I really did not trouble about it. I thought I came free.

(*Earl Russell.*) May I make a suggestion? I am not quite sure if you ascertained from the witness when he learnt that Altfuldisch was going to be represented in this way, because his case was disposed of before Altfuldisch's.

14072. (*Chairman.*) That is why I asked him whether he saw Altfuldisch about the Police Court?—I did not know Altfuldisch then. I only knew him by sight, and I did not speak to him. As soon as my case was over I did not stop there a minute. I went home, because

W. Maurer.

20 Nov. 1906.

we were rather busy that day. I was going to stop there, but I had not time to.

14073. Now, you tell us that your papers and some cigars were taken away from you and thrown into the fire?—Yes.

14074. Did you complain to anybody about that?—No, I did not take any notice of it that day. I was glad that it was over, and would have been glad if I had not heard anything more about it.

14075. Did you tell that to the gentleman who came to take your evidence on this Wednesday a few weeks ago?—Yes, I did.

14076. He does not seem to have taken that down?—That was in the nursery, and then we went to the office and he wrote my statement there, but I did not repeat it any more. I thought it was quite sufficient, and I thought I was coming here in the afternoon, and I could give my evidence here.

14077. I suppose you had been to Greek Street a good many times before, had you not, during the three years?—No.

14078. I thought you said you had been a member of this society for some months?—Since August, last year.

14079. Since August, 1905?—1906.

14080. But you were a member, I understand, in December last of this Gardeners' Society?—Yes.

14081. How long had you been a member of the Gardeners' Society then?—Only a few months.

14082. Then you had been there several times before?—Yes.

14083. (*Mr. Muir.*) The 19th August, 1905, is the date in your membership book?—Yes.

14084. (*Chairman.*) The meetings took place twice a month, so you might have been there nine or ten times?—Yes, more than that.

14085. I suppose during the time you have been here you have often been in London streets near Greek Street and the more crowded parts of London?—Never at any other times than Saturdays, when I go to town.

14086. That is the only time?—That is the only time I come to London.

14087. You had never seen the police-constables trying to disperse a crowd by making people move on in one direction or the other?—No.

14088. You had never seen it done at all?—No, I never saw anything about it.

14089. Have you ever been told to move on before by a constable?—No.

14090. And, as far as you can see, there was no reason at all for any reasonable man telling you to move on?—No.

14091. (*Mr. Dickinson.*) When did you go to the hotel first? What time of day was it?—I was there after nine o'clock in the evening.

14092. And you stayed there till twelve?—Yes.

14093. Will you tell me exactly what you were doing all that time?—We were singing and giving recitations and drinking beer.

14094. What you call in German a "kneipe"?—No, you could not call it a "kneipe." We are always respectable when we are doing anything like that.

14095. But you were singing and amusing yourselves and drinking?—Yes.

14096. Drinking beer?—Yes.

14097. How much beer did you take?—I had about two glasses.

14098. Not more than two glasses in three hours?—No, I never take much more.

14099. Those are rather large glasses, are they not?—Yes, these big Schoppen glasses.

14100. When you had done that, did anybody go on singing at all as they went out of the door, into the street?—Not with me.

14101. You must have gone out a little before twelve?—No, just twelve o'clock.

14102. You went out before Altfuldisch, and before Ruppert?—I think so. But Ruppert paid the bill, and very likely Altfuldisch went with him. I do not know whether I was out before or after.

14103. After you got out of the police station on Sunday at one o'clock what did you do?—I went straight home.

14104. When did you first say anything to your employers about this?—It was about half-past three in the afternoon.

14105. On the Sunday?—Yes.

14106. What did you tell him?—I told him what happened in a few words. There was not much time to talk. I had to do my work. He did not ask any more.

14107. You had been in his employment for some time?—Yes.

14108. And you still are in his employment?—Yes.

14109. Tell me what you did tell him?—I told him that I was in the club last night, and as I came out I was arrested. He asked me what for, and I told him. Then he said "I believe there must have been a mistake, because it is a noisy part of London, and they took you for somebody else." As far as I know, that is all I said, and I went and did my work.

14110. Was that the time when you told him about this Inspector McKay throwing away your papers?—No, that was my first governor. He departed from the nursery.

14111. He was not the same one?—No.

14112. When was it you told this other one?—About three or four weeks ago, when the Commission was last sitting.

14113. I suppose you told your governor that you would have to go to the Police Court?—I told him I had to go up the following day.

14114. When you went to the Police Court you say that the only person who gave evidence was Inspector McKay?—Yes.

14115. What did he say?—He said that he saw forty or fifty foreigners fighting and using bad language and being disorderly after twelve o'clock or half-past twelve.

14116. Did he say anything about their being on the ground fighting?—Not when I was in the court.

14117. You did not hear that?—No, that must have been with Altfuldisch and Ruppert.

14118. Then you understood that he was saying that you had been fighting?—Yes. He saw me amongst 40 to 50 foreigners fighting and using bad language, and we were disorderly. That is what he said that day.

14119. That you knew, according to your story today, to be untrue?—Yes.

14120. When the Magistrate asked you whether you had any questions to ask, why did you not ask Inspector McKay anything to test the truthfulness of that statement?—I had not a chance to.

14121. He gave you the opportunity?—I do not think it was a moment that I spoke.

14122. That was when he asked you if you had anything to say, but before he asked you if you had anything to say did he ask you whether you had any questions to ask?—I do not think so. I do not know about that.

14123. When you went back to him after you had been fined, did you then say anything to your employer about it?—I told him I had to pay 10s.

14124. Did he make no observation upon that?—He said, "I thought you would come off with 2s. 6d. or 5s."

14125. (*Chairman.*) Inspector McKay told us, and he seems to have said the same thing at the Police Court, that he found "two men rolling on the ground, they were fighting and making use of obscene language to each other. We pulled them up and they started to renew the fight"?—I do not know.

14126. You saw nothing of the fight?—No.

14127. Do you know now that Inspector McKay says you were one of the men who were fighting?—He says he saw me amongst 40 to 50 foreigners fighting, that is what he said at the Police Court.

14128. But you were one of the men who were rolling on the ground. Then he said this appeared to be

a squabble between the two gangs that had met there. One party had come out of Wedes Hotel or restaurant, and the other came out of the Café Turc. But you told me you saw nothing at all about the party coming from the Café Turc, as I understand you?—No.

14129. You say all that is fabrication of Inspector McKay's?—Yes.

14130. There was no fight at all?—No. Why did not Inspector McKay or the other man arrest anybody from the opposite side. Where are they?

14131. What he told us was that there was a squabble going on between the two gangs, and there were two men rolling on the ground, and you were one of them?—It is quite untrue.

14132. Then if your story is true (we have asked you a good many questions upon it) can you now suggest any reason whatever for Inspector McKay interfering with you in any way?—I only think it is because I am a foreigner.

14133. Because you are a foreigner, that is the only reason for Inspector McKay interfering with you?—Yes, that is the only reason that I can say.

14134. But you were nearly all foreigners there?—We were all foreigners there.

14135. Why did Inspector McKay pick you out for arrest?—Because I was the last going on and I said "We are not obliged to run," and the others did not say anything. That is the only reason I know.

14136. That is the only reason you can suggest?—Yes, that is what I said first.

W. Maurer.

29 Nov. 1906.

(*Earl Russell.*) There are these books of rules here. I do not know if the Commission want them put in, or whether my learned friend wants them put in?

14137-8. (*Chairman.*) I do not think we want them at present. (*To the Witness.*) One observation you made, and I want to ask you a question about it. You suggested to Inspector McKay that you could not have been using obscene language because you were talking German?—Yes.

14139. Had you ever heard the word "ponce"?—I did not hear it before.

14140. Did you hear it on that night?—No.

14141. (*Mr. R. D. Muir.*) Did you say "I am not obliged to run" in English or in German?—In English.

(*Earl Russell.*) I will call the employer of this man with the Commission's permission as to character, if the Commission will hear him.

(*Chairman.*) Is he here?

(*Earl Russell.*) No.

(*Chairman.*) The character that he has given him is a good one.

(*Earl Russell.*) You have a written character?

(*Chairman.*) Yes. He says that he has been in his employment for some time. You may take it that it is quite unnecessary to call him. The case cannot turn upon any question of the character of the man as a gardener.

GABRIEL SCHUHMANN, sworn.

14142. (*Earl Russell.*) You live at 40, Tavistock Crescent, Westbourne Park?—Yes.

14143. You have been employed by Messrs. Piper and Co., of Bishop's Road, for a considerable time?—Yes, for three years.

14144. You are the Vice-President now of this German Gardeners' Society?—Yes.

14145. And you will be quite willing to answer any questions about the rules?—Yes.

14146. You were present at this social evening in December, 1905?—Yes.

14147. Were you there during the whole time?—Yes, I was.

14148. Have you any rule or regulation about drinking?—No, we have not.

14149. No regulation about it?—No.

14150. What is the rule about drinking—what is the practice?—Most members drink two or three glasses of beer.

14151. Have you been at a great many of these functions?—We only have one function—we have an annual dinner every year—but this was an exceptional one of an old member who was married.

14152. This was an exceptional function?—Yes.

14153. This was not the kind of function that you have twice a month?—No; that is a business meeting.

14154. A pleasant evening and a dinner is an exception?—Yes.

14155. Do you drink yourself?—No, I do not.

14156. Not at all?—No.

14157. What do you say about drinking on this night at that function?—There was no excessive drinking at all.

14158. You left about 12 o'clock?—Yes, about that time.

14159. With how many other people?—With two of my friends who had been there.

14160. When did you first see Mr. Maurer as you were leaving?—I did not see him at all; he joined me after we came out of the hotel.

14161. After you reached the street Maurer joined you with your two friends?—Yes.

14162. That made four of you together?—Yes.

14163. Were there any more with your party?—Not in our party; there were some more in the street.

14164. You four were altogether in a little bunch?—Yes.

G. Schuhmann.

14165. What do you say about the state of the street. What was going on in the street?—When I came out it was quiet.

14166. Did you see any crowds of people coming out from other public-houses?—Yes, it was closing time, but they had nothing to do with us.

14167. (*Chairman.*) Did you see a crowd?—No, not a crowd; the people came out of other public-houses as well at the same time.

14168. (*Earl Russell.*) Did you hear any shouting or disorder?—Not when I came out.

14169. Did you see any fighting going on?—No.

14170. I am speaking up to the time of Maurer's arrest. Did you see any fighting?—There was no fighting.

14171. Was there any rough pushing, jostling, or anything of the kind?—No.

14172. What did you see happen to Maurer?—When he joined us Inspector McKay came and pushed him. He turned round. I could not exactly catch what he said—he talks rather gently or quietly—I only caught the word "run." Then he arrested him.

14173. Where was the Inspector when he pushed him. Did he come in front of him?—No, at the back.

14174. Did you hear the Inspector say anything to him first?—Not that I recollect.

14175. Did you hear the Inspector say "Move on" to anybody close to you?—No.

14176. Were you walking or standing at this time?—We were walking at the time.

14177. Had Maurer done anything at that time? Was he shouting?—No.

14178. Was he fighting?—No.

14179. Was he rolling on the ground?—No, I did not see that.

14180. You were there just before he was arrested?—Yes.

14181. He was with you a minute or two before he was arrested?—Yes, perhaps two or three minutes.

14182. He was not fighting?—He was not fighting.

14183. When the Inspector took hold of him what did he do with him?—He gave him in charge of another police-constable.

G. Schuhmann.

20 Nov. 1906.

14184. And the other constable took him away?—Yes.

14185. What did you do after Maurer's arrest?—I considered whether I should follow as a witness, but I thought if they arrested Maurer without any cause they would arrest me as well

14186. So instead of going to the police station what did you do?—I went towards the hotel again. I saw another gentleman standing outside the door of the hotel.

14187. One of your party?—One of our party.

14188. Was anyone going towards the hotel at the same time with you?—No.

14189. What did you do when you got there?—I passed on. The Inspector came back again and arrested the gentleman standing outside the door. I could not understand what he was saying to the gentleman, but I heard the reply that he was waiting for a friend.

14190. Did you know who it was that Inspector McKay had arrested?—No, I did not at the time.

14191. Who was it?—I did not know his name; but his name was Altfuldisch.

14192. You knew he was one of your party?—Yes, he was introduced as a guest.

14193. Did you see the arrest of Mr. Altfuldisch by Inspector McKay?—Yes, I did; I turned round.

14194. You say you heard him say he was waiting for a friend?—Yes.

14195. Did you hear anything more of what passed between Mr. Altfuldisch and Inspector McKay?—I only heard what Inspector McKay said.

14196. What did you hear Inspector McKay say?—I heard him say "You ponce."

14197. What happened after that in connection with Ruppert?—I was still waiting for Ruppert. Ruppert came outside and he asked what had happened to his friend. I said he had been arrested as soon as he came out.

14198. Did you tell him what for?—No, I did not know the reason myself

14199. You did not follow to the police station then either?—No.

14200. Did you see Ruppert arrested?—No, I did not.

14201. When did you first know how Ruppert had been arrested?—At our next meeting.

14202. A week or so later?—A fortnight later.

14203. That was the first thing that you knew that Ruppert had been arrested?—Yes.

14204. Had you heard before that what had happened to them at the Police Court?—No.

14205. You heard nothing of it until a fortnight later?—No.

14206. What are the rules about becoming a member of your Society? Has a member to be introduced?—He has to be introduced by another member.

14207. Who knows him?—Who knows him.

14208. What sort of meetings do you have as a rule?—Only entertainments and lectures.

14209. And on rare occasions you have these dinners?—Only once a year.

14210. Do you want to say anything about the statement made by Inspector McKay as to the nature of the members of your Society?—Yes, I wish to ask him if he has ever been in our club.

14211. Do you want to make any statement to the Commission about it. You remember what Inspector McKay said—that he had seen undesirable aliens at the meetings of this society?

14212. (*Chairman.*) Yes, and he claims that the undesirable aliens liked to be members of respectable societies?—Yes, but they are only members of our trade, and introduced by other members who know them.

14213. Is Altfuldisch a gardener, too?—No, he was only at the function. He was invited by Mr. Ruppert; he has nothing to do with our usual meetings; he was a guest, and not a member.

14214. If you see a lot of men together at a club you cannot say who are members and who are guests, can you?—Yes, we can.

14215. But I could not if I had been there?—No.

14216. I think the words used by Inspector McKay were that some members of your club associated with undesirables, and that he had seen them associated in the sense of being together?—Yes.

14217. (*Earl Russell.*) I have only had this evidence placed in my hands this morning, but I think it was a little more than that—that people of this class attended their meetings. You say as far as you or your committee know, that is not so?—No.

14218. About the state of the street generally, this is what Inspector McKay said: "We found two men rolling on the ground; they were fighting, and they were making use of obscene language to each other. We got them up and they started to renew the fight. I took one into custody. I then called a constable who was coming down the street, and I handed this man over to him." One of those two men he arrested was Maurer. Is that true about Maurer?—No, it was not.

14219. Is there any truth in the statement at all?—No, not at all.

14220. Inspector McKay says further: "It appeared to be some squabble between two gangs that had met there. One party had come out of Wedes' Hotel or restaurant, and the other out of the Café Turc." Did you see anything like a squabble between two gangs, or an organised fight of any kind?—No.

14221. You saw no fighting going on at all?—No.

14222. You never went to the police station either that night or afterwards?—No.

14223. You did not go as a witness for these men or anything?—No.

14224. The first you heard of what had happened to them was a fortnight later?—Yes, at our next meeting.

14225. (*Mr. R. D. Muir.*) You know Greek Street, I suppose, pretty well?—Yes.

14226. How often have you been there?—A good many times.

14227. On Saturday nights?—Yes.

14228. How often do your meetings take place—once a week?—No, twice a month.

14229. You formed one of a group or four who came out together?—Yes.

14230. Maurer was one of those four?—Yes.

14231. Your name is Schumann?—Yes.

14232. What were the names of the other two men?—Mr. William and Mr. Pingel.

14233. They all saw Maurer arrested without any cause at all?—I do not know whether they saw it or not.

14234. You were all together, were you not?—Yes; but I am not responsible whether they saw it or not.

14235. You four came out together?—No, we three came out and Maurer joined us.

14236. Then you all four were outside?—Yes.

14237. Walking along quietly?—Yes.

14238. One of your number is picked up by a policeman and taken away?—Yes.

14239. Did any of you three go to the Police Court as a witness?—No.

14240. Why not?—Because we did not know that the case would be tried at all.

14241. You saw a man taken off by a policeman. Did you not know he would be tried?—It is not our business to know.

14242. How long have you been in this country?—About ten years.

14243. Do you not know that when a man is taken off by a policeman it is usually followed by a charge at the Police Court, and it would be useful for a man who had been arrested without cause that three of his friends should go and say so?—Very likely, but they would have been arrested at the same time as Ruppert was.

14244. That is the view that is held by the Gardeners' Society as to the Police, is it?—No.

14445. Three of you were all members of the Gardeners' Society?—No, only Pingel. The other was not.

14446. Why did you not go to the Police Court on the Monday?—Because I did not know when the case came on.

14447. Did you go and inquire of Maurer?—No.

14448. You knew where he was to be found?—That I did not know.

14449. You had his address in your book?—No, not in mine.

14450. Do you not have the addresses of your members?—Yes, certainly; our secretary has them.

14451. You saw a man taken away by a policeman without any cause at all. Did you not go and inquire how he had got on?—No.

14452. Did not any of your friends—the other two—go and inquire?—I do not know whether they inquired or not.

14453. This is a friendly society, is it not?—Yes.

14454. All respectable men?—Yes.

14455. All foreigners?—All foreigners.

14456. Meeting in Greek Street, and not one of you would face the Police Court on the Monday. Is that so?—Yes.

14457. (*Chairman.*) I understand you have been for ten years in London?—Yes.

14458. You read the newspapers, I suppose?—Yes, I do.

14459. And you pretty well know our English ways?—Yes, pretty well; not all.

14460. You know, for instance, that there is such a thing as a Police Station and also a Police Court?—Yes.

14461. You knew that?—Yes.

14462. And you are the vice-president of this Gardeners' Society?—Yes.

14463. Altfuldisch had been there as a guest of yours?—Yes.

14464. Maurer was a member?—Yes.

14465. You still tell us there was absolutely no cause for the arrest of Maurer?—No.

14466. You saw him taken away in custody?—Yes, I did.

14467. You never made any complaint to anybody about the matter?—I did not.

14468. And never took any further interest in it?—I took an interest in it.

14469. How did you show your interest. Here are two men who had been in your company arrested without cause by the Police. You see them taken off by the Police?—Yes.

14470. And you do absolutely nothing at all to try and help them?—No, it would have been of no use.

14471. No use?—No, certainly not.

14472. How do you know that?—Ruppert followed them, and he was arrested.

14473. I understand that from prudential motives you did not go to the station at the moment, and you did not say anything or do anything in regard to the police-constable, as Ruppert did, or as he says he did?—No.

14474. I quite follow your action in that, but what I do not understand is how, after this, you ceased to take any interest in your friends?—I did not cease to take any interest in it.

14475. Why did you not go and try to help them on Sunday or on Monday?—I did not know they had been kept there.

14476. Then for aught you knew your two innocent acquaintances or friends were in the Police Station on Sunday and Monday?— I did not know that.

14477. They had disappeared, as far as you were concerned?—I did not notice it.

14478. Did it not strike you as extraordinary that two men should be arrested by Inspector McKay and others without any cause at all?—It struck me as extraordinary, certainly.

14479. You appear to be an intelligent man, well able to take care of yourself. How was it you left your friends to their fate?—I did not know that they would be tried at all, because they had done nothing, and as I do not live with them I did not hear anything about it until the meeting took place again about a fortnight after.

14480. I understand you to say that the whole of the story told to us by Inspector McKay about there being a great crowd in Greek Street, about there being two gangs, and about there being fighting, noise, and disorder is all untrue?—Certainly.

14481. Simply an invention?—Yes.

14482. Why should he invent it?—I do not know the cause of it.

14483. (*Mr. Dickinson.*) When Maurer was taken up he was handed over to another constable?—Yes.

14484. Can you give us any reason why Inspector McKay should have handed him over to another constable if the street was quiet?—No.

14485. Do you say there was no kind of fighting going on in the street?—Not while I was there.

14486. As we have already heard, at your club there had been singing. When they came out did they continue singing?—Not that I know of.

14487. Who do you say was with you?—Mr Pingel and Mr. William.

14488. Are they coming here to-day?—No.

14489. They were standing with you, and Maurer was standing with you?—No, we were moving on.

14490. Pingel, William, you and Maurer were walking along the street?—Yes.

14491. The police took Maurer?—Yes.

14492. What happened to Pingel and William?—Nothing. I walked on.

14493. Did you cease your conversation with them altogether?—I did.

14494. Did you not think it worth while talking about this episode?—No.

14495. You were considering whether you should go to the police station or not?—Yes.

14496. Therefore you had that in your mind. Why did you not speak to them about it, and consult them as to whether you should not all go to the police station together?—I had not time; it was so quick that I had no time to consult them.

14497. If there was nothing going on in the street, and an Inspector came and took Maurer from you four quite quietly, how was it that you three did not stay and talk the matter over?—The two were in front of us—Mr. Pingel and Mr. William were in front of us—and very likely did not see anything of what had happened at all. They heard about it because when I came back I told them what had happened.

14498. They were not close to you at that time?—Not exactly close.

14499. When did you tell them what had happened?—When I thought I would not go to the station, I came back and met them.

14500. What did you say to them?—I told them Maurer had got arrested.

14501. What did they say?—They said, "Why." I said, "I do not know the reason why."

14502. Did it not occur to any one of you three that you might help Maurer either at the police station or later on?—No, it did not; because after that we were glad we did not follow. After we had heard from Ruppert that he was arrested and Aultfuldisch, I was very glad I did not follow at all, or we might have been arrested as well.

14503. Have you ever since then talked to these two gentlemen about it?—Yes, to one, to Mr. Pingel.

14504. When was it you were first asked to come and give your evidence before us?—It was when Mr. Altfuldisch's case was before the Royal Commission.

14505. Did you volunteer to give it?—I volunteered to give it. I knew the case was on before the Royal Commission.

14506. Nobody asked you to give evidence at all?—No.

G. Schuhmann.

20 Nov. 1906.

14507. What kind of cards of this Society do you have. This is the membership card?—Yes.

14508. Do you issue any other cards for guests?—No.

14509. How do members bring any guests?—They are invited by members.

14510. Is this the only document. Has this document got the name of your Society upon it?—Yes.

14511. Where is it?—There.

14512. "Satzungen des Deutschen Gärtner—Vereins zu London." Is this the only document which is printed by your Society?—Yes, that is the only document which is printed.

14513. When you have entertainments like the one which you had on this occasion do you have any invitation cards?—No.

14514. So that if a man is in any way connected with your Society he must have this?—Yes.

14515. You are certain of that?—Yes.

14516 (*Chairman*). What Inspector McKay said was: "I know this, that the very last man I dealt with, and one who has been recommended for expulsion, had a card belonging to this Society found upon him." That is what Inspector McKay said. He did not say that any one of these men was a member of the Society?—That is the card.

14517 (*Mr. Dickinson*). You issue nothing else but this?—No.

14518. You never issue any cards?—We do not.

14519. For no reason?—For no reason.

14520. (*Chairman.*) You do not issue a small card to admit a guest as a member?—No.

14521 (*Mr. Dickinson*). This has not got your name on it, has it?—No, it has not.

FREDERICK BURTON, sworn.

F. Burton.

14522. (*Earl Russell.*) Do you live at 11, Bouverie Street, Paddington, and are you a florist?—Yes.

14523. You were at this entertainment on the 16th December, 1905?—Yes.

14524. When the entertainment was over did you come out with the president, Mr. Schumann?—Yes, and another gentleman.

14525. Is his name Pingel?—Yes.

14526. When you came out what state was the street in?—There were a few people in the street, but no rioting or fighting or anything like that; it was only ordinary.

14527. And no shouting?—No shouting.

14528. No pushing about?—No.

14529. Just the ordinary state of things at closing time?—Yes.

14530. You were looking for a friend of yours, Ruppert?—Yes.

14531. While you were looking for him what did you see?—I saw Altfuldisch standing near the kerb with another gentleman and they went a little way down the street and then Mr. Schumann said there was someone being taken into custody and I turned round and saw Mr.—I did not know the gentleman's name—being taken down the street by a police constable.

14532. That was not Mr. Altfuldisch that you saw then?—No. He was still standing there by himself.

14533. Do you know now who it was that you saw taken away?—I forget his name.

14534. Do you know the man by sight?—Yes, that gentleman there (*pointing*).

14535. Mr. Maurer?—Yes.

14536. And did you not see Altfuldisch arrested?—No.

14537. Had you seen Maurer before he was arrested or not?—Only inside the hotel.

14538. What condition was he in then?—Sober.

14539. Was he noisy at all?—Oh no.

14540. How did you hear about the arrest of Altfuldisch?—Ruppert came running up and said that he was taken and wanted to know what it was for. I said that I did not know that he was taken.

14541. How long were you in the street altogether, five or ten minutes?—About five or ten minutes.

14542. After you came out did you see any disorder?—No.

14543. Then you went to the Tube Station in Oxford Street?—Yes.

14544. Can you at all fix about the time you got to the station?—About twenty or twenty-five past twelve—I am not sure which.

14545. That was after you had come out and been in the street five or ten minutes and then gone on there?—Yes.

14546. But the last train had not gone?—Oh no, there were two or three after that.

14547. (*Mr. Eldon Bankes.*) Had you been to this club before?—Never.

14548. You say "Never" very emphatically. There was nothing wrong in going there I suppose?—Not at all.

14549. Whom did you go with on this night?—I went there by myself, but Mr. Anthos invited me.

14550. Did he give you any note of invitation?—No, he told me to ask for Mr. Ruppert.

14551. Who is Mr. Anthos?—The gentleman I work for.

14552. He told you to go to the club and ask for Mr. Ruppert?—Quite right.

14553. Did you know Ruppert?—Oh, yes.

14554. Did you go down upon this Saturday night to the club?—Yes.

14555. What time did you get there?—Nearly ten o'clock.

14556. Did you walk into the room where the club meeting was held?—I had to ask what room it was.

14557. They told you which room it was?—Yes.

14558. And did you just walk in?—I asked for Mr. Ruppert.

14559. Whom did you ask?—I asked a man, a porter. He showed me a room, and I asked him to tell Mr. Ruppert that I would like to see him.

14560. Then did Mr. Ruppert come out?—Yes.

14561. And then you went in?—Yes.

14562. Was that about ten o'clock?—Yes, about.

14563. You stayed there till closing time?—Yes.

14564. Was there singing going on?—Yes, there was singing.

14565. Any other amusements?—Oh, no.

14566. Only singing?—And reciting.

14567. It was a social evening?—Yes.

14568. And I suppose everybody had something to drink?—Oh, yes.

14569. Did anybody have too much?—No.

14570. Were any of them jolly?—There might be one or two jolly.

14571. I mean jolly from drink. Had they enough drink to make them jolly?—Oh, no.

14572. Do you mean they were naturally jolly?—Yes.

14573. You came out altogether, did you not, at closing time?—I came out with Mr. Schumann.

14574. How many came out besides you do you think?—I was in front. I only know Mr. Schumann was behind me, and then there was Mr. Maurer.

14575. It was at closing time that you started to come out?—Yes.

14576. So that the room was clear of whoever were

there when you started coming out?—It was not cleared. They were coming out.

14577. When you got into the street do you represent to the Commissioners that the place was quite quiet?—There was a little talking, but no riotous talking or fighting, or anything of that sort.

14578. You understand that talking could not be called a noise?—No.

14579. Do you suggest there was nothing going on in the street beyond mere quiet talking?—Yes.

14580. You are quite sure about that?—Yes, quite sure.

14581. Did Altfuldisch come out of the room at the same time that you did, or about the same time?—He was standing outside when I came out.

14582. He remained in the room did he not up to the last?—No, I do not think he did.

14583. Did you know him by sight?—Yes.

14584. He says when he came out at closing time that the street was very noisy and very full of people, and that there was a rare lot of noise, and the noise sounded like people who were angry, and there was a buzzing noise?—I never heard anything of that.

14585. You never heard any of that?—No.

14586. You did not actually see Altfuldisch arrested did you?—No, I knew nothing about it.

14587. You did not see him till after he had been arrested?—I never saw him until Boxing Day.

14588. But you did not see him arrested?—No.

14589. Can you account to the Commissioners for not seeing him arrested, unless it was that the street was quite full, and there was a crowd there, because he was arrested quite close to you was he not?—A few yards away.

14590. And yet you never saw it?—No, I was not looking that way. I was looking in a different direction.

14591. Was there not a crowd of people all round you?—No, only two or three people.

14592. You never saw Mr. Maurer arrested, did you?—No.

14593. And yet he was arrested quite close to you?—I did not see him. I only saw him after he was marched down the street.

14594. Can you account for that except for the confusion there was at the time?—I cannot account for it at all.

14595. And for all you know Mr. Maurer might have been fighting when he was arrested?—I should have heard him halloaing or scrambling about if there had been fighting.

14596. And for all you know Altfuldisch may have done something wrong before he was arrested?—I do not know that. I was not looking that way.

14597. (*Chairman.*) How many people were left in the room when closing time came?—I am sure I could not tell you, I did not stop.

14598. You cannot tell me, of course, to one or two, but were there 50 people there?—Oh, no.

14599. Were there more than ten?— There might have been ten or twelve. I could not be certain which.

14600. You think ten or twelve were only left there at closing time?—When I left, there could not be any more in there.

14601. Did you all make a move towards the door all at once?—Oh, yes.

14602. Do you remember anybody who came out with you who was in the passage at the same time with you?—There was Mr. Schumann and Mr. Pingel and Mr. Maurer, but we were in front—Mr. Pingel and I.

14603. Was Mr. Maurer behind you?—Yes.

14604. Mr. Maurer was behind you?—Yes.

14605. When you got out in the street which way did you turn?—Towards Shaftesbury Avenue way—to the left.

14606. Did you walk towards it?—We walked a little way down the street.

14607. You did not see Mr. Maurer come out of the house?—No.

14608. The next you saw of Mr. Maurer was his being in company with a police constable?—Yes, walking down the street.

14609. Did they pass you?—Oh, no.

14610. They went the other way?—Yes.

14611. How long had you been there before you saw Mr. Maurer in the company of a police constable?—I could not say exactly. It might have been four or five minutes.

14612. It might have been as long as four or five minutes, you think?—Yes.

14613. Quite long enough for Mr. Maurer to get into a row with somebody?—I should have heard it if he had got into it.

14614. Answer my question. You say it was four or five minutes after you left the house before you saw Mr. Maurer in company with a police constable?—Yes.

14615. You told me you did not see anything of him between the time you left the door and the time you say you saw him in company with a police constable?—Quite right.

14616. I put it to you there was quite time enough for him to get into a row?—Oh, yes.

14617. When you came out did you see any people coming out of any restaurant—the Café Turc, for instance?—I did not notice.

14618. You did not notice?—No, I did not take notice.

14619. People may have been pouring out of that restaurant as well as far as you saw?—Yes.

14620. Were many people shouting in the street?—There were one or two bunches of them—groups.

14621. Did you see any Inspector or any other constable when you got out in the street?—I think I saw two Inspectors and one policeman.

14622. Where were the two Inspectors and one policeman when you saw them?—As far as I can remember, they were on the other side of the road, or in the middle of the road.

14623. Which was it?—More on the other side than in the middle of the road.

14624. What were they doing?—They were standing there when I came out.

14625. The three were standing together?—Not all together. There was one near the middle of the road, and I think there was one on the kerb.

14626. And they were doing nothing?—I did not notice what they were doing.

14627. Did you notice anything that was taking place in the street at all?—No, I did not take any particular notice.

14628. Let me read you what Inspector McKay says:—"When we were at the junction of Greek Street and old Compton Street"—that was not far from where you were?—No.

14629. "We saw a crowd in Greek Street and we hurried there." You remember seeing the two inspectors?—Yes.

14630. This is what Inspector McKay says:—"We" (that is himself and the other Inspector) "hurried up there, and on arriving there we found two men rolling on the ground?"—I did not see anything of that.

14631. Are you prepared to say there were not two men on the ground?—When I came out, yes.

14632. I did not say when you came out. When you had gone, as you told us, towards Shaftesbury Avenue a few yards?—No, there was no one on the ground fighting.

14633. Now, when you came down to Greek Street and Maurer was behind you, you went a few yards down towards Shaftesbury Avenue. That is so, is it not?—Yes.

14634. Are you prepared to state upon oath that two men did not quarrel after you had left the hotel and fight?—I did not see them.

14635. Are you prepared to state that two men did not fight?—I cannot say that, because I did not see it.

14636. You did not see the actual arrest of Maurer?—No.

F. Burton.
20 Nov. 1906.

14637. What were you doing. When you had gone off the few yards you have mentioned towards Shaftesbury Avenue, did you stand there?—I stood there a little while and started talking, and then we got a little way down and walked back again.

14638. You were standing talking. To whom were you talking when you were a few yards from the door?—I think it was Mr. Pingel, as far as I can recollect, and Mr. Schumann. I am not quite sure whether it was both of them. I know Mr. Pingel was there.

14639. You and he walked back?—Yes.

14640. What made you walk back? What was your intention?—We were going to the Twopenny Tube Station.

14641. Then you turned back, not because anybody had been arrested, but because it was your way of going home?—Certainly.

14642. And with the intention of going home?—Yes.

14643. It was when you were walking back; that is to say, past the Wedes Hotel and towards the Twopenny Tube that you saw Maurer in the custody of a policeman?—No, we were standing then talking to Mr. Schumann, and Mr. Schumann said somebody was locked up.

14644. Locked up?—Taken into custody.

14645. Which did he say? "Locked up" and "taken into custody" are two different things?—Arrested.

14646. What were Mr. Schumann's words?—He said:—"Someone has been taken," I think it was, or something like that.

14647. That is the fourth version you have given?—They all mean about the same thing.

14648 "Locked up," "arrested," "taken up," and "taken?"—Taken.

14649. They are four versions. What did Mr. Schumann say? I am testing your recollection?—As far as I can remember it was "taken."

14650. When Mr. Schumann said somebody had been taken, where were you standing, or where were you walking, if you were walking?—In the middle of the road a little way from the Tube, Shaftesbury Avenue end.

14651. You think the street was then quiet enough for you to have heard if there had been any noise of fighting?—Yes.

14652. And quiet enough for you to have heard if a man had been arrested?—No, you cannot hear a man being arrested very well, if they do not make a noise.

14653. You can hear what the constables say?—We were not near enough for that.

14654. Then Inspector McKay may have told these men to move on and you might not have heard?—Yes.

14655. You did not hear the use of the word "ponce" by anybody?—No.

14656. Or any word of that kind?—No.

14657. Somebody told you, I suppose, that the man who had been arrested had been one of your party?—They did not tell me his name, but they said he was taken. They did not tell me his name or whether he was one of our party.

14658. You did not know that?—No.

14659. And then you went home?—We were going home.

14660. But you went home?—Yes.

14661. You did not go to the station or follow it up?—No.

14662. (*Mr. Dickinson.*) When you got out of the hotel, to which side did you go?—To the left.

14663. That is not the way to the Tube?—No, that is Shaftesbury Avenue way.

14664. But you were going home?—I was waiting for Ruppert.

14665. What made you go the opposite way to your station?—To wait for Ruppert.

14666. I do not quite follow why you should take one side rather than the other?—I do not know what made us go that way, but we turned to the left.

14667. How far did you go down?—About ten or fifteen yards, not more.

14668. But when Ruppert came out did you go back with him to the Tube?—No, he came up to us and said that Altfuldisch was arrested, and he wanted to know what it was for. Of course, I told him I did not know he was taken.

14669. Did he say anything to you about going after him?—No.

14670. He did go after him?—He went after him.

14671. Then did you go home?—Yes.

14672. (*Earl Russell.*) A question arises out of what has been asked this witness, and I should like to put to him what was stated by Inspector McKay at question 5679, page 141. Did you hear people shouting from the windows in the street at all?—No.

14673. You heard no one calling out anything?—No.

14674. Did you hear people shouting "Clear them away"?—No.

14675. Could people have been shouting from the windows in the street or shouting "Clear them away" without your hearing it during this time?—Certainly not.

14676. (*Chairman.*) When did you last see Ruppert before he came to you in the way that you have told Mr. Dickinson?—He was in the house.

14677. Then you agree that he had stopped to pay the bill?—Certainly.

14678. You understood he was stopping to pay the bill?—Yes.

14679. Was he your friend?—Yes, we work together.

14680. Did you hear that night that Ruppert had been taken or arrested?—No, I did not know till he came to work on the Monday.

14681. Then after he had told you of Altfuldisch's arrest and asked you if you knew why he had been arrested you said nothing to any of the parties to this transaction. You did not see Altfuldisch or Reuscher, or Maurer, or anybody after that?—Not after he came up and told me about Altfuldisch.

14682. Not after the conversation with Ruppert?—No.

14683. How long was it after you had left the house that you had this conversation with Ruppert?—It might have been a quarter-past twelve.

14684. That would make about a quarter of an hour?—Yes.

14685. What was the condition of the street when you were talking to Ruppert?—Quiet.

14686. Ruppert had not been arrested then, obviously, at a quarter-past twelve, according to you?—As far as I know.

14687. But I understood that Ruppert had come to ask you why Altfuldisch was arrested?—Yes; that is quite correct.

14688. Do you know now that Ruppert was arrested that night?—Yes.

14689. What was the condition of the street then—Quiet. There were not many people there then.

14690. The people had cleared away then?—Oh, yes, a lot of them.

14691. But I rather gather from you that there had not been a lot of people there at all?—Some of them who had been there went away.

(*Earl Russell.*) I now call Alfred Brant. I am told this witness can only speak German, and I would ask that Mr. Schumann be allowed to interpret for him.

(*Chairman.*) Yes.

Mr. Gabriel Schuhmann was sworn as Interpreter.

ALFRED BRANT, sworn.

The Oath being interpreted by, and his evidence being given through, the Interpreter.

A. Brant.
20 Nov. 1906.

14692. (*Earl Russell.*) What is your name and address?—Alfred Brant, 14, Bolton Road, St. John's Wood.

14693. Did you attend this social evening at Greek Street in December last?—Yes.

14694. Did you leave the hotel with Mr. Maurer?—Yes.

14695. A few yards after leaving the door did you wish Mr. Maurer good night?—Yes, I came outside together with Mr. Maurer and other gentlemen, and I said good night to them.

14696. You did not see Maurer or anybody else arrested?—No.

14697. When did you first hear of Maurer's arrest?—The next meeting.

14698. What was the state of the street when you came out from the restaurant?—Quiet.

14699. Was there any fighting?—No.

14700. Any shouting?—No.

14701. Did you see bunches of people pushing about?—No.

14702. Did you see the police moving people on?—No, I never saw that.

14703. What was the condition of the people you came out with who had been at the social evening? Were they sober, or quiet, or not?—Sober.

14704. And quiet?—And quiet.

14705. (*Mr. Eldon Bankes.*) When you came out from the meeting did you go straight home?—Yes, at once.

14706. And you got into no trouble at all?—No.

14707. You never saw the police there at all, did you?—I saw policemen in the street.

14708. But you came out and walked straight away and went straight home?—Yes.

14709. You never heard for a fortnight after that anybody had been arrested?—No.

14710. Was it a fortnight after, or more?—I do not know.

14711. When was it that you first heard that anybody had been arrested?—I should think about three weeks later or a fortnight.

14712. And all this happened as long ago as last December?—Yes.

14713. When was it that anybody first asked you if you remembered what the state of the street was like?—Five or six weeks ago; I do not remember quite.

14714. Quite recently?—Yes.

14715. Would it be in the month of October, say? We are now in November. Would it be last month that somebody asked you?—Oh, yes, last month.

14716. Somebody asked you what you remembered about what had taken place in the December previous?—Yes.

14717. As a matter of fact you walked straight home, did not you, and paid no attention to what was going on in the street?—No.

14718. (*Chairman.*) How many people were left in the room when you left the room?—I do not know how many, I did not look for that.

14719. You do not remember how many members or their guests were there when closing time came?—There were 20 or 25 members altogether.

14720. How many remained at 12 o'clock when closing time came?—I do not know, I was very quickly outside.

14721. Were you one of the last?—No.

14722. What time did you leave the room?—I should think 12 o'clock.

14723. Then you were among the last to leave the room, were not you?—No, not the last.

14724. Were any of the party in the passage when you got in the passage after going to the door?—Some people were before and some people were behind me.

14725. When you got to the door, did you turn away and walk away?—I said good night to Mr. Maurer and was going away.

14726. You said good night to Mr. Maurer, and then walked away?—Yes, that was all.

14727. Which way would you turn when you got to the door?—To Hampstead.

14728. That would be towards Oxford Street?—Yes.

14729. And walked straight on and saw nothing of any disturbance?—No.

14730. Did you look at the street at all?—No.

14731. Nothing attracted your attention?—No.

14732. (*Mr. Dickinson.*) Were you a friend of Maurer's?—No, I saw him for the first time on this evening—not before.

14733. There was some singing in the evening, was there not?—Yes, in the room.

14734. Was Maurer one of those who sang?—I do not know.

14735. You did not notice him?—No.

(*Earl Russell.*) This is Maurer's character from George Clark, of Priory Lane, Putney. "October 22nd, 1906. William Maurer has been working for me from August 7th, 1905, during which time I have always found him to be a respectable, hard working, honest, and sober man." We have no other witnesses.

(*Mr. Dickinson.*) I was told Pingel was going to be called. I asked whether either of these men, Pingel or William, was here, and the witness said one of them was.

(*Earl Russell.*) I think we have called one of the men who was mentioned.

(*Frederick Burton.*) They call me William.

(*Mr. Dickinson.*) Then that answers my question.

(*Chairman.*) Would you like to call the police evidence now, Mr. Bankes, or postpone the calling of your evidence?

(*Mr. Eldon Bankes.*) No, we had notice of this a week ago, and we are quite ready. Inspector McKay has dealt with this before, but I should like to call him again.

(*Chairman.*) Yes, certainly.

Sub-Divisional Inspector FRANCIS MCKAY, sworn.

Sub-Divisional Inspector F. McKay.

14736. (*Mr. Bankes.*) I think you have been asked about this incident before?—Yes.

14737. I will just ask you one or two matters again. On this night in question I think you and Inspector Manning were on duty?—We were patrolling.

14738. I think you told us on the last occasion that when you came to the junction of Compton Street and Greek Street you saw something?—Yes.

14739. A word about Greek Street. You said something about Greek Street on the last occasion, which apparently has created a good deal of feeling. What is your view about Greek Street?—I was referring, Sir David, to a number of persons who frequent Greek Street, not persons who live in Greek Street, and I gave a description of it. I am not going to retract one single word from what I have said, but I am extremely sorry to think that there are people

Sub-Divisional Inspector F. McKay.

20 Nov. 1906.

in Greek Street, respectable people, some of whom I look upon as my personal friends, who have taken offence at this because they were under the impression that I was referring to the whole of the people living there. I have no wish to convey that meaning, and it would be monstrous for me to do so, because I know those people so well. There are foreigners there, some who I respect, and highly respect, and persons carrying on business there, and they are men who I feel confident any country would be proud to have as citizens. They have been most kind to me. They have assisted me on many occasions, and they have certainly complained to me about certain things in Greek Street. For what I have done for them they have thanked me over and over again, and therefore I am sorry that that impression should have gone abroad that I referred to those people and to anyone residing in Greek Street, who I had no intention of referring to at all.

(*Mr. Eldon Bankes.*) The reference to the evidence is on page 140.

(*Chairman.*) Yes; I have the passage.

14740. (*Mr. Eldon Bankes.*) You were not speaking of the residents in Greek Street. What you said was: "Greek Street, Soho, is one of the very worst streets I have to deal with; in fact, it is the worst street in the West End of London, without exception." Then you say: "There is a crowd of people that gather there nightly, and they are nothing more or less than pests," and so forth?—Yes.

14741. (*Chairman.*) I take it from that that Inspector McKay was speaking of the street as a thoroughfare—as a place in which people were allowed to come and go. I did not understand that he meant to refer to residents in Greek Street at all?—No, I did not.

14742. Or to the character of the businesses carried on there?—No; they are highly respectable businesses carried on there.

(*Mr. Eldon Bankes.*) There was a misapprehension.

14743. (*Chairman.*) The following words seem to me to put it right:—"There is a crowd of people that gather there nightly." It was with regard to the crowd that I understood you were making your statement?—That is so. That is what I had in my mind at the time I was speaking.

14744. (*Mr. Eldon Bankes.*) Now we will go to the matter which is immediately before the Commission. I think you told us you saw a crowd there?—Yes.

14745. Did you go up to it?—Yes.

14746. Tell us in your own way what happened with reference to this man whom we called last time Mander, and who we know now is Maurer?—Maurer and another man were on the ground when I got up there. There was some shouting, but what it was I could not say. I lifted Maurer myself off the ground, and when I did so he attempted to go back to this other man. Inspector Manning was dealing with this other man, so I did not catch sight of him very well, and as he seemed bent on fighting I took him to this constable who I saw coming towards me, and asked him to take him to the station.

14747. Are you quite certain that he was on the ground when you went up to him?—I have no hesitation in saying that he was. We saw the crowd there, and we hurried up. We were on the opposite side of the street to what they were. That is slightly to the north of the entrance to Wedes Hotel. Some of the crowd were in the centre of the road and some were on the footway.

14748. Is it true that you went up to Maurer and pushed him on the back?—No, I did not.

14749. What was the name of the constable to whom you handed him?—P.C. 134—Fleet.

14750. After that, did you say anything more to him till you got to the police station?—No.

14751. When you got to the police station where was he?—He was sitting on the bench, close to the fire, in the charge room. I saw him as I passed the door, and the constable went away. The constable was standing in the charge room door, and he left.

14752. Did you then make a charge against the man to the Inspector who was then in charge?—Yes.

15753. That was Inspector Remfrey?—Yes.

14754. Is there any foundation for the suggestion that you pushed Maurer down into a chair?—I never placed my hands on him at all. There was no occasion to do so because the man was sitting down when I came in, and, moreover, I was dealing with Altfuldisch at the time, so that I did not come into the charge room till probably a minute or two after when he was placed in the dock, so that he was not placed in a chair at all.

14755. There is another matter about searching him. Did you search him?—Yes.

14756. Just describe to the Commissioners what you did?—I think I asked him if he had a knife upon him, and he told me no he had not. I put my hands through his pockets and I did not find any knife.

14757. Did you do anything else?—No, I did not.

14758. Is it the ordinary practice to ask for a knife and if it is not produced just to make sufficient search to see if there is one?—Yes, if it is a person who we consider sober we should not search him—I mean a respectable person—unless we had some reason for doing so. For a trivial offence we would not do it.

14759. Maurer says that you took some letters and postcards and two cigars out of his pocket, and threw them into the fire?—I did nothing of the kind. It would be entirely irregular for me to do anything of the kind to take letters from the person, because it would be quite unnecessary—or cigars either.

14760. Would it be contrary to the regulations to do anything of the kind?—It would.

14761. Was there any occasion to do that with regard to this man?—None whatever.

14762. Or did you attempt to do it?—No, I did not.

14763. I think we may pass now to the Monday when he was brought up before the Police Magistrate. You gave evidence against him, did you not?—Yes, I did.

14764. Did you hear him say anything to the Magistrate when he was charged?—He said it was not his fault. As far as I can recollect these are the exact words he used—"It was not my fault."

14765. He has told us to-day he attempted to give the Magistrate an explanation, and said he had not been fighting, and that he had been pushed, and so forth. Did he say anything of the kind?—He said nothing of the kind. The Magistrate, when he was placed in the dock, asked if he was guilty or not guilty, and he said it was not his fault, and the Magistrate asked me what he was doing, and I think I replied in about half a dozen words, and he again replied it was not his fault, or some words to that effect.

14766. And was that all that took place?—That was all that took place.

14767. Until he came into the witness box to-day had you ever heard of any complaint either from him or from anybody else about the way in which he was treated?—No, I never saw the man or heard a word of him till I saw him this morning.

14768. (*Earl Russell.*) When he was asked to plead, I understand, instead of saying guilty or not guilty, he said it was not his fault?—Words to that effect.

14769. Do you suggest the Magistrate took that as being practically a plea of guilty?—I could not say what opinion the Magistrate formed.

14770. You said you were asked to say how this matter came about, more with a view of fixing the penalty than anything else?—Yes, probably.

14771. That was your impression at the time?—Yes, I looked upon it as that.

14772. You looked upon it as an uncontested charge?—Yes, he made that statement in the station when I told Inspector Remfrey what he was charged with. He said it was not his fault, and I gathered he meant it was not his fault that he had been fighting.

14773. He is right in saying, is he not, that the whole proceeding before the Magistrate was an affair of two or three minutes?—They did not last long.

14774. They do not generally last long in a London Police Court, do they?—They have not got much time sometimes.

14775. Did you hear him asked whether he had any question to ask you?—Yes.

14776. In answer to that did he begin to make a statement?—He did not. The only statement that he

made was that it was not his fault. He seemed to use those words more than once.

14777. Who was it asked him if he had any questions?—The Magistrate.

14778. Did he make no reply whatever?—No, except it was not his fault.

14779. He did not say a word?—He said "It was not my fault," and shrugged his shoulders. That is all he did.

14780. When he was asked if he had any questions to ask you?—Yes.

14781. He did not begin to make any statement?—No, I am positive he did not.

14782. It is very common in your experience, is it not, that a prisoner who is not used to legal procedure when he is asked to question a witness begins to make a statement on his own account?—Yes, but they are corrected and told to ask questions.

14783. They are told it is not the time to make a statement, but they must ask questions?—Yes.

14784. It is a very usual thing for them to do?—Yes.

14785. Especially when they are not used to police courts?—Yes.

14786. In the evidence you gave how much did you tell the Magistrate. Did you tell him that you had seen him fighting and on the ground?—Yes.

14787. You said you had picked him off the ground?—Yes.

14788. You know there is no note of that in the Clerk's note?—I could not say.

14789. Have you not seen the Clerk's note?—Yes, but I did not take notice of it.

14790. You are quite certain you said it?—Positive.

14791. Did you say he was surrounded by a crowd of thirty or forty people?—Yes.

14792. Was that a fact?—It was.

14793. Thirty or forty people in one bunch round him?—I would not call it in one bunch. There might be two or three yards between one crowd and the other crowd.

14794. You mean to say, taking his own little group, and several other groups, you would make up thirty or forty people?—Yes, in the immediate vicinity; I will say in a circumference of twenty yards.

14795. That would not be correctly described by saying that he was surrounded by forty foreigners?—Perfectly.

14796. If they were merely in the street?—They were all composed of the same crowd—at least, two crowds.

14797. You still stick to the two gangs' theory?—I do.

14798. In spite of everything you have heard to-day?—I see no evidence to contradict it.

14799. You still think there was a kind of organised fight between persons coming out of one hotel and persons coming out of the other?—I do.

14800. You have heard all the witnesses say they know nothing of it?—I heard them say so, but I was there, and I saw what took place.

14801. Did you notice this gentleman, Mr. Schuhmann?—No, I cannot say I did notice him.

14802. You cannot say whether he was alongside him or not?—No, I cannot.

14803. Did you hear him say that Maurer was not shouting?—I did not pay much attention to who was standing there. I could not be positive.

14804. You heard Schuhmann say to-day that Maurer was not fighting, and was walking along when you arrested him?—I heard him say so.

14805. That, you say, is absolutely false?—It is false.

14805*. A deliberate lie?—I have no hesitation in saying so.

14806. Has there been any quarrel between you and Schuhmann?—No, there has not, that I know of.

14807. Can you suggest to the Commission any reason why that gentleman should stand there and perjure himself?—I could give a reason, I think.

14808. I should like to have it?

(*Mr. Eldon Bankes.*) Is that a proper question?

(*Chairman.*) I do not think I shall stop it; but it seems to me rather a dangerous question for Lord Russell.

(*Earl Russell.*) I am not in the least afraid of it.

(*Chairman.*) He might say, Yes, I think this, or I think that.

(*Earl Russell.*) I am anxious he should do so. It seems to me to require explanation that an apparently respectable witness should come here and make a deliberately false statement. But I am quite in the hands of the Commission.

(*Chairman.*) Mr. Whitmore says, and very properly, that he can draw his own inference, as he has listened to all the witnesses. Without saying what we think, if you were to put that question to us we could give you what we think might be a possible reason for Mr. Schuhmann giving false evidence. I do not say that he has done so.

14809. (*Earl Russell.*) Now to come back to this question of searching at the police station. You were the man who had caused the arrest of Maurer?—Yes.

14810. Although you did not actually take him to the police station, he was your prisoner?—Distinctly.

14811. Was it your business to search him?—Yes.

14812. The constable who arrests him, and not the gaoler?—No, not the gaoler.

14813. This statement which Maurer makes about your taking things out of his pocket and throwing them into the fire is entirely false?—It is entirely false; it is monstrous. I should not think of doing such a thing. I say the suggestion is monstrous from beginning to end.

14814. From beginning to end?—From beginning to end.

14815. About throwing them into the fire?—We do not treat prisoners like that.

14816. Would you allow him to go to the cell with cigars in his pocket?—Certainly.

14817. Would you allow him to smoke them there?—We should certainly take lights from him.

14818. At any rate, you would take lights from him?—Matches. They would not hurt the cells, which are of concrete, by smoking.

14819. I am afraid that is not a lawful thing to do, is it?—There is no great harm in it if it is a trivial offence.

14820. You did not suggest, and you do not suggest now, that Maurer was drunk in any way?—I did not.

14821. You told us in the case of a sober man you would not search him unnecessarily?—No.

14822. You would not make any suggestion now that he was in any way the worse for drink?—No. He had had some drink, but he was not the worse for drink.

14823. You heard some questions asked of Mr. Schuhmann, Maurer's friend, who was with him, as to why he did not go to the police station either then or the next day to see what had happened to him?—Yes.

14824. It is the case, is it not, that in very small cases of disorder, or in cases where you think a man is drunk, and you make up your mind that he is not when you get him there, the case is released before it gets to the Magistrate?—Never. If a man is charged at the police station he has to appear before the Magistrate.

14825. If he is charged before the Inspector on duty?—Yes.

14826. That is to say, sometimes they are released. Suppose you took a man to the police station, and the Inspector said, "This is too trivial; I shall not take it"?—He would not say anything of the kind. The Inspector can only go by what he is told.

14827. Suppose, when you told him, he said, "The charge is so trivial it is not worth troubling about"?—The charge could be refused, certainly.

14828. Then when a man is being taken to the police station, and someone sees that he has done nothing, the chances are he might not come before the Magistrate?—If the charge was refused, certainly.

Sub-Divisional Inspector F. McKay.

20 Nov. 1906.

Sub-Divisional Inspector F. McKay.

20 Nov. 1906.

14829. Was Police-constable Fleet 134 in Court at the hearing of that charge?—No, I do not think so.

14830. He gave no evidence?—No; in fact, he would not know anything about it.

14831. I think he was within a yard or two of you when you arrested Maurer?—No, he was not.

14832. About how far was he from you?—I could not say how far from me he was in the first instance, because when I came on the scene he was not there. When I picked Maurer off the ground, and was getting him to one side, I saw Fleet coming towards me. He was then, I should say, about 20 yards from me.

14833. That was after you had picked Maurer off the ground?—Yes.

14834. So that he did not see anything of it?—No.

14835. Did you have to call him?—No; he saw the crowd as we saw it, which was coming towards us. When I got to the outskirts of the crowd he was close upon me. I told him to take the man to the station until I arrived. He did so. On my arrival he left the station.

14836. Do you know anything about the man you say Maurer was fighting with?—No, I could not be positive. I did not have a good view of his face.

14837. What happened to him?—He went away.

14838. Why did you not take him?—He went away. If he had not run away he certainly would have been taken like Maurer was. As the man had a chance to go away and did not go, there was no option but to take him.

14839. You mean you told Maurer he had been fighting and he had better go home?—When I picked him off the ground he seemed inclined to renew the fight, and I felt compelled to take him.

14840. Although he had been fighting, if, when you picked him up, he had said: "I will be good," he could have gone away home?—Yes.

14841. What did he say?—He did not say anything at that moment; he made motion that he wanted to go for the other man again.

14842. (*Chairman.*) What did you mean by saying a few minutes ago that Manning was dealing with the other man?—He was looking after the other man to see if he came towards the man whom I had lifted.

14843. You had hold of one and Manning had hold of the other?—Manning was dealing with the other man.

14844. Had he hold of him?—I would not be positive.

14845. Your man was trying to get away in order to get at the other man again?—He was.

14846. And Manning's man was not?—I could not say.

14847. (*Earl Russell.*) Do you know who the other man was?—No.

14848. Does Manning know him, or do you know him?—I do not know him.

14849. You have not been able to identify him?—No; I had a very bad opportunity of being able to distinguish him.

14850. The only thing that Maurer really did that made you finally arrest him was trying to struggle to get away?—To the other man. His attitude was hostile towards this other man. I could see that distinctly.

14851. It was nothing he said to you that annoyed you?—No, certainly not.

14852. Nothing that he did to you?—No.

14853. It was merely that you thought if you let him go he would fly at the other man?—Distinctly.

14854. Where had you hold of him—from behind?—No; I think I raised him by the arm. As near as I can recollect, I caught hold of him by one of his arms.

14855. Did you hold him by both arms?—No; I do not think I could do that very well.

14856. You heard what Maurer said, which was that when he was walking quietly along you pushed him?—I did nothing of the kind.

14857. You never push a foreigner?—There is no occasion to push them. They can go when they are told. It is not necessary to push people.

14858. Do you not push people sometimes?—No.

14859. Never put your hand behind them to quicken the going of them?—No.

14860. Never?—No.

14861. Although Maurer says you did, you are positive it was not true?—I am positive it is not true.

14862. Alfuldisch said that you did something of the same kind, did he not?—Yes.

14863. That is not true either?—No.

14864. One word about the crowd. Was it at the time you assisted Maurer that there was turbulence in the street?—Yes; Maurer was the first we had to deal with.

14865. What was the beginning of it?—I cannot say what the beginning of it was.

14866. I think you said you were attracted by seeing rather a noisy crowd?—Yes.

14867. When you first saw them they were not fighting?—I could not tell you that. They were too far away.

14868. Was there a great deal of noise coming from them?—Yes; the noise increased as you got nearer. They were some distance away when we saw them first, and we could not see much.

14869. Would a fair description be that they were walking along in an excited way?—They were not walking at all. They were standing still.

14870. Talking loudly?—Yes, they were.

14871. Shouting?—Yes, when we reached them they were.

14872. You do not know what sort of things they were shouting?—No. I did not pay much attention really to what they were shouting.

14873. Was it by way of continuing the singing that there had been inside?—Some of them were, and some of them were holding heated arguments.

14874. You thought it rather an explosive crowd?—Usual.

14875. There was not any actual disturbance which made it necessary for you to take any particular individual before Maurer?—Maurer was the first one we reached. Where we saw the crowd thickest that was the spot we made for.

14876. Maurer was down on the ground, as a matter of fact?—He was.

14877. In what way were they fighting?—Rolling about. I could not explain the exact position they were in at that moment, but they were certainly struggling.

14878. Were they shouting, too?—Yes, they were shouting.

14879. What kind of things were they shouting?—I really could not tell you the exact words.

14880. Were they shouting in German or in English? He was shouting in broken English.

14881. Was he abusing the other man?—That is what I inferred.

14882. It is not what you heard; it is only what you guessed?—What I saw and heard.

14883. I rather want to know if you can tell us any of the words you heard him use when he was fighting the other man?—I cannot.

14884. You are not quite sure that you distinguished any actual words, only that there was a certain amount of shouting between them?—They were certainly making use of oaths; they were swearing.

14885. After you picked Maurer up did he go on shouting, or did he shout at you?—Yes; he was saying something, but what it was I did not pay a great deal of attention to.

14886. You could not pledge yourself to the actual words he used?—No; it would be rather difficult for me to use the exact words.

14887. Could you at the time have been sure of the exact words? Is it time that has made you forget, or is it that you never heard distinctly what he said?—I certainly heard him swearing.

14888. Nothing but swearing?—No.

14889. Why did you charge him with using obscene language?—Because he was using it.

14890. But swearing is not obscene language?—Yes it is.

14891. You tell us you did not hear any words distinctly?—I heard oaths used. There is no question about that. I am perfectly positive upon that point. I cannot recall the exact words used.

14892. You are quite clear that the language was obscene and indecent?—It was obscene.

14893. You say that is the same as swearing. But you would not have arrested him for that obscene language if he had gone home when you picked him up?—No, I would not.

14894. But you mentioned it to the Magistrate?—Yes.

14895. You did not give the Magistrate any examples of it?—No, I do not think I did. I am not positive.

14896. And you cannot tell us now?—No, I should not like to pledge myself.

14897. After you arrested Maurer did the state of the street become worse?—Yes. They seemed to become more excited for a little while; but when they saw there were more policemen coming they seemed to move away.

14898. All the time the street was emptying itself, I suppose some people were going home quietly?—Yes, after we were there to deal with them they moved on.

14899. Some went on their own account surely?—No doubt they did. I could not tell you to an individual.

14900. Was it before or after you arrested Maurer that the people leaned out of their windows and said: "Why don't you clear away these dirty ponces"?—They were leaning out of the windows before we reached the street.

14901. Before you reached Maurer?—Yes, and after.

14902. Are these the respectable inhabitants of Greek Street that you are speaking of?—I would not like to pledge myself who they were. I did not know who they were.

14903. I thought you told us you have personal friends there?—I have.

14904. Was it any of them?—No; it was not.

14905. What windows were these people leaning out of?—I could not tell you for the moment. I took no notice.

14906. Were they at the first floor windows?—No; I think it was the second floor windows. It is very difficult to say. It is a thing I took very little notice of.

14907. I asked you whether you had used any language of this kind, and you said: "I used no language of that kind. It was continually referred to, as I said yesterday, and the word was frequently used amongst the crowd, 'Why don't you clear away these dirty ponces' some people were shouting from the windows in the street"?—Yes.

14908. I ask you what sort of windows they were, the ground floor windows or the first floor windows?—Not the ground floor.

14909. The first or second floor windows?—The first or second floor windows.

14910. They must have shouted rather loudly for you to hear it?—No, not necessarily.

14911. There was a noise in the street?—Yes.

14912. And yet you heard people from the first and second floor windows shouting this?—Yes.

14913. Did not you think that disorderly?—No, I did not.

14914. Let me read to you your next answer: "Q. You mean other persons were asking you why you did not clear them away?" Your answer was: "Yes. They were shouting, 'clear them away.'" Who were the people who were shouting "Clear them away"?—Those were the people who were leaning out of the windows—some of them, I suppose. I could not tell you who they were.

14915. These were not people on the street level?—I could not be positive. You hear a voice, but you cannot tell for the moment where it comes from, and to stand and listen to it would be ridiculous.

14916. You seem to have taken a good deal of note?—You cannot help it sometimes.

14917. Supposing you had, in your anxiety, to move on a crowd, pushed somebody in the back—a foreigner—and supposing he turned round and said: "I am not bound to run," what would you do?—I do not think I should take any notice of him.

Sub-Divisional Inspector F. McKay.

20 Nov. 1906.

14918. Sure?—Positive.

14919. You would not think it impertinence on his part?—Certainly not.

14920. Not to speak to an Inspector like that?—No. We get very much worse things than that said by foreigners.

14921. You sometimes run people in for saying them, do you not?—No we do not.

14922. You never get annoyed by them?—No.

14923. Never lay your hand on a man except to arrest him and take him to the police station?—We might lay hand on him for some reason or another and not arrest him.

14924. (*Chairman.*) I have not been told, I think, what the exact charge against Maurer was?—He was charged with disorderly conduct and using obscene language. That would be under Section 12 of 2 and 3 Victoria, I think.

14925. Just a question or two with reference to what you said about the crowd in Greek Street from the other cafés. Are there many more cafes and restaurants besides the two which have been mentioned in that street?—Yes; I believe there are several.

14926. Are they much patronised on Saturday and other evenings?—Yes.

14927. So that a very considerable number of people are to be found in Greek Street immediately after 12 o'clock on a Saturday night?—Yes. The cafés usually disgorge those they have in them, and the foreigners hang about for a time.

14928. You have said: "There is a crowd of people that gather there nightly, and they are nothing more nor less than pests." Are they the people whom you have referred to as undesirable who have been called "ponces," and that class of men?—Yes; and prostitutes. I do not know if I would be in place in just saying this. I can give you a slight idea of what I have done there in the last—little over two years, perhaps, or say three years. People in the district have complained to me very much—I have been in charge of the district for about three years—of the serious injury that is caused to their business.

14929. (*Mr. Whitmore.*) In Greek Street?—Yes; and in the immediate vicinity. These fellows having foreign names, and getting so much money, those gentlemen conducting respectable businesses felt it very much, and they wanted to know why these men were allowed to hang about the streets as they were. I said we could not interfere with them as the law did not allow us to do so, but that we were dealing with them in the best way we possibly could; and, as I say, I have done so. I think, as near as I can gather, within the last three years I have arrested over 300 persons for keeping disorderly houses in the immediate vicinity; that, of course, includes brothels, gaming houses, and that class; and for what I have done I have been thanked by the Westminster City Council and by the Holborn Borough Council. I have a list here of persons who come over from abroad who carry on business, and I have a list here of what has actually occurred in Greek Street, I think, within the last two years. I have a list here of cases which have occurred. Some of them have left there, and some have not.

14930. (*Chairman.*) The cases you are referring to are cases of bullies, are they?—Yes.

14931. I do not think we want the details, because that kind of evidence is outside our terms of reference. I am only asking you these questions and inviting your evidence as throwing light upon what took place in Greek Street on this night?—Yes, I refer to that because people seem to question very much what I said.

14932. I have seen it stated by a very well-known journalist in an article in the "Daily Telegraph" that these men have an organisation of their own, and that they employ spies and watchers. Would that be a true statement, judged by your experience?—Certainly. We describe them as those belonging to a syndicate. There are a number of these men who form a syndicate, and they assist one another and share the profits.

Sub-Divisional Inspector F. McKay.

20 Nov. 1906

14933. That I follow. Do you say that there are persons who are likely to commit a breach of the peace in the street? Is it not the cue of these men rather to be quiet in the street and on good terms with the police?—No, not altogether. There are two classes, or I might say three. There are what we call the wealthy bully, who goes about with a silk hat and fur coat; he is very artful and cunning, and he scarcely ever falls into the hands of the police. Then we have the middle man, who is inclined to be more quarrelsome. Then we have the lower man, who is a thorough ruffian. Only the other night, quite recently, two of them fought in Greek Street over a girl, and one of them stabbed the other. These men are most dangerous. They are mostly criminals from their own country.

14934. (*Mr. Whitmore.*) Did the fight that you refer to occur in Greek Street?—Yes.

14935. On a Saturday night?—Yes.

14936. About the same time?—Yes.

14937. (*Chairman.*) The mere fact that on a Saturday night you see a lot of foreigners gathered in knots of two and three would not lead you to arrest them?—Certainly not. I should not think of doing such a thing.

14938. You would simply tell them to move away?—Yes. If they were simply standing there, or if they appeared to have come out of a place, I would not interfere.

14939. Lord Russell rather suggested that you had been actuated on this occasion by the fact that Maurer was a foreigner. I suppose, if you allowed that to actuate you you would be arresting hundreds of people?—Yes. I could fill the police station in less than two hours if I did that. Foreigners I respect because I have been in most of their countries, and I respect those who are respectable.

14940. You have not the slightest doubt that Maurer was the man who was engaged in a tussle of some kind with the other unknown man?—Not the slightest, because when I raised him from the ground I never let him go until I handed him over to the other constable, and when I got to the station I saw he was the man. I had not the slightest reason to doubt it.

14941. When you handed him over to the other police constable was he resisting at all?—No, I could not say that he was.

14942. He went quietly?—Yes, he appeared to go quietly.

14943. More quietly than Altfuldisch went?—Yes; I think when I handed him over I came back towards the crowd, so that I did not really notice him after I handed him over.

14944. I do not gather that your recollection enables you to say that you actually saw the two gangs, or the two collections of men?—No, they dispersed before I got there.

14945. With regard to the cafes, I understand one is a French house and another is a German house, as tested by the people who frequent them?—Yes. In the immediate vicinity there is one French house, one German house, and one Italian house within a few yards.

14946. What is the Vienna Café?—That is German mostly—German and Austrian.

14947. How far is that from the Café Turc?—About thirty yards.

14948-9. (*Mr. Dickinson.*) When you took hold of Maurer I understood you to say you saw that Manning was dealing with the other man?—Yes.

14950. What did you see happen as regards Maurer? You say you saw him on the ground. What did you do?—I took hold of him to raise him from the ground, and I saw that Manning's attention was directed to the other man. I could not positively say what he was doing. After I raised Maurer from the ground I saw he made motions that he wanted to renew what he had been doing.

14951. You say that you actually raised him from the ground?—Yes.

14952. Did Manning raise the other man from the ground?—I could not be positive on that point. I did not really pay much attention to what Mr. Manning was doing.

14953. Then you say that they started to renew the fight?—Yes.

14954. The men were close to you?—Yes.

14955. Had you hold of Maurer or not?—Yes, I had hold of him all the time.

14956. He wanted to get at this other man?—Yes, Maurer was there, and the other man was probably four feet from him at the time.

14957. Manning was dealing with the other man?—Yes.

14958. That is not Manning's story according to what he said to us?—That is the impression that I formed at the time.

14959. Inspector Manning said:—"I went with the inspector up the street. We hurried up the centre of the roadway into this crowd. I saw two men on the ground, and I saw the inspector go to them. They got up. I was in the crowd trying to disperse it, and saying 'Pass along.' I saw Altfuldisch there. He was not on the pavement then; he was in the crowd. He was excited. I spoke to him and said 'Pass along' in the ordinary course of business. He did not move because I passed him. I should think he stepped back two or three yards. I went round and saw Inspector McKay afterwards with this man in custody." Manning tells us nothing whatever about having dealt with either of these men on the ground?—I think I am right in saying I did see him dealing with them, because we both came up together, and it would occur in the ordinary course that one would deal with one and one with the other.

14960. The ordinary course would be that he would be taken into custody?—If he would not go away.

14961. How is it you did not take the other man?—I think the other man went away when he was told, when he got off the ground.

14962. Do you mean that the other man escaped from Manning?—No, I would not say that.

14963. (*Mr. Whitmore.*) You were attending to Maurer, and he would not go away when you got him up?—No, if a man is not peaceful and will not go away we should have to take him. I did not have the opportunity of seeing the man, so I could not say much about him.

14964. (*Mr. Dickinson.*) I have to ask you about this answer that you gave last time. You said: "I know this, that the very last man I dealt with, and who has been recommended for expulsion, had a card belonging to the society found upon him." Can you give us the particulars of that case?—Yes, I think I can.

14965. Have you got the card?—I have not got the card, but I think I can give you the name of the man. It was a man named Prinz.

14966. What were the particulars about him?—He was arrested and sentenced to three months, and deportation recommended, on, I think it was, the 13th October last.

14967. I want to know about the card. What was the card? Was it a card belonging to this society?—Yes, that is so.

14968. What kind of card was it?—A small folding card with some inside papers.

14969. Did you take possession of the card?—I do not think I took possession of it, but simply when I was looking over the man's property I saw it.

14970. What happens to documents which may tend to incriminate people. This is a card which belongs to a criminal?—I would not look upon that as incriminating in any way.

14971. It might?—No, I could not see it.

14972. What would you do in the ordinary course with the card?—I would not interfere with it. Like any other papers a man has upon him, if they did not relate to the case, we would not touch them.

14973. Has this man been deported?—No, not yet. He is in prison yet.

14974. I suppose he has the card?—I could not say.

14975. Was it a card like the one we have seen?—Yes.

14976. But that is not a card, is it?—There were one or two leaves inside. I described it as a card. That is the impression I formed.

14977. After all, this is in German. You say it was a card of this society. Will you look at this and tell me whether that was the actual kind of card (*handing card*)?—Yes, I think this is a facsimile of the card.

14978. (*Chairman.*) You call that a "card"?—Yes, I would describe it as such, I did not notice that it had so many leaves.

14979. I might mention that I have often received from clubs and societies a book like that, and they are often referred to in correspondence as cards, but I do not know why?—I do not think there were so many leaves in the one I saw, but there may have been.

14980. (*Mr. Dickinson.*) I am not quarrelling with the word "card" in particular, but had it got a front page on it?—Yes, I feel positive it had.

14981. Had it a name on it?—No, I cannot say that it had a name on it. I am not positive, but I do not think so.

14982. If it had a name on it you would have made a note of that, for it would have shown what party he was connected with?—Yes.

14983. This is a membership card?—I really did not know that that was a membership card, I thought it was a card referring to the society, and that was all. He told me it was. I did not know it was a membership card.

14984. Under what name is the society known?—I know it as the Gardeners' Society. Some people call it the Florists' Society, but I usually know it as the Gardeners' Society.

14985. (*Earl Russell.*) May I ask a question or two about that card? The name of this man you say is Prinz?—Yes.

14986. It was on the 13th October last that he was arrested?—Yes, about that.

14987. Was he released on bail?—I do not think so.

14988. When was it you found this card?—On his arrest.

14989. Do you say it would have been returned to him?—Yes, I have no recollection of taking it from him.

14990. You mean that in searching his pockets in the ordinary way you found it?—We went through his pockets to see what he had, in a case like that, and to see if there was anything on him relating to his antecedents. I knew the man.

14991. Was he charged with living on the earnings of women?—He was charged with brothel-keeping; that was his occupation.

14992. You say on looking through his things you found it. Has he been tried?—Yes.

14993. And convicted?—Yes.

14994. Then this property would have remained on him?—As far as I know.

14995. And would now be in the keeping of the Governor of the prison where he is?—Yes.

(*Earl Russell.*) I think we might perhaps get this card if it was upon him.

(*Chairman.*) It is a very remote point.

14996. (*Earl Russell.*) But the President of the Society tells me that he has been through the list of members, and there is no such person as Prinz?—I have no hesitation in saying this. I do not wish to cast any slur at all upon the society, and it is the last thing I wish to do, because they are respectable men, but these men that I refer to were in the habit of mixing with honest men, and that is why we have so much difficulty in dealing with them.

Sub-Divisional Inspector F. McKay.

20 Nov. 1906.

(*Earl Russell.*) If it is not suggested that they are members I do not think it is worth troubling about it.

(*Chairman.*) There never was a suggestion that the man was a member, so far as I know.

(*Mr. Eldon Bankes.*) I have here the Magistrate's Clerk's note of this case. Lord Russell referred to this witness's evidence. I would ask you to look at the note as indicating that at the police court this was really treated as an undefended matter. I will hand up the note.

(*Chairman.*) "December 17th, 1905. Greek Street, Soho; surrounded by forty foreigners fighting, using obscene language."

(*Mr. Eldon Bankes.*) It is really nothing more than the nature of the charge.

(*Chairman.*) Then in the Clerk's hand-writing: "10s. or seven days." It is disorderly conduct and obscene language.

(*Mr. Eldon Bankes.*) The way in which that book is prepared is that on the left-hand side there is prepared by somebody a list of the charges, and on the other side the Clerk indicates what the nature of the charge is, and the result. Of course, where a case is fought out you will find notes taken at length; for instance, if you turn some pages on you will find other cases, and there you will find the evidence of the witnesses is taken at length. It is from that, of course, that the notes have been transcribed, or copied, which we have supplied you with.

14997 (*Chairman*). According to your description I do not know why you charged Maurer under that section with disorderly conduct and obscene language. The offence clearly comes within the section, but from the story you have told us to-day, and from what you have told us before, it seems to me to have been a case of assault and breach of the peace rather than what I should ordinarily call disorderly conduct and obscene language?—You would not prefer a charge of assault unless there was some complainant, and we do not charge for a breach of the peace in London. We usually charge under Section 54 of 2 and 3 Victoria, and under Section 12 of the same Act.

14998. If the Magistrate thought the man had been fighting and not using obscene language he would have been bound to let him off on that apparently?—Yes, he could do so, or he could bind him over.

14999. The Magistrate might bind him over, but if he thought there was no obscene language, and there had been fighting on the part of Maurer, he would have been bound to let him off on this charge?—He would.

15000. He might have bound him over to keep the peace of course?—Yes.

15001. I did not gather that the obscenity of language was the real gravamen of his offence the first time, as you have been telling us to-day, but the disorder?—They are both combined. If the man had used language in the ordinary way I would not have interfered; he would have simply gone away, and there would have been an end of the matter.

Inspector William Manning, Sworn.

15002 (*Mr. R. D. Muir*). You are an Inspector of the C Division stationed at Great Marlborough Street?—Yes.

15003. You have already given evidence as to some of these incidents in Greek Street in the early morning of the 17th December?—Yes.

15004. When you first saw Maurer what position was he in?—He was on the ground. Two were on the ground.

15005. Just describe what was done with regard to those two who were on the ground?—Inspector McKay entered the crowd prior to me some eight or nine paces; and he immediately went to the two men lying down, or who were down. I was outside the crowd, and attempting to make my way in when I saw Inspector McKay with a prisoner (Maurer)—he had got him up. By the time I got to the centre of the crowd he had turned round, and I saw another man there by his left arm, and I got him away. He went away hurriedly through the crowd. I take it that was the second man that was on the ground. I saw him when I first entered the crowd.

Inspector W. Manning.

20 Nov. 1906.

15006. Did you see Inspector McKay raise Maurer from the ground?—Yes.

15007 (*Earl Russell*). You did not take the second man who was with Maurer into custody at all, did you?—No; he went away.

15008. You were not actually attending to the matter when Inspector McKay was attending to it?—

Inspector W. Manning.

20 Nov. 1906.

I should have done if I could have got there. I should have arrested him too.

15009. It was not because you did not want to, but it was because you had not the opportunity?—That is so.

15010. Inspector McKay is mistaken in saying you had hold of this man?—I think I did touch him before he hurriedly left.

15011. You were as near as that?—Yes.

15012. I thought you were occupied with the crowd trying to disperse it, and telling it to "pass along"?—At first I did.

15013. This was your answer when you told us about it before: "I went with the Inspector up the street. We hurried up the centre of the roadway, into this crowd. I saw two men on the ground, and I saw the Inspector go to them. They got up. I was in the crowd trying to disperse it and saying 'Pass along.' I saw Altfuldisch there." The rest is all about Altfuldisch. Then you say at the end: "I went round and saw Inspector McKay afterwards with this man in custody"?—That is so, when he left the crowd.

15014. There is no suggestion there that you tried to get to these two men?—That is what I meant, any way.

15015. The man you saw in custody was Maurer?—Yes.

15016. Did you try and accompany Inspector McKay when he went up to these two men on the ground?—Yes. A number of persons followed, and I went into the crowd.

15017. There were two men on the ground, and Inspector McKay went forward?—Yes.

15018. You did not immediately rush after him?—I did, but I could not get to him.

15019. You did try to get to him?—Yes.

15020. The other man got up, did he?—Yes, they were both up.

15021. The other man got up and ran away before you could reach him?—No, he did not run away; they were together when I got to the scene of the crowd, and it was when I said "Pass along" he hurriedly went under the crowd and out of it.

15022. If you had had the opportunity you say you would have arrested him?—Yes.

15023. But he escaped so hurriedly that you had not the opportunity?—He went away when I asked him. I lost the opportunity I should have had.

15024. (*Chairman.*) Did you ask him to go away?—I said "Pass along."

15025. You asked the other man to go away, I understood you to say?—I said: "Pass along."

15026. You told learned Counsel a moment ago: "I asked him to go away"?—I do not think I said that. "Pass along" I kept saying.

(*Earl Russell.*) You did say that; I do not know whether you meant it.

(*Chairman.*) You certainly said: "I asked him to go away."

15027. (*Earl Russell.*) Inspector McKay tells us there were two men fighting on the ground, one of whom, he says, was Maurer, and the other was a man we do not know anything about. You say you saw these two men on the ground?—I did.

15028. I am asking you about the other man who is not Maurer, and I am asking you whether you would have arrested him if you had had the chance. I understand you to say you would have done?—Yes, but he went away.

15029. (*Chairman.*) Then you told the learned Counsel that you asked him to go away?—So I did. I said: "Pass along."

15030. (*Mr. Whitmore.*) You mean you asked him to go away when you said: "Pass along"?—Yes. I did not say: "Pass away, please."

15031. (*Earl Russell.*) Did you make any effort to arrest this man or not?—No.

15032. Did you wish to have him in custody? Were you trying to get at him to arrest him?—When I got to the centre of the crowd, and said "Pass along," the man hurriedly put his head down and went away.

15033. He bolted through the crowd?—Yes.

15034. If he had not done that would you have arrested him?—I should have done.

15035. How long after Inspector McKay pulled them to their feet was it before this man bolted—a second or two?—Yes, just as I got from the outskirts of the crowd to where he was.

15036. You would have been up to him in about half a minute?—Yes.

15037. But before you could do that he had bolted?—Yes.

15038. How do you explain what Inspector McKay said, that after he had got hold of Maurer, Maurer tried to get at the other man?—He may have done.

15039. How could he do so if the other man had bolted?—Inspector McKay had hold of Maurer before I got to him.

15040. I understand that almost at the moment when he picked him up the other man ran off through the crowd?—Almost at the moment.

15041. I think you said you would have been up to him in about half a minute?—It was some seconds before I got to the centre of the crowd.

15042. Inspector McKay says he picked Maurer off the ground, where the two men were fighting?—Yes. I saw him go down and come up again.

15043. You saw immediately after, or almost immediately after, the other man run away—he slipped under your arm?—Yes.

15044. Almost immediately after?—Yes.

15045. All I ask you is how did Maurer have time to make any attempt to get at the other man if the other man had bolted?—I suppose he would have done when he was raised from the ground.

15046. Were you near enough to hear what was being said between Inspector McKay and Maurer?—Yes.

15047. Everything?—I may have done.

15048. You may have done! If you cannot remember say so?—I should not like to press my memory for that.

15049. You would not like to say you did hear what passed between them?—No.

15050. You cannot be sure that Maurer did say, "We are not bound to run," or anything of that sort?—I never heard that.

15051. You never heard the obscene language, did you?—I heard a lot of it in the crowd.

15052. But I mean from Maurer in particular?—I cannot say that.

15053. (*Chairman.*) Had you come on the scene with Inspector McKay?—Yes.

15054. Were you patrolling together?—I met Mr. McKay in Old Compton Street after 12 o'clock. We walked together up Old Compton Street until we got to the corner of Greek Street, and it was from some 120 to 150 yards up the street we saw the crowd.

15055. That would be towards Oxford Street?—Towards Soho Square.

15056. As much as 150 yards, you say?—Perhaps 100 yards.

15057. You saw a crowd during the whole time you were walking towards them. Were you walking rapidly?—Yes, we hurried.

15058. Was the other part of Greek Street, the part between this crowd and Old Compton Street, from which you came, free from people?—There were some people there, but there was no disorder there.

15059. It was congested 150 yards up?—Yes, slightly past this hotel in question.

15060. Was there much noise coming from the crowd?—Yes, considerable noise—a quarrel.

15061. Was the crowd growing larger as you were advancing?—Yes, it did increase.

15062. You think there might have been a crowd before these people came out of Wedes Hotel at all?—I could not say that.

15063. You cannot say so, but do you think it was quite possible that during the time you were walking

from the corner of Old Compton Street to where you saw the crowd the crowd may have been enlarged by these people coming out of Wedes Hotel?—It may have been.

15064. You did not see any persons coming from any particular hotel?—No.

15065. When did you first see the two men shouting or fighting?—Within a few yards of the edge of the crowd, when I got there I could see they were all looking down, and there was a movement as if persons were on the ground.

15066. Inspector McKay was ahead of you?—Yes, he got in the crowd first.

15067. Did the crowd make way for him?—No, he had to force his way.

15068. He had to force his way to the centre of the crowd. Did you see him pick up one of the men?—Yes, I saw him go down and up again.

15069. How near were you to him when that incident took place?—Some six or eight feet; it might have been more than that; the crowd was moving; I was trying to get in.

15070. As far as this neighbourhood is concerned we need not ask you any further questions. Now as to what took place on the way to the police station. You went to the police station?—Yes.

15071. Did you see Maurer on his way to the police station at all?—No, not after he was handed over to the constable, and they turned to the left in the Square.

15072. Did you see Maurer at the station at all?—Yes.

15073. Where was he when you saw him?—He was sitting down on the bench then.

15074. Was he quiet then?—Yes.

15075. You did not see anybody force him down?—No, not at all.

15076. (*Mr. Eldon Bankes.*) He got there before Inspector McKay?—Yes.

15077. (*Chairman.*) Did you get there before Inspector McKay?—Yes, I was in the room with Maurer, I should think, four or five minutes before Inspector McKay came in.

15078. Who did you take there?—The man named Ruppert.

15079. Ruppert, according to your story, came quite quickly?—Yes.

15080. Did you, in fact, at any time touch Maurer in the charge room or the station?—I saw him searched, but he was certainly never assaulted.

15081. (*Mr. Dickinson.*) I should like to read you what Inspector McKay's account before was at Question 5472: "We were at the junction of Greek Street and Old Compton Street; we saw a crowd in Greek Street; we hurried up there, and on arriving there we found two men rolling on the ground." That is quite correct, according to you?—Yes.

15082. You saw the two men rolling on the ground?—I am positive there were two there.

15083. "They were fighting, and they were making use of obscene language to each other." What kind of language were they really using?—I really could not say. I heard the word "ponce" and "f——g" and "bull-dog police," and "f——g bull-dog police."

15084. These men who were rolling on the ground were using this language?—I could not say that. *Inspector W. Manning.*

15085. (*Chairman.*) It was said in the crowd?—Yes. 20 Nov. 1906.

15086. (*Mr. Dickinson.*) Were the two men who were rolling on the ground talking in English?—That I could not say with any degree of certainty. They may have been talking in English or broken English. I could not say. It is very difficult to throw your mind back and remember now what those two men absolutely said then.

15087. But it was what he was charged with?—Yes, but I did not charge him. Inspector McKay heard that.

15088. Then Inspector McKay goes on: "We got them up"?—Yes.

15089. I understood you did not get them up?—I do not know who Inspector McKay is referring to. Thinking I was in the crowd he thought I may have assisted him up with them.

15090. But you did not as a matter of fact?—I did not help them up.

15091. This other man seems to have got up anyhow by himself?—Yes, he may have done so.

15092. And when he got up you said "Pass along" to him?—Yes.

15093. "We got them up and they started to renew the fight." How does that fit in with your account?—That may have been right.

15094. But was it right?—I saw Inspector McKay holding him, and he certainly was not quiet.

15095. But it takes two to make a fight?—No doubt he was anxious to get to the other one.

15096. What did the other man do. Inspector McKay says "They started to renew the fight." According to you the other man had escaped?—I do not think I said that.

15097. No, your account now is that this man got away?—That may be right. I could not deny it.

15098. Then there was no attempt to renew the fight?—Not that I saw. The only thing was this man was anxious, that is to say, he was not orderly in the Inspector's hands.

15099. He was not quiet in the Inspector's hands?—No, and possibly that is what Inspector McKay means—that he was anxious to get back to the man he had parted from.

15100. You did not see any attempt to renew the fight?—Not myself. He was not orderly.

15101. If you found two men fighting in the street, and they get up when you told them, and they both go away, should you arrest either of them?—No.

15102. You would not?—No.

15103. There does not seem very much reason then for the arrest of Maurer?—Only that I understand he would not go away when Inspector McKay told him. He was anxious to renew the fight. I should arrest then.

15104. Even if the other man is not there to fight with?—The other man must be there.

15105. I understood you to say the other man got away?—The other man did go away. I do not say at that particular point.

15106. You saw all this?—Yes.

(*Mr. Eldon Bankes.*) I should like to ask one question of the constable who took this man to the station.

P.-C. George Fleet, 134 C, sworn.

15107. (*Mr. Eldon Bankes.*) Were you on duty on this night in the neighbourhood of Greek Street?—I was.

15108. What was the first you saw of Maurer, or rather perhaps you had better begin a little earlier. Where were you on duty?—I was on duty round Greek Street and Soho Square and Charing Cross Road.

15109. Did you see anything of the crowd in Greek Street, or did you come up later?—I came up later. I was in Soho Square, and it was beyond closing time, and I was coming round towards Greek Street. As I came round I saw this crowd and Inspector McKay there. I rushed up to the crowd, and Inspector McKay gave me this man and said, "Take this man to the station and wait till I come." *P. C. G. Fleet.*

15110. Did you take the man to the station?—I took him to the station.

15111. Did he say anything to you on the way about having been improperly arrested, or anything of that kind?—No.

15112. Did he speak to you at all?—He muttered

P.-C. G. Fleet.

20 Nov. 1906.

something in a foreign language, but I could not understand it.

15113. When you got him to the police station did you take him into the charge-room?—Yes.

15113. What did he do?—He sat down by the side of the fireplace.

15115. Did you wait there some time before Inspector McKay came in?—Yes, some time.

15116. Did you remain there with him until the Inspector came in?—I did.

15117. When the Inspector came in what did you do?—I said "Your charge, Sir," and I walked out.

15118. At that time what was this man doing?—He was sitting down on the form.

15119. He has suggested to-day that the Inspector pushed him down roughly into a seat. Is there any foundation for that?—No.

15120. (*Earl Russell.*) A nice quiet young man you found him on the way to the station?—That is right.

15121. No trouble at all?—No trouble at all.

15122. Quite sober?—Quite sober.

15123. The only difficulty you had in understanding him was that he spoke in German?—I do not know whether it was German or Italian.

15124. Whatever his language was you could not understand it because it was something foreign?—Yes.

15125. You cannot really say what he was trying to say to you on the way to the station?—No.

15126. You did not manage to make it out?—No.

15127. You went out of the police station before he was actually charged, I understand?—Yes.

15128. As soon as ever Inspector McKay came in you said: "Here is the man I brought for you"?—"Your charge, sir."

15129. And then went out?—Yes.

15130. It might have been a minute or two before he was charged or more?—I could not say.

15131. You said nothing at all to him of what happened before he was arrested?—No.

15132. You came up after the whole thing was over, and you simply took him to the station for Inspector McKay?—Inspector McKay had got hold of the prisoner when I came up, and he said: "Take this man to the station, and wait till I come."

15133. You did not know what he was charged with or what he had been doing or anything about it?—No.

15134. You simply took him by Inspector McKay's orders to save him trouble, or because he had something else to do?—Yes.

15135. Did you try to talk to him at all on the way?—No.

15136. He gabbled to you something you could not understand?—Yes.

15137. And you did not attempt to make it out?—No.

15138. And when you got to the station he sat down quietly?—Yes.

15139. You did not try to talk to him then?—No.

15140. You kept an eye on him until Inspector McKay came?—Yes, I stayed by the door.

15141. (*Chairman.*) Where were you about two minutes before 12 on this Saturday night?—I was in Soho Square.

15142. Which way were you walking at that time? Greek Street way?—No, I was not walking that way, we work to the right, and when I got into Soho Square I thought I would go back again on account of closing time.

15143. Because the public-houses and restaurants close at 12?—I forgot they closed at 12 o'clock on Saturday night. I was thinking of half-past 12, and when I got round this corner I saw this crowd in Greek Street with Inspector McKay there.

15144. Had you been in Greek Street before?—Oh, yes, I had been there before.

15145. But that night. Since you were out on duty?—Yes.

15146. When had you last been in Greek Street before 12 o'clock on that night—half an hour, or three-quarters of an hour, or what?—I could not say.

15147. You could tell me within an hour?—About an hour I should think.

15148. Do not accept it from me because I suggested an hour. Surely it is not the first time that you have been upon this beat?—I do not do much duty round there.

15149. Had you been before in that week on the same beat?—I think I was transferred there that night.

15150. At any rate you had been in Greek Street that night before you came into it and took Maurer?—Yes.

15151. More than once?—Yes, more than once.

15152. Had you noticed anything special about the street on those occasions?—No, nothing special.

15153. When you got to the corner just at midnight, as you told us, which way did you turn?—I was working to the right.

15154. What could you see from there. Could you see any crowd?—No, not when I got into the Square.

15155. But when you got into Greek Street after having been in the square, I am talking about?—The second time round do you mean?

15156. You told me you had been in Soho Square and you went back into Greek Street because you recollected that the houses would be closing?—Just so.

15157. When you got into Greek Street what did you see there?—Nothing unusual.

15158. Seeing nothing unusual you walked along Greek Street until you met Inspector McKay, and then he gave you a man in charge?—No. I was coming from Old Compton Street; when I came through Old Compton Street I went up Greek Street, and worked to the right. I noticed nothing amiss when I came by. I got into Soho Square—

15159. We know all about that. When you came back into Greek Street from Soho Square you told me you saw nothing unusual?—I saw the crowd then.

15160. I asked you the question a moment ago. Do attend to me. You saw a crowd there?—Yes.

15161. How far was the crowd from you when you got into Greek Street?—About 150 yards I should think.

15162. Just the same distance it was from Inspector McKay when he came into Greek Street?—He was at the corner of Bateman Street, and I was at the corner of Soho Square.

15163. How far is that?—I do not know exactly; I should think it would be about 150 yards.

15164. Seeing the crowd, you went towards it?—Yes.

15165. Did you see two men on the ground, or anything of that kind?—No.

15166. How was the crowd behaving?—I did not take any notice. They were talking very excited.

15167. And you saw Inspector McKay then, I suppose?—Yes; he gave me the prisoner.

15168. And the prisoner went quietly?—Yes.

15169. That is all the light you can throw on the matter?—That is all.

15170. (*Mr. Dickinson.*) You took the prisoner to the station?—Yes.

15171. And you stayed with him in the station for some little time?—Yes.

15172. How long were you with him?—I could not say exactly, but I should think about ten minutes to a quarter of an hour.

15173. Did the prisoner go quietly with you?—Yes.

15174. You had no difficulty with him?—No, that is so.

15175. Was he at all excited?—He was saying something in some foreign language, but that I did not understand. He tried to speak to me, but I took no notice.

15176. When you got him to the station you could see him pretty well, of course?—Yes.

15177. What was his appearance like?—That I could not say. I did not take much notice of him.

15178. Was it the appearance of a man who had been rolling in the street?—I could not say.

15179. Did you notice any dirt on him at all?—I could not say.

15180. What was the condition of his hat?—I could not say that.

15181. As you noticed nothing, I presume there was nothing to notice?—I noticed nothing amiss with him. It is so long ago now.

(*Chairman.*) I have been thinking that myself for some time.

15182. (*Mr. Dickinson.*) Where was the crowd when Inspector McKay handed him over to you?—They appeared to me to be about the centre of the road.

15183. Was the Inspector in the crowd, or had he got out of it?—He was more at the side.

15184. He brought this man out?—Yes.

15185. At that moment was the prisoner excited?—I did not notice.

15186. Was the crowd in a very excited condition then?—They were talking very loudly amongst themselves.

15187. Did you hear any words used?—No.

15188. You did not know what sort of language was being used?—No.

15189. Did you see Inspector Manning?—No, I did not see him.

15190. How far had you to go along the street with prisoner before you got outside the crowd?—About three to five minutes' walk.

15191. And then when you were going away nothing attracted your attention to the crowd?—No, I was looking after the prisoner.

15192. You took the prisoner quietly away?—Yes.

(*Mr. Eldon Bankes.*) Those are all the witnesses I desire to call, sir.

(*Chairman.*) Then we will not go any further to-day. What case will you be ready with to-morrow, Earl Russell?

(*Earl Russell.*) George Wilson.

(*Mr. Eldon Bankes.*) Does the order in which these cases are taken depend on my learned friend's convenience?

(*Chairman.*) Not on his convenience, but on the convenience of the public.

(*Mr. Eldon Bankes.*) Does he select the cases, or do you?

(*Chairman.*) You are not entitled to ask us questions.

(*Mr. Eldon Bankes.*) I understood you were going to tell us which cases were to be taken. *P.C. G. Fleet.*

(*Earl Russell.*) I have not heard a word of it till this moment. I did not know what case was going to be taken to-morrow any more than my friend. 20 Nov. 1906.

(*Chairman.*) Documents have been sent to us in several cases by Earl Russell's clients, and we are informed that they are ready to go on and that their witnesses are here. It is the witnesses we are concerned with. Is George Wilson here now?

(*Earl Russell.*) No, I am told he is not.

(*Chairman.*) Is Treshadein here?

(*Earl Russell.*) No, none of the witnesses in any of the other cases are here to-day. I think we were given to understand that only Maurer's case would be taken.

(*Chairman.*) I was no party to that myself. I understand Treshadein has a complaint against the police. If he has, he must attend here to-morrow at eleven o'clock. The learned Commissioner who has just spoken to me (Mr. Rufus Isaacs) was not here this morning, and he naturally could not understand your observation to us, Mr. Bankes. It is for us to determine exactly as we like in what order we shall take the witnesses.

(*Mr. Eldon Bankes.*) That is all I was saying.

(*Chairman.*) You have no right to interpose at all.

(*Mr. Eldon Bankes.*) Except you asked Lord Russell which case he would take.

(*Chairman.*) When I said that I was dealing with a gentleman who represents Mr. Treshadein and certain other people who have made complaints to us against the police. That is all I meant by it, and it is perfectly obvious. If Treshadein is ready to go on with his complaint we will take him to-morrow at eleven o'clock, and the same observation will apply to Wilson, who has also made a complaint to us.

(*Earl Russell.*) Yes, I am told that Treshadein can be got here, but we had been given to understand that Wilson's case was to be ready.

(*Chairman.*) If Wilson will come here we will hear him to-morrow. We are sitting here to hear complaints against the police.

(*Mr. Eldon Bankes.*) Can anybody give us any information which will enable us to identify these cases?

(*Chairman.*) You will hear the evidence to-morrow, and have a full opportunity of answering it.

(*Earl Russell.*) I should not like it to be thought that I am in any better position than Mr. Bankes. I had no idea that Wilson's case was going to be taken to-morrow, and I have not got my papers here.

FIFTEENTH DAY.

Wednesday, 21st November, 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).
Rufus Daniel Isaacs, Esq., K.C., M.P.
Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-law).
Charles Algernon Whitmore, Esq. (Barrister-at-law).
J. W. St. Lawrance Leslie, Esq. (Barrister-at-Law) (*Secretary.*)

(*Chairman.*) We will now take the case of George Wilson.

(*Mr. Schultess-Young.*) Would you allow me, Sir, before the case of Wilson is taken, to refer for one moment to what transpired at the very close of the case of Andrews. I only refer to my learned friend Mr. Bankes putting in an exoneration of Police-Constable West. There was no opportunity for me to examine the exoneration given by the Chief Commissioner to P.C. West, who was reprimanded by Mr. Cluer, the Magistrate, on July 31st for attempting to mislead him; but it seems to me of very great importance to inquire whether Mr. Cluer had an opportunity of knowing what the excuse was which West made when the exoneration was given. I have communicated with Mr. Cluer, and I find he has had no communication whatever from the Commissioner, and knows nothing whatever about any excuse which West may have made as to his statement to Mr. Cluer which the Magistrate thought was an attempt to mislead him. It seems to me a most extraordinary thing that an 21 Nov. 1906.

21 Nov 1906

exoneration should take place by the Commissioner in regard to a matter peculiarly known to Mr. Cluer, unless Mr. Cluer was communicated with respecting it.

(*Chairman.*) What is your application?

(*Mr. Schultess-Young.*) Only that an opportunity should be given to me to look at the exoneration of the Commissioner, and that some explanation should be afforded of how the exoneration was arrived at. It is so very germane to the question of police discipline.

(*Chairman.*) Was any document handed in to us?

(*Mr. Schultess-Young.*) Yes, my learned friend handed in a long paper from the Commissioner which I did not inspect stating that the matter had been inquired into by the Commissioner.

(*Chairman.*) There was a document handed in to us, you say, but personally I do not remember it being handed in. Has the Secretary got it?

(*The Secretary.*) No, I have not seen it.

(*Mr. Eldon Bankes.*) I can recall your attention to it, I think. In the case of this particular police constable there was an inquiry by the Commissioner into the alleged complaint by the Magistrate.

(*Chairman.*) An inquiry into the conduct of the constable who had arrested Andrews?

(*Mr. Schultess-Young.*) The constable being named West.

(*Mr. Rufus Isaacs.*) That was not the name of the man who arrested Andrews. It was a purely collateral matter.

(*Mr. Schultess-Young.*) West was the constable who gave evidence with regard to Andrews.

(*Mr. Rufus Isaacs.*) West was cross-examined for the purpose of showing that when before Mr. Cluer he had made a statement which the Magistrate thought showed that he had tried to mislead him.

(*Mr. Schultess-Young.*) That is so.

(*Mr. Rufus Isaacs.*) You relied on that, and put some questions to West for the purpose of discrediting his testimony before us. In re-examination a document was put to West which, upon the hypothesis you are putting, rehabilitated West in the view of the Commissioner of Police upon this matter.

(*Mr. Schultess-Young.*) Yes.

(*Mr. Rufus Isaacs.*) That has no relation to the issue which we are trying.

(*Chairman.*) The learned Commissioner is quite right. I now recollect it, and it is entirely collateral, and very remote from the issue before us.

(*Mr. Schultess-Young.*) If you think so I will not pursue it. Under ordinary circumstances it would be remote and would be only collateral, but, as you know, this is a wide inquiry into not only the conduct of the police, but the means which are used to ascertain facts in a matter of this sort.

(*Chairman.*) What do you wish us to do? Do you want a copy of the document?

(*Mr. Schultess-Young.*) As the document is put in, I presume I should be entitled to see it. Had you refused the document as collateral merely, I should have nothing to say.

(*Chairman.*) As you had cross-examined West upon his conduct, we could hardly in re-examination refuse to receive a document which showed that his conduct had been inquired into by his superiors, and for all the judgment was worth he had been exonerated by his superiors.

(*Mr. Schultess-Young.*) That is true, but only because of your position here it struck me I should not be doing my duty if I did not call your attention to the fact that the Magistrate, who most peculiarly would know all the circumstances, had not his attention drawn to the exoneration of West, nor was any opportunity given to the Magistrate of knowing what the explanation was.

(*Chairman.*) I do not know that Mr. Cluer's attention should be drawn to it, or by whom it ought to be drawn.

(*Mr. Schultess-Young.*) I think I have called your attention to it sufficiently, and I will not pursue it.

(*Chairman.*) I dare say Mr. Cluer will give evidence before us. We will now take Wilson's case.

GEORGE WILSON, sworn.

G. Wilson.

15193. (*Mr. Schultess-Young.*) What is your name?—George Wilson.

15194. Where do you live?—271, Kensal Road, Westbourne Park.

15195. You are a labourer?—Yes.

15196. It is some time ago, but do you remember two years since in August having some difficulty with the police?—On the 3rd August, 1904.

15197. You remember well the circumstances?—I do.

15198. Will you please tell the learned Commissioners what you remember about them. I think you were in the "Jack of Newbury" public-house in the afternoon?—Yes, between 4 and 5 o'clock.

15199. What happened to you there?—I was in the Jack of Newbury between four and half-past four. I came out to go to the urinal, and I saw the constables having a few words with two other men, one of whom I knew.

15200. A man named Mallows?—Yes. I walked over to him and told him to hold up as I did not wish him to get into any trouble. With that the constable left him alone and came for me.

15201. Who was that constable?—Police-constable Worsley. He knocked me about on this arm that I was protecting my head with as well as I could, but I went down after I received one blow on the head. I heard afterwards that I had several blows on the head. I was unconscious. While on the ground the constable beat me about.

15202. (*Mr. Rufus Isaacs.*) I understood you to say that all you remember about it is that you got one blow on the head, but you were unconscious, and you have since heard that you got several blows?—Yes, from witnesses who were there.

15203. (*Mr. Schultess-Young.*) I think you were taken into custody?—Yes; they locked me up to screen themselves.

15204. You were bailed out that evening?—I was bailed out, and found it necessary to go to St. Mary's Hospital.

15205. You appeared before Mr. Plowden the next morning at Marylebone Police Court?—Yes.

15206. I think you were discharged?—The man who was with me got a month or 40s. My case was discharged.

15207. Did you afterwards want to have some claim against the constable for the damage done to you?—Ten days before that he had kicked me up the backside and said he would lay his f——g staff about my head.

15208. You afterwards wanted to take proceedings against the constable in the county court?—Yes.

15209. Did you have any difficulty in getting his address?—I did.

15210. Or his name?—Yes. I went to the Marylebone Police Court, but I could not get it there.

15211. Did you go to the station?—I went to the station and I could not get it there. I found it necessary to send to the Chief Commissioner of Police.

15212. Did you write to the Chief Commissioner?—Yes.

15213. Is this a copy of the letter you wrote on the 16th August, or caused to be written, because I think you cannot write yourself (*handing document to Witness*)?—Yes.

15214. This is the letter: "271, Kensal Road, Westbourne Park. To the Chief Commissioner of the Metropolitan Police.—Sir,—P.C. 300 X assaulted and very seriously injured me on the 3rd instant, and I am going to sue him for damages, etc., in the county court. For this purpose I applied at the police station and asked No. 43 X, who was in charge, for the full name and address of P.C. 300 X, which he declined to give me. Will you therefore be good

enough to furnish me with it so that I may take out a summons, and oblige, yours truly, George Wilson." You did not get any reply but a bare acknowledgment until the 27th August?—I did not get anything till I got it from the Chief Commissioner of Police.

15215. That is dated the 27th August, but it does not give the address?—No. He furnished me with the name of Worsley, directing me to deliver a letter to Carlton Bridge, and they would see that the man had it.

15216. You afterwards did take proceedings against the constable?—Yes.

15217. The case was adjourned from time to time for the convenience of the Court until the 9th December, 1904, when it came before Judge Stonor at the Marylebone County Court?—Yes.

15218. I think Detective-Sergeant Barrell was there?—Yes. He went to one of my witnesses, who is now dead.

15219. He read a long list of convictions against you. Were they true?—They tried to fetch them up against me.

15220. This is a very important point for the learned Commissioners to consider, because we know now that they were not true. A number of convictions were read against you. Did they refer to you at all?—Yes, they did.

15221. All of them?—None of them.

15222. Do listen to what I am asking you, and do not contradict yourself?—I have been locked up for several offences, but I have always had a fine.

15223. (*Chairman.*) Did you hear a Detective-sergeant read a list of convictions before the Judge against you?—Yes.

15224. Convictions against a man named Wilson?—I am George Wilson.

15225. (*Mr. Schultess-Young.*) They were intended to refer to you?—Yes.

15226. (*Chairman.*) Did those convictions refer to you at all?—No. He fetched one case up against me 20 odd years ago, and I never did a day's imprisonment in my life.

15227. But the list of convictions read out was a list of convictions against George Wilson?—Yes, but it might have been some other George Wilson—not me.

15228. You say it was another George Wilson?—It was not me.

15229. (*Mr. Rufus Isaacs.*) Twelve convictions and long terms of imprisonment?—I do not know. I have never done them, so it must be somebody else.

15230. The Wilson who was not you who had been convicted several times had been sentenced to several terms of imprisonment?—It was not me.

15231. But the other one had?—I do not know who he was.

15232. But the one he read out had?—It must be so. It was not me.

15233. (*Chairman.*) Then this matter was dealt with before his Honour Judge Stonor. Was it heard before him alone or heard before him and a jury?—It was tried before Judge Stonor alone.

(*Chairman.*) What was the verdict?

(*Mr. Schultess-Young.*) £20 and costs on the higher scale.

(*Chairman.*) Judgment for the plaintiff for £20.

(*Mr. Schultess-Young.*) I have here the office copy of the judgment.

(*Mr. Rufus Isaacs.*) Will it do more than tell us that?

(*Mr. Schultess-Young.*) I think it will.

(*Chairman.*) You do not mean the judgment as recorded, but the observations made by the learned Judge when he gave his decision?

(*Mr. Schultess-Young.*) Yes.

(*Chairman.*) Have you a shorthand note of the judgment?

(*Mr. Schultess-Young.*) This comes from the Court itself.

(*Mr. Rufus Isaacs.*) The Judge's notes of his judgment?

(*Mr. Schultess-Young.*) Yes.

(*Mr. Rufus Isaacs.*) Did he give a written judgment?

(*Mr. Schultess-Young.*) Yes.

15234. (*Chairman.*) The learned Judge gave a written judgment awarding the £20 damages?—Yes.

(*Mr. Schultess-Young.*) One of the most important witnesses—Mrs. Schull—is dead. I do not know whether I can ask the witness anything that Mrs. Schull said to him.

(*Chairman.*) I do not know that we want to go into details at present.

(*Mr. Schultess-Young.*) It is unfortunate that Mrs. Schull is dead. Mrs. Schull was a witness and a very respectable woman, as the learned Judge says in his judgment.

(*Chairman.*) Have you the shorthand notes of the evidence?

(*Mr. Schultess-Young.*) No, I have not.

(*Chairman.*) Do you think you could get the Judge's notes?

(*Mr. Schultess-Young.*) I will inquire of the solicitor.

(*Chairman.*) The learned Judge appears to have reserved his judgment and delivered a written judgment. I apprehend, therefore, that he took a pretty full note of the evidence.

(*Mr. Schultess-Young.*) I do not think Judge Stonor took very full notes.

(*Mr. Rufus Isaacs.*) He must have taken a very full note, as appears from the judgment you have produced.

(*Chairman.*) If the learned Judge reserved his judgment we may take it he took a pretty full note of the evidence.

(*Mr. Schultess-Young.*) Very well, Sir. I have Mrs. Schull's signed statement, if that would be of any assistance to the Commissioners.

15235. (*Chairman.*) Did she give evidence at the County Court?—Yes.

(*Chairman.*) Have you got the notes of her evidence? That would be quite sufficient for us, probably.

(*Mr. Schultess Young.*) There was something which Mrs. Schull said which did not very much bear on the question of damages with regard to Wilson, but would very much bear on the question you are now inquiring into as to the conduct of the police. I have in my mind her statement that an Inspector visited her, whom she identified in court, and endeavoured to persuade her not to give evidence on the ground that this man Wilson was a disreputable man.

15236. (*Chairman.*) We must have strict evidence on a point of that kind. When I say strict evidence, I mean we must have direct evidence. You must call somebody before us who heard the statement or observed the conduct of the Inspector. (*To the Witness.*) You do not know what became of P.C. Worsley at all? Is he still in your neighbourhood?—The last time that I heard of him (I have never seen the man since) was that he was at Kilburn, shifted from this place, Westbourne Park. That is all I know.

15237. The last time you heard of Worsley he was at Kilburn?—High Road, Kilburn. I was told that. I never saw the man.

15238. Then he had been shifted from your division?—Yes.

15239. You have not seen him since the County Court proceedings?—No.

15240. Have you obtained your damages?—Yes.

(*Mr. Rufus Isaacs.*) It appears from the Judge's judgment that Mr. Rose Innes appeared, instructed by the Commissioner of Police, to defend in the case, so that no doubt the amount was paid.

(*Mr. Schultess-Young.*) It was paid on the 23rd February, 1905.

(*Chairman.*) Do you wish to ask any questions, Mr. Bankes?

(*Mr. Eldon Bankes.*) I am not prepared now. There are one or two questions I think I should like to ask him.

G. Wilson
21 Nov. 1906.

(*Chairman.*) Do you think that Worsley would like to appear before us?

(*Mr. Eldon Bankes.*) I have not really any information about the matter at present.

(*Chairman.*) Have you asked your client, Mr. Young, for the notes of the evidence taken by the learned Judge?

(*Mr. Schultess-Young.*) My client has not yet arrived, Sir.

(*Chairman.*) I think it might assist Mr. Bankes if this judgment is read.

(*Mr. Rufus Isaacs.*) I think what you are asking for with regard to the evidence appears in the judgment. Substantially all the evidence appears.

(*Chairman.*) The judgment had better be read.

(*Mr. Schultess Young.*) His Honor Judge Stonor says this: "In this case the plaintiff, a labourer, sues the defendant, a police-constable, for £25 as damages in respect of what had better be considered as two separate assaults, both which the plaintiff alleges were wholly unprovoked and unjustifiable, and in any case were excessive, cruel, and even dangerous to life. The counsel for the defendant, Mr. Rose Innes, informed the court that the action was defended by the Police Commissioners, and that they awaited the result of the trial before taking action in the matter, and it clearly demands more particular attention on my part and also a fuller statement of the grounds of my decision than the ordinary actions of assault which at times come before this court. The parties are agreed that the first of the alleged assaults was, in fact, committed by the defendant by his striking the plaintiff on the arm and on the head with his truncheon, and knocking him down on the ground, but the defendant alleges that this assault was provoked and justified by very threatening language and violence used by the plaintiff and others in concert with him and by an assault by the plaintiff in making a running kick at the defendant and injuring his leg. With regard to the second assault the plaintiff alleges that whilst he was down on the ground and helpless the defendant further inflicted on him several violent blows, which the defendant wholly denies. The parties agree that the plaintiff was rendered unconscious for about half an hour whilst another police-constable named Waylett, who was in charge of another man in custody, went with him to the station, some 500 or 600 yards away, and returned with an ambulance. The first question to be decided in this case is therefore whether the assault by the defendant on the plaintiff, which is admitted, was provoked and justified by the plaintiff's conduct as contended by the defendant, and if so, whether it was excessive? And the second question is whether the subsequent further alleged assault on the plaintiff whilst he was on the ground was committed by the defendant. At the trial the plaintiff deposed that on the 3rd August last he was outside a public-house called the 'Jack of Newbury,' in the Kensal Road, and saw the defendant with the other police-constable named Waylett taking into custody a man named Mallows, who was struggling on the ground, and that he walked up to them and said to Mallows, 'Hold up, Mallows,' meaning by that 'Go quietly,' and that the defendant thereupon left Mallows and came to him and hit him with his truncheon, knocking him down; that the defendant afterwards hit him as he lay on the ground several times with his truncheon, and that the next thing he remembered was being helped to the police-station, where his wounds were attended to and he was liberated on bail, and went to St. Mary's Hospital, and that the next day he appeared at the Marylebone Police Court and was discharged. The plaintiff positively denied using any threatening, violent, or improper language, or saying anything except 'Hold up, Mallows,' meaning 'Go quietly,' and that he never made a running kick at the defendant or otherwise assaulted him. Mrs. Emily Schull, a laundress, living in Kensal Road, corroborated the plaintiff's evidence as to both assaults. She deposed that she saw the defendant strike the plaintiff with his truncheon on the arm and on the head, knocking him down, and afterwards struck him three or four times when he was on the ground, and that she halloed, and he stopped, or she thinks he would have killed him; she first saw the defendant strike him from her window on the first floor; there was no crowd then, but afterwards she went out and expostulated with the defendant, and there was a crowd of thirty or forty people then; the crowd was not very angry, and there was no interference with the police. Emily Hicks, a young girl, niece of the last witness, corroborated her evidence as to both assaults. Charles Hopkins, a bootmaker in Kensal Road, also corroborated the evidence as to the second assault; when the plaintiff was on the ground, he added that he suggested to the defendant that the plaintiff should have some water, and the defendant said "Let his pals get it for him," and then a touching incident occurred; a woman came out from the crowd and gave her apron to the police-constable to staunch the blood which was flowing from his head, and when the plaintiff was taken to the station the apron was round his head. Charles William Capp, a labourer, also corroborated the evidence of the foregoing witnesses as to the second assault. He deposed that he saw the police-constable pushing the plaintiff, who fell down, and belabouring him with his truncheon as he lay on the ground. He said there was no crowd to speak of, but that the women were screaming out of the windows. The witness went on to the station, and when he came back he found the constable shuddering with cold or fear, as if he were afraid he had killed the plaintiff, a circumstance which was confirmed in part by George Bond, a police-constable, a witness subsequently called on behalf of the defendant. James Cooper, a greengrocer, living at 252, Kensal Road, about forty or fifty yards from the "Jack of Newbury," deposed that he saw the plaintiff fall on the ground, but did not know whether he slipped or was knocked down; and that he saw the policeman kneel over him and deliver him three distinct blows when he was on the ground, and that the crowd appeared afterwards whilst the plaintiff was on the ground. Dr. Arthur Bradley (who had been called immediately after the opening) deposed that he attended the plaintiff at the hospital, and that he had a cut and bruising on the left arm and sprains at the elbow, and at the back of his head he had a scalp wound about 1½ inches in length, and there was a great deal of bleeding. The plaintiff was treated at the hospital for three months. The defendant's case was as follows:—The defendant, who was first examined, gave his evidence in a somewhat confused and excited manner, and he appeared to me to be of a nervous and excitable temperament. I had considerable difficulty in following his evidence, and I do not think he had a clear recollection of the matter. He deposed that on the day in question he was called to the "Jack of Newbury," which was in a very rough neighbourhood, and found about half a dozen men there, outside, drunk and violent, and using bad language. He took one of them, a man named Mallows, into custody, and whilst struggling with him the plaintiff came up and rushed at him with a running kick, shouting, "Let's —well out him"; then another constable, P.C. Waylett, came up and took Mallows, and the defendant went to take the plaintiff, who was very violent. There were about a dozen persons then present, and his comrades rushed, and struck, and kicked at the defendant, who pulled out his truncheon, but avoided hitting him plaintiff once or twice, and then the plaintiff rushed at the defendant, and the defendant struck the plaintiff on the arm, and he rushed at him again, and the defendant struck him on the head, and the plaintiff fell on the ground. Police-constable Waylett was present at the time. The crowd was very hostile. The plaintiff was drunk, but not helpless. Waylett took Mallows off to the station, and the defendant remained with the plaintiff until they brought the ambulance. The defendant did not show his leg at the station or at the Police Court. Mr. Plowden said "it was not wanted." He said that the plaintiff had been severely punished, and he discharged him. He did not say that the defendant ought not to have used his truncheon. The defendant did not whistle, because it was not necessary. Mr. Oakway (a witness subsequently called) came up, and the roughs thought he was an officer in plain clothes, and went off. There was no woman there, and no woman spoke to him. The defendant was on point-duty near the "Jack of Newbury." The defendant had been in the police force five years. Alfred Waylett, a police-constable, corroborated the defendant's evidence in some particulars, but not in others. He deposed that he was on duty in Kensal Road, and saw the defendant struggling with Mallows, and went to his assistance; and as the defendant and the witness were about to start with Mallows, the plaintiff rushed across and

made a running kick at the defendant, saying, "Let's ——well out him"; upon which the defendant released his hold on Mallows in custody. There were about a dozen persons present. The witness came back to take the plaintiff, and found the plaintiff on the ground. The crowd was very angry, and they shouted 'Out with the police,' but they confined themselves to shouting. The witness did not blow his whistle, as he did not think there was danger. He had all his work with Mallows and did not see the defendant strike the plaintiff. John Oakway, who described himself as an insurance agent, was the next witness called on behalf of the defendant. He deposed that on the afternoon in question he was walking along Kensal Road, and saw five or six people outside the Jack of Newbury. He saw the defendant use his truncheon on the plaintiff, who made a running kick at him. The constable used the truncheon on the plaintiff's head; there were 40 or 50 people there; when the kick was made he went to the constable's assistance; the witness did not give evidence at the police court; he had volunteered his evidence when he met the defendant, three weeks afterwards. The witness saw the truncheon used twice. It was after the man was on the ground. He did not see anything to justify the constable using it then. George Bond, police-constable, who was acting as sergeant at the station, deposed that in consequence of what Waylett said to him when he brought Mallows to the station he hastened to the Jack of Newbury. There was a large crowd there shouting 'Let's ——— out him'; that means 'Let us kill him.' The plaintiff was on the ground; the defendant said he had been kicked, and showed witness a mark on the leg of his trousers. There were 50 or 100 in the crowd when he came up. The defendant was there alone, trembling like a leaf. Henry Dellow, a police sergeant, deposed that he was present at the police court. The Magistrate said that Wilson had been severely punished, and that the punishment had been equivalent to any he would have given him. The Magistrate also commented on the use of the truncheon, but did not say the constable ought not to have used it. If the witness's man was on the ground, and he was confronted by a threatening crowd, he should certainly blow his whistle. William Burrill, a police detective sergeant, produced seven convictions between the years 1882 and 1898 against the plaintiff for drunkenness and assaults, and one being for an assault on the police. I have now gone through the material evidence in this painful case as I thought necessary, and have considered it with the greatest care, and I have come to the following conclusions as to the two questions which it is necessary to decide. First, as to that which I have regarded and referred to throughout as the first alleged assault against the defendant in striking him on the arm and head. I find that there was in all probability provocation by word and deed on the part of the plaintiff and others which occasioned and so far justified the defendant in using his truncheon in his defence. The evidence of the plaintiff himself that he had recently been in altercation with the defendant and threatened by him with the use of the truncheon furnishes a reason for such an act on his part, and the strong personal animosity to the defendant which he evidently has and showed at the trial, and the presence of other men idling and drinking during Bank Holiday week, provided sympathisers and allies in a conflict with the police which I believe the plaintiff threatened and engaged. I do not believe, however, that he inflicted any serious personal injury on the defendant. If that had been the case the defendant would in all human probability not only have shown his leg at the police station or the police court, and indeed would have been temporarily lamed, and I therefore find that the first assault was to some extent justifiable, but at the same time I find that it was excessive in the infliction of a blow on the plaintiff's head. The evidence of Mrs. Schull and her niece (in which both gave their evidence very creditably) militates no doubt against the conclusion to which I have come as to the plaintiff having been violent in word and action, but very probably after the sight of the assault they have no very clear recollection of the circumstances which preceded it, and which they may not have seen or given attention to. With regard to the second question in this case—viz., whether the subsequent assault was committed by the defendant on the plaintiff in beating him whilst he was on the ground, I find that it was so committed without any justification, which has been clearly proved by the plaintiff and his witnesses, and even by one of the defendant's own witnesses, and has been contradicted only by the defendant's wholly unsupported evidence. On that point I find for the plaintiff, with £20 damages. Costs on B scale."

G. Wilson.
21 Nov. 1906.

15241. (*Mr. Dickinson.*) I notice in the judgment that it is stated that Sergeant Burrill produced a list of convictions. Do you remember his producing that list of convictions before the County Court Judge?—He brought up three or four against me, I think.

15242. Did you at that time say that they were untrue?—I told him that I owned to two of them, but they were not serious things. I got fined.

15243. You owned to two of them?—Yes.

15244. That is to say, two that were read out?—Yes.

15245. But the rest of them you say were not true?—Yes.

(*Mr. Dickinson.*) Is that list available?

(*Mr. Schultess-Young.*) It ought to be. I have seen it, and there were some rather curious discrepancies in the list. They were not all in the name of George Wilson, and there were some in the name of F. Wilson.

(*Witness.*) Yes, that was the F. Wilson that they referred to.

(*Mr. Schultess-Young.*) They are all attributed to George Wilson.

(*Mr. Dickinson.*) Cannot we have that list?

(*Mr. Eldon Bankes.*) It shall be obtained if we have it. I do not want to put this man to the trouble of coming here again, and it does not occur to me at this moment that there are more than two quesions that I should like to put to him.

(*Chairman.*) Then will you put your questions now?

15246. (*Mr. Eldon Bankes.*) The only questions I want to ask are these. I have heard it read, and I have now got a copy of the judgment of the County Court Judge, and I see the Judge states there with reference to the point that the learned Commissioner made that: "Burrill, a police detective-sergeant, produced seven convictions between the years 1882 and 1898 against the plaintiff for drunkenness and assaults, and one being for an assault on the police." What I want to understand is this. Do you dispute that you were convicted at all, or are you disputing that you were sent to prison. Have you been fined?—Yes.

15247. How many times have you been fined?—I might say a dozen.

15248. (*Chairman.*) A dozen times?—Yes.

15249. (*Mr. Eldon Bankes.*) When you said just now that you disputed the convictions, you meant that you had never been sent to prison?—I have never been to prison.

15250. (*Chairman.*) For what were you fined?—For being drunk.

15251. And for disorderly conduct?—They always put that down whether you are disorderly or not. They always put that in the charge sheet.

15252. (*Mr. Rufus Isaacs.*) Does it mean that in all the cases you are speaking of when you say you have been fined a dozen times it was always for being drunk and disorderly?—Yes. I went very quietly and caused them no trouble.

15253. You say you were convicted, but you were fined?—Yes.

15254. Have you ever been charged with an assault upon the police?—Yes, once, and I got fined for that.

15255. (*Mr. Schultess-Young.*) How long ago was that?—1882, I think.

(*Mr. Eldon Bankes.*) I did not understand the form in which the question was put to the witness, but, however, we have cleared it up now. There have been as many as twelve occasions on which he has been fined.

(*Chairman.*) He told me there was no conviction.

(*Mr. Eldon Bankes.*) Yes, but I think it was put to him in the form of a leading question.

(*Chairman.*) I certainly gathered from the examination-in-Chief that the list of convictions was a list of convictions against another Wilson.

(*Mr. Eldon Bankes.*) From something that this man dropped I thought that might be the explanation.

(*Mr. Schultess Young.*) The convictions were more serious convictions than being fined for drunkenness, and when the list is produced you will see that.

(*Mr. Rufus Isaacs.*) That is what I gathered, and that is what one wants to see. I gathered from something that has been said that the convictions were for offences for which terms of imprisonment have been inflicted.

(*Mr. Eldon Bankes.*) Now we have got the evidence, and the evidence is: "William Burrill, a police detective-sergeant, produced seven convictions between the years 1882 and 1898 against the plaintiff for drunkenness and assaults, and one being for a assault on the police." That is the evidence.

(*Chairman.*) That is Judge Stonor's finding.

15256. (*Mr. Eldon Bankes.*) Yes. Now there is one other thing. It is the fact, is it not, when you came out of the public-house there was a considerable number of people congregated together outside?—No. There were two constables and two men, one of whom I knew —Mallows. I did not know the other one. In fact, he went away wonderfully quick.

15257. Before the constable struck you had a number of people come up?—No.

15258. I think I caught in the evidence that one of your witnesses said there were 100 people, and another said 40 people, and the constable, 12 people. You do not think so?—I am sure not—not while I was up, before I was knocked down.

15259. Did you authorise the publication of that pamphlet "The Police and the Public. The Marylebone case." (*Handing pamphlet to the Witness.*) Have you ever seen it? Did you tell anybody they might publish a pamphlet about you?—No.

15260. (*Chairman.*) Is that what you say: "I never told anybody they might publish a pamphlet about me" ?—No.

15261. You never told anybody that they might publish something about you?—No, not to my recollection.

15262. (*Mr. Eldon Bankes.*) That purports to be published by the Police and Vigilance Society, the chairman of which is Earl Russell, the treasurer is Mr. W. Lloyd, and the hon. secretary (*pro tem.*) is Mr. J. Timewell. I shall ask you, Sir, to look not only at the picture outside, but I shall have to call your attention to the other parts of it, and it is the first time I have had the opportunity of doing so. (*To the Witness.*) Did the picture represent you lying on the ground being belaboured by a policeman with nobody else there at all? That is quite incorrect, is it not, because, at any rate, there were some men there?—There were the two constables and the two men.

15263. (*Chairman.*) Did you come to before you found yourself at the police station?—I found myself about 300 yards away from where I was knocked down. They were taking me along, and a conveyance was coming down, and I said, "I do not require that; I can walk." I was not drunk.

15264. That was 300 yards from where you had been knocked down?—Yes, I was as sober as a judge. I had to go to work the next morning.

15265. When you came to was there a crowd round you?—Oh, yes.

15266. (*Mr. Eldon Bankes.*) Has anybody asked you to come here to give your evidence before the Commissioners to-day?—I have had a note to certify that I should come up here.

15267. Have you got the note with you?—Yes.

15268. Just let me look at it.

(*Chairman.*) Do you mean the summons that we issued?

(*Mr. Eldon Bankes.*) I do not know what it was.

(*Witness.*) When was this one supposed to be forwarded to me?

15269. (*Mr. Eldon Bankes.*) I do not know. I am asking you?—Here is one. (*Producing document.*)

15270. (*Mr. Schultess Young.*) If you have more than one will you produce it?—*That* is the one that came last night.

15271. (*Mr. Eldon Bankes.*) Did you have one before? —*This* one came last Saturday evening, but I did not know till I got home on Monday night that it was there.

15272. Here are two documents. The first one I should like to read. The second one is a summons signed by the Commissioners telling you to come here. The first one is this: "11, Lincoln's Inn Fields, London, W.C., 17th November, 1906.—Dear Sir,—The conduct of the police in your case respecting which you gave evidence before Judge Stonor at the Marylebone County Court comes before the Police Commission on Wednesday next, when you will be required to repeat your evidence. Please, therefore, be in attendance at the Police Commission, Guildhall, opposite Westminster Abbey, on Wednesday next at 10.30. You will be paid for your expenses and loss of time by the Commission. I enclose a postcard, which kindly send back by return telling me that this has reached you, and that you will be there, in order to avoid the necessity of a subpœna.—Yours faithfully, T. Nicholson." Is that the first you heard about the matter?—That is the first.

15273. So that until somebody wrote to you this letter you had heard nothing about the Commission and nothing about you giving your evidence?—No.

15274. (*Chairman*). Mr. Nicholson is the solicitor, I understand, who instructs you, Mr. Schultess-Young?

(*Mr. Schultess-Young.*) That is so.

15275. (*Mr. Rufus Isaacs.*) I should like you to explain to me what happened with regard to this list of convictions so far as you recollect. A policeman read out a list of seven convictions. Do you remember that in the trial before Judge Stonor?—He read out several to me, but I do not know how many there were. He condemned me as being a prisoner, and put me down as if I had been in prison.

15276. That is what I want you to tell us. Do you mean he read out the terms of imprisonment?—Yes; he distinctly said one was without a fine, and if it was without a fine I should have to go to prison, would not I? If I was not fined I should have to go to prison, but I have been fined and I have never been to prison.

15277. It did not refer to you because you never have been in prison?—No.

15278. You have been fined, and you have paid the fine?—I have.

15279. I caught something from what you said at the start about this same policeman. There had evidently been some feeling between you and this policeman before?—10 days before.

15280. Was that the first time you knew him—10 days before?—It was the first time that ever I saw the man.

15281. Apparently he threatened you then with his truncheon?—He kicked me up the backside and said he would lay his f——g staff about my head.

15282. What did he kick you for?—I was going home drunk all right, and he wanted a job, I should think. I had had enough or all I wanted for that day, anyhow. It was a quiet turning, and I daresay he thought to himself he would give me one. That is about how I weighed it up.

15283. He did not know you?—No; I never saw the man before.

15284. What did he do? Did he give you a kick?— He kicked me up the backside and then he said, "I will lay this f——g truncheon about you."

15285. I suppose when he kicked you you squared up to him, did you not?—I like to fight shy of all them blokes when sober, and when drunk as well.

15286. Before he threatened you with his truncheon he did kick you?—No doubt I turned round and said to him, "Do not do that again."

15287. And then he said he would use his truncheon? —Yes.

15288. That was 10 days before?—I never saw him before these 10 days. I did not know he was the man then till I went up to this man Mallows, who I knew, to ask him to leave off and go away instead of getting into trouble. With that he left them and came to me. No doubt the man thought I was coming for him.

15289. He thought you were going to attack him?— No doubt. That is the only thing I can put it at. They never had hold of one another. They were only having a kind of argument, which looked like coming to something.

15290. Mallows and the constable?—Mallows and this other man and the two constables.

C. Wilson.

21 Nov. 1906.

15291. They had not got hold of them?—No. I had hardly got the words out of my mouth before he got his truncheon out. Down I went, and that is all I can recollect—one on the head.

15292. (*Mr. Dickinson.*) Where did he hit you on the head?—*Here (pointing at the back of the left ear).*

15293. (*Mr. Rufus Isaacs.*) Is that the scar that we can see now?—Yes. My ears were all black and blue.

15294. (*Mr. Schultess-Young.*) Although you may not have given any consent to publish the pamphlet which has been put into your hands, as a matter of fact, you actually sold these pamphlets, did you not, when you were ill and out of work?—I tried to sell them, but I got stopped at doing that.

15295. Who stopped you?—The police.

15296. You say you tried to sell these pamphlets which my learned friend, Mr. Eldon Bankes, put into your hands, but you were stopped from selling them by the police?—Yes.

(*Mr. Rufus Isaacs.*) You do not wonder at that, do you?

15297. (*Mr. Schultess-Young.*) No. That was before you had the £20 paid you?—Yes.

15298. You did eventually have the whole of it?—I have the papers in my pocket now.

(*Mr. Schultess-Young.*) If it will assist the Commission, I can say that at the time these convictions were put in at the county court there was immediately a frenzied dispute about them. They were entirely denied with the exception of two insignificant ones.

(*Chairman.*) Were you counsel for the plaintiff on that occasion?

(*Mr. Schultess-Young.*) Yes.

(*Mr. Rufus Isaacs.*) We must get that from the list of convictions because it does not appear from the Judge's note that any such question arose. The Judge's note has it simply that there were these seven convictions for drunkenness and assaults, and one for an assault on the police.

(*Chairman.*) It is quite evident that Judge Stonor, even if there had been convictions and terms of imprisonment alleged against Wilson, did not believe he was the man who was convicted.

(*Mr. Schultess-Young.*) I do not think the Judge held an opinion one way or another. When it was denied he brushed it aside, giving his judgment just as though it was a case of great consequence on one side or the other side. He says nothing in his judgment about the convictions being denied, but he did not attach any importance to them as regards his judgment, though it may be of importance now.

(*Mr. Rufus Isaacs.*) I think it is very likely that what the learned Judge did was only to deal with the seven convictions which were admitted.

(*Mr. Eldon Bankes.*) The best way will be to get the list.

(*Mr. Schultess-Young.*) He did not deal with them in that sense at all. He practically says, "Whether he was convicted or not he has been assaulted now, and I want to deal with the question of assault."

(*Chairman.*) But he did refer to the drunk and disorderly conduct of the plaintiff on some occasions. That may be relevant to show the character of the man.

(*Mr. Schultess-Young.*) That may be, certainly, but there was only one in 1882 which was supposed to be an assault against the police.

(*Chairman.*) Do you want to have the witness back on some future occasion, Mr. Bankes?

(*Mr. Eldon Bankes.*) Not that I know of at present, Sir.

(*Chairman.*) You can call any witnesses you like about the matter, and we will not ask Wilson to come here again unless you want him.

EMILY HICKS, sworn.

E. Hicks.

15299. (*Mr. Schultess-Young.*) I think you live at 4, South End, Kensington Square?—Yes.

15300. Two years ago were you living with your aunt, Mrs. Schull?—Yes.

15301. She has since died?—Yes.

15302. You were staying then with her at 1, East Row, Kensal Road?—Yes.

15303. That is next door to a public-house called "The Jack of Newbury"?—Yes.

15304. Will you tell these gentlemen what you remember telling the Judge at the County Court two years ago. I do not think anybody has spoken to you about it since?—No. On the 3rd August I was staying with my auntie for a few days, and she came home to tea and asked me to go on an errand. As I went out of the street door I saw two policemen with a man, a prisoner, and there was one policeman on each side of him holding his arms. He was going quietly when I saw him, and as I was going round the corner I saw one of the policemen, P.C. Worsley, let go of the prisoner's arm and come over to Mr. Wilson and draw his truncheon and knock him down. When he was on the ground he hit him several times. It must have been five or six times.

15305. I think you went on your errand then?—Yes.

15306. Did you see anything on your way back?—On my way back I saw the policeman trying to lift Wilson, but he could not do so, he fell down again. I did not stop to see anything more.

15307. Was there anything of a crowd when the constable struck Wilson?—No, there were not many there, but when he was on the ground the crowd gathered up.

(*Chairman.*) Do you wish to ask this witness any question, Mr. Bankes? She has given her story very fairly.

(*Mr. Eldon Bankes.*) No, Sir.

(*Chairman.*) I do not think the Commissioners wish to ask you anything.

CHARLES HARRY CAPP, sworn.

H. Capp.

15308. (*Mr. Schultess-Young.*) Is your name Charles Harry Capp?—Yes.

15309. Were you residing at 110, Southam Street, North Kensington, at the time of this incident?—Yes.

15310. Do you reside there now?—Yes.

15311. Will you tell the Commissioners what occurred two years ago, on the 3rd August, 1904, with regard to Wilson?—I was standing outside the "Great Western public-house, about 40 or 50 yards, I should think, off East Row, lower than the "Jack of Newbury," and my attention was drawn to a policeman and a man, who turned out to be Mr. Wilson, struggling in the road. The constable was pushing him, and he eventually fell down. When the man was on the ground the constable drew his truncheon and struck Wilson. Wilson put up his arm and called out "Oh!" twice, and then he dropped it at his side, and the constable continued for about four blows to strike him. I came to the conclusion that after Wilson halloaed out "Oh!" twice he became insensible. The constable, after he had finished belabouring him, picked him up, and with the assistance of a man, who turned out to be Harry Page, dragged him outside the "Jack of Newbury," and Harry Page got a woman's apron, and it was torn up and made bandages of for his head. He was bleeding profusely. After that another constable came on the scene, who turned out to be the constable who had taken the man named Mallows in custody, but I never saw that part of the affair. I offered to send for a doctor and pay for a doctor myself, but I was told to mind my own business. I never heard any whistle blown. The man was eventually dragged along the ground towards the police-station. I did not think it was right for him to be taken away in that condition, and as I had served a

C. H. Capp.
21 Nov. 1906.

course of instruction in the St. John Ambulance, I told them they ought to send for an ambulance and carry him along, but I was told to mind my own business, and they went away. I did not follow them up to the station, but several people did, who collected after the man had come to his senses and during the time he was insensible.

15312. (*Chairman.*) Who told you to mind your own business?—The constable who had taken Mallows and come back.

15313. (*Mr. Schultess-Young.*) The ambulance was actually brought?—I never saw it.

15314. (*Chairman.*) How far is it from the place where you saw Wilson on the ground to the police station?—I could not say exactly, but I should think it was about 500 or 600 yards. Quite that.

15315. Did you know Wilson before, personally?—Not personally. I had just a passing acquaintance with him. I had known him as "George." We always exchanged compliments when we met one another. We did then, and we do now.

15316. (*Mr. Rufus Isaacs.*) Did you see him taken all the way to the station?—No.

15317. I thought it was the fact that he was taken on an ambulance.

(*Mr. Schultess-Young.*) I thought so.

(*Mr. Rufus Isaacs.*) Apparently this witness did not see.

(*Mr. Eldon Bankes.*) I understood Wilson to say he met the ambulance, and he said he was all right and could walk.

(*George Wilson.*) That is right.

(*Chairman.*) He said, "I am not drunk, and I can walk."

(*Mr. Schultess-Young.*) I do not know what the Judge has in his notes about that. My impression was that this witness said at the time that he was put upon the ambulance.

(*Mr. Rufus Isaacs.*) There is no point in it apparently.

15318. (*Mr. Schultess-Young.*) No. Did you notice the condition of P.C. Worsley?—Yes; he was shaking and trembling, and I drew the attention of the people to it, and I said, "The police-constable thinks he has killed him," and so did I. He was in a terrible condition.

15319. (*Chairman.*) Did you see Mallows in the custody of two policemen, as Miss Hicks said?—No, I was round the corner. I only had a view that way towards the right. The "Jack of Newbury" would obstruct my view of that.

(*Chairman.*) Have you any question to ask, Mr. Bankes?

(*Mr. Eldon Bankes.*) No, Sir.

15320. (*Mr. Dickinson.*) The first you saw was the constable and the man struggling, both standing up?—Both standing up, and the constable pushing him.

15321. The next thing you saw was Wilson fall down?—Yes.

15322. When that was happening was anybody at all near them?—No, I was the nearest, I think.

15323. You were 50 yards away?—About 50. The "Jack of Newbury" public-house is in the centre of East Row, and I should think it is quite 100 yards down.

CHARLES HOPKINS, sworn.

C. Hopkins.

15324. (*Mr. Schultess-Young.*) I think your name is Charles Hopkins, and you are a bootmaker in business at 256, Kensal Road?—Yes.

15325. You were living there at the time of the County Court action?—No, I was at another shop—No. 240.

15326. You gave evidence at the County Court?—Yes.

15327. Can you remember what took place on that day two years ago, the 3rd August?—Yes, I was just leaving the house No. 240, Kensal Road. I was at the shop door at about 4 o'clock in the afternoon, I think it was. I cast my eyes across the road, and happened to see a man's head. There is a church at the corner of this road, and a mission hall, and I saw a man at the corner lying on the ground, and I saw a policeman strike him on the head once.

15328. Was there a crowd at all there?—No, I could not have seen if there had been a crowd, because the church railings would have obscured it.

15329. Did the constable seem to strike hard?—I only saw one blow.

15330. Where did he hit the man?—On the head or the upper part of the body. The man's head was at the corner, so to speak. I was looking that way, and the man was down the street, with his head towards the corner of the two roads, and the policeman and the man were looking that way. The policeman struck him on his right arm.

15321. (*Mr. Rufus Isaacs.*) Was the man standing, or was he down?—He was down on the ground.

15332. (*Chairman.*) Is the public-house at the corner?—At the opposite corner. This occurred at the corner of St. Thomas' Church, where there is a mission hall. Mr. Whitmore knows the corner very well.

13533. (*Mr. Schultess-Young.*) How far away from where you were standing would that be?—About 30 yards.

15334. You could see perfectly clearly?—Yes.

15335. I think a crowd did gather round then?—I went over, and some women and two or three men came running out. I went across to the place, and some men and women came running out of the houses round, and I saw the man, with his head on the ground. The policeman picked him up, and tried to pull him up towards the station. The station is about half a mile away.

15336. Is that the same policeman who tried to pull him up?—Yes. I did not know it was Wilson at that time, but he collapsed in the middle of the road. He got up, and I said, "It is Charming Wilson"—that is a nickname that he goes by. Worsley said, "We know who he is well enough," and I suggested they should have some water to wash the man and bring him round, because he was unconscious in the middle of the road.

15337. What was the answer to your suggestion about getting water?—"Oh, let his pals do it—there were plenty of them round here just now." The policeman waited with the prisoner in the middle of the road till the other police constable (who had taken another man to the station) returned, and the man brought an ambulance with him. The policeman who arrested Mallows gave the prisoner some first aid, with the help of another man there and a woman's apron, and then they got him on his legs and brought the ambulance up. Wilson, I believe, refused to go on the ambulance, and they took him off.

15338. I think you gave evidence at the Police Court the next day, before Mr. Plowden?—Yes. I had great difficulty in getting into the court, because whenever Mr. Plowden is on the bench there are always a lot of fashionable people in court there listening, and I had to wait outside. When I got inside I saw Wilson and Mallows in the dock. There were labels in front of the dock—No. 1 and No. 2, and so on. I heard Mr. Plowden discharge Wilson, and he said he had been severely knocked about, and the punishment he had received was more than he, Mr. Plowden, could give him.

15339. Can you throw any light on these convictions? I have some recollection of what took place before Mr. Plowden. Was anything said about convictions before Mr. Plowden?—No, not before Mr. Plowden, but there was at the County Court.

15340. There was nothing said before Mr. Plowden that you heard?—No.

15341. (*Mr. Rufus Isaacs.*) Did you hear it at the County Court?—Yes.

15342. Can you tell us what it was?—Detective-Sergeant Burrill read out a list of convictions. Some of them were in a different name, and one conviction was nearly 20 years before. It was at a very early date, and Wilson, the plaintiff, then got very excited,

and jumped up and protested very strongly in the Court. He really had to be held down.

15343. He protested he was not the man?—For the first conviction. I believe he acknowledged some of the others.

15344. (*Chairman.*) He acknowledged being fined for being drunk and disorderly?—Yes.

15345. And one is an assault on the police?—No, he would not acknowledge the assault on the police. That took place 22 years before.

15346. (*Mr. Rufus Isaacs.*) He had been fined, I think?—The assault on the police was very early.

15347. I understood him to say this morning that he had been fined for an assault on the police in 1882?—These convictions that were read out were very early, and he disputed them in the Court.

15348. (*Chairman.*) He disputed the earlier ones?—Yes.

15349. He disputed the fact that he had ever been in prison for anything?—That did not arise.

15350. (*Mr. Dickinson.*) What was he charged with at the police court?—I did not hear the charge. I was not allowed in the Court till they called the witnesses.

(*Mr. Eldon Bankes.*) I have the charge-sheet here. He was charged "with attempting to rescue Mallows from the lawful custody of P.C. Worsley, and further with violently resisting the lawful apprehension while on the way to the Harrow Road police station. Drunk when charged." That is on the charge-sheet, and I have read all of it.

(*Mr. Rufus Isaacs.*) I did not know before that there was any suggestion of his being drunk.

15351. (*Chairman.*) No. What time of the day was this?—About 4 o'clock in the afternoon.

15352. (*Mr. Whitmore.*) What day of the week was it?—Wednesday.

15353. (*Mr. Rufus Isaacs.*) Is that the early closing day in that neighbourhood?—No, but that would not affect Wilson, because he is a labourer.

15354. What does he work at?—He is a builder's labourer generally.

15355. (*Mr. Dickinson.*) You did not see Mallows, the other man, at all?—I saw him being taken in, but I did not know him.

15356. Did you see anything that seemed to you like rescuing Mallows from the police on the part of Wilson?—I did not see that. He was on the ground when I saw him.

15357. Then you did not see the first policeman?—I saw the first policeman. He came from lower down in East Row. Wilson was ten or twelve yards away from the original encounter with the police. He had evidently run away from the police, and then I saw the other policeman and Mallows go up the public-house side of the road to the station. I saw them come round the corner just as I was going over to see what was the matter, and then the policeman tried to help Wilson up to get him along, and he could not get him more than three yards.

15358. (*Mr. Dickinson.*) But I do not understand what you saw before that. Did you see Wilson trying to rescue Mallows?—No, I did not see that.

15359. (*Chairman.*) Was Mallows apparently drunk or was he disorderly and resisting?—Mallows was drunk, I think; I did not see any resistance.

15360. (*Mr. Rufus Isaacs.*) Wilson was charged with being drunk and disorderly and assaulting Worsley?—Whilst I was walking up to see what it was that was on the ground I saw on the other corner—the church is at one corner and the public-house the other—the other policeman and the other prisoner go round the corner. *C. Hopkins.* 21 Nov. 1906.

15361. (*Mr. Dickinson.*) You saw nothing before Wilson was on the ground?—No.

15362. Had the constable got his helmet on or not?—He had his helmet in his hand when I got there—in his left hand.

15363. You do not know whether Wilson had attacked him?—I do not know. He was on the ground when I saw him. I went to the County Court.

15364. (*Chairman.*) Did anything strike you about the policeman when he was belabouring this man?—No, I was not near enough to see the policeman, but I got up to him afterwards, and he had a very wild look in his eyes and was very excited and highly nervous.

15365. Did the blows seem very severe blows?—The one I saw was a very severe blow.

15366. (*Mr. Rufus Isaacs.*) Did you see how it was that Wilson had come to the ground?—No, because he was already on the ground when I got there.

15367. Was he trying to get up when you saw him?—No.

15368. I see he is charged here in the charge-sheet with violently resisting lawful apprehension while on the way to the Harrow Road police station. Did you see him violently resisting at all?—No, it was impossible for him to resist after that blow.

15369. (*Mr. Dickinson.*) You did not see him go to the station at all?—I saw him taken off.

15370. He walked to the station?—Yes.

15371. (*Mr. Rufus Isaacs.*) You seem to have been at the police court and also subsequently at the County Court. Have you ever heard it stated that this man was drunk when charged?—No.

(*Mr. Schultess Young.*) It is the first I have heard of it. It comes as a surprise to me.

15372-3. (*Mr. Rufus Isaacs.*) Mr. Bankes read it to us when we asked him for the charge-sheet. He had not suggested it, but we find it is on the charge-sheet. Mallows was convicted and fined 40s.?—Yes.

(*Mr. Muir.*) You have got the charge-sheet before you, sir, and you see in the case of Wilson "Dismissed. Summary Jurisdiction Act." That means the charge was dismissed under the 16th section of the Act of 1879, which enables the court of summary jurisdiction where they think that though the charge is proved the offence was in the particular case of so trifling a nature that it is inexpedient to inflict any punishment, to dismiss. That is what that entry on the charge-sheet means, "Dismissed. Summary Jurisdiction Act."

(*Mr. Rufus Isaacs.*) Mr. Plowden thought Wilson had had more than a nominal punishment already.

(*Mr. Muir.*) Quite so.

(*Mr. Schultess-Young.*) This pamphlet which my learned friend Mr. Bankes has put in rather bears that out. It quotes an extract from what the Magistrate said, and it is no doubt correctly given. From that it appears that that is exactly what Mr. Plowden did say.

(*Mr. Rufus Isaacs.*) I understood that was so.

15374. (*Mr. Dickinson.*) Was any evidence given before Mr. Plowden as to resisting the apprehension while on the way to the police station?—I do not know. I was not inside the court; I could not get in.

JAMES COOPER, sworn.

15375. (*Mr. Schultess-Young.*) Your name is James Cooper?—Yes.

15376. You are a greengrocer, carrying on business at 252, Kensal Road?—Yes.

15377. You were there two years ago, were you not?—Yes.

15378. You gave evidence in the County Court with regard to Wilson?—Yes.

15379. Will you tell the learned Commissioners what you recollect of the circumstances of this matter?—I do not know whether it matters about the date. *J. Cooper.*

15380. No, we know it was Wednesday, the 3rd August?—On the afternoon of the 3rd August I was standing about half-way down East Row, and somebody drew my attention to a man and a policeman almost in the middle of the road, and outside the "Jack of Newbury." As soon as I turned my head I saw the man fall to the ground. Whether the policeman knocked him down or whether the man slipped I could not say,

J. Cooper.
21 Nov. 1906.

but I saw the policeman deliberately stand over him and deliver him three distinct blows in succession, if not more—three I will swear to.

15381. Where did he hit him?—On the head.

15382. While he was on the ground?—While the man lay on the ground.

15383. What did you do then?—I stood back, as I did not want to get mixed up with it. I said to myself "That is Mr. Wilson." I stood back.

15384. Were you a friend of Wilson's?—Not a friend at all. I knew him just seeing him night and morning when I go to market and come back again. I never get in his company.

15385. Did you go near to the place after that?—I went there and stopped there till they led him away.

15386. What did you see?—I only saw another policeman come up, and I saw them lead him off in a helpless condition.

15387. Did you see any resistance on the part of Wilson?—I thought he was dead. His head resembled a calf's head on a butcher's block.

15388. He was covered with blood?—He was covered with blood.

15389. Did you see anything of the man Mallows?—No, I saw nothing of him. I only saw the one policeman—the policeman who hit him.

15390. Did you go to the station?—No, I did not want to be brought into it.

15391. Were there many people about there when you saw the policeman hit Wilson?—There was hardly anybody, only the two in the road, and as I ran they were running in all directions, and there was soon a crowd there. After the man laid on the ground plenty of people soon got round.

(*Chairman.*) Have you any questions to ask, Mr. Bankes?

(*Mr. Bankes.*) No, Sir.

15392. (*Mr. Dickinson.*) Was the man lying quite lifeless on the ground when the policeman hit him?—I thought he was dead.

15393. And then he hit him?—He deliberately stood over him and delivered him three terrible blows in succession. It was two to three, if not more.

15394. After he was lying lifeless?—I will not say whether the policeman knocked the man down or whether the man slipped, but as soon as the party went by and said "Look at that policeman and the man in the middle of the road," I saw the man deliberately fall to the ground at that moment, but whether the policeman knocked him down or the man slipped I could not say, but I will swear that as soon as the man laid down on the ground the policeman delivered him three distinct blows in succession, if not more.

15395. With his head lying flat on the ground?—With his head lying flat on the ground. His head was like a calf's head on a butcher's block.

15396. (*Mr. Rufus Isaacs.*) After the three blows or before?—After he had had the three blows.

15397. (*Mr. Dickinson.*) Did you see the policeman hit Wilson's head while he was lying quite lifeless on the ground?—No, he hit the man—whether he slipped, or he might have knocked him down before for all I know, but I would not swear to that. I will swear to this, that the man either slipped or was pushed, or by some means or other he got on the ground, and when the man laid flat on the ground the policeman delivered three distinct blows in succession on the man's head. I will swear to that.

15398. (*Chairman.*) The man was motionless on the ground?—The man could not do much on the ground.

15399. He was motionless?—Yes.

15400. (*Mr. Whitmore.*) When you used the word "lifeless," that was after the blows on the ground?—If the man had not been hit his head would not have been in that state.

15401. (*Mr. Rufus Isaacs.*) It was the blows that caused the lifelessness?—A more cowardly act I never saw in the whole course of my life.

15401. (*Mr. Schultess Young.*) Have you ever seen Worsley, the policeman, since?—No, I have never seen him since

(*Chairman.*) That closes the evidence in Wilson's case.

(*Mr. Schultess Young.*) Yes. We were not prepared for the suggestion that my friend had thrown out, that the Police were not ready with their case. Therefore there is nothing else for the Commissioners to attend to to-day, so far as I know.

(*Chairman.*) We will see. I suppose Worsley would like to be called?

(*Mr. Eldon Bankes.*) I have had an opportunity of considering the matter, and the man seems to have made a mistake.

(*Mr. Rufus Isaacs.*) Is Worsley still in the Force?

(*Mr. Eldon Bankes.*) Yes.

(*Mr. Rufus Isaacs.*) Was there any enquiry into this matter?

(*Mr. Eldon Bankes.*) Yes, I can tell you that.

(*Chairman.*) There seems to have been an enquiry held.

(*Mr. Eldon Bankes.*) I can give you the information I have. I believe it was done after communication with the Home Office—I do not mean to say the actual enquiry, but steps were taken with regard to defending him, paying damages to the plaintiff, and so forth. I understand the result of it was the man was severely reprimanded, and ordered to pay £5 as damages.

(*Mr. Rufus Isaacs.*) That is what I want to know. Was that by an order of the Chief Commissioner?

(*Mr. Eldon Bankes.*) Yes, I am sure it was, but I have not got it here.

(*Chairman.*) There must have been some investigation before one of the Assistant Commissioners, or somebody in this case.

(*Mr. Eldon Bankes.*) Yes, there was.

(*Chairman.*) I daresay you could get us the notes of the proceedings there.

(*Mr. Eldon Bankes.*) If there was a note. I will get you all the documents there are.

(*Chairman.*) The enquiry into the conduct of the policeman is what we want to have information about, after he was found guilty of assault by Judge Stonor. There is no doubt he was found guilty of this assault on the man on the ground by Judge Stonor. What we particularly want to know is what took place after that. What was the character of the enquiry the Commissioner made?

(*Mr. Eldon Bankes.*) Mr. Muskett has certain documents, although I do not know that they are complete. Amongst others, I have got here a shorthand note of the Assistant Commissioner's judgment, or his statement to the constable after the investigation. I can read that.

(*Chairman.*) If you please.

(*Mr. Eldon Bankes.*) This document is dated the 30th January, 1905. "P.C. Worsley, X Division, against whom a judgment for £20 and costs was awarded for unnecessarily using his truncheon when arresting a prisoner." That is what the Assistant Commissioner says: "I have sent for you to convey the decision of the Secretary of State in your case, and to deal with you myself. I think I need not go into the case at all Of the decision of the county court judge you are quite well aware, and in accordance with this decision damages were given against you to the extent of £20 and costs. The case was laid before the Secretary of State inasmuch as there were extenuating circumstances, and we have now got his decision, which is: 'That he cannot sanction the whole payment of the damages and costs out of the Police Fund,' but he leaves it to the Commissioner for the officer to pay a portion of it. I want you to understand quite clearly what the Commissioner's opinion is in this case. It is that you were justified in using your truncheon when attacked; that you were not to blame for having struck this man on the head; an, so far, there is nothing against you; but after having partially disabled this man, you were not justified in continuing to strike him as has been proved to the satisfaction of the Court you did; consequently you were guilty of unnecessarily using your truncheon. For that offence you are now severely reprimanded and cautioned, and you will pay £5 towards the damages and costs. That £5 will be recovered from you by instalments such as the Superintendent thinks you can pay weekly." I am told he has paid it—"I think you have been treated

exceptionally leniently from one point of view, inasmuch as the Secretary of State might have held that you should have paid the whole of the damages. I hope you will be exceedingly careful how far you make use of your truncheon on any future occasion."

(*Mr. Rufus Isaacs.*) That seems to be a more severe form of reprimand than the one we had in the case before where we had the expression used "strong caution," in addition to which it was delivered by the Inspector, who told him not to do it again. This, apparently, is by the Assistant Commissioner?

(*Mr. Eldon Bankes.*) Yes.

(*Chairman.*) Was that judgment arrived at, and communication made to the Home Office, before anybody on behalf of the Chief Commissioner had heard Worsley's personal statement, and that of any of the witnesses? Was it simply on the judgment of the county court judge?

(*Mr. Eldon Bankes.*) I am afraid I cannot answer that question.

(*Mr. Whitmore.*) We wish to have all the information we can with regard to it.

(*Mr. Eldon Bankes.*) You shall be furnished with all the information there is.

(*Chairman.*) We should like to know all that was done by the Assistant-Commissioner when he found that there was a verdict found against Worsley by the County Court Judge.

(*Mr. Eldon Bankes.*) Whatever materials there are you shall have.

(*Chairman.*) Mr. Whitmore suggests, and I think very rightly, that we ought to have Worsley's record from the time he joined the force five years before this.

(*Mr. Eldon Bankes.*) Certainly.

(*Mr. Dickinson.*) We also ought to know what took place immediately after the police-court inquiry, because the man said he tried to get the name of the constable, and it was refused.

(*Mr. Eldon Bankes.*) You shall have it.

(*Mr. Rufus Isaacs.*) He wrote on the 16th August, and he got it from the Commissioner on the 27th August. He was charged on the 3rd August.

(*Mr. Dickinson.*) But before that he said he went to the court to get the name, and it was refused. I want to hear something about that.

(*Mr. Eldon Bankes.*) You shall hear all about it. He knew the constable's number, because in the letter which he wrote to the Commissioner he referred to his number.

(*Mr. Schultess Young.*) The Commissioner refused to furnish the name.

(*Mr. Eldon Bankes.*) My friend, Mr. Muir, who knows all about these things, says the practice is not to give the constable's name or address if it is for the purpose of a civil action, except through the Commissioner.

(*Mr. Dickinson.*) That is what we want to know.

(*Mr. Eldon Bankes.*) Therefore the man was told to apply to the Commissioner. He did, and he got the information.

(*Mr. Rufus Isaacs.*) As I understand, the result of the action was that the policeman had to pay the £5 by instalments, and he was severely reprimanded, but otherwise he continued discharging his duty in the force. That is what I understand took place. The balance of the £15 and costs would have to be paid out of the Police Fund. Is that right?

(*Mr. Eldon Bankes.*) I presume so.

(*Chairman.*) The Secretary of State has to authorise it.

(*Mr. Rufus Isaacs.*) That is why I want to know something about it. I gather it is paid out of the Police Fund, and that the Secretary of State authorises the payment out of the Police Fund. I want to know if you can tell us, or if we can have some information about it, what the Police Fund is, whence it derives its funds, and what is done with the balance.

(*Mr. Eldon Bankes.*) You can be told that.

(*Chairman.*) It depends on statute, does it not?

(*Mr. Eldon Bankes.*) I have no doubt it does. I think you will find it on your demand note for rates.

(*Mr. Rufus Isaacs.*) Do you mean that the ratepayers have to pay the balance of the £15 and costs for the man having struck these blows?

(*Mr. Eldon Bankes.*) I have no doubt it is regulated by statute.

(*Chairman.*) I think it all depends on the statute.

(*Mr. Rufus Isaacs.*) I only want to be clear as to what that fund is.

(*Mr. Eldon Bankes.*) Is there any other information you desire?

(*Chairman.*) No. Unless Worsley wants to come, we do not care to hear him. We have all the facts, and we have the County Court Judge's judgment. I suppose Worsley does not dispute the facts.

(*Mr. Eldon Bankes.*) I have really no information on the point, but inquiry shall be made.

(*Chairman.*) If he wants to be heard, we shall hear him, of course, with pleasure.

(*Mr. Eldon Bankes.*) If you please.

(*Chairman.*) Is Treshadein here?

(*Mr. Schultess-Young.*) I understand he will be here to-morrow. I understand the case has been arranged to be taken to-morrow.

(*Chairman.*) Treshadein was summoned for yesterday.

(*Mr. Schultess-Young.*) I only tell you what I am informed.

(*Chairman.*) Then there are no other witnesses we can go on with to-day. Mr. Eldon Bankes, there is a person named Edward Wells who has asked to be heard by us. We have asked him to attend to-morrow at 11 o'clock. Mr. Leslie will give you all the particulars that we have about the complaint.

(*Mr. Eldon Bankes.*) Thank you.

(*Chairman.*) I ought to say we know nothing of Mr. Wells beyond the fact that he came to the office and asked to give evidence.

(*Mr. Eldon Bankes.*) If you please. Then do I understand his evidence will be taken to-morrow?

(*Chairman.*) Yes.

(*Mr. Schultess-Young.*) Is Mr. Wells connected with this case?

(*Chairman.*) No.

(*Mr. Eldon Bankes.*) Will any other evidence be taken to-morrow?

(*Chairman.*) No. We shall sit at 11 o'clock, but as it seems there is only, so far as our arrangements are concerned, the evidence of Mr. Wells and his witnesses arranged for, we might put in some other case if it would be convenient to everybody concerned.

SIXTEENTH DAY.

Thursday, 22nd November 1906.

PRESENT:

Sir DAVID BRYNMOR JONES, K.C., M.P. (*Chairman*).

WILLOUGHBY HYETT DICKINSON, Esq., M.P. (Barrister-at law).

CHARLES ALGERNON WHITMORE, Esq. (Barrister at-law).

J. W. ST. LAWRANCE LESLIE, Esq. (Barrister-at-law) (*Secretary*).

(*Chairman.*) We will take the case of Edward Wells. EDWARD WELLS, sworn.

E. Wells.

22 Nov. 1906.

15402. (*Chairman.*) Your name is Edward Wells?—Yes.

15403. Where do you reside?—55, Ambler Road, Finsbury Park.

15404. What is your occupation?—Ladies and gentlemen's outfitter.

15405. You desire to make a complaint against the police in reference to an incident that occurred on the 13th October last, I think?—Yes.

15406. Where did the incident occur?—Kelvin Road, Highbury Barn.

15407. Were you doing some business with some 'busman at Highbury Barn?—Yes.

15408. About 3 o'clock in the afternoon you were talking to a 'bus-driver?—Yes.

15409. Where was he when you were talking?—He was both on the ground and on his seat on the omnibus.

15410. Not at the same time?—The first time I was speaking to him he was on the ground, and I finished talking to him when he was in his seat.

15411. Then he took his seat on the omnibus?—Yes.

15412. It was a horse omnibus, I gather?—Yes.

15413. Then you were standing in the road?—Yes, just below his seat.

15414. You were standing in the road, and he was in his proper seat on the 'bus?—Yes.

15415. Will you tell us in your own way what took place?—I had been at Highbury Barn for about two and a half hours previous to my arrest. I was talking to this coachman about business, and he promised to see me on the Tuesday. I asked him not to disappoint me on the Tuesday, as it would cause me to break other appointments with other men. While I was telling him not to disappoint me, a constable came up and he caught me by the collar and cuff and told me to go away.

15416. Do you know his number?—166 N.

15417. Have you now found out what his name is?—No, I have never heard it.

15418. He put one hand on your shoulder?—On my collar, and the other on my sleeve, and hustled me about and told me to go away. I looked round at him with surprise, and asked him why he was handling me in that manner, knowing I had not convicted myself in any way, when he told me I had been there quite long enough—"Will you go away?" I said "I cannot go away while you have hold of me like this." "Come on," he says, "down you go to the station then." I asked him continually going down what his charge was. I said "You cannot charge me with being intoxicated; you cannot charge me with swearing; I have caused no obstruction; I simply did my business there just the same as I have done it for years." I said "What is your charge?" He said "I did not say I was going to charge you with being drunk or swearing.' I said "Tell me to satisfy me."

15419. You were going quietly all the time and conversing with the policeman?—Yes, he had his hand on my collar and sleeve, which I objected to, and I asked him if he would allow me to walk by the side of him. He said "No, I shall still keep hold of you," which he did. Then when we got to the station, to my surprise, he charged me with disorderly conduct and using obscene language.

15420. What police station was it?—Upper Street, Islington, Police Station.

15421. How far was that from where you had been arrested?—A matter of twenty minutes' walk, I should think.

15422. You say you went quietly?—Yes.

15423. You went into the charge room, I suppose?—I went into the police station, and I was put behind the iron bar, and I was asked my name and address, which I gave, and I said "I feel rather anxious to know what this man is charging me with, and what he is doing this for," and the sergeant said "You will hear all in good time."

15424. There was a sergeant in the charge room?—Yes.

15425. Was he sitting at a table with a book before him?—He was behind a partition with a small window. He was on one side, and I was behind the iron bar, and the constable stood in front of him from the window.

15426. Did you hear what the constable said to him?—I did not hear what he was saying previous to the charge being read out to me.

15427. The police-constable did not speak out—or he whispered—is that your suggestion?—The first part he did.

15428. In the first part he whispered to the sergeant?—Yes. I had to ask him to speak up, as I could not hear what he was saying. The sergeant said "You say he was using bad language. What was it?" "Well," he said, "he was swearing." The sergeant said "Tell me what it was; you are no priest. Was he f——— and b———g?" and the constable said "Yes." The charge sheet was then written out, and he was about to sign it when I stopped him and said "Constable, can you conscientiously sign that charge sheet?" He made no reply, but signed it.

15429. Did the sergeant then read out the charge?—He said "I will tell you what your charge is." Then he told the constable to search me, and I objected, and I said "I think this man has handled me quite enough. I will allow you to search me, but I object to this man searching me." Then he asked me if I had anything on me such as a knife and matches, and I told him yes. He said "Give them to me," and I did so.

15430. That was the sergeant?—Yes. I was then told that I should be detained until my address was found to be correct—I told them they could easily find if my name was correct by looking at the directory. The sergeant looked in the directory for a short time, but he could not find—or he said he could not—but

it was still there. I was then told I should have to go into a cell. I said "Surely there is some other place you can detain me in without putting me into a cell." "Oh," he said, "we did not ask you to come here." "No," I said, "and I did not want him to bring me here." I was then put into a dirty, dreary, ill-smelling cell. When I got used to the light I looked round for the cause of the smell. Then I found at the end of a bench or wooden seat an open water closet pan half full of refuse. I looked for some means of sluicing it out, but could not find any. I found a button in the cell, which I pressed, and a man came and opened the little wicket gate, and asked me what was the matter, and I told him. I said "Come and look at this; it is not the sort of place to put a respectable man in."

15431. I understand this w.c. basin was in the cell itself?—It was in the cell itself, with no covering on whatever.

15432. Not in any room opening out of the cell?—No, in the cell itself.

15433. Was it a movable basin?—No, it was a wooden bench just high enough to sit on, and at the end of it was this w.c. pan. Then he sluiced it by some means outside. He shut the wicket door, and I asked him what steps they were taking to get me out of it, and I was told that as soon as it was necessary they would let me go. I was there, I suppose, an hour and a half when I was called out, and it appears a gentleman came down to bail me out at about half-past three, when he was told they could not let me go till a quarter-past four. So I was detained three-quarters of an hour after an application had been made to bail me out.

15434. Who was the gentleman?—I have got him here as a witness—Mr. Carter.

15435. You knew him before, I suppose?—He had known me for many years.

15436. Had he seen the arrest?—Yes. He happened to be at Highbury Barn at that very moment.

15437. And you have had him here to-day?—Yes.

15438. Ultimately, three-quarters of an hour after he came, you were bailed out?—Yes.

15439. Was anything said to you as to when you were to appear in court?—They gave me a paper—the usual form, a pink paper—that I was to appear at the North London Police Court on the following Monday, which would be the 15th.

15440. The 15th October?—Yes.

15441. It is October of this year that you are speaking of—1906?—Yes.

15442. Just a few weeks ago, in fact?—Yes.

15443. Did you appear at the police court?—I appeared at the police court.

15444. What took place?—I showed a constable there my paper. "Oh," he said, "this way." I followed him through the corridor, and was put into a room, and I had to mix with the likes that I had never seen before. I suppose I was there two hours, when my name was called and we formed up into another corridor, with the constables standing opposite each man that they had in custody until our turn came, and went into court. I was asked if I was guilty or not guilty, and I said decidedly not guilty.

15445. Who read the charge?—I believe the Clerk.

15446. The Clerk of the Court read out the charge to you?—Yes.

15447. Was it the same charge that had been read out to you at the police station?—Just the same.

15448. Then you were asked whether you pleaded guilty or not guilty, and you said not guilty?—Yes. The constable then came up and gave his evidence.

15449. That was Police-constable 166 N?—Yes.

15450. What did he say, according to your recollection?—According to my recollection, he said that he was on duty at Highbury Barn at such and such a time, when he found I was causing an unnecessary noise, and he repeatedly cautioned me to go away. That I deny.

15451. At present will you tell us what he said?—He then said I was f——g and b——g with a coachman, and the Magistrate asked him if he charged the coachman. He said no. "Well," he said, "it is very strange; why did not you?" He said: "He was in charge of a public vehicle." "Well," said the Magistrate, "what do you do in that case, when a man is in charge of a public vehicle?" The police-constable said, "We usually summon them." The Magistrate said, "Have you applied for a summons against him?" The policeman said "No." The Magistrate said, "Why not? He has just as much right to be here as this gentleman."

15452. That is what the Magistrate said?—Yes; my recollection is that he said that.

15453. What was the name of the Magistrate?—Mr. Fordham. The constable then said that I tried to get away from him at Highbury Barn. I have told you already what occurred when he put his hand on me. Then he said that I also caught hold of the horses' heads that the driver was driving, and that I would not allow that man to proceed on his journey. That I also denied. The Magistrate then asked the constable if he had got the driver there as a witness against me. He said, "No, your worship." But the driver, who was there, said, "Oh, yes, you have; I am here." But instead of him being a witness for the constable he was a witness on my behalf. I was then asked if I had any further witnesses, and I told the Magistrate the gentleman was there who bailed me out and saw the occurrence at Highbury Barn. He corroborated me.

15454. Did you ask any questions of the police-constable?—Oh, yes.

15455. You were allowed to do that?—Yes.

15456. You asked him some questions?—Yes.

15457. Did anything particular occur during the time you were cross-examining the police-constable?—I asked him, as he said he had repeatedly cautioned me, when it was that he had cautioned me, because I did not remember ever speaking to him before in my life, and I do not think I have. I should have remembered it if I had. He said there was no other occasion but on this occasion. The only other caution he gave me was to grip me by the collar and the sleeve, and tell me to go away, when I said it was impossible, and I thought I could go away when I liked.

15458. You have told us that. When P.C. 166 N finished his evidence, what took place?—The other witness, Mr. Carter, was called.

15459. The case for the police ended with the calling of this one witness?—No; the other witness was called as well.

15460. Who called Mr. Carter?—Mr. Fordham asked me if I had any further evidence, and I told him yes.

15461. Did not Mr. Fordham ask you whether you were going to give evidence yourself, or words to that effect?—I gave that evidence which I have told you.

15462. When P.C. 166 N had finished his story you were sworn, were you?—Yes.

15463. And you gave evidence?—Yes.

15464. Did you tell Mr. Fordham what you have told us to-day?—Yes.

15465. Were you cross-examined by anybody then? Did the police-constable ask you any questions?—None whatever.

15466. Then Mr. Fordham asked you whether you had other witnesses?—Yes.

15467. Then Mr. Carter was called by you?—Yes.

15468. Was any other witness called by you?—No.

15469. Carter is here?—Yes.

15470. Then we shall hear what he has to say, so I need not ask you what he said at the police court. When you finished your evidence, what did Mr. Fordham say?—To the best of my recollection, he told the constable he had exceeded his duty, and that he should have used more discretion; and I believe he said that he had not stopped at telling an untruth to get a conviction. That is what I understood Mr. Fordham to say.

15471. Then the charge against you was dismissed, and you went away?—Yes.

15472. You thought this was a matter of sufficient importance to come and give your evidence here?—Decidedly; knowing perfectly well that I am a life abstainer from intoxicating liquor and swearing, and

E. Wells. 22 Nov. 1906.

knowing that I had not convicted myself in any way, I thought it was only proper that it should be investigated.

15473. Is there anything else you would like to tell us? Does anything else occur to you?—Only the condition of this place where I had to go at the North London Police Court was very very vile, and the people I had to mix with. I have forwarded on to the Secretary a cutting from a newspaper.

15474. You were alone in the cell?—Yes, but not in the waiting-room at the North London Police Court.

15475. Was there any particular individual that you objected to?—Yes; there was one who Mr. Fordham would not have in the court on account of his filthy condition.

15476. Who was that? Do you know his name now from what you have heard?—I think his name was Bell.

15477. What happened to him?—He was not allowed to come into Court on account of his filthy condition, and they could not get an ordinary conveyance to take him away because the conveyance would have to be relined, he was in such a vile state, and the gaoler suggested they should have an ambulance which they could wash in order to take him to the infirmary.

15478. What was he suffering from?—They called him a leper in the newspapers.

15479. Who called him a leper?—The newspapers.

15480. Did any of the other people who were waiting for their cases to be called on complain?—Yes, and the constables who had to pass all picked up their handkerchiefs to their noses and said, "Oh, dear, what a terrible smell." That was the remark passing round. He was not allowed to enter the Court.

15481. That is really all you have to tell us, is it not?—That is so.

15482. (*Mr. Dickinson.*) You said something just now about having been there two hours and a half. What did you mean by that?—I was at Highbury Barn conducting my business for about two hours and a half previous to the arrest.

15483. What is your business?—My business is serving the men with clothing.

15484. Serving the 'bus drivers with clothing?—Yes.

15485. You had been there two hours and a half up to that time?—Yes.

15486. You said the policeman said you had been there long enough?—Yes.

15487. He knew you had been there all that time?—Yes, he must have done, by him making that remark.

15488. What is your process of serving these people. Have you got the garments with you?—Oh, no. I am there to take orders if there should be any. When I take my orders they pay weekly. I think they take three and a quarter hours to do their journey, so that if I arrived at Highbury Barn to meet a certain man, and he has just started on his journey I have to wait there till that man does his journey and comes back again, so that I have got men to see in between. I think there are something like 60 omnibuses on that road, and I have to serve about half of them.

15489. It is not that you canvass anybody that comes up?—No, I never canvass them at all.

15490. You have your clients and you meet your clients there?—That is just it.

15491. You say you had not known this police-constable before?—No, I had not.

15492. But I suppose you had often been at this place before?—Many, many times for years—every week.

15493. Did you know the police who were usually there?—Practically, yes I knew them.

15494. Then this man must have been a stranger?—Yes, he was to me. I did not know the man, although he said he knew me. I am not the only one who does business there in that way. Men do it all round London at every omnibus point.

15495. Are there many of you at the same place?—No, only me on this occasion. I am there on a Thursday, and there are two other men there on Friday. I am the only one there on the Thursday.

15496. When you went to the police-station did the sergeant in charge ask you anything about what had happened?—He asked me why I did not go away when I was told. I said I did not think it was necessary to go away considering I knew I had not convicted myself in any way, and that I had other business to do. Why should I go away? I had as much right to be there as anyone else.

15497. What did he say to that?—He made no further remark.

15498. Did he ask you anything about whether you had been using bad language?—No, nothing at all.

15499. He took that from the police-constable?—Yes, he took it for granted that that occurred. In fact, he suggested to the police-constable what the charge should be, because he put the words in the man's mouth. He asked the constable what the words were that were used, and the constable hesitated, and he said, "Come, you are no priest, what did he swear, what were the words?" And he repeated it properly. The constable said, "Yes, that is what he said."

15500. On the way to the station you asked the constable what he was charging you with?—Repeatedly.

15501. What did he say?—I said, "You cannot charge me with being drunk, I have not been swearing, what is the charge—surely you will satisfy me." He said, "I did not say I was going to charge you with being drunk or swearing, but," he said, "you will know when you get there." He retained his hold on me from Highbury Barn to the station.

15502. You had the omnibus driver present at the hearing?—Yes.

15503. Why did you not call him?—He was there and was called.

15504. Was he called? You stated to the learned Chairman that only Mr. Carter was called?—Mr. Carter and Mr. Hill were both called.

15505. Hill was the driver?—Yes.

15506. Did he give an account of the affair?—Yes, just what occurred.

15507. To the Magistrate?—Yes.

15508. You had every opportunity of calling all your witnesses?—Oh, yes, and I could have had more if it was necessary to have them.

15509. You have no complaint to make about the trial?—None whatever.

(*Chairman.*) Have you any question to ask Mr. Muir?

(*Mr. Muir.*) I know nothing of this case, Sir, and I have had no opportunity of inquiring into it.

(*Chairman.*) Have you the charge sheet?

(*Mr. Muir.*) Yes. Yesterday afternoon the Secretary asked us to get as many papers as we could, and we have done so. (*Producing documents.*)

HENRY CARTER, sworn.

H. Carter.

15510. (*Chairman.*) Your name is Henry Carter?—Yes.

15511. What are you by business?—A coachman.

15512. Where do you live?—31, Hamilton Road, Highbury.

15513. Do you remember the 13th October last?—Yes.

15514. Where were you about three o'clock on the afternoon of that day?—I called at Highbury Barn and I walked into the urinal, and as I walked in there I saw Mr. Wells and that gentleman there, the 'bus driver, and they were talking over business. They went out and left me in the urinal. When I got out, to my surprise I heard them talking, and saw the police-constable put his hand on Mr. Wells's shoulder and take him. I said to him, "What's up?" He said, "Oh, don't you have so much to say, otherwise I shall take you." I said, "Oh, will you?" I said to

Mr. Wells, "Never mind, I will soon go and fetch my receipt and fetch you out." I went off to my house and fetched my receipt and went to bail him out. As I got up to the station, the sergeant said, "You cannot have him yet. If you come again at a quarter past four you can have him." I said, "Very good."

15515. What do you mean by fetching your receipt?—I keep the house at 31, Hamilton Road.

15516. You mean your receipt for rates in order to prove that you were a householder?—Yes.

15517. For the purpose of bailing him out?—For the purpose of bailing him out. I have known this young man for years.

15518. What sort of character has he?—A particularly good one. I have known him and his father before him.

15519. When you saw him talking to the 'bus driver, was he in an excited condition. Was he talking loudly?—Both of them were talking loud.

15520. They were in the street?—They were in the urinal, and then they walked out into the street, and kept on talking as they went out. They were speaking loud, and when I got outside the 'busman was on his box, and Mr. Wells was speaking to him on the side of the omnibus, and I saw the policeman put his hand on Mr. Wells's shoulder.

15521. At the time of the arrest the 'bus-driver was on the box-seat, and Mr. Wells was standing by the side?—Talking by the side of the 'bus, about the middle part of the 'bus when the man drove away.

15522. Had the 'bus driven away when the police constable arrested Mr. Wells?—No, the 'bus stood there. He was by the side of the 'bus when the policeman arrested him.

15523. What did the policeman do?—He put his hand on his shoulder and his cuff, and led him away.

15524. Then the conversation you have mentioned took place between you and the police constable?—Yes.

15525. You went to the station. How long was it before you got to the station?—I was there at half-past three.

15526. At what time was Mr. Wells actually released?—At quarter past or twenty minutes past four.

15527. What was the reason of the delay as far as you could see?—I could not say.

15528. When you got to the police station, to which room were you taken, or to which room did you go?—I merely walked into the main entrance and told them my business.

15529. You told who your business—a police constable?—Yes—the man in charge; I do not know whether he was a sergeant or a policeman. He was there in livery, and he told me I must come at quarter past four, and then I could have him.

15530. Did you go right into the charge-room?—Yes, into the main place.

15531. Is there a passage in the room?—No, I only walked straight into the entrance to the police station.

15532. Who was there in charge—an ordinary police constable or a sergeant?—I could not say whether he was a sergeant or a policeman.

15533. Was he behind the table or a partition?—Yes.

15534. And there was a window opening from the other side of the partition into the room?—Yes.

15535. You saw a sergeant or somebody on the other side of the partition?—Yes, it was the gentleman who released him to me.

15536. Do you know his name?—I do not. I never troubled anything further after it.

15537. You are certain it was half-past three when you got there?—Yes.

15538. How do you know the time when you got there?—Because I went straight into the station, and there was a clock in the station.

15539. You noticed the time in the station?—Yes. I said: "I shall be back here at a quarter past four."

15540. Was any reason given for the delay in taking your recognisance?—I never asked any questions. I went out and came back at quarter past four.

15541. Then, I suppose, you signed the paper?—Yes, and brought the man away. Then I went down to the police court on Monday morning, and little did I think I was going to be called as a witness; but Mr. Fordham asked Mr. Wells if he had any other witness, after the policeman had come down, and Mr. Wells said: "Yes, there is a gentleman in Court who bailed me out." So I walked up and said merely what I have said now.

15542. (*Mr. Dickinson.*) You said just now that the 'bus-driver and Wells were talking loud?—Yes.

15543. What exactly do you mean by that?—Their conversation. Mr. Wells was demanding his money from the driver. The driver owed him some money, and he was talking to him, and they were both talking in rather an excitable state—loud. But, as regards any obscene language, I never heard a word.

15544. There was some kind of altercation between them?—Yes, between their two selves.

15545. You say they were talking loud. Was it so loud that you could hear it 100 yards away?—No. They were talking out loud, they were not whispering; they were speaking openly.

15546. (*Chairman.*) I suppose there was a good deal of traffic round about there at the time they were talking?—Yes. They are only allowed to stay two minutes there.

15547. (*Mr. Dickinson.*) Was it so loud that it would attract people passing by?—No, there was no obstruction whatever. There was no one there, only the police constable, Mr. Wells, and me.

15548. Was it of such a nature that people passing by would have stopped and looked?—No, I do not consider that. They were only speaking loud, the same as I do myself. People say I speak very loud.

15549. You said something to the constable when he took Wells away?—Yes, I asked him: "What is he doing?" and I said: "What are you taking him for?" The policeman said: "Don't you have anything to say about it, otherwise I will take you." I said: "Oh, will you?"

15550. Did you know him?—No.

15551. Are you a 'bus-driver?—No, I am a coachman. I have been a licensed man, but not for some years past.

15551*. Do you frequent that particular place much?—No. I live within about 50 yards of the place, and I have lived there for the last 25 years in that same road.

15552. Are there disturbances about there?—No, it is a very quiet place. The road I live in is quite quiet.

15553. This process of dealing with the 'bus drivers does not create any disturbance there?—No, nothing whatever. This man does his business with them in a quiet kind of manner so that you would not know anything was going on.

15554. (*Chairman.*) What were they talking about? Was it something about not keeping him waiting on Tuesday?—I think Wells asked the driver for some money for things he had served him with.

15555. (*Mr. Dickinson.*) Had he not paid?—He promised to pay on Tuesday, and Mr. Wells said, "Don't disappoint me, because it will make it awkward for my other clients."

15556. I suppose the 'bus driver was going to drive away?—He did drive away.

15557. Did Wells do anything which looked like stopping the horses from going off?—The man was never near the horses. He was by the side of the omnibus when I came out of the urinal when the police constable put his hand on his shoulder.

15558. You heard the police constable say in the police-court that he stood in front of the horses' head and would not go away?—I heard him say that, but I do not know anything of that, and the man absolutely said he never had such a thought, and the driver knows that too.

15559. Did Wells deny that when he was before the Magistrate?—I do not think he did say anything about it. I do not believe he did.

15560. When you got to the police station do you know who it was who was in charge? You went there at half-past 3. What time did this event happen?—About 3 o'clock.

15561. You got there half an hour afterwards?—Yes.

H. Carter.
22 Nov. 1906.

it took them a quarter of an hour or 20 minutes to walk up to the station.

15562. What was the first thing said when you went into the police station?—I demanded Wells. I said, "I have come up to bail Mr. Wells out."

15563. What did the officer in charge say?—He said, "You will have to come again at a quarter past 4."

15564. Did he give any reason for that?—No, that is what he said, "You cannot have him till then," and I said, "Very good," and I put my hat on and walked out and went back at the time mentioned.

15565. (*Chairman.*) Was the coachman using any bad language?—I never heard any bad language going on at all—not on either side.

15566. You are positive that Mr. Wells did not make any movement towards the horses?—Not in my sight. I was in the urinal and I stayed and finished, and when I came out I saw the policeman holding him to take him away. I could not say what happened during the time when I was inside the urinal.

15567. He was not excited?—Not at all. He was talking to the driver and looking up at him when I saw him.

Mr. RALPH HILL, sworn.

R. Hill.

15568. (*Chairman.*) Your name is Ralph Hill?—Yes.

15569. Where do you live?—15, Delvino Road, Fulham.

15570. Are you an omnibus driver?—Yes.

15571. Licensed?—Yes.

15572. What is the number of your licence?—18938.

15573. In whose employment are you?—The London General Omnibus Company's.

15574. You have known Mr. Wells for some time, have you not?—About 18 months.

15575. And you did business with him?—Yes.

15576. Do you remember Saturday, the 13th October?—Yes.

15577. Where were you about 3 o'clock in the afternoon?—Highbury Barn.

15578. Did you meet Mr. Wells there?—Yes.

15579. Where did you meet him? Were you on duty there?—Yes.

15580. When you saw him were you on the box of your omnibus?—Yes.

15581. Then you got down?—I got down and went into the urinal.

15582. With Wells?—Wells followed me in, and we had a little conversation about a little bit of business, and I promised to meet him on Tuesday. When I came out I got straight up on to the box. We are only allowed three minutes there. To my surprise the policeman caught hold of him and was going to lock him up.

15583. Where did Wells remain?—By the side of the omnibus.

15584. Still talking to you?—Yes.

15585. Was he talking loudly?—There were two motors there, and they had their engines going, and we had to speak loudly to one another.

15586. You were not quarrelling?—No, not in any way.

15587. We have heard it said that there was a talk about meeting you on Tuesday?—Yes.

15588. While that talking was going on what did you observe? What took place with regard to Wells?—I promised to meet him on the Tuesday, and when I came out of the urinal I got on my box and we were still talking. The police constable came up to him and caught hold of him and told him to go away.

15589. Had he told him to go away before he caught hold of him?—No. He put his hand on his shoulder first, and told him to go away.

15590. According to you it is not true that the policeman cautioned him several times?—No, he did not caution him previous to that. As soon as I was on my box the policeman came up to him and put his hand on his shoulder and cuff, and told him to go away. Wells said, "I cannot go away while you are holding me here." The policeman said, "Come on, come with me."

15591. Then they went off. Did Wells go quietly?—Yes, he did.

15592. Is it true to say that Wells was using any bad language?—Not at all.

15593. Were you using any bad language?—No. I can swear that Wells never used a bad word out of his mouth, nor I either.

15594. Then you had to go off with your 'bus?—I had.

15595. And you could not go to the police station?—No.

15596. You went to the police-court on the following Monday?—Yes.

15597. You gave evidence?—Yes.

15598. You have heard what Wells said about what took place in the police-court?—Yes.

15599. Were you there all the time?—I was there all the time.

15600. Is Wells's account of what Mr. Fordham said accurate?—Exactly.

15601. You can suggest no cause at all for the police constable's conduct?—Not at all. I was very much surprised, I am sure. There was no cause for it whatever. I did not know the policeman till that day. I had never seen him. I had been up on that road for about nine months. I believe it was his first day there.

15602. You had been there every day?—Yes, four times a day.

15603. How long had you been on that line of omnibuses?—About nine months.

15604. Had you got to know any of the police-constables at Highbury Barn or about there?—I knew several of them by sight. I did not know this one. He made a remark to one of our conductors. We are in the habit when pulling off from Highbury Barn to stand round the corner, and he went to one conductor and said: "If you stop there again I shall take your number and the driver's." We used to just stop as we pulled round the corner on every journey.

15605. That incident did not take place with regard to you?—No.

15606. Did the police-constable speak to you at all on this occasion?—No, he never spoke to me at all.

15607. He simply took Wells off in the way you have described?—Yes.

15608. It struck you as rather odd, did it not?—Rather.

15609. What was in the police-constable's mind, do you think?—I cannot think what was in his mind. I do not think he knew what he was doing—I am sure he did not.

15610. Was he sober?—The man looked sober enough. There was no disturbance caused whatever. I was simply promising to meet Wells on the Tuesday.

15611. (*Mr. Dickinson.*) Were there any questions about a debt?—No, not at all.

15612. You were arguing with him about something?—No, there was no argument whatever.

15613. What was being said?—Wells as a rule sees me on a Friday, but on the Friday I was having a day off. He came up on the Saturday, and it was not convenient for me to pay him on the Saturday, and I told him I should meet him on Tuesday, and Mr. Wells consented to do so. He said, "Don't disappoint me." I said, "I won't disappoint you; I shall be here."

15614. Then there was a question of a debt. You did owe this man money?—Yes, but it was paid weekly.

15615. Did he want you to pay it on the spot?—No, he did not want me to pay at all.

15616. You heard what the last witness said—that you were talking rather loud about some debt?—No doubt the other witness thought that Mr. Wells was demanding money off me, but he was not at all. I

simply pay him on the Friday, but on that Friday I had the day off.

15617. (*Chairman.*) You get the goods on the terms of paying by instalments?—Yes.

15618. Had you fallen into arrear in the payment?—No.

15619. Do you generally pay Wells personally, and hand the money to him direct?—Yes.

15620. Has he got a book with him which you sign?—Yes.

15621. That is the way you do business?—Yes.

15622. When was the instalment due?—On the Friday.

15623. That was Friday, the 12th?—Yes.

15624. Had you paid that instalment?—No, I was resting. I had a day off, and I could not see him. He came up to see me on the Saturday, and he had other people to see as well.

15625. Then the conversation was about this instalment?—Yes.

15626. You arranged to pay him on Tuesday?—I arranged to meet him on the Tuesday.

15627. I suppose he wanted the money on the Saturday?—He would have had it if I had given it to him. He would not refuse money.

15628. He was anxious to get it?—No, not at all.

15629. The matter was at all events discussed so loud that the other witness noticed it, and there was no question in his mind that you were not wanting to pay?—I do not see why the other witness should think that. I told Mr. Wells it was not convenient.

15630. What did make you talk so loud?—It was not loud at all.

15631. He followed you into the urinal?—Yes, when I jumped off my 'bus I went straight in, and Mr. Wells came in and spoke to me.

15632-3. You said before the Magistrate: "The prisoner collects debts for us." What did you mean by that? *R. Hill.* 22 Nov. 1906.

(*Chairman.*) It must be "from us." There are one or two clerical errors in the depositions.

15634. (*Mr. Dickinson.*) You did say something about the prisoner collecting debts at the police court?—I do not know about "debts."

15635. I have got here what you said in the police court: "The police-constable told him to go, and gave him no chance, but took him. The prisoner collects debts for us"?—I did not mean debts—I meant instalments.

15636. From you?—Yes.

(*Chairman.*) That must be a clerical error, and it should be "from us."

15637. (*Mr. Dickinson.*) Probably that is so. Who asked you to go to the police court?—No one. I went myself.

15638. You communicated with Wells and volunteered to go?—No, I did not communicate with him.

15639. Did you turn up there without having any communication from him?—Wells did not know I was going. I went up by myself.

15640. You knew the case was coming on?—I knew the case was coming on.

15641. How did you know the case was coming on?—I heard up at Highbury Barn from the puller-up that the case was being heard on Monday. I said: "I shall go; it is my morning off." I don't start till dinner time, half-past one, so I thought I would go.

(*Chairman.*) Have you any other witness, Mr. Wells?

(*Mr. Wells.*) No, Sir.

(*Mr. Eldon Bankes.*) I do not know whether he has got the book here, of which he has spoken, in which he enters his accounts and the instalments.

(*Chairman.*) I will ask him.

EDWARD WELLS, recalled.

15642. (*Chairman.*) Have you got the book with you?—No, I have not. *E. Wells.*

15643. You have got it at home?—Yes.

15644. Mr. Bankes has suggested the book might be produced?—Very well.

15645. You have heard what Hill has said about his dealings with you?—Yes.

15646. How many instalments were due on the 13th October?—He might have missed one, but they never make up an instalment they miss. They simply pay what they make arrangements to pay—1s. 6d., 2s., or 1s. Sometimes they make a full week and they will pay 1s. extra, but that is not very often, and I do not press them.

15647. Hill has told us there was an instalment he ought to have paid on the Friday. Is that the case?—Yes.

15648. Will you show your book to the Secretary?—Yes.

15649. (*Mr. Dickinson.*) I suppose you were doing something with the other 'bus drivers all those two hours?—Yes.

15650. You were collecting money from them?—Yes. I told you I serve about half of them.

15651. Did you have any quarrel with any other 'bus driver?—None whatever. We never have any quarrels there.

15652. (*Chairman.*) Had you ever been interfered with by the police in doing this business at all at any time before this 13th October?—Not in any part of London.

15653. You do it to your way of thinking in a way that could cause no kind of obstruction to anybody?—None whatever. I might mention that it is necessary to speak loud to a man when he is on the seat of his 'bus. There is a motor-omnibus in front and a motor-omnibus behind. If the engines are going you cannot speak in a whisper and make a man hear what you say. It is necessary to speak loud, but not necessary to speak so that other people should swear you were quarrelling.

15654. Whether you were quarrelling or not, do you think that a passer-by, whether he is a constable or not, might have thought you were quarrelling with Hill?—I do not think so.

15655. You heard what Carter said?—Yes, but I do not think any passer-by would stop and think we were quarrelling. I do not think so at all. There was no excitement.

15656. You say you were not quarrelling, and if there was any loud talking, it was due to the fact that it was necessary, because of the noise of the traffic. That is your view?—Decidedly.

15657. (*Mr. Dickinson.*) What do you think was the reason that the police-constable took you?—That is what I was asking him all the way—why he was taking me to the police-station. I could not ascertain what it was for.

15658. (*Chairman.*) As I understand it, there was no crowd there or anything of that kind?—None whatever. As the man came up, I said: "I am here." He said: "All right, Wells, I will see you in a minute." He gets down, pops in the urinal, and says: "There is 1s. or 1s. 6d." I sign their books, and I get up and wait for another one.

15659. (*Mr. Dickinson.*) Had this police-constable been on the spot for the two hours?—Yes.

15660. He had seen what you were doing all the two hours?—Yes.

15661. (*Chairman.*) Had you seen the police-constable 166 N before that during the two hours you were there?—Oh yes, several times I had seen him. I had passed him several times myself.

15662. And he had passed you?—Yes, he came round from Highbury Park into Kelvin Road and looked to see how many omnibuses were there. He passed me I might say 20 times. It might not have been so many and it might have been more. Not a

E. Wells. 22 Nov. 1906.

word passed between him and me till he put his hand on my shoulder.

15663. (*Mr. Dickinson.*) I suppose you were irritated when he did it?—Yes, I was, knowing I had not convicted myself in anyway.

15664. Did you try to struggle after the arrest?—When he put his hand on my shoulder and sleeve. I said: "What are you doing?" He said: "You clear out of the road." I said: "What have I to clear out of it for?"

15665. (*Chairman.*) You spoke rather authoritatively?—Just as I am speaking now. He said: "You won't go? Then come with me." And then he took me off. I repeatedly asked him what it was for. "I do not understand what you are taking me for. Surely you will satisfy me and tell me?"

15666. (*Mr. Dickinson.*) He did tell you to go away, and you refused?—I do not know that I refused, because he had hold of me all the time. I said: "If I wanted to go I could not while you have hold of me like this."

15667. (*Chairman.*) He did not say anything about your obstructing the traffic in the street or annoying passengers?—No. I was in the road and on the offside of the omnibus just against the offside fore-wheel, because the driver was on his seat when I was talking to him. I was in the road and not on the pavement. That is the side the driver always get up in order to get into his seat. The policeman nearly pushed me down when got hold of me, and what is why I objected. I asked him repeatedly: "What are you taking me for? What is it for?" I was dumbfounded at the man getting hold of me at all. I could not understand it.

15668. (*Chairman.*) How long have you been carrying on this business?—Twelve years.

15669. (*Chairman.*) How long have you been carrying on business with 'bus drivers at Highbury?—All that time with different men at different times.

15670. You live in the neighbourhood, as I gather?—Yes, about 20 minutes' walk from Highbury Barn.

15671. (*Mr. Dickinson.*) You never complained to the police about this afterwards?—Oh, no.

15672. (*Chairman.*) I think Mr. Dickinson means you did not write to the Commissioner?—No, I wrote straight to this Royal Commission. I had read of cases in the paper, and I thought it was only right that I should bring mine forward.

(*Chairman.*) The Secretary will direct summonses to be issued to Police-Constable 166N Thomas Dunham, and to Police-Sergeant Robert Hawes. We will have the sergeant and the constable before us and further investigate the matter. At present we have nothing more to ask you.

(*Mr. Eldon Bankes.*) If you tell us what day you desire those witnesses to come, we will see that they are here.

(*Chairman.*) Yes, I am assuming that course. We shall be sitting on Wednesday next at 11 o'clock, and perhaps they will come then.

(*Mr. Eldon Bankes.*) Certainly.

(*Chairman.*) Mr. Muskett has been good enough to hand in the notes of evidence in this case and also the charge street.

(*Mr. Eldon Bankes.*) If we desire anyone of these witnesses who have been called this morning to come back, might we intimate that to the Secretary?

(*Chairman.*) Yes. I think it would be well for Mr. Wells to have the books here on Wednesday, and of course he will come back.

(*Mr. Wells.*) I will come at any time.

(*Chairman.*) Then Mr. Wells will certainly come, and if between now and Wednesday you want Mr. Hill or Mr. Carter to come, perhaps you will intimate that to the Secretery.

(*Mr. Wells.*) It will be quite necessary for me to have two days' notice in order to get the omnibus driver here if he is wanted.

(*Chairman,* to Mr. Hill.) Can you attend here on Wednesday next?

(*Mr. Hill.*) Yes, Sir.

(*Chairman.*) Are you on duty on Wednesday next?

(*Mr. Hill.*) Yes, Sir, but if you tell me to-day that you want me on Wednesday I can get off.

(*Chairman.*) Then will you come here at 11 o'clock on Wednesday next? (*To Mr. Carter.*) Is it convenient for you to come here then?

(*Mr. Carter.*) I can get away.

(*Chairman.*) Then you will come if you can. That will answer your purpose, Mr. Bankes, if you wish to ask any questions.

(*Mr. Eldon Bankes.*) Certainly, Sir.

(*Mr. Wells.*) Has Mr. Hill to bring his book that I supplied him with showing the goods supplied?

(*Chairman.*) Please bring all the books and receipts.

(*Mr. Wells.*) It will be only necessary for him to bring his—what I have already signed.

(*Chairman.*) Yes. We will now take the case of George Mullins. Is there likely to be a conflict of evidence in this case?

(*Mr. Eldon Bankes.*) Apparently there is. I have just got the notes.

GEORGE MULLINS, Sworn.

G. Mullins.

15673. (*Earl Russell.*) You are a porter at Covent Garden?—Yes.

15674. You live at 35, Johanna Street, Oakley Street, Lambeth?—Yes. Before you start on this case, Sir, would you exempt my name from the Press? I will give you good reasons for it if you wish it. I do not want this case to be put in the papers.

(*Chairman.*) That is a matter that might have been decided before you actually appeared.

(*Witness.*) I did not know I was going to appear until the paper was given to me after I had done work at 11 o'clock last night. I do not mind the case appearing in the papers if they leave my name out.

(*Chairman.*) It seems almost impossible for us to take a case in public and stop the newspapers from reporting it. That seems an inconsistent line of action.

(*Witness.*) If you will listen to me I will give my reasons for it. A fortnight last Tuesday a gentleman gave me £100, and I distributed three-parts of the £100, and I have been inundated with letters, and by people chipping me about this £100, and if they hear my name mentioned on the Royal Commission they will do the same. It has been a nuisance to my governor as well as to me and to my household.

15675. Was this £100 given to you for distribution in charity?—No.

15676. (*Earl Russell.*) I think the witness is referring to an eccentric gentleman who distributed large sums of money among the porters in Covent Garden?—That is quite right. I have had over 200 letters.

(*Chairman.*) I have no official notice of what appears in the papers about eccentric gentleman. You must tell me what the point is.

(*Witness.*) The point is that I have been so much annoyed about this £100 and in my own work, too. They thought I should give away £200 instead of £100, and they might think, as I am going before the Royal Commission, they would make a laughing-stock of me again. They have already made a laughing-stock of me for giving the money away. Some tell me I should keep it, and some tell me I should give it away.

(*Chairman.*) We do not want to inconvenience you, but I do not quite see how some inconvenience can be avoided, nor do I see how your appearing here can produce any of the ill consequences to you that this £100 seems to have done.

(*Mr. Whitmore.*) It will not lead to people asking you for money.

(*Witness.*) No, but it will cause any amount of chipping. There are 5,000 men in Covent Garden Market.

(*Mr. Eldon Bankes.*) I do not know whether it occurs to you to ask this witness whether he desires his case to be brought before the Commission, because it looks as if he has come here against his will.

(*Witness.*) No, I have not come here against my will.

(*Chairman.*) There is a middle course that we can take, and that is to take the evidence here in public, and to ask the gentlemen of the Press to be kind enough not to report this particular case, or, at any rate, to report it without giving the name of the complainant. I do not know whether the representatives of the Press will comply with that request, but I think they probably will. Are you content to go on with that, trusting to the representatives of the Press leaving your name out?

(*Witness.*) Yes.

(*Chairman.*) Perhaps the representatives of the Press will listen to what I have been saying, and omit the name of this gentleman, and report the case without the name, if possible.

(*Earl Russell.*) At least, it might be reported without his address and the description of him as a porter.

(*Chairman.*) He is too well known. (*To the Witness.*) You have been good enough to come here, and you will find that your name will not be mentioned to any large extent in the Press, so that you can go on and tell your story to us.

15677. (*Earl Russell.*) You are a married man with a wife and five children?—Yes.

15678. You have never had any trouble with the police?—No, only on one occasion.

15679. Were you for sixteen years employed by Messrs. Jacobs and Messrs. O'Kelly?—Yes.

15680. Do you produce this certificate from Messrs. O'Kelly, which says that you have been in their employment for the last six years, and have always given entire satisfaction?—Yes.

15681. On Sunday the 9th September, in this year, about 11 p.m., you were going home with your daughter?—Yes, I was on my way home with my daughter.

15682. She is about nine years old?—Ten.

15683. On your way did you pass a police-constable whom you knew?—Who I thought I knew.

15684. Did you know his name?—No.

15685. You mean you did not know him before?—No.

15686. But you thought you did?—Yes, I thought I knew him.

15687. Was he speaking to somebody?—He was speaking to two marine store dealers.

15688. Did you know them?—Yes.

15689. Did you know anything about them?—No.

15690. As you passed did you say something to him?—Yes.

15691. What did you say?—I touched the constable on the shoulder, as I thought him to be a constable who I knew perfectly well around the neighbourhood, and I said, "What, at the ear-hole again?"

15692. What did that mean?—It meant a man who was going to take a bribe, but I only said it as a matter of a lark between me and the policeman whom I knew. It was a mistake on my part in saying it. I should not have touched the constable. It was my fault for touching the constable on the shoulder. Had I known he was not the constable who I had taken him for I should not have spoken at all, but it was only as a matter of joke that I made that remark.

15693. Thinking you knew him you put your hand on his shoulder and made a remark that meant that he was taking a bribe?—That is all.

15694. It was intended to be jocular?—Yes, in a jovial sort of way.

15695. As a matter of fact you did not know him?—No.

15696. What did the constable do when you said that?—The constable turned round and punched me in the ribs. My girl started crying. I took her home. I only lived 100 yards from the place.

15697. The constable did not try and stop you going away with your little girl?—No.

15698. He said nothing more to you?—He hit me in the ribs, and I walked away with my girl as she started crying.

15699. Did he say anything to you when he hit you?—He said, "I will give you ear-hole."

15700. Anything else?—Nothing more occurred.

15701. Then he made no attempt to stop you going away with your girl?—No.

15702. Then you went home with your girl, who was crying?—Yes.

15703. And left her there?—I took her to the top of the street and sent her indoors. I went back to the same place and looked for his number. He was by himself then. I asked him for his number. He said, "I will give you number," and he caught me by the collar and took me to Kennington Road Station.

15704. Was that all that passed between you? Did you say nothing more to him than that?—I said nothing more. I only asked him for his number, which I was going to report to the Inspector if I got it.

15705. Do you remember the words you used?—Those were the words I used. I asked him for his number. It is very nearly nine weeks ago now.

15706. He said, "I will give you number"?—Yes, and he caught me by the ear and kept on prodding me with his knee and shaking me till I got to Kennington Road Station.

15707. Was that on the way to the station or before he started taking you there?—On the way to the station. I said: "If you want to take me to the station it is unnecessary to use such violence to me." If I had not had a stud in my shirt which I could pull out there is not the least doubt from the way he had got hold of me by the collar that I would not have got to the station.

15708. That was Kennington Road station?—Yes.

15709. When you got there, what happened?—I sat down on a form, and there were two other policemen in the room at the time. One went through one door—as the dock might be here, there is the door on the right. (*Describing.*) He went through that door, one of the policemen who was in the station, with some papers in his hand. The other one went into the Inspector's room. There was only me and the policeman in charge of me in the room by ourselves. He walked up to me and hit me in the mouth, and slit all my lip.

15710. Was this in the charge room?—Yes, there was only me and him together at the time.

15711. (*Chairman.*) Was it the same constable?—The same constable who took me in charge.

15712. There was nobody else in the charge room?—There were two constables in the charge room when we went in, but when we went in there he sat me down on the form. Of course, I was in an excited condition, owing to the way he handled me going to the station. Whatever business these other policemen were doing, one went through one door and one went through the other door, and when he saw there was no one there he walked up to me and hit me, and burst all my lip.

15713. (*Earl Russell.*) That was before you had been charged?—That was before I had been charged.

15714. How soon after that were you charged?—I could not say, but between five and ten minutes—about five minutes I should say.

15715. Did anything else happen before you were charged?—Nothing else.

15716. You were charged before another policeman—a sergeant or an Inspector?—I was charged before an Inspector. An Inspector took the charge.

15717. Do you know his name.

(*Chairman.*) Before you go any further I am afraid the suggestion I made in regard to the suppression of Mullins' name cannot be carried out, because I understand that the journalistic regulations are such as not to justify the reporters in doing anything of the sort. (*To the Witness.*) Do you think it is of any real importance? We are very anxious not to inconvenience

G. Mullins. 22 Nov. 1906.

you, but, on the other hand, we are very anxious to hear your story.

(*Witness.*) I think it would be very inconvenient for me to have my name in the papers, because my name has been in the papers the last eight or ten days—in every paper published—about this £100, which I wish I never had.

15718. All the evil seems to have been done. You seem to have achieved celebrity?—Yes.

(*Earl Russell.*) I can assure the witness from my personal experience that one soon gets used to it.

15719. (*Chairman.*) I do not think any harm will come to you?—Well, I do.

15720. In what way?—As I have explained to you, the men of Covent Garden Market will chip me. They will say, "He has got the £100, and now he is on the Royal Commission," and they will think I shall get another £100.

(*Chairman.*) It is not a case in which we should think of taking the evidence in camera under any circumstances, and you are here now. I am afraid whatever mischief may be done to you has been done, and now that you have got into the box and your name has been given by Lord Russell in public, there is no way of stopping it getting into the papers that I know of. I think you must go on.

15721. (*Earl Russell.*) You were telling me that you were charged before an Inspector?—Yes.

15722. You do not know his name?—No, I could not tell you his name.

15723. The constable who took you there was P.C. Morgan?—Yes, P.C. Morgan.

15724. Did you hear the charge that he made?—He made a charge of being drunk and disorderly and using obscene language. That was on my bail paper, but unfortunately I lost my bail paper. When I went before the Magistrate I was only charged with being drunk.

15725. Drunk only, and not drunk and disorderly?—I was asked to plead guilty to being drunk. I was asked that by Mr. Coates, the Clerk of the Court.

(*Chairman.*) We are very particular, Lord Russell, as you will see from our questions, as to the receipt of the exact evidence and what took place in the charge room.

15726. (*Earl Russell.*) I am trying to get that. I do not want to know what was on your bail paper, but what did you hear P.C. Morgan say to the Inspector when he charged you, or what did the Inspector say when he read the charge over to you?—As far as my knowledge goes, the constable said I was in Oakley Street creating a disturbance and was drunk.

15727. You heard him tell his story to the Inspector?—Yes, something to that effect.

15728. You were there then when he was speaking to the Inspector?—Yes; I appealed to the Inspector to take me to the cell instead of the policeman.

15729. That was after you were charged?—Yes.

15730. I want to know what happened first?—That is all that happened.

15731. The Inspector wrote down something?—The Inspector wrote out the charge.

15732. And read it over to you?—I cannot say for certain, but I expect he did.

15733. Can you remember what he read over to you?—No, not exactly. I should not think I should be able to remember when I had the life of me almost shaken out.

15734. Did you hear P.C. Morgan say anything at that time about obscene language?—He said something about obscene language.

15735. At that time to the Inspector?—I cannot say now for certain that he did. It was on the bail paper "Drunk and disorderly," and some other thing; what it was I do not know. I happened to lose my bail paper.

15736. After the charge you say you asked the Inspector to take you to the cell himself?—Yes; I asked him and not the constable to lead me to the cells.

15737. Did he do so?—Yes; I walked down in front.

15738. Did you say anything to him about your cut mouth?—Yes; I showed him my pocket handkerchief that was smothered with blood. I showed it to the Magistrate as well.

15739. What did you say to him?—I told him while I was in the dock, before the charge was booked—the policeman had just brought me into the station-house—"I had no cut mouth when I came to the station, and now he has been and punched me in the mouth for nothing at all."

15740. Did anything happen after you were taken to your cell?—I asked the Inspector to send for a doctor.

15741. For a private doctor?—No, for the divisional surgeon—the police doctor.

15742. Did you ask for any other doctor to be sent?—Dr. Read, my own doctor, who I was under at the time.

15743. Did any doctor come?—Only the divisional surgeon.

15744. What time did he come?—As near as I can guess, about a quarter to twelve.

15745. He saw you?—He saw me.

15746. Did you tell him what had happened?—He saw what had happened. He stood by the side of me. He saw my mouth all swollen.

15747. Did you tell him how you got it?—Yes.

15748. Was anything said while you were talking to the doctor about being drunk?—There was only the Inspector and the doctor standing together. The doctor examined me, walked me up and down the corridor three or four times, and put me in the cell again, and I did not learn till the next morning that the doctor certified that I was not drunk, but I had evidently been drinking.

15749. You heard the next morning that that is what he reported?—Yes.

15750. Had you been drunk?—All that I had had six weeks previous to that was nothing else but cider, That night I had been to Greenwich with my eldest girl, and when I could not get cider I was having lemonade. I went to the house at the corner of my turning about ten minutes to eleven, and I had a glass of cider there. I said to the chap who used to work there, "I fancy twopennyworth of Irish. I have had nothing for some weeks," and went to another house, where I had come out of when I saw P.C. Morgan, and I had one twopennyworth of Irish. I had a job to get it, because I was the last one that left the premises after having this twopennyworth of Irish—in fact, I was the last one served with that twopennyworth of Irish.

15751. You had two pennyworth of Irish whisky and one glass of cider?—I had several glasses of lemonade.

15752. How many glasses of cider did you have?—One glass of cider previous to that.

15753. That was three or four hours before this happened?—No, it was only a quarter of an hour before this happened.

15754. Did you have anything previous to that in the previous three or four hours?—Only lemonade or ginger beer.

15755. Did anything else happen while you were in your cell that night. Were you left alone the rest of the night?—I was not there about an half an hour before a friend of mine came and bailed me out; an hour or an hour and a half. The Inspector sent where I directed him to send to. At least I believe he did.

15756. Next morning your case was heard in court?—Yes.

15757. Did you see Police-constable Morgan before you went into court?—Yes.

15758. Before I got near the court I went over to the market and told my employer I was locked up last night, and I had to attend at Tower Bridge Police Court, and I came across Waterloo Bridge from Oakley Street and got on the tram, and who should happen to get on the tram but the Inspector who took the charge.

15759. Did you have any conversation with him?—Nothing with regard to anything but the weather, and one thing and another.

15760. You did not speak about the charge?—I spoke to him about how I was ill-used by the constable—that is all.

15761. And he did not say anything?—No, the inspector was a thorough gentleman.

15762. Did you see Police-constable Morgan before the case came on?—Me and the Inspector walked together from the tram to the police court.

15763. I am talking of the one who arrested you—Police-constable Morgan?—I saw him in the corridor of the police court. He told me I was going before a lenient magistrate, and it would be only a matter of a fine. I told him to mind his own business.

15764. That was all that passed between you?—Yes. He said, "You do not want to say this and say that. It is all right, it is a very lenient Magistrate, Mr. Rose, and it will only be a matter of a fine.'" I said, "All right."

15765. You did not discuss what had happened with him any further?—I told him to go, and I did not want any say with him.

15766. You did come before the Magistrate?—Yes.

15767. And you gave evidence?—Yes, I gave evidence on oath.

15768. What did Police Constable Morgan say before the Magistrate, do you remember?—Yes, he told the Magistrate that he was a good half hour or something like that trying to get me away. I have got written out here all that transpired at the police court. (*Producing document.*)

15769. (*Chairman.*) Is that in your writing?—It is my brother-in-law's writing.

15770. Was your brother-in-law present in court?—No, he copied it out of a newspaper.

15771. Have you the newspaper report?—Yes, I have the newspaper report of the case—"Police and Public."

(*Chairman.*) We will look at it in the meantime.

15772. (*Mr. Eldon Bankes.*) What is the newspaper from which this report is taken?—The "Daily Telegraph."

15773. (*Earl Russell.*) Can you tell us what the constable said. What did you hear him say at the police court?—I do not know whether he said he was half an hour or ten minutes trying to get me away, but that I was guilty of disorderly conduct and one thing and another, and I was drunk, and he tried all he knew to get me away. He told the magistrate he warned me twice to go away. When the magistrate asked him whether he had any questions to ask with regard to the assault he said no, and he stood down. Within two or three minutes after that, when he refused to ask me any questions with regard to what I said against him, he said that he simply denied the assault. It is only natural that he would do that.

(*Earl Russell.*) What was the charge? The witness appears to be under the impression that it was "only drunk."

15774. (*Chairman.*) You say you heard the charge read?—I cannot say. I come here to tell the truth. I am not going to try and tell a lie, if I can help it.

15775. I am assuming that. I want to know, first of all, whether the charge was read over to you?—My memory fails to tell me whether it was read over or not.

15776. You cannot say?—I cannot say. All I know is that I got the greatest courtesy ever man could wish to have from the Inspector.

15777. I thought you had told Lord Russell that you heard the statement of being "drunk" only?—No. It was on the bail paper "drunk and disorderly." When you are charged at the police court you get a bail paper telling you that you are to appear at the police court at such and such a time, and that you are under the sum of so much. Your charge is on that sheet. It was on my sheet "drunk and disorderly," and something else, but I was only charged with being drunk.

15778. I see on the charge sheet it says "Drunk, disorderly, and making use of obscene language"?—When I was taken before the Magistrate I was not charged with that. I was asked by Mr. Coates, the Clerk, whether I pleaded guilty to being drunk. I told him I could not plead guilty to being drunk.

15779. (*Earl Russell.*) That is all I understand you were asked?—It was the only question I was asked. I was asked did I plead guilty to being drunk. I said no. There was the evidence of the constable.

15780. (*Chairman.*) When the case was called on the Clerk asked you whether you wished to plead guilty to being drunk?—Yes.

15781. Then the case went on?—No. Before the charge went on I asked the Clerk to read the certificate of the doctor to the Magistrate, and he read it. That was before the charge was proceeded with.

15782. After that, the Clerk said, "Do you wish to pleaded guilty to being drunk?"—No. Directly I got in the box I was asked whether I pleaded guilty to being drunk, and I said no.

15783. From what you say it seems that the certificate of the doctor had been handed up, and I rather gather that what the Clerk meant to suggest to you was "Do you wish to plead guilty to being drunk?" The charge against you was more serious than that. It was for being drunk, disorderly, and using obscene language on the charge-sheet. The charge was a more serious one?—I was not charged with using obscene language, or being disorderly either. All I was charged with was being drunk. If I had been disorderly and using obscene language no doubt there would have been a conviction.

15784. No injustice was done to you at the Court?—No, I got the greatest justice at the Court.

15785. (*Earl Russell.*) Did you hear Police-constable Morgan in his evidence say anything about your being drunk?—Yes, he said I was drunk. Dr. Henry did not, though.

15786. Did you hear him say anything about obscene language in his evidence?—No, I do not think he went so far as that.

15787. You say what he said about your being disorderly was that you were there for half an hour, and would not go away?—Yes, he said that at the end of the case.

(*Chairman.*) I suppose the certificate of the Divisional Surgeon in this case would be entered in the occurrence book.

(*Mr. Eldon Bankes.*) I have no doubt it would.

(*Chairman.*) I suppose the regulations at all the stations are the same?

(*Mr. Eldon Bankes.*) Yes.

(*Chairman.*) At Vine Street Police Station they are written in an occurrence book. You had better get for us the occurrence book.

(*Mr. Eldon Bankes.*) Yes.

15788. (*Chairman.*) I suppose that is what the Clerk read out. He had the doctor's certificate before him?—He examined me at midnight. I was supposed to be be charged at half-past eleven. He examined me at midnight, and he said, evidently I had been drinking, but I was not drunk. That is what the Clerk read to the Magistrate.

15789. I understand the suggestion you make is that that is not a fair certificate?—I think it is a fair certificate. I own up that I had had two pennyworth of whisky.

15790. (*Earl Russell.*) Within about ten minutes of the arrest, I understand?—Yes.

15791. (*Chairman.*) Do I understand from that you admit you were excited from drink?—No, I was not excited from drink. I was excited from the choking sensation—the way I was handled at the station by him. If I was resisting he ought to have called another constable, or two constables. I begged of him to let me go quietly.

15792. You do not admit that you had indulged excessively in drink?—No.

15793. (*Earl Russell.*) Did you hear the constable say anything more about disorder beyond that he had been about half an hour trying to get you away?—No.

15794. You went into the box and were sworn?—Yes.

15795. Did you tell your story the same as you have told it here?—Yes, in the same words, I believe.

15796. You mentioned that you went back to the constable to get his number?—Yes.

15797. I think, after that, Mr. Rose said he was not satisfied with the case, and discharged you.

G. Mullins.
22 Nov. 1906

Is that so?—He said he was not satisfied with the story of the constable, and he discharged me.

15798. You have never made any complaint about this before, have you?—I have never made any complaint at all. I did not want to have anything at all to do with it. I was satisfied with the way it went on.

15799. You have not written to the Commissioner?—I have written to no one at all.

15800. You were satisfied with the result?—I was satisfied with the result. I do not mind getting a punch in the mouth.

15801. (*Chairman.*) I do not quite understand it. You made this mistake about the identity of the constable?—I own that right up to the hilt. It was my fault for touching the constable on the shoulder.

15802. Then you take your little girl home, and you go back to the constable?—Yes, and ask for his number. So would you if you had got what I got.

15803. Did you say anything to the constable about your having made a mistake. I do not find that you said that?—I told him: "I am sorry for what I have done."

15804. You went back to the constable?—Before he started hitting me, I said, "I am sorry I made a mistake." He said, "I will make a mistake with you."

15805. You say you had apologised to him before he struck you at all?—Yes, I own I was in fault by touching the constable on the shoulder.

15806. You touched the constable on the shoulder?—Yes, like I might touched that gentleman here.

15807. I understand you made a jocular suggestion about an "ear-hole"—a suggestion of bribery, or that he was being bribed?—He was not being bribed.

15808. You meant that to be a perfectly jocular remark to another constable?—Yes.

15809. Who was the other constable?—I do not wish to say. It was only a kind of a joke. That was all.

15810. I am quite ready to believe it was a joke, but I do not see why you should not say who your friend is?—I refuse.

15811. You are friendly with the constable?—Yes, I am friends with nearly every man belonging to the Water Police, from the P.C.'s up to the Chief. We are friends.

15812. You know them well?—Yes.

15813. I understand that after you found you had made a mistake you did say to Morgan that you were sorry?—I said, "I am very sorry." He said, "I will give you sorry," and he gave me one.

15814. It was not jocular on his part?—No, it was done in about two seconds. I did not want to come here. I had no idea of coming here, and I would rather not have come here at all myself. As I told the people who came to me the next day, I did not want to go further into the matter myself. I was perfectly satisfied. I have to get my living about the streets.

15815. You went back to the police-constable in order to get his number?—Yes.

15816. Do you not think it would have been better, under the circumstances, seeing that you had used a very suggestive remark about a man you did not know, if you had let the matter rest there, notwithstanding that he had struck you?—When he struck me I got out of temper a bit, and I took my girl down home. I only did it more to get the Inspector to give him a severe reprimand, or to say something to him. I had no idea I was coming here, or would hear any more about it until I was charged.

15817. You were a little excited by drink. You had been drinking, I understand?—When?

15818. Before?—Yes, I have just told you I had twopennyworth of whisky about five minutes previously to my being locked up.

15819. Do you not think your excitement was due to the drink you had been having?—To the twopenny worth of whisky?

15820. I do not know. I only ask you what you had been doing on Sunday?—I will tell you from the time I got up, where I had been, and everything else.

15821. Very well. When did you have your dinner?—I got up at nine o'clock.

15822. Nine o'clock in the morning?—Yes. Me and my girl went out into the yard to see to the fowls, and we stopped there till 11 o'clock. At 11 o'clock I washed and went to High Mass at St George's Cathedral, came out of there, went home, and read the paper.

15823. When did you have your dinner?—At half past one. Then I read the paper till about four o'clock.

15824. Did you have anything to drink at dinner?—No.

15825. Nothing at all?—A bottle of ginger beer.

15826. What did you do in the evening?—I went from my house between four and half-past four, walked on to Westminster Bridge round on to the pier, got the express boat to Greenwich, got off at Greenwich, had a walk about Greenwich Park, had a couple of bottles of lemonade there, two glasses of cider I think there, and then came back. I left Greenwich about 25 minutes past 7, I think.

15827. Did you go home then?—I left Greenwich Pier at 25 minutes past 7, and got to Westminster Pier again about half-past eight.

15828. What did you do between half-past 8 and 11? Walked all round Victoria, went up to the right, came right round Waterloo Bridge, and then up Oakley Street, and indoors. Then I had some tea.

15829. At what time was that?—Quarter-past 10.

15830. In the evening?—Yes.

15831. Nothing but tea?—Had some tea and some cold meat and pickles.

15832. In the way of drink you took nothing but tea?—No, only tea.

15833. When did you take the whisky that we have heard of?—At three minutes to 11 at night. I had a cider previously to that in the "Earl Grey" two doors past where I live. They do not sell whisky; they only sell, cider, lemonade, and kola.

15834. Then you had some whisky?—Yes, I had twopennyworth of whisky at a house a little further down—one hundred yards further down.

15835. And that was all?—And that was all.

15836. You say that that was not sufficient to affect you in the least?—Sufficient to affect me?

15837. To make you quarrelsome?—I should not think so.

15838. I am asking you these questions because it does appear that the surgeon who saw you after 12 o'clock, I think——?—He saw me before 12 o'clock.

15839. About an hour after—said you had been drinking?—He said evidently I had been drinking. He is not telling a lie there. If I had not had whisky I might have been drinking water or coffee, or something there. He did not mention the word "intoxicating" liquor. He did not say I had been drinking intoxicating liquor. He said evidently I had been drinking, but was not drunk.

15840. We shall see the exact words that were used. The words "had been drinking" suggest to my mind that you had been taking too much. I am not saying that you did do so?—It is not likely, for I asked for my own private doctor. It is very seldom that the police divisional surgeons (mind you, it is only my opinion) give a point in another person's favour.

15841. When was it exactly you asked to see your own doctor?—I asked the Inspector whether I could see my own doctor.

15842. Was that in the charge-room?—In the cell, or at the cell, I believe, while Dr. Henry stood there. I said I should like to see Dr. Read; he is only down Hercules Road; he is my club doctor.

15843. Was that to the same Inspector you have been talking about?—Yes, but the Inspector thought, in his opinion, according to their doctor, I take it, that it was not necessary to send for my doctor. That is what it was.

15844. There was no refusal on the part of the Inspector or anybody to send for him. You do not suggest that?—No. He thought it was not necessary, as he saw the report of the Divisional Surgeon, to send for my doctor. He had the report in front of him that the doctor said I was not drunk. That put an end to it.

15845. So far as I can see, you do not complain of

anything except the action of Morgan assaulting you? —That is right.

15846. First of all, after you had made a mistake and had spoken to him, you complain of that, and you also complain of his assaulting you in the charge-room?—In the charge-room.

15847. Again in the cell?—No, he never went to the cell with me.

(*Chairman.*) This is a document which emanates, we understand, from the witness, which is sent to us.

(*Earl Russell.*) That is the best information we can ascertain, but we have not had an opportunity of checking it with the witness for the reason you know.

(*Mr. Eldon Bankes.*) Might I ask whether a statement has been supplied to you as emanating from this witness? Lord Russell tells us he has never seen the witness.

(*Chairman.*) I will hand it to you. I understand you wish to cross-examine this witness.

(*Mr. Eldon Bankes.*) If you please.

(*Earl Russell.*) May I point out that this statement of George Mullins professes to be a history of the case on the best materials available.

(*Chairman.*) Yes, but things do not get invented. I cannot think that you, or anyone who is assisting you with regard to these matters, would invent statements. I am making no imputation against the witness. I am only stating the fact. What I was going to look at is on the second page, at the top.

(*Earl Russell.*) This is rather an inconvenient practice, because these are the proofs of our witnesses.

(*Chairman.*) The proofs of your witnesses? You are using language now that applies to actions at law and so forth. This is a statement sent to us by the complainant, I understand.

(*Mr. Eldon Bankes.*) Pardon me, but you do not understand, with submission. You said that you had a statement purporting to come from the witness.

(*Chairman.*) I understocd that it was so.

(*Mr. Eldon Bankes.*) Lord Russell tells you that it does not come from the witness at all. You do not seem to realise that this is put before you as a document emanating from the witness, whereas, in fact, he knows nothing about it, and apparently has never authorised it.

(*Chairman.*) I used the words "emanating from the witness" as a very general phrase; I did not mean to suggest that Mr. Mullins himself had written this out.

(*Mr. Eldon Bankes.*) But it is sent to you, surely, as purporting to be his statement.

(*Chairman.*) Yes, on his behalf.

(*Mr. Eldon Bankes.*) As purporting to be his statement. Now we are told that it is not his statement, and that it has not been sent on his behalf.

(*Earl Russell.*) May I point out that whenever documents have been handed to the Commission purporting to be witness's statements they have been in the first person, and they, I understand, have never been sent in before being checked by the witness himself. This purports to be a history of the case.

(*Chairman.*) If I had known that I should have asked the witness to make a written statement to Mr. Leslie before we took his evidence.

(*Earl Russell.*) The facts were stated as to this witness, and as to the difficulty of getting him to come forward. It has all been sent in to you.

(*Chairman.*) I know. Lord Russell appears to have taken, and we appear to have taken, this type-written document as being in substance what Mr. Mullins would have told Mr. Leslie if Mr. Leslie had asked him to come to the office.

(*Earl Russell.*) You understand we have no method of compelling witnesses to give us proofs.

(*Chairman.*) Nor have we.

(*Earl Russell.*) One, therefore, can only get the best information available.

(*Chairman.*) I understand Mr. Mullins is quite willing, except that he does not want his name put in the papers, to tell his story. (*To the Witness.*) You have been always willing to do that, I understand.

(*Witness.*) Yes.

(*Chairman.*) The only point is that Mr. Mullins has not come straight to Mr. Leslie and made a statement, but that he sent to the society, whom Lord Russell represents. That is all.

(*Mr. Eldon Bankes.*) But he did not go. That is the point. He has never been there. I do not want to interrupt, but he says he has never been there.

15848. (*Chairman.*) Have you never seen anybody at all in connection with this matter?—Yes.

15849. Whom have you seen?—Two gentlemen came to my firm, and then they came to my house.

15850. Who are they? Are they in Court; do you see them here?—No, I fail to recognise anybody who came to my house. They came from some society in Gower Street.

15851. Then, so far as you are concerned this type-written document has no importance at all. You have never seen it or heard of it?—I have never written a document out.

15852. Did you give a statement to the two gentlemen?—I gave a statement as to how I was served.

15853. Did they take it down?—They just jotted it down.

15854. In a book?—In a book, I believe, or on some paper or another.

(*Chairman.*) There seems no mystery about it, Lord Russell.

(*Earl Russell.*) There is no mystery at all about it. I am making no complaint. The only complaint I make is that that document should be taken as a document by which the witness is bound.

(*Chairman.*) I am not suggesting that he is bound by it. I have asked my questions, and he has answered them perfectly fairly. This document was handed to me by the secretary this morning, and I naturally concluded that it fairly represented what the witness was about to say. That is all.

(*Earl Russsll.*) May I say exactly what our view of the matter is, and, if it does not meet with the Commissioners' approval, we shall not pursue it. As to Mr. Mullins' private reason, that is a matter of no importance, and he has to judge for himself as to whether he wished to carry the matter further or not. But the misconduct on the part of the police is a matter which this Commission is investigating, and therefore we thought it right to bring this matter to the notice of the Commissioners.

(*Chairman.*) Getting this document at the office, and finding that there had been a case, we might have summoned Mr. Mullins, and we could have seen what was done in that case.

(*Earl Russell.*) All we could do was to put the matter before the Commissioners. We had no power to compel Mr. Mullins to give us a proof.

15855. (*Chairman.*) Then there is no allegation against anybody. I want to know how many times you were assaulted, and what was the gravity of the assault?—Only once in the police station.

15856. That was in the charge-room I understand?—Yes.

15857. Were you sitting down, or standing?—Sitting down on the form, waiting for the Inspector to come in and take the charge.

15858. Did the constable handle you roughly on the way to the station?—Yes.

15859. I do not understand that he struck you on the way to the station?—He only kept on with his hands and knee, and gave me a jobbing now and again when he thought he would.

15860. You sat on the form, and, without any provocation on your part, he struck you in the mouth?—He deliberately hit me with his left hand.

15861. Did he still seem to be angry at your observation about the "ear-hole"?—Yes.

15862. He still seemed to be very angry?—Yes.

15863. Personally vexed and hurt with you about the matter?—Yes. When you see him you will think he is one of those fellows, too. He always looks angry

15864. If he always looks angry, there is not much point in his looking angry at the time. I wanted to

G. Mullins.
22 Nov. 1906.

know whether he appeared to be angry in the charge-room in any degree?—He was. He hit me.

15865. Was he excited?—Yes.

15866. In a temper?—I should think it was more temper than anything else.

15867. Did you mention the assault in the charge-room at the police station?—Yes, I mentioned it. I gave evidence on oath with regard to the matter.

15868. I understand that you mentioned it also to the Inspector when he took the charge?—Yes, I showed the Inspector.

15869. What did he say with regard to it?—He took no notice at all.

15870. Did you mention this asault in the charge-room also to the Magistrate at the police court?—I mentioned it in the charge room to the Inspector, and I mentioned it to the magistrate at the police court.

15871. What did the Magistrate say about it?—The Magistrate said there was a doubt in the case, and he did not quite believe what the constable said, and I would be discharged. He told the constable right to his face "I do not believe your story, and the prisoner will be discharged."

15872. But the Magistrate made no special observation about the assault in the charge-room?—No.

15873. (*Mr. Dickinson.*) When you made this observation to the constable about the "ear-hole," do you know who the people were with the constable?—Yes, they were marine store dealers, and they walked away.

15874. I suppose that was the point of your joke, that he was with marine store dealers, and you were chaffing him because you suggested he was taking a bribe from them?—Yes. I may mention that the constable told the Magistrate (I do not know whether you have it in detail) that he was with nobody, only by himself—but, according to rumours which came to my ears these marine store dealers had been and signed a statement to the police. The constable said on oath that he was with no one.

15875. When did he say that?—When he was before the Magistrate.

15876. (*Chairman.*) We shall have the notes of the evidence?—He told the Magistrate that he was with nobody—only by himself.

15877. According to the newspaper report the witness did say he saw Morgan talking to two marine store dealers?—That is the evidence I gave at the police court before the Magistrate. When the Magistrate asked him "Were you talking to anybody," he said "No, Sir." But I live close by there, and I might hear a lot more than what he might think. He told the Magistrate that he was not. I believe they signed some statement or other according to rumours—according to what has been told to me.

15878. The constable denied that he assaulted you at all, did he not?—He did not deny the assault. When the Magistrate asked him, after I had given my evidence, he said, "No, your Worship." Then he turned round to where the Inspector's box is and he came up and said "I deliberately deny the assault."

15879. (*Mr. Dickinson.*) He denied the assault?—Yes, but he would not say so when the Magistrate first asked the question. He walked toward that way. I suppose he was told to say that.

15880. I want to ask you about the assault. You say you and he were in the charge-room alone together?—When he first took me into the charge-room there were two constables.

15881. They went out?—They went out, one went one way, and one went out the other.

15882. When they went out were you sitting down?—I was sitting down on the form, and he stood over me like *that*, and said "I will give you one," and he gave me one that made my mouth bleed. When the Inspector came out my mouth was bleeding then.

15883. Have you any idea what made him give you that blow?—No.

15884. You were sitting quite quietly?—Yes, I was sitting quietly.

15885. You must have been in an excited condition?—I was excited going into the station. I did not say anything to him. When he hit me in the mouth I said "What do you want to hit me now for? I have done nothing to you. What is that for?" He said, "I will give you something," grinding his teeth. When the Inspector came in, he shoved me into the dock.

15886. I suppose during the whole time you were walking with him to the station you remonstrated with him?—No, I did not have a chance. He happened to be a stronger fellow than I am, and he almost lifted me along. I said, "For God's sake let me walk quietly with you."

15887. I suppose you protested to him?—I protested to him to let me go quietly. The people we met said "Why don't you let the man go quietly?"

15888. When you got to the station did you still protest?—I protested at the way he handled me.

15889. How soon after do you think did you complain to the Inspector?—Within a minute.

15890. At that moment did you complain to the Inspector?—I complained to the Inspector before I was put into the dock. I said, "Look what he's done to me; I do not know what for."

15891. Did the Inspector look at it?—He glanced over from the desk towards the dock.

15892. Was your mouth bleeding then?—Yes.

15893. Profusely at all?—Not to a great extent.

15894. Would he not have noticed it?—He could see it was bleeding; it was all cut inside.

15895. Did the Inspector say anything about it?—No, he passed no remark at all.

15896. He merely went to the desk, I suppose, and entered the charge?—Yes. Then I said to the Inspector: "I will call upon you to see me to the cell; I do not want this man to see me to the cell." He said, "All right." One independent constable opened the door, and I walked down towards the cell; the constable opened the cell door, and the Inspector stood there while I went into the cell.

15897. When the doctor examined you the Inspector was also there?—The Inspector was there—only me, the Inspector, and the doctor.

15898. Did they see your mouth?—Yes.

15899. Did they talk to you about your mouth?—I said to the Inspector when the doctor came I had been knocked about in this way. I asked for a drink of water. The doctor said, "What do you want water for?" I said "I want a drink of water." They gave me a drink of water, and I rinsed my mouth. Then I was told to walk up and down—in different ways—and count different numbers.

15900. You were asked to walk up and down?—Yes.

15901. I suppose you knew what the reason of that was?—To see if I walked steadily. The doctor passed the remark, "Have you been a soldier?" I said "No, I have never been a soldier."

15902. You were able to walk steadily?—Yes.

(*Chairman.*) We should like to hear what Police Constable Morgan has to say, and also Inspector Wheeler.

(*Mr. Eldon Bankes.*) Yes. There are other witnesses I shall probably have to call. I have their reports, but I have not been able to go through them. I shall also want to ask this man some questions.

(*Chairman.*) Yes. (To the Witness): You will have to attend again, and we will let you know the day.

(*Witness.*) I am losing a lot of work.

(*Chairman.*) We will make the loss as little as possible for you by saying we will take you again next Wednesday.

(*Witness.*) My business is a very peculiar business. I might start work at 8, or at 5, in the morning, and not finish until 11 or 12 at night.

(*Chairman.*) You, Mr. Bankes, have not Police Constable Morgan and the Inspector here?

(*Mr. Eldon Bankes.*) No, I am afraid not.

(*Chairman.*) Mr. Leslie tells me that he virtually asked that they should be here.

(*Mr. Eldon Bankes.*) The position is this. Of course

it would have been possible to have had them here if we had known you wanted them.

(*Chairman.*) I quite understand. Let them come here on Wednesday.

(*Mr. Eldon Bankes.*) We will bring all the witnesses.

(*Witness.*) I beg your pardon, but I hear the good gentleman say he will bring all the other witnesses besides the Inspector and the constable. May I inform you that there were no other witnesses there—only the Inspector?

(*Chairman.*) The marine store dealers?

(*Witness.*) They might come, but if they do I shall very likely say some more that they will not like. If they take my advice they will keep away. *G. Mullins.* 22 Nov. 1906.

(*Chairman.*) We ask you to come here next Wednesday, and we will say not before 12 o'clock.

(*Witness.*) You must remember the constable in his evidence before the Magistrate said he was with nobody—only by himself—he was not talking to two marine store dealers.

(*Chairman.*) He appears to have said that?

(*Witness.*) He did say that.

(*Chairman.*) We will now take the case of James Baker.

JAMES BAKER, sworn.

15903. (*Earl Russell.*) You are an ironmonger's assistant, living at 53, Dartmoor Street, Notting Hill Gate?—Yes.

15904. On the 30th September of this year you spent the day at home, did you?—Yes.

15905. That was a Sunday?—Yes.

15906. Until 10 o'clock?—Yes.

15907. What did you do at 10 o'clock?—I went out for a walk.

15908. In what direction?—I went down High Street, Notting Hill, and turned off by the Campden Hill Road, almost into High Street, Kensington, and we returned the same route.

15909. Was anyone with you?—Yes. I met a friend when I got to the top of Holland Park Avenue at the bottom of Campden Hill.

15910. Your friend is a teetotaller?—Yes.

15911. You had some drinks on the way, did you not?—Yes.

15912. How much, and where?—I had two drops of gin in the Windsor Castle at the top of Campden Hill.

15913. How much would that be?—Two two-pennyworths? Only about two tablespoonsful, or something like that. They do not give much.

15914. (*Chairman.*) What time was that?—It had gone half-past 10 then.

15915. Half-past 10 in the evening?—Yes, half-past 10, or twenty minutes to 11, I could not say to a minute or two.

15916. (*Earl Russell.*) When you left the public-house you went homewards towards your own house?—Yes.

15917. When you had gone on for a few minutes did you stop to light your pipe?—Yes.

15918. What happened then?—A constable came up, tapped me on the shoulder, and said, "Your name and address, old cock." I said, "What for?" He said, "Never mind what for, I want your name and address, or else you will have to come to the station with me." I said, "If you require my name and address I will go to the station and give it to the officials if it is necessary." He pulled off his gloves, stuck them in his belt, and said "Come on." I went with him. I never shouted, or resisted going at all.

15919. Did you go with him without his laying hands on you, or did he put a hand on you?—He put a hand on me.

15920. He took you into custody?—Yes.

15921. Then you went quietly with him?—Yes.

15922. Was that all that had passed—that he asked your name and address?—That is all that passed.

15923. He did not tell you what for?—No, he would not tell me what for.

15924. Did he not tell you something you had done which you should not have done?—No.

15925. He simply took you to the station?—Yes.

15926.—What did your friend do or say?—He never said anything. He followed down to the station.

15927. Did you have any conversation with the constable on the way to the station?—No, not a word. He squeezed my arm, and said, "Other people can be as funny as what you are."

15928. Had you done anything?—No, I had not been funny at all. *J. Baker.*

15929. You know now the number of the constable was 312F. Is that so?—Quite right.

15930. Do you know his name?—No.

(*Mr. R. D. Muir.*) William Pittuck.

15931. (*Earl Russell.*) By the way, did you know this constable? Had you ever seen him before?—I might have known him by sight, but I never passed the time of day with him.

(*Chairman.*) Have you the charge sheet there?

(*Mr Eldon Bankes.*) Yes (*handing*).

15932. (*Earl Russell.*) When you got inside the station you were taken to the charge room?—Yes, and put in the dock, where the inspector was sitting at the desk.

15933. That is in the charge room Were you taken there without any delay?—Yes, straight in; he shoved me right in.

15934. Who were in the charge room besides the constable and you?—The inspector was there.

15935. Taking the charges?—Yes.

15936. Anybody else?—There was nobody there in particular waiting about. I think a constable went backwards and forwards. He might have gone through the room, but he did not stay where we were.

15937. He was not attending to your business?—No.

15938. Did the constable tell the inspector why he had brought you there?—Yes.

15939. That was in your presence and in your hearing?—Yes.

15940. What did he say?—He told the inspector I was charged with being drunk and disorderly.

15941. Did he tell him what you had been doing that was disorderly?—I asked him what he meant by "disorderly." The inspector said, "I suppose you have been shouting, or something of that."

15942. The inspector said that?—Yes.

15943. Did you hear the constable say you had been shouting?—He simply said I was drunk and disorderly.

15944. You did not hear him say anything about what the disorder was?—No.

15945. Did you say anything to the inspector?—Yes, I said to the inspector, "Are you going to take a charge like that?" His remark was, "The constable charges you with being drunk and disorderly."

15946. Did you tell him anything about what the constable had said to you in the street?—Yes. I said, "He brought me here with the intention of my giving my name and address."

15947. What did the inspector say to that?—He said, "Well, he charges you with being drunk and disorderly." That was all I could get out of him. I said to the constable, "Why do you not speak the truth?" He would not answer me.

15948. He said nothing in answer to that?—No.

15949. Did the inspector read over the charge to you after he had entered it?—I looked over his shoulder, and I could see what was on the paper. I was close to him, just as he might be writing in front of me here.

15950. Did he read it over to you after he had

J. Baker.
22 Nov. 1906.

written it?—Yes, he did read it out. I said, "I am not drunk, and I am not disorderly."

15951. You said that to him when he read it over to you?—Yes.

15952. Did he take any note of that?—He never took a bit of note. He said, "Your bail will be here presently; you will not be here long."

15953. Did he make any note on the charge sheet of what you said?—I cannot say. It was on the bail paper that I had.

15954. You did not see him make any note?—No.

(*Mr. R. D. Muir.*) No entry would be made in the charge sheet.

(*Chairman.*) Of anything said by the defendant.

(*Mr. R. D. Muir.*) That would not be the proper place.

15955. (*Earl Russell.*) Then you were taken out of the dock to the cell?—Yes.

15956. Had you realised that you were going to be locked up?—No, I had no idea he was going to put me in the cell.

15957. What did you do?—I kept knocking at the door, but I could not make anybody hear. In a few minutes he came and said, "Your bail is here." Then I was brought out into the charge room. When I knew the charge I said, "I will see a doctor before I go." The inspector said, "You can see one outside." I said, "I will have one fetched here." They put me back in the cell again.

15958. Although your bail was there you said that?—Yes. My bail was there then.

15959. Who was your bail?—The landlord where I live.

15960. Did you give them the name of any doctor, or did you ask for the police doctor?—I gave them the name of Dr. Barrett, of Bedford Gardens, a doctor I had seen on the same evening.

15961. Did anything happen about him? Did you get any answer to your message?—They came back and said Dr. Barrett was out on a case.

15962. Who told you that?—Another constable came to the cell door and said it through the hole in the door.

15963. Whom did you ask for then?—I said, "I will see Dr. Bagram."

15964. Of Pembridge Gardens?—Yes.

15965. Did he come and see you?—No.

15966. Do you know the name of the constable or the number of the constable that went for him?—139F, I think it was. I could only see him through the grating of the cell door.

15967. He did not come either?—No.

15968. Did the Divisional Surgeon come and see you?—I might mention that they brought the Divisional Surgeon before the constable came back with the message to say that Dr. Barrett could not attend.

15969. Before you got the message about the first of your private doctors they brought the Divisional Surgeon?—Yes.

15970. Did you see him?—Yes. They brought me up into the charge-room again.

15971. You wrote your name and address on a piece of paper?—Yes.

15972. Then the Divisional Surgeon examined you, did he? No. He went to get hold of my wrist, and I said, "I do not want to see you, Mr. Jackson; I will wait till my own private doctor comes."

15973. Did you know the Divisional Surgeon before?—I have known him for years by sight; I have lived round the neighbourhood for years.

15974. Did he examine you at all, or did he not examine you then?—No, he did not do any more. He took the paper to the Inspector.

15975. He did not examine you until after you had got a message back from Dr. Bagram?—The Divisional Surgeon never examined me at all.

15976. That was all that happened?—That was all that happened.

15977. He took hold of your wrist to feel your pulse?—Yes.

15978. Then you said, "I do not want to see you"?—He just got hold of me, and I pulled my hand away. I said, "I will wait for my private doctor to come; I do not want to see you, Dr. Jackson."

15979. (*Chairman.*) You did speak to the Divisional Surgeon?—Yes. I wrote my name and address on a piece of paper and handed it to him.

15980. Did you speak to him?—Yes.

15981. What did you say to him?—I told him I was not drunk.

15982. Therefore he had had an opportunity of hearing your voice?—Yes. I told him the same as I told the Inspector—"I only came here to give my name and address."

15983. (*Earl Russell.*) How long did you see the Divisional Surgeon altogether?—I suppose about five or six minutes then.

15984. You were about five or six minutes in the charge-room with him?—Yes. He stood talking to the Inspector when I went out about one or two o'clock in the morning.

15985. Did you write down your name and address at the request of the Divisional Surgeon?—Yes. He brought a piece of blue paper, and I wrote it with pen and ink.

15986. He asked you to?—Yes.

15987 Did you hear anything about what the Divisional Surgeon thought of you?—When I was going home I asked Dr. Jackson what paper he had made out, and if he had made out any paper to certify that I was not drunk. He said, "The Inspector has got the particulars." The Inspector said, "Dr. Jackson certifies that you are recovering from drink."

15988. During the previous twenty-four hours how much drink had you had?—I had had a drop of beer on Saturday night for supper.

15989. That was more than twenty-four hours before?—Yes.

15990. During the Sunday how much did you have?—Not a drop.

15991. Except these two two-pennyworths of gin you have told us about?—That is all.

15992. That is all you had had all day?—Yes.

15993. You had had nothing whatever before?—Nothing whatever before.

15994. When you were told what the Divisional Surgeon said, what did you say?—I do not know that I made any remark at all.

15995. Did you say anything about another doctor?—Yes, I said I would have Dr. Lee. The policeman said, "If you want to go out to-night, you had better go out now."

15996 Because your bail was waiting?—Yes, he was waiting all the time.

15997. You understood that if you were not bailed then you might have to wait till next morning?—Yes.

15998. You let yourself be bailed, and you went out?—Yes. I should have gone up to Dr. Bagram then, but it was getting on for one o'clock in the morning. He would not come because they gave the wrong name there.

15999. That you found afterwards?—Yes, I went to see Dr. Bagram the next morning to know why he did not attend me, because he has known me for years, and has attended me and the children.

16000. The reason was he did not know it was you?—He did not know it was me. They gave the wrong name.

16001. You had to attend the court on Monday morning, the 1st October?—Yes.

16002. You engaged a solicitor to defend you?—Yes.

16003. You heard the constable 312 F give evidence?—Yes.

16004. What did he say?—He said on the previous evening, about 11.30, he was on duty, and he said he saw me make water up against a dead wall, or, he said, in the road. I had made water, but I had done, and I had filled my pipe and was lighting up when he came up. He was over one hundred yards away when I was filling my pipe, and I never attempted to go away or anything.

16005. I want to know what he said?—He said, "Your name and address, old cock."

16006-7. I want to know what he said in giving evidence at the police-court?—He said I was making water, and he wanted my name and address, and, as I refused, he took me to the station.

16008. Did he say anything about your being drunk?—Not a word on the road.

16009. No. In giving evidence at the police-court on Monday did he say anything about your being drunk?—He swore I was drunk.

16010. I am asking you what he said at the police-court?—That is what he did say. He charged me with being drunk and disorderly.

16011. Did he say anything about your being disorderly, or what sort of disorder it was, when he gave evidence?—Yes.

16012. What did he say?—He said I shouted.

16013. Anything else?—He said I was insulting ladies.

16014. Did he say how?—Insulting ladies by my conduct, he said

16015. Were there any ladies about in the road?—No, not a soul about, and no gentlemen either. There is a great high wall against the waterworks about 10ft. high.

16016. P.C. 139 F also went into the witness-box?—Yes.

16017. He was the man who went for your doctor?—Yes.

16018. What did he say?—He said he went to Dr. Barrett, and he came back because he was out on a case. He also went to Dr. Bagram.

16019. (*Earl Russell.*) You were telling us when we adjourned about the evidence which had been given by P.C. 312 F. I was asking you about P.C. 139 F, whom you sent for a doctor. He gave evidence at the police court?—Yes.

16020. What did he say about the doctor you had sent for?—He said he went for Dr. Barrett, and Dr. Barrett was out on a case and could not attend, and when he came back he went for Dr. Bagram, and Dr. Bagram did not come simply because the policeman gave the wrong name.

16021. Did you hear him say he had given the wrong name? I am asking what you heard P.C. 139 F say?—He said the doctor would not come, and then the solicitor said: "Simply because you gave the wrong name." He asked him what name he gave, and he said: "I gave the name of Barker."

16022. Did you give evidence on oath?—Yes.

16023. You stated what you have told us to-day?—Yes.

16024. Your friend Samuel Porter, who was with you, also gave evidence?—Yes.

16025. And Mr. Garrett the Magistrate said there was no evidence that you were drunk and disorderly, and discharged you?—Yes.

(*Mr. Eldon Bankes.*) Had you not better ask him what the Magistrate said?

16026. (*Earl Russell.*) What did you hear Mr. Garrett say when he dismissed the charge?—I heard him say that there was not sufficient evidence to show that I was drunk or disorderly, and therefore he dismissed the case, but he told my solicitor that he believed the man was innocent.

(*Mr. Eldon Bankes.*) If convenient to the Commission, I could ask this witness a few questions now, because I do not want to put him to the inconvenience of coming here again.

(*Chairman.*) Very well.

16027. (*Mr. Eldon Bankes.*) I have a very few questions to ask you. It was about 11.15, was it, when the constable came up to you?—Yes.

16028. On the Sunday night?—Yes.

16029. You had been having something to drink, had you not, in the "Windsor Castle" public-house?—Yes.

16030. Is that in the Campden Hill Road?—That is in the Campden Hill Road.

16031. Did you remain there till closing time?—Yes.

16032. What time was it that you had gone into that public-house?—It was after half-past ten. It must have been twenty-five or twenty minutes to eleven.

16033. Are you in the habit of drinking spirits?—No; I have a drop occasionally, but very seldom. I am almost a teetotaller, if it comes to that.

16034. It is really very seldom that you touch spirits at all?—I cannot afford it, if it comes to that.

16035. I am not asking you the reason, but the fact is it is very seldom you touch spirits?—Very seldom.

16036. And on this particular occasion you had had two two-pennyworths of gin within twenty minutes or so?—Yes.

16037. Then you came out into the open air?—Yes.

16038. Did you walk down the Campden Hill Road into Kensington Place?—Yes, on my way home.

16039. Did you go to make water against the blank wall which is on one side of Kensington Place?—Yes.

16040. Was that within a few minutes of your coming out of the public-house?—Yes, it was. I met two friends outside the public-house, and I stopped and had a talk with them. It was about 11.15.

16041. It was not very many minutes after you came out of the public-house?—No, about fifteen minutes.

16042. The place where you went to make water is in the public street, is it not?—Yes.

16043. And did the constable come to you while you were standing up against the dead wall?—I had not moved very far. I just moved away, and I filled my pipe, and I was lighting it when he came up.

16044. When the constable came up was the first thing he said that you ought to know better, as people were standing on the opposite side of the road, or at the opposite corner?—No, he never passed such a remark.

16045. And did you say to him, "What harm have I done?"—No. The first words I said were "What for" when he asked me for my name and address.

16046. I suggest to you that this took place before he asked you for your name and address, that he told you you ought to know better, and that then you said, "What harm have I done?"—No.

16047. And then he asked you for your name and address?—He came straight across the road to me.

16048. I quite understand the difference between you. You say the first thing he asked you for was your name and address?—Yes.

16049. It is a fact, is it not, that you refused to give it to him?—Yes.

16050. And then did he say you would have to go to the station?—Yes.

16051. He gave you the opportunity of giving him your name and address if you wished to do it?—Yes.

16052. Before he said that you must go to the station, but after you had refused to give him your name and address did you begin shouting out words to this effect: "My name and address—my name and address"?—No.

16053. Did the constable coming up and speaking to you make you feel excited?—No, not at all. He was coming across the road. I thought it might have been a constable who knew me.

16054. You say you did not shout out?—No, I never spoke any louder than I am speaking now.

16055. Is it not the fact that the result of your shouting out about your name and address was that several people collected?—No, there was not a soul about.

16056. Then he said you must go to the station?—Yes.

16057. And you and he went together to the station?—I said: "Very well, I will go to the station and give my name and address if required."

16058. You went quite quietly?—Oh, yes.

16059. And you and he went together?—Yes.

J. Baker.
22 Nov. 1906.

16060. When you got to the station were you taken into the charge room?—Yes.

16061. Was the man on duty there Inspector Mason?—Yes; I did not know his name.

16062. Let us see how far you agree as to what happened in the charge room. Inspector Mason was in the charge room when you got there, was he not?—Yes.

16063. And there was only one other officer in the room?—That is all I noticed. I think he went through the room and back again. I do not think he was standing particularly at the desk.

16064. No, but he was in the room some portion of the time you were there?—Yes.

16065. When you got into the room did Pittuck tell you to stand in the dock?—He did not ask me. He shoved me in.

16066. You have never made any complaint up to now of any undue violence?—No.

16067. Then did the Inspector ask Pittuck what the charge was?—Yes.

16068. And did Pittuck say drunk and disorderly in Kensington Place?—Yes.

16069. And then did the Inspector turn to Pittuck and ask him what you had been doing?—Not that I am aware of. I did not hear it anyhow.

16070. Did the constable then tell the Inspector he found you making water by the dead wall under a lamp, and that young women were about?—No, I did not hear him say that.

16071. And that he crossed the road to ask you your name for the purpose of reporting you for a summons, and that you had refused to give your name and began shouting and creating a disturbance, and that he had been obliged to bring you to the station?—No, I did not hear him say that at all.

16072. Just see if you remember this. When the constable said that to the Inspector did not the Inspector turn to you and ask you what you had got to say about it?—Yes, he asked me what I had got to say.

16073. And did you say "I know I was making water against the wall, but I did not see any women about."—Yes.

16074. You told him that?—Yes, and I also said that I came there to give my name and address.

16075. And did you also say that when the policeman asked you for your name and address you refused to give it, because you did not consider that you were doing any harm?—No, because———

16076. Is that what you told the Inspector?—No, I told him I refused my name and address.

16077. And did you say it was because you did not think you were doing any harm?—No, I did not say that at all.

16078. Why did you refuse your name and address?—Because the constable would not say what he wanted it for.

16079. Now I will go on with what took place between you and the Inspector. After you said that did the Inspector draw your attention to the fact that the policeman had said you were drunk?—Yes.

16080. And did the Inspector tell you that he was of the same opinion too?—No.

16081. But did he say that he would send for the Divisional Surgeon to see you before he took the charge?—No.

16082. Did he not say that?—No, he had already taken the charge.

16083. Had he?—Yes, he had written it.

16084. But at any rate before you were taken out of the dock did he ask you if you would like to see the Divisional Surgeon?—Yes.

16085. That was before you were taken out of the dock in the charge room?—Yes.

16086. So that before you were taken to the cells or anywhere he offered you to see the Divisional Surgeon?—Yes.

16087. And you refused to see him?—Yes, simply because I never thought they were going to keep me in the station.

16088. I am not asking you what the reason is, but I am asking you the fact. I suggest to you (I am not quite sure about this), that it was not until after you had refused to see the surgeon that he entered the charge in the book?—He had already entered the charge.

16089. I am not quite sure about that?—I am quite sure about that because I saw it in writing.

16090. After you had refused to see the surgeon, or said you did not want to see him you were then taken down to the cells by the Inspector himself?—No, by a policeman.

16091. Did not the Inspector come with you?—No.

16092. Did the Inspector tell you that you could be liberated on bail if you knew anybody who would undertake to see you home?—Yes, he told me that beforehand. When I came through the charge room he said "Your bail will be here in a few minutes"?—That was before I went to the cells.

16093. Did you give the name of your landlord?—Yes.

16094. Your landlord came to the station, did he not, soon after 12 o'clock?—Yes, it was rather before 12.

16095. And when he came you refused to be bailed out?—Yes, because I had not seen a doctor.

16096. You said you would not be bailed out?—I did not exactly refuse to be bailed out. I wanted to see a doctor before I went.

16097. Then the doctor was sent for. You do not complain that the first doctor was not sent for as quickly as possible?—Yes.

16098. You do complain?—It was some time before he came back to say that Dr. Barrett was out.

16099. You do not suggest that he did not come quickly to see whether he was there?—I believe he went for Dr. Jackson first.

16100. Do you know that?—I was fetched out of the cell and brought into the charge room and Dr. Jackson was there. A few minutes after I spoke about sending for my private doctor.

16101. With regard to the second doctor, the constable gave your name as Barker instead of Baker?—Yes.

16102. With that exception do you make any complaint about what he did?—Yes.

16103. What complaint do you make?—They told the doctor they did not know how he would go on for his fees, and they said, "We are not responsible," and I had already told them that if they went to Dr. Bragham the fees would be all right as he knew me well.

16104. You complained that the police constable told the doctor that the police officials would not be responsible for his fees?—Yes, and the way he spoke to the doctor—"That there was a drunken man down in the cells, and the man was locked up for being drunk, and he wants you to come and see him; I do not know how you will go on for your fees. We are not responsible." Of course the doctor would not come. He might be fetched out by anybody and never get his money.

16105. Is the doctor coming here?—I could not say.

16106. (*Chairman.*) What is the doctor's name and address?—Dr. Bagram, Pembridge Gardens, Notting Hill Gate.

16107. (*Mr. Eldon Bankes.*) When these doctors did not come did not the Inspector say that you had much better see the Divisional Surgean?—No, they brought me up to the Divisional Surgeon a few minutes after I said I would have Dr. Barrett, and I wrote my name and address, and when Dr. Jackson caught hold of my wrist I said I did not want to see him, I wanted to see my own doctor.

16108. But when your doctor came did not the Inspector suggest that it would be better for you to see the Divisional Surgeon?—My doctor did not come at all.

16109. Did not the Inspector suggest it would be

better for you to see the Divisional Surgeon?—No, he did not suggest anything.

16110. Did not he say "If you want a private doctor the best thing for you to do is to see the Divisional Surgeon first and after you get out to go and see any private doctor you like"?—No.

16111. (*Chairman.*) When Dr. Jackson, the Divisional Surgeon, had come to the police station, did not the Inspector say you had better see him or you had better let him examine you?—I do not know about the Inspector. A policeman came and took me out of the cell to the charge room and Dr. Jackson was there.

16112. Was nothing said by the constable or by the Inspector to the effect that you had better see the Divisional Surgeon?—No, they said the doctor is here, and I said he is not my private doctor. I said I did not want to see Dr. Jackson.

16113. (*Mr. Eldon Bankes.*) Had you had anything to drink that evening before the two two-pennyworths of gin?—Nothing whatever.

16114. Had you had anything to eat?—Yes, I had had my tea, and I had had my supper.

16115. What time had you had your supper?—I suppose it was about half-past nine.

16116. Do you remember?—Just about half-past nine.

16117. Did you have supper at home?—Yes.

16118. Did you have anything to drink with your supper?—No.

16119. You really mean nothing at all?—Nothing whatever.

16120. No liquid of any sort?—No.

16121. Do you keep any beer in your house?—Oh, no.

16122. (*Chairman.*) I think you said in answer to Lord Russell that you had a friend with you when you went out?—Not when I went out. I met him soon after I got out of doors.

16123. When you left your house after supper where did you go to?—I simply went for a stroll down the High Street. The Campden Hill runs out of the High Street, and I strolled up the hill.

16124. That would be about ten o'clock, because you say you had supper about 9.30, and you had nothing to drink with it. Then I suggest you had about half an hour for your supper?—Yes, it was about that time.

16125. Then you went for a stroll at ten o'clock?—Yes.

16126. Then you were arrested soon after eleven?—Yes.

16127. How long after eleven?—About 11.15.

16128. What were you doing between 10.30 and a quarter-past eleven?—I had been over Campden Hill Road for a walk. It had turned half-past ten when I went into the "Windsor Castle."

16129. Then between the time you started on this walk and the time you went into the "Windsor Castle" you had been in no public-house or any other house and had nothing to drink till you went to the "Windsor Castle"?—Quite right.

16130. Had you had a friend of yours with you in the "Windsor Castle"?—Yes.

16131. What was his name?—Samuel Porter.

16132. Is he going to be called?

(*Earl Russell.*) Yes.

16133. (*Chairman.*) Did Samuel Porter have anything to drink?—Yes.

16134. What did he take?—He took two glasses of ginger beer.

16135. Did you and he go out together?—Yes.

16136. And did you walk away together?—Yes.

16137. Towards Kensington Place?—Yes.

16138. Was he with you at the time you retired against the wall?—Yes, he stood by the side of me.

16139. Did you meet any other friends besides Porter?—Yes, I saw two friends just as I came out of the "Windsor Castle."

16140. Were they going into the "Windsor Castle," or had they been in there?—They had been in there, and I just had a conversation with them, and wished them good-night.

16141. And Porter was with you at the time you had the conversation with the two?—Yes.

16142. Who were the other two friends?—One's name is Webb and the other's Keen.

16143. Are they young men like yourself?—One is, I think, a little over 40, and the other one is 35. They are both middle-aged men, you may say.

16144. You parted from them?—Yes.

16145. And then you went towards Kensington Place?—Yes.

16146. Porter being still with you?—Yes.

16147. Where did Porter stand? You had been lighting your pipe, you told us?—Yes.

16148. Before you went to make water, or after?—After.

16149. Then did Porter wait for you while you went to make water against this wall?—Yes, he stood by the side of me, and I believe he was lighting his pipe at the same time, but I am not sure.

16150. When you had finished you filled your pipe and lighted it?—Yes.

16151. Had you completely lighted it before the constable spoke to you?—I struck a match, and had got it up like this (*describing*).

16152. Then it was at that moment that the police constable spoke to you?—Yes, when I was filling my pipe I saw the police constable coming up about 100 yards away, and he came right across the road to me.

16153. There was nothing in the police constable walking as long as he was on the pavement, but you saw him suddenly come across the road when he saw you?—Yes.

16154. Did he appear to be coming across the road with the view of speaking to you?—Yes.

16155. He made straight for you?—Yes, he made straight across the road. I know a good many constables round there by sight, and I thought it was perhaps someone who knew me.

16156. So the mere fact of his crossing the road did not excite your attention at all?—Not at all.

16157. Not as being anything unusual?—No.

16158. The first thing he appears to have said to you was to ask for your name and address?—Yes, he put his hand on my shoulder and said, "Your name and address, old cock."

16159. You saw then that you did not know him?—I saw then that I did not know him.

16160. Why did you not give your name and address?—I did not think it was necessary. I said, "What for?" and he said, "Never mind what for."

16161. Did it not occur to you at the time that it was because you had been making water there?—I dare say it might have been that.

16162. But did it occur to you at the time?—I did not think I had done anything that he should want my name and address for, late at night like that and no one about, and against a dead wall.

16163. That is a matter of opinion. My question to you was this, did it not occur to you when he crossed the road and asked you for your name and address that it was because you had been making water?—I felt that that was what it was.

16164. Then the position was this. You say you were sober, you had a friend with you, and the only thing you had done was to make water against this wall?—Yes.

16165. And the constable asked you for your name and address?—Yes.

16165. Why did you not give it to him?—Because I said, "What for."

16167. But you appear from what you have just told me to have known what for?—I asked him, "What for," and he ought to have told me.

16168. I will not discuss that question with you, but you have now told me that when he asked you for

J. Baker.
22 Nov. 1906.

your name and address you thought it was because you had been making water against the wall?—Yes, that is what I did think.

16169. Then why did you ask him, "What for"?—Because I do not see why I should give a constable my name and address when he came and put his hand on my shoulder and said, "Your name and address, old cock—" That is not the proper way to address a man in the street.

16170. I dare say we shall hear whether he agrees with your statement that this is what he did say. It is not a polite or courteous way of addressing you, but it does not appear particularly offensive. It is rather a jocular way of asking?—It did not offend me if you come to that.

16171. You would have preferred him to have said "old man" or "old fellow," or something like that, which would have been more courteous?—Yes.

16172. Apart from the use of the words "old cock," you do not object to anything he said?—No.

16173. And you tell me you thought you had done wrong in making water against this wall?—Yes, and I would rather have given my name and address at the station, which I told him.

16174. You would rather walk in public by the side of a police-constable to the station and give your name and address there than give it right off?—Yes, because I thought I could state the case to the Inspector. If he took my name and address I do not know what rigmarole he might make up and take to the station. He might say I had had my trousers down or something of that kind. You never know what they might say.

16175. But you had got a friend with you?—Yes, I had a friend with me.

16176. How were you better off when you turned round refusing to give your name and address, and you said, "What for?" Supposing he had said, "What for?" how were you better off as far as regards giving your name and address is concerned?—I do not know that I was better off. I would have given it willingly at the station.

16177. Supposing the constable had said to you, "For indecency in a public place," or suppose he had stated specifically, "You are making water here against this wall," should you have given your name and address then?—I might have done. I cannot say for certain. I would rather have given it to the Inspector at the station.

16178. Then when you went to the station you pretty well knew that the police-constable was going to mention the fact that you had been making water against this wall?—That is what I thought—that he was going to take me in to the Inspector to give my name and address.

16179. And he did not say a word about drunkenness to you, as I understand?—Not a word.

16180. You had no idea you were going to be charged with being drunk?—No, no idea whatever.

16181. During the conversation you had with the police-constable were you looking him in the face?—Yes.

16182. He had a full opportunity of looking at you?—Oh, yes.

16183. Was it light enough for him to see your eyes, for instance, and your face?—Yes, there was a lamp on the opposite side of the road.

16184. He could see you nearly as well as I can see you now?—Oh, yes.

16185. Are you quite certain that you did not shout at all?—I am.

16186. Quite certain?—I never spoke any louder than I am talking here at the present time. I talked to him as loud as I talk to anyone. I merely said, "My name and address; what for?" I did not shout. I was not excited.

16187. Did Porter join in the conversation?—No, he never said a word.

16188. Did that strike you as rather odd?—He is a country lad.

16189. Porter is a country lad?—Yes; and I suppose that he was frightened at seeing a police-constable wanting me to go to the station. It was all done in a few minutes.

16190. Did Porter come with you?—He followed to the station, but he did not come in the station.

16191. Nobody stopped him from coming into the station?—No, it is no use anyone coming to the station.

16192. Why do you say that?—Because I have heard of so many cases. If he had come to the station they would have told him that all he had to say he had better say at the Hammersmith Police Court on Monday. They won't hear what anybody has to say in the station.

16193. Then Porter was not stopped from entering the charge room and the station with you?—No, he never attempted to enter the station. When he saw I was taken inside he went back, I suppose. I never looked back to see.

16194. You did not think it was odd that you were deserted, so to speak, by him?—Oh, no, not at all.

16195. Supposing Porter had gone with you, would it not have been a very convenient thing for you to have been able to turn to him and say, "Now, you go and fetch my doctor"?—Yes.

16196. Then you would not be dependent on the police at all?—Yes, I could think of that after, but I was taken aback for the moment, and I did not know what to do. I did not know they were going to keep me inside, and put me in a cell, and search me as though I was a rogue. I thought they would have kept me in the waiting-room till the bail came.

16197. You might have known that before they asked you for bail you would be charged with some offence. You must have known that. You knew you were under arrest?—Supposing I am being taken to the station, I could not turn round and sing out to Porter to come in. I never thought of it at the time.

16198. That, I think, is very likely. You say so, and I see no reason to disbelieve it at all, but I want to know clearly whether there was the slightest reason, as far as you could see, why Porter should not have accompanied you into the charge room. Supposing Porter had not been a country lad, but he had been a man who knew London well?—If he had been a man who knew London well I daresay he might have had more cheek in him to come to the station.

16199. Is that the general idea that it requires cheek on the part of a man's friend to go into the police station with him?—He is only a lad.

16200. Never mind Porter for the moment. Is that the general opinion among you and your friends in this part of London?—It is. If I saw a man locked up I should not attempt to go in the station.

16201. I daresay not if you knew nothing about him, but supposing, for instance, Porter had been the man who was arrested. You have said he is a country lad, and therefore not so experienced as yourself. If he had been arrested, as you thought, simply for that small offence of making water against a wall, and he was taken up by a police-constable, would you not have gone with him?—I should have gone to the station then to hear if they would hear anything I had to say. I should, myself.

16202. You would want to know what was going to be done with him?—Yes; but I should not expect a lad like this to come in.

16203. That is all right, as far as this particular case is concerned. You do not suggest for a single moment that there was anything wrong about his going away, and you were not surprised at it?—Not at all.

16204. There was nothing to prevent him from coming if he liked?—There was no one who stopped him from coming in.

16205. When you heard you were charged with being drunk and disorderly, and not with having been guilty of this act of indecency—because it is an open question whether you were right or wrong in doing it, and whether it was an offence against public order—and it was open to you, as a matter of defence, and you went to the station under the impression that that was what was in the policeman's mind?—Yes.

16206. And you knew it was with regard to that that the charge was being made against you?—Yes.

16207. When you heard you were being charged with being drunk and disorderly you were surprised?—Yes, I was surprised.

16208. Did you express your surprise?—Yes.

16209. To whom?—To the Inspector.

16210. I do not think you told us that in chief. You said you were surprised?—I felt surprised.

16211. What were the exact words you used to the Inspector?—I said, "Mr. Inspector, are you going to take a charge like that?"

16212. That is indirectly an expression of surprise. Then you went on about the doctor and so on?—Yes.

16213. Why did you not go to a doctor after you got out?—I did not want to trouble a doctor at that time of night.

16214. But it was rather a serious thing for you. You were in a respectable position; you are an ironmonger's assistant, and it is rather a serious thing for you to be charged with being drunk and disorderly?—It was a serious charge.

16215. As we know, the magistrate has found you were not drunk and you were not disorderly, but why on earth did you not, feeling the seriousness of the charge, go to some doctor when you came out at 1 o'clock? It is a matter of business, and doctors are quite used to being called on at that time of night. It is simply a matter of money. There is a question of the fee, but it was worth your while if it was such a serious charge to pay the fee?—But when it is getting on to 1 o'clock in the morning you hardly like to go and knock a doctor up. I should have gone to Dr. Bagram, but the constable came back and said that he refused to come. He never told me he had given my wrong name.

16216. I quite follow that. I should probably feel very angry with my own doctor if that was the answer I got under those circumstances?—As Dr. Bagram said he would not come I went then to Dr. Barrett, and he was still out on that case. He was out pretty nearly all night on the case.

16217. You did go to Dr. Barrett?—I went to Dr. Barrett and blew up the tube.

16218. About what time did you get to Dr. Barrett's?—It would be past 1 o'clock then.

16219. And he was still out.?—Yes.

16220. Did you know any other doctor in the neighbourhood?—Yes, I knew Dr. Lee, in Holland Park Avenue.

16221. Why did you not go to him?—At that time of night I did not want to trouble him.

16222. I only want to know what you say. You won your case, so that it does not matter, but I wanted to see what your general attitude towards the matter was?—That was it.

16223. (*Mr. Dickinson.*) When you were taken up you say that you thought you were going to the police station to give your name and address?—Yes.

16224. When you got to the police station did you say anything about that?—I told the Inspector that was the reason; that the constable had told me I had to come there for my name and address.

16225. You told the Inspector the reason you were coming to the station was to give your name and address?—Yes.

16226. Did he say anything to that?—No, he said, "This constable charges you with being drunk and disorderly." That is all the remark he passed.

J. Baker.

22 Nov. 1906.

16227. I took down, when you were giving evidence, this—I may be wrong, but you will tell me if I am wrong—"I gave the name of Dr. Barrett, who I had seen the same evening"?—Yes.

16228. Where had you seen him?—I went there for some medicine for the child he was attending.

16229. You did not go there for your own health?—No, for the child. He had been to see the child, and I had to go back to the surgery with him to get the medicine for the child.

16230. You were quite well yourself at the time?—Yes.

(*Earl Russell.*) I had a certificate from this doctor as to Mr. Baker's condition at 9 p.m., but it seemed to me not material as to his condition at 11, so I did not put it in.

(*Chairman.*) No. Mr. Bankes did not suggest he was drunk at 9 o'clock.

16231. (*Mr. Dickinson.*) What was the reason in your mind that made you object to see the divisional surgeon?—For one thing, Dr. Jackson has not got a very good name round our neighbourhood. That is one thing. From what I have heard—I have never been in front of him myself, but I have read cases in the paper, and it is a well-known thing that divisional surgeons generally certify the man is drunk or recovering from drink, and I thought it best to see my own private doctor.

16232. (*Chairman.*) Have you heard many people make that sort of suggestion that the words "Not drunk, but has been drinking or recovering from drink," is the certificate always given by divisional surgeons?—No, but I have seen cases in the papers, and I have heard that that is generally the usual thing.

16233. (*Mr. Dickinson.*) You have never been in a police court before?—No, and never inside a police station before.

16234. When you say you have heard that said about divisional surgeons, has it been said by persons who have had practical experience and who have been before the Police Magistrate or in the police court?—No, not exactly by people who he has seen in the police-station, but he has not got a good name at all there. In fact, his appearance is not like a doctor at all, and that goes somewhat against him.

16235. (*Chairman.*) Rightly or wrongly, you suspected Dr. Jackson—suspected him, I mean, in this sense, that you did not think he would give a real and truthful account of your condition. Is that what you mean?—Yes, because I could see that they were trying to make a case against me. The Inspector knew perfectly well I was not drunk. I was as sober as I am now. I should like to mention, gentlemen, that it is not because I am prejudiced against the police that I have brought this case before you, because I am very friendly with the police, and also that I would assist them at any time if it came in my way, but this particular policeman bringing a false charge like that against me, I consider he ought to be punished, so as to check him from locking innocent people up and bringing unjust charges against them.

16236. Have you written to the Commissioner of Police?—No.

16237. You have contented yourself with coming here?—Yes.

Samuel Porter, sworn.

16238. (*Earl Russell.*) You live at 19, Nelson Road, West Kensington?—Yes.

16239. Your trade is that of a milkman?—Yes.

16240. On this Sunday night, the 30th September, you joined your friend James Baker for a walk?—Yes.

16241. Was it close to his house that you joined him?—About 200 yards I should say.

16242. At about what o'clock was it?—It would be about 10 o'clock.

16243. And then you walked along the Campden Hill Road?—Yes.

16244. You walked together till about when before you went into the public-house?—It would be about half-past 10 or 25 minutes to 11.

S. Porter

16245. At that time you went into the "Windsor Castle" public-house?—Yes.

16246. Are you a teetotaller yourself?—Yes.

16247. But you went into the "Windsor Castle" with him?—Yes.

16248. What did you drink there?—Two half-pints of ginger beer.

16249. What did he drink?—Two twopennyworths of gin.

S. Porter.
22 Nov. 1906.

16250. You stayed in there, we have heard, till closing time. Is that right?—Yes.

16251. When you came out with him you walked along to where this dead wall is?—Yes.

16252. About how far is that from the public-house?—About three minutes' walk.

16253. He made water against this wall as we have heard?—Yes.

16254. And you were still talking to him?—Yes.

16255. Is there any notice up on the wall or anything of that sort?—No.

16256. After he finished, what did he do?—He filled his pipe and was lighting up.

16257. Did you see a constable watching you during this time?—Yes, I saw one across the road.

16258. Did you see him before he crossed the road?—Yes, he went past us, and then he turned round and came back again about 100 yards higher up than we were then. He turned round and he came back across the road to us.

16259. About that time did you notice how far Baker had gone with the filling and lighting of his pipe?—The policeman had got up to us before he lit his pipe. He just struck the match to light it when the constable reached us.

16260. Were you quite close to Baker at that time?—Yes.

16261. What passed between them. Who spoke first?—The constable spoke first.

16262. What did he say or do?—He just touched Baker on the shoulder, and said "Give us your name and address, old cock."

16263. What did Baker say then?—He refused to give it.

16264. What did he say?—He said "What for?" and the constable said "Never mind what for, you give it to me, or else you will go down to the police station and give it to the official."

16265. What did Baker say to that?—Baker said, "I would rather go down than give it to you."

16266. And after that?—He took him.

16267. He laid his hand upon him?—He laid his hand upon him and took him.

16268. And they went to the police station?—Yes.

16269. You followed after?—Yes.

16270. You did not walk along with them?—No.

16271. When you saw them go into the police station what did you do then?—I turned round and went and told his missus.

16272. You made no attempt to get into the police station?—No, none whatever.

16273. Are you quite sure that nothing else except that passed between Baker and the constable?—Yes, I am quite sure.

16274. The constable gave him no reason at all?—No reason whatever.

16275. What condition was Baker in at this time?—He was all right, I think.

16276. Sober?—Yes, quite sober.

16277. Speaking clearly?—Yes, speaking very clearly.

16278. Was he speaking loudly?—No, just as I am now, I expect.

16279. Was he shouting at all?—No.

16280. He did not throw himself about when the constable put his hand on him?—No.

16281. He walked quietly?—Yes.

16282. What about the people in the road? How many people were there in the road at this time?—I could not count them. There was not one, I think.

16283. Did you see any young girls at the corner?—No, I did not see one.

16284. Did you speak to the constable yourself at all?—No.

16285. You did not say a word?—No.

16286. And he did not speak to you?—No.

16287. Then the next thing you knew about it was on the Monday morning?—Yes, at the Police Court.

16288. You attended the Police Court?—Yes.

16289. And you went into the witness box and gave evidence?—Yes.

16290. Did you tell the Magistrate what you have told us to-day?—Yes.

16291. And then the case was dismissed?—Yes.

16292. (*Mr. Eldon Bankes.*) How long have you been in London?—About a year.

16293. How long have you known the last witness Baker?—As long as I have been in London. I lodge with a friend of his.

16294. Did you go to the doctor with him that evening before you went to the public-house?—No.

16295. How soon after supper did you join him?—It was about 10 o'clock when I joined him.

16296. Whereabouts?—At the top of Holland Park on Campden Hill.

16297. Did you meet him by chance or had you made an appointment?—Accidentally.

16298. How do you know the exact quantity of drink he had in the public-house?—I was with him at the time.

16299. There were other men in the public-house whom he knew, were there not?—Yes.

16300. There were a good many people in the public-house, I suppose?—Oh, no—five or six of them.

16301. Were they all friends of his?—Yes, most of them were friends.

16302. Were they drinking one with another?—Yes, they were having drinks.

16303. How do you know exactly how much he had to drink?—I was there to see.

16304. Do you know how much his friends drank?—No, I did not take that particular notice. They all had about the same, I think.

16305. I suppose you have spoken to Baker about this matter since?—Yes.

16306. Did you speak to him about how much drink he had before you gave evidence at the Police Court?—No, I don't think I did.

16307. Then I understand you came out and walked down and got into this Kensington Place?—Yes.

16308. That is a thoroughfare, is it not?—Yes.

16309. It is a street up which numbers of people walk and drive?—Yes, but not so very many.

16310. Is it a place where many people walk on Sunday nights?—No, I do not think it is.

16311. Did Baker cross the street and go and make water against the blank wall?—Yes.

16312. Was there a lamp close to where he was?—Yes, not so very many yards from him.

16313. He was within a few yards of a bright light?—Yes.

16314. So that anybody passing up and down the street could see him?—Yes.

16315. I understood you to say just now that the constable passed you and went some distance past you before he came back?—No, we had gone some yards after that—after the constable had passed us.

16316. You mean that the constable passed you before Baker made water?—Yes.

16317. Where were you standing when the constable passed you?—We were walking.

16318. Walking the same way as the constable?—Yes, very slowly.

16319. You were walking very slowly, and the constable passed you?—Yes.

16320. The constable did not speak to you at all?—No.

16321. He did not molest you, or trouble you in any way?—No.

16322. After he had passed, Baker turned aside to the wall?—Yes.

16323. Then it was the constable came back?—Yes.

16324. Do you think the constable turned back as

soon as ever he saw Baker turn to the wall?—No, he did not turn back as soon as Baker turned to the wall.

16325. The constable, I suppose, had his back to you when Baker turned to the wall?—He stood at the corner when Baker turned to the wall.

16326. Who stood—the constable?—Yes. He stood there for a minute or two, and then he did come back.

16327. You were going *this* way?—Yes.

16328. Is the corner here?—Yes.

16329. The constable passed you somewhere *here*?—Yes.

16330. Then he went up to the corner and stood *here*?—Yes.

16331. Whilst he was standing there Baker was against the wall?—Yes.

16332. Then the constable had to come from the corner to him?—Yes.

16333. You say he did not get to him until he began to light his pipe?—No, he had got his pipe filled and was lighting it.

16334. Were there any young women about?—No.

16335. Not at the corner?—No.

16336. Were there any young men or young women about?—No.

16337. Do you mean to say you did not see them, or are you prepared to say that they were not there?—I did not see one.

16338. (*Chairman.*) If there had been any at the corner you would have seen them, I presume?—Yes, unless I had shut my eyes.

16339. How many yards from the corner were you? About one hundred yards, I should say.

16340. (*Mr. Eldon Bankes.*) Then the constable came back, and he asked for his name and address?—Yes.

16341. Did he do that in his usual tone of voice?—Yes.

16342. There was nothing offensive in the way in which the constable spoke?—No.

16343. But in spite of that Baker would not give it to him?—No.

16344. Did the constable say to him that he ought to be ashamed of himself?—No.

16345. Or that he ought to know better?—No.

16346. Nothing of the kind?—No.

16347. Did Baker shout out at all?—No.

16348. Did he seem to be angry when he was asked for his name and address?—No.

16349. What reason was there for refusing it except that he was angry?—I do not know; he thought it was not necessary, I suppose.

16350. He was rather resenting what the constable was doing?—Yes.

16351. Did he not shout out in rather a loud voice "What do you want my name and address for?"—No, he spoke very gently.

16352. Did any people collect close to?—No.

16353. Not whilst he and the constable were talking?—No.

16354. Ultimately Baker said he would give his name and address at the station?—Yes.

16355. So that he preferred to go the station?—Yes, he preferred to go to the station.

16356. The constable did not act roughly towards him in any way, did he?—No.

16357. I mean they just went together?—Yes.

16358. Something has been said about his having been arrested. Did you understand that he was arrested, or did you understand they were going just together?—I understood they were going together to give his name and address.

16359. You did not see anything which led you to think that the constable was rough towards him?—No.

16360. They went together. Then you went to tell his wife?—Yes, I followed on to the police station, and then went to tell his wife.

16361. (*Earl Russell.*) They went together quietly, but you told us that the constable had his hand on his arm. Is that so?—Yes

16362. Or was he walking quite alone by the side of the constable?—The constable had hold of his arm.

16363. (*Chairman.*) Did you think it was rather odd that the constable should take him off to the station, keeping his arm upon him?—Yes, I thought it was not necessary.

16364. You knew, in fact, that he was arrested?—Yes.

16365. What for?—I did not know. I had no idea, unless it was for making water. That was all.

16366. (*Mr. Dickinson.*) Did you give evidence before the Magistrate?—Yes.

16367. You heard the evidence of the witnesses in Court?—No, I stood outside. They called for me.

16368. They called for you. Did you say to the Magistrate what you have said to us?—Yes.

16369. Were you cross-examined at all?—No.

16370. How was the inquiry conducted? Who asked you questions first of all?—The solicitor asked me questions.

16371. That is to say, the solicitor who was appearing for Baker?—Yes.

16372. You told you story?—Yes.

16373. Did the police-constable ask you any questions?—No.

16374. Did the Magistrate ask you any questions?—No.

16375. Were you asked any question as to whether there was any shouting?—Yes.

(*Chairman.*) Have you the police reports?

(*Mr. Eldon Bankes.*) Yes.

(*Chairman.*) You are going to call the constable?

(*Mr. Eldon Bankes.*) Certainly. You shall have all the reports, if there are any.

(*Earl Russell.*) I was not aware that the question of drunkenness was likely to be contested in this case. If the Commission think it worth while I can call this man's landlord, who was at the station soon after midnight to bail him out. He is not in Court now.

(*Chairman.*) The Commission will summon him if we think it necessary.

(*Earl Russell.*) If you please.

(*Chairman.*) One of the great advantages we get from Mr. Eldon Bankes' cross-examination is that we are able to form some idea of what is likely to be said. I think the only suggestion that Mr. Eldon Bankes has made is that this gentleman had taken two glasses of gin, and, going into the open air, was a little excited.

(*Earl Russell.*) It goes a little beyond that.

(*Chairman.*) We shall see.

(*Earl Russell.*) Might I make an application in connection with the cases which have been taken to-day? There is the case of George Mullins, and there is also the case of James Baker. May I be allowed to have copies of the police reports before the cross-examination of the police witnesses? You will recollect I had them in the two previous cases. I have a difficulty in cross-examining the police witnesses effectively if I only see the police reports in Court for the first time just before I cross-examine.

(*Chairman.*) We can give the depositions.

(*Earl Russell.*) I did have the police reports in the other two cases.

(*Chairman.*) The depositions are not put in yet, and therefore I am afraid we cannot deal with that now.

(*Earl Russell.*) If you please.

(*Mr. Eldon Bankes.*) Can any intimation be given as to what cases will be taken next Wednesday?

(*Chairman.*) Not in public. Mr. Leslie will give you private information as to what witnesses we shall be calling on Wednesday.

(*Mr. Eldon Bankes.*) If you intend to take any others than those which have been mentioned to-day we shall have notice?

(*Chairman.*) Yes.

(*Earl Russell.*) I understand that the witnesses in the Tresadern case are here. Will you take them to-day?

(*Chairman.*) No, we can take no more to-day.

SEVENTEENTH DAY.

Wednesday, 28th November, 1906.

PRESENT:

Sir DAVID BRYNMOR JONES, K.C., M.P. (*Chairman*).
WILLOUGHBY HYETT DICKINSON, Esq., M.P. (*Barrister-at-Law*).
CHARLES ALGERNON WHITMORE, Esq. (*Barrister-at-Law*).
J. W. ST. LAWRANCE LESLIE, Esq. (*Barrister-at-Law*), *Secretary*.

(*Chairman.*) Have you the constable in Wells' case here?

(*Mr. Muir.*) Yes, Sir, but I understood Mr. Wells was coming back. I should like to ask him some questions. Before I commence I should like to take your opinion and that of your fellow Commissioners as to whether you think that owing to the lapse of time I ought to put a question founded on that document, as marked in blue. (*Handing document to the Commissioners, who conferred.*)

(*Chairman.*) I think you may leave this with us, but do not ask any questions about it. The whole matter is too remote from our point of view.

(*Mr. Muir.*) That was my own feeling, but I desired not to keep it entirely from the Commission.

EDWARD WELLS, recalled.

E Wells.
28 Nov. 1906.

16376. (*Mr. Muir.*) Do you know Thomas William Young?—Yes.

16377. Was he present when this matter between you and the constable took place?—He told me he was.

16378. You know he was, do you not?—I saw him there.

16379. That is good evidence. Would it be true that in his hearing you said to the driver of the 'bus who you were speaking to: "You f—— b—— twister, you don't mean to pay me"?—Absolutely untrue.

16380. And that you shouted that so loud from the urinal that he could hear you?—It is absolutely false.

16381. Is it true that you were shouting at the driver as he was getting on to his box?—I was talking to him in a loud voice.

16382. Shouting at him?—Certainly not. I was talking to him in a loud voice, as I have already explained.

16383. Would it be true that when the driver was about to pull his 'bus off the rank that you were standing near the horses' heads and shouting: "If I don't b——well hear from you before Tuesday, you see what I will do"?—Certainly not.

16384. That you shouted that at him as he was about to pull off the rank?—I have already told you what I said to the man.

16385. And that it was then P.C. Dunham came up to you and told you to go away and not interfere with the driver while he was at his work?—No, he did not mention anything about work at all. He held me by the collar and sleeve, and told me to go away.

16386. And that you then turned round and shouted at the policeman in a very excited manner: "I sha'n't go away for you, I have not committed a breach of the peace. What have I got to go away for"?—There are several words added to it. Some of them I did use.

16387. Which are those?—That I thought as I had not committed an offence I had as much right to be there as him, and I had other business to do which I intended to stay and do; why had I to go away, and if I wanted to it would be utterly impossible while he had hold of me.

16388. Did about a dozen people gather round while you were shouting out at the 'busman?—I did not see anybody, let alone a dozen.

16389. Did the policeman again order you away?—No, he did not order me away. He took me away. There was no ordering in it.

16390. Did you say to the constable: "Decidedly not—what for?" when he ordered you to go away?—Yes, I believe I did.

16391. Did he then say: "Well if you won't—" and caught hold of you by the collar?—No, he already had hold of me. He never loosed his hand from me the whole of the time.

16392. Do you know George Edward Dawson?—No, I don't.

16393. Let Dawson stand forward. Do you know this man?—No, I do not.

16394. He is the conductor of the 'bus that Young was driving?—I do not know him.

16395. Did you shout to the horse-'bus driver, among other things: "You dirty b—— tyke"?—Certainly not.

16396. As the driver got on to his 'bus: "You dirty b—— tyke, why didn't you pay the money you owed," mean to pay"?—No, I did not.

16397. Did you say to him: "You f——well don't mean to pay"?—No, I did not.

16398. When the constable spoke to you, did you say: "That man owes me money"?—No, I think I made the remark that I was there to ask for my rights. I never mentioned money at all.

16399. "That man owes me money, have I not a right to come and get what belongs to me"?—I did not.

16399*. Did the constable tell you to go away two or three times?—He told me once.

16400. And did you remain, shouting at the top of your voice: "What have I done? I have done nothing"?—I remained because I could not get away. He had hold of me. It was impossible for me to go away.

16401. (*Chairman.*) Are you quite certain that you did not use any strong language to the driver of the 'bus?—I am positive. I need not be quite sure—I am positive. It is a thing I never do, and never have done.

16402. Why were you talking in a loud voice then?—On account of the noise of the motors. The engines are going the whole of the time, and when a man is in his seat it is really necessary to speak loud. I was speaking no louder on that occasion than I do no any other.

16403. But there are not motors close by always when you are speaking?—There are always motors there. It is an omnibus stand.

16404. You mean you were not speaking louder than you usually speak when you are at that corner?—No, Sir.

16405. Is there anything else you would like to tell us?—No, I have nothing else to add at all.

16406. (*Mr. Dickinson.*) How long have you known this man Hill?—About eight or twelve months, I think.

16407. You had dealings with him all that time?—Not all that time.

16408. Have you had many dealings with him?—I have supplied him with four pairs of boots—a matter of about £2 odd.

16409. Are those all the money matters that have passed between you—about £2 odd?—Yes.

16410. During the whole of the time you have known him?—Yes.

16411. Has he ever been in arrear before?—Yes, he has been a week in arrear, but then he makes it up. Instead of paying me a shilling he will pay me 2s., or 1s. 6d., or 2s. 6d.

16412. Have you ever had any trouble in getting money from him?—They have to pay me next week, that is the only trouble. I have had no more trouble with him than any other driver. Sometimes they get suspended two or three days and then they can't pay. They pay the following week or a part of the week. A man instead of paying 2s. 6d. will pay 1s. 6d., and if they pay 1s. 6d. they might pay 2s. 6d. the next week.

16413. Has this man, Hill, ever got behindhand?—No more than that.

16414. You have never had any trouble with him about getting your money?—No more than I have with any of the others. They are all about of a muchness.

16415. (*Chairman.*) How much did he owe you at the time of this occurrence?—About 11s., but he had the usual time to pay it in. There was a balance of about 11s.

16416. The instalment had become due on the Friday?—On the Friday previous to my arrest, which was on the Saturday.

16417. Your arrest was on the Saturday, and the instalment had become due on the Friday?—Yes.

16418. Were there any arrears?—I believe he paid 1s. in the week previous. I have got my book here. (*Producing book.*)

16419. Whatever the dispute was it was only about a small amount, a few shillings?—That is all, only a few shillings.

16420. What were the weekly instalments?—As much as we could always get—from 1s. upwards.

16421. I think the original bargain was a bargain to pay by instalments?—Yes, but we never get the regular payment.

16422. What was the regular payment?—He paid me 2s., I think, and then he said, "I will endeavour to pay you 1s. 6d. or more if I can." If we get more we think we are lucky.

16423. You had supplied him with four pairs of boots?—Yes.

16424. Amounting to £2 2s. 6d. altogether?—Yes.

16425. He commenced paying on May 13th by a payment of 2s.?—Yes. *E. Wells.* 28 Nov. 1906.

16426. And the arrangement was that he was to pay you 2s. a week?—1s. 6d., or as much as he could, that means, if they get a full week perhaps they will pay 6d. or a 1s. more. If they have to have a day or two off they will pay less.

16427. On October 4th he paid 2s. 6d.?—There are several two-and-sixpences I believe.

16428. On October 19th he paid 2s.?—Yes, just as he paid so I put it down in that book.

16429. On the 26th, that was the following Friday, he only paid 1s., and on October 8th he only paid 1s.?—That is quite right.

16430. Then it was in consequence of his having only paid 1s. on the Friday that you were seeing him on Saturday?—No, on the Friday he did not pay anything. He promised to pay me on the Tuesday.

16431. On October 4th he paid you 2s. 6d.?—Yes.

16432. And on October 19th he paid you 2s.?—Yes.

16433. The 2s. was paid after you had been arrested and been taken to the station?—After October 13th.

16434. The reason why you wanted to see him on Saturday was that he had paid nothing at all from the Friday before?—Yes.

16435. What was the total balance then due?—You will see it by the book. I think it is 11s. or 12s.—about that. I have not totalled it up.

16436. Were you asking him to pay the whole balance of the debt on the Tuesday?—Oh, no, because I knew he could not do it. It was no use my asking it. I was simply asking for something off it, and he promised to give it to me on the Tuesday.

16437. I should say he had been paying with fair regularity, had he not?—Oh, yes.

16438. If all your customers paid as well as he did you would not have much to say in the matter?—No. As I say, they pay fairly well. Of course, they get into arrears sometimes, but if they get a full week's work they pay a little extra.

16439. Had you any dispute at all with Hill before?—Oh, no.

16440. (*Mr. Dickinson.*) The first entry in this book here is May. Had you had dealings with him before May?—No.

16441. It was only since May?—Yes.

16442. This happened at 3 in the afternoon?—Yes.

16443. You had been there about two hours?—Yes, just about. As I left Highbury Barn I noticed the clock was 3 o'clock, and when I returned it was five minutes past 5. I had been under arrest all that time.

16444. Had you been in the public-house at all to take any refreshment during those two hours?—No. I am a teetotaller, and a life abstainer

(*Mr. Muir.*) Would the Commission prefer me to call the police witnesses or the private witnesses first?

(*Chairman.*) I do not know that we have any preference.

(*Mr. Muir.*) Then I will call the private witnesses first, so that they may be released.

THOMAS WILLIAM YOUNG, sworn.

16445. (*Mr. Muir.*) Are you a licensed stage driver, No. 4,003, and do you live at 199, Battersea Bridge Road?—Yes.

16446. Do you drive a motor 'bus?—Yes, for the Road Car Company.

16447. On the 13th October last at 3 in the afternoon were you in charge of your 'bus on the front rank at Kelvin Road, outside the Highbury Barn Public-house?—Yes, I was.

16448. Did you get off your car and go to the urinal?—Yes, I did.

16449. That is in the centre of the road a few yards away from the 'buses?—Yes.

16450. Do you know Mr. Wells?—Yes, I know him perfectly well.

16451. Did you hear his voice?—Yes, I did. *T. W. Young.*

16452. Where were you when you first heard his voice?—Just going in the urinal.

16453. What tone was it in at that time?—Shouting at another man in there who I knew as a horse 'bus driver.

16454. That was Hill?—Yes.

16455. Did you hear what he was shouting about?—Yes, about money matters.

16456. Did you hear any bad language by anybody?—Yes; Mr. Wells said, "You f—— b—— twister, you don't mean to pay me."

16457. (*Chairman.*) Do you mean that he used those letters "f" and "b"?—He said the words.

T. W. Young.
28 Nov. 1906.

16458. (*Mr. Muir.*) Were there any other words besides those?—There were other words of obscene language which I don't remember now.

16459. Did you or they leave the urinal first?—They left the urinal first.

16460. And outside did you hear anything going on?—Yes, when I came out the horse driver was getting on his 'bus. He seemed as though he was getting out of the way of the other man Wells. Wells walked just in front of the horses' noses and he said, "If you do not b—— well pay me before next Tuesday you will see what I will do." He looked very excited, and he shouted. My motor was stationary, and the engines were not working at all. We are not allowed to let the engines work when the 'bus is on the 'bus stand. We have to let it be stationary until we start off again. Those are the police orders. I was the only motor 'bus there at the time, too.

16461. Did you see the constable Dunham?—Yes.

16462. Did you know him at all before that?—I believe I had seen him on the point about twice before.

16463. Did you ever speak to him at all?—Not that I know of.

16464. You saw him. Did he come up?—I believe he was on point duty at the corner. He came round to the front of my motor.

16465. Did you see him do anything?—Yes, he came round in front of my motor and he said to Mr. Wells, "You had better clear out of this; it is not a fit place to come and quarrel with the man, and you had better go away." Mr. Wells said, "I shan't go away for you. What have I done to go away for? I have not caused any breach of the peace." The policeman said, "Go away," and Wells said, "I shall not." The policeman said, "If you won't——" and then he put his hand on his collar and took him down the road. In the meantime the horse 'bus driver had driven round to the front road, and I should not think the driver of the horse 'bus saw the man actually arrested. He did not know he was arrested till he was taken past the 'bus down the road. I remained on foot some time after that and did not see the man taken down the road—only round the corner.

16466. Were there any other persons about at this time?—Eight to twelve. Some may have been 'busmen and the officials. There were perhaps six or eight other people looking on.

16467. Did you hear anything about Wells making a complaint against the policeman at the time or afterwards?—He said, "What have I to go away for? I have done nothing."

16468. That was at the time, but afterwards did you hear him say anything?—I did not hear anything further, because I had to get on my car and get down the street.

16469. On any subsequent date did you hear any thing from Mr. Wells about any complaint of his against the police?—Yes, he wrote a letter to me, asking me to go up as a witness, and then he wrote saying he did not want me as the Commissioners only required two witnesses. I have the letter at home.

16470. As a witness at the police-court or here?—For him on this Commission.

16471. Then you say he wrote again saying he did not require you?—Yes.

16472. Did you see Wells at all about this matter?—No, I did not, but he made it his business to get on the step of my 'bus and speak to me about it.

16473. When was that?—Since his arrest. I could not say what day.

16474. Before he had asked you to come before this Commission or afterwards?—That was the time that he asked me and then he wrote to me.

16475. First of all he asked you to come?—Yes.

16476. Did you say anything to him at that time about whether you would come or whether you would not?—I told him I could not come—that I had got my work to study, and that I was a licensed man.

16477. After you got the second letter from Wells saying he did not require your attendance here, did you communicate with P.C. Dunham?—No, I do not think so.

16478. How did he get into communication with you?—He saw me driving on my car by an off chance, and asked me whether, as I saw it, would I care to come up and give any evidence. I said certainly I would.

16479. Did anything more take place between you?—No, nothing whatever.

16480. Then did you receive a communication from Subdivisional Inspector Smith to go to the police station and make a statement?—Yes.

16481. And did you go there and see Subdivisional Inspector Smith?—Yes, I did.

16482. And did you make a statement to him?—Yes.

16483. Alone?—Yes.

16484. P.C. Dunham was not there?—There was only the Inspector, who I saw personally.

16485. Did you tell the Subdivisional Inspector the name of your conductor?—I told him the name of my conductor, and told him I would tell him to come down if necessary.

16486. Your conductor was not there at the time at all?—No, not at all. I believe he went up later, and took his wife with him.

16487. (*Chairman.*) How long have you been a licensed driver?—Since September 4th, 1906.

16488. What were you before that?—A cycle and motor-cycle maker by trade, living at Bow, and I had a little business of my own.

16489. Then you started your work as a driver of a motor omnibus?—Yes, for the Road Car Company.

16490. You had only been at the work for four or five weeks?—More than five weeks.

16491. You told me you started in September, and up to the 13th October would make about five weeks, so that you had been on that kind of work for about five weeks?—Yes, but I thought it was longer than that.

16492. Had you ever spoken to Dunham during that five weeks?—No, I did not know him previous to his stopping me on the day he met me on my car.

16493. That was after October 13th, after the arrest?—Yes. I did not know him by name until this morning.

16494. You never spoke to the police-constable at all between the 5th September and the time of the arrest?—No, I never saw him before. I do not believe he was up there on duty previous to that.

16495. You had never seen him even?—No.

16496. Why did you tell Mr. Muir that you had seen him two or three times?—The constable?

16497. Yes?—On the corner on duty, as I drove up and down he was standing there, but I have never spoken to him.

16498. I asked you whether you saw him before October 13th, and you told me a moment ago you had not seen him. I ask you why you told Mr. Muir that you had seen him two or three times?—The police-constable on the corner, I saw him as I drove my 'bus round, but I never took much notice of the man. I had seen him, but never spoken to him before.

16499. (*Mr. Whitmore.*) You did not know what his name was?—No.

16500. Nor his number?—No. I never took that notice. I saw the police-constable standing on duty there, and that is all.

16501. (*Chairman.*) Had you ever spoken to Wells?—I might have done.

16502. Of course you might have done so. You are speaking to me, and I suppose you were able to speak then. Had you, or had you not, spoken to Wells before the day of his arrest?—I believe I had. I could not say what about, but I believe I had spoken to him before.

16503. What about?—He told me that I could have some things on the hire system—the tally system. I believe that was the reason he spoke to me at the time, and asked me if I wanted anything in his line. I think that was the only occasion.

16504. You knew Wells's occupation?—I know he was selling goods to the drivers at so much a week.

16505. How many times do you think you had seen him at that corner before October 13th?—Only about once previous to that day.

16506. That was the occasion on which he spoke to

you and asked you if you wanted anything in his line?—Yes.

16507. How long did the conversation last?—Perhaps two minutes.

16508. Had you ever spoken to Hill, the driver of the horse 'bus?—No, never. I had seen him on his 'bus and waved my hand to him and nodded to him, the same as 'busmen do to one another.

16509. When Wells spoke to you did he speak in a civil kind of way?—Oh, yes, very civil.

16510. He did not strike you as a particularly rough man?—No.

16511. Or a man in the habit of using bad language?—Not that I know of. I had no occasion to think that.

16512. Was there anything in the way he addressed you which struck you?—No, he struck me as a respectable tradesman. He seemed of a very excitable nature.

16513. You came to the conclusion he was an excitable man?—I did, certainly.

16514. After two minutes' conversation?—Yes, from the way he talked. He talked very sharp and quick.

16515. Then you think everybody who talks sharply and quickly is of an excitable nature?—He did give me that impression. That was his way—very short and sharp and quick in his conversation.

16516. Businesslike?—Yes, you may term it businesslike.

16517. Do you infer from that that he is an excitable man because he is businesslike and does not waste words over a transaction?—I do not.

16518. Is that the only reason you have for saying he was excitable in your opinion?—I have seen him get excited since. I suppose that is why I think it.

16519. That is very likely. Then your view of his being an excitable man is founded on what has taken place since, and not on your two minutes' conversation?—That may be so.

16520. But is it so?—It is very possible.

16521. Of course it is possible, but is it so?—Yes, I should think so.

16522. Then I take it from you that when Wells first of all spoke to you and wanted to do business with you there was nothing in his manner to indicate that he was a rough man in the habit of using bad language?—No, I do not think so.

16523. You never saw him have any altercation with anybody else than Hill?—No, never.

16524. Why do you suggest he was using this bad language?—I do not suggest it, because I heard it used.

16525. You heard it used?—I did, positively. I heard the language used inside the urinal and outside.

16526. Were you surprised at it?—We are not very surprised at what some 'busmen say when they are excited.

16527. You are never surprised at what 'busmen say, but do you think that Wells is a 'busman?—I believe he has been a licensed man. I have heard so since.

16528. You did not say to him "Don't talk like that," or "Be quiet," or give any advice at all?—No, I was not within three yards of him all the time. I stood by the head of my car. I did not address the man or interfere with him at all.

16529. When you first saw him after he had come out of the urinal, where did he go when he came out?—He came out of the urinal on the right as my car was standing here, and walked up towards the centre of the road. I came out of this end of the urinal and walked up to the head of my car.

16530. He had left the pavement?—He was never on the pavement.

16531. He was standing in the middle of the road?—He was in the middle of the road.

16532. Where did he stand in relation to the 'bus when you first saw him?—When I first saw him he was in the urinal, and then after the words in there he came out and walked past my 'bus, and shouted at the man first, and then walked up towards the centre of the road when the police-constable came and spoke to him.

16533. Where was he in relation to the 'bus? Was he close by when Hill, the 'bus driver, got up?—He stood and shouted at Hill, the 'bus driver, as he was getting up—directly he came out of the urinal.

16534. But where was he standing when he shouted at Hill?—Near the horses about a yard away.

16535. Not in front of the horses?—Partly in front of them. Had the 'bus gone on he would have been run over.

16536. He did not move from that place?—Not for about a minute.

16537. Was it there that the constable came to him?—No, as he was moving away. He had to move away as the man pulled his horses out to come out, and as he came out so the constable came up to him and told him he had no business to shout so.

16538. You do not agree that he went and stood near when Hill the driver was getting up and talking to him there?—Yes, he did, he spoke to him as he got up on the 'bus and then he walked to the horses' heads as the driver was pulling the horses out.

16539. A moment or two ago you told me the first place you saw him shouting at the driver after he had come out of the urinal was in front of the horses' heads?—He walked up the side of the 'bus as the driver got up and shouted to him, and then he stood in front of the horses and shouted at him again.

16540. That is not what I gathered from you a moment or two ago. I understood you distinctly to say that when he came out of the urinal he went to a place in front of the horses' heads where he might have been run over?—That is quite right; but he shouted on his way there as he walked to the front of the horses' heads. As he came out he walked away looking back at the driver and shouting after him.

16541. He did not touch the horses, I suppose?—No, not that I know of.

16542. Not that you know of?—I did not see him touch them.

16543. You were in a place where you could see if he had touched them?—Yes, but I was opening the bonnet of my car, and I had to attend to it. I was putting grease in the pump, and that kind of thing, and looking back at the same time at what was going on.

16544. You were doing your work for your employers and attending to your business?—Yes.

16545. You were kneeling down, I suppose?—No. I was standing by the side of my car. Standing upright, as I am now.

16546. You were looking at your car when you were doing your work?—I could take the bonnet off the car and look round like that—(*describing*) and take the cap off, which I did.

16547. You can take the cap off without looking at it?—Yes.

16548. Is not that the reason why motor 'buses sometimes go wrong?—I could not tell you.

16549. If the man in charge of a motor 'bus is attempting to do his work and looking round at the same time things are very likely to go wrong, are they not?—No, not when you are unscrewing a little nut which you could do in the dark anywhere.

16550. The altercation that was going on was not so loud or noticeable as to induce you to give up your work?—I was listening to it all the while. It induced me to look round and to neglect looking at what I was doing.

16551. Was it after last week when Wells gave his evidence here that P.C. Dunham first spoke to you about this case?—Yes.

16552. You never had any conversation with him before Wells gave his evidence here?—No, not at all.

16553. When was it that Dunham came to you?—Dunham met me by accident I believe near the Angel at Islington. As I was driving along he put his finger up like that as he saw me come up.

16554. He stopped you?—Yes, he asked me if I would come up and give evidence as a witness here. I said I would.

16555. When he stopped you he was in uniform, I take it?—No, he was off duty I believe.

16556. And though he was not in uniform you knew him?—Yes, I did know him, or rather I knew him, but if anybody put their hand up whether I knew them or not I should stop. I took him for a passenger.

T. W. Young
28 Nov. 1906.

16557. Did you stop because you knew Dunham or because you thought he was a passenger?—I stopped the 'bus because I thought he was a passenger at first before I got to him, and then he came in front of the car and I recognised the man. In fact, I hardly knew him in his private clothes, out of his uniform. I should not have known him if he had not stopped me, because I did not know him well enough. He looked so different in plain clothes to what he did in uniform.

16558. You gave me the impression that you saw Dunham and stopped because he was Dunham?—No, I saw Dunham, and he went like that when he saw me. (*Holding up hand.*) He recognised me being on the 'bus, and then I eased up, and as I eased up I saw who it was.

16559. What did he say to you?—He said "You were a witness when I arrested Mr. Wells were not you." I said "Yes." He said "Will you come up and give evidence, and say what you saw," and I said "Yes, I will." That was about all that passed between us.

16560. He seemed to assume you knew Wells by name?—Yes, I suppose he did. He might have thought I had dealings with him.

16561. His form of address suggests to me that he assumed that you knew Wells by name?—I suppose so.

16562. When Wells was arrested did you know his name?—No, I did not know his name until lately.

16563. How did you get to know his name?—I heard a lot of people talking about him. I heard his name through conversation. The 'busmen up at Highbury Barn were talking about him, and I heard them say his name was Wells.

16564. You did recognise Dunham at once as a police-constable when he stopped your 'bus?—After he stopped my 'bus yes, but not at first. I did not recognise him at first. I wondered who it was when he came on the head of the car. I expected him to go to the steps when I first pulled up.

16565. On what day was it that Dunham stopped you and asked you to give evidence?—I could not say the day. It might have been a week back.

16566. A week back you think?—Last Thursday.

16567. What time of the day was it?—About mid-day, I believe.

16568. Are you sure it was Thursday?—I believe it was about that day. I cannot be sure to the day.

16569. There are not many days for it to be "about." This is Wednesday?—I have forgotten that. We motor 'bus drivers have such a lot to attend to, and a lot of responsibility. You cannot think of little things like that. We have other things in our head that knock that out of it.

16570. You think it was last Thursday?—Yes, Thursday or Friday.

16571. You cannot say which?—No, I cannot.

16572. Cannot you go nearer to it than mid-day Thursday or Friday? Are there so many things that you have to think of that you cannot fix more nearly the time at which you were asked to come and give evidence before us?—I think it was the Friday of the two—about mid-day on Friday I believe, to the best of my recollection.

16573. You made no note of it—No, I did not.

16574. Your work is of such an anxious kind that you cannot charge your memory with certainty as to whether it was Thursday, Friday, or Saturday?—I believe it was the Friday, but our work is like this, that we motor men have to keep on the watch and on the alert for nine hours, because if we do not there is sure to be some trouble.

16575. May I ask why your memory is so exact as to the exact words that passed between the busman and Wells on the 13th of October?—My memory is exact because I stood there a couple of yards off listening to the conversation.

16576. You remember the conversation you had with Dunham but yet, although your work is so anxious, and although it is less than a week since Mr. Wells gave his evidence, and therefore only five or six days ago, you cannot tell me what day it was that Dunham came to you?—It was about Friday that Dunham came.

16577. It must have been about Friday, because Wells gave his evidence on Thursday last?—I did not know that.

16578. I am only testing your recollection. Is your memory a good one?—Yes, it is a good one.

16579. Yet you could not remember whether it was Thursday or Friday last that Dunham came to you?—No, I cannot swear because I have had other things to bother me. I have had trouble with my car two or three times, and on Sunday evening I had a nasty side-slip in Piccadilly, and I have a lot of other trouble which people do not know of. At other times my memory might be more exact.

16580. (*Mr. Dickinson.*) When was it that Wells first asked you to give evidence for him?—The first time he asked me was after his arrest before he was charged the first time—before the case came on.

16581. You say it was after his arrest and before the case came on?—Yes.

16582. That is to say the arrest was on the 13th October, and he appeared before the magistrate on the 15th. Do you say he came and asked you to give evidence between the 13th and the 15th?—Between the hearings before the magistrate and this Commission was the first time he came to me.

16583. Not before the case came on before the police magistrate?—No, I don't think so.

16584. Before the case came before us?—Yes.

16585. Can you tell us when it was that he came to you?—I saw him at Highbury Barn. I could not say when.

16586. It is between October 15th and November 22nd?—I should think about three days after or something like that.

16587. Two or three days after what?—After the arrest and his coming before the magistrate, I believe. It was about three days after that.

16588. Did he tell you he had been before the magistrate?—Yes.

16589. Did he tell you he had been acquitted?—Mr. Wells used some words and I would hardly like to repeat what his words to me were. He said, "If you will come up and stand by me you will have a chance of getting a bit of your own back against the police."

16590. Let us see what you mean by that. What did you take him to mean by that?—I took him to mean this. At times our work at Highbury Barn, when several 'buses come up on the top of one another, is very awkward, both for us and the police, too. They have to see we get away, and we have to see we get away and not cause any obstruction. Sometimes a little friction arises between us and the police, but we all do our work as well as we can on both sides. Mr. Wells meant to infer that the police made our job hard for us, and that I could get a bit of my own back against them. That is how I took it.

16591. Have you had any friction with the police?—No, no trouble at all, because as soon as I get the word to go, my engines are set going and I am off. I am one of the quickest in getting away.

16592. He said "Come and give evidence for me." Did he tell you where he wanted you to give evidence?—I don't know his exact words, but what he said amounted to this: "You know I have been arrested, and if you come up for me you will do me a good turn; you won't lose nothing by it, because you will be able to have a few things off me." He stood on my 'bus and he rode on the corner of my 'bus talking to me until my conductor rung the bell. I had to drive slowly down Highbury Barn Road about 200 yards, and there he stood jawing, and did not get down till my conductor came round and holloaed to me.

16593. This was at the same place?—Yes, at Highbury Barn.

16594. Two or three days after the case had been dismissed by the magistrate?—Yes.

16595. What did you say to him on that occasion?—I did not want the trouble of coming up at all, but I believe at the time I seemed to agree with him so as to get rid of him.

16596. You did seem to agree with him then?—

Yes, so as to get rid of him, because I did not want the bother.

16597. I think you said before that you said you could not come, that you had your work, and that you were a licensed man?—Yes.

16598. Why should your being a licensed man interfere with your coming?—I believe licensed men always object to coming up and giving evidence against the police.

16599. That was the reason, was it?—Yes, that was my impression. I was told by several that if they were me they would have nothing to do with it.

16600. Other people had told you that?—Yes.

16601. That you had better keep clear of giving evidence against the police?—Yes, better keep out of it altogether on either side. I said if I went I would only say what I saw and heard.

16602. Who did you say that to?—Friends of mine who I had conversed with about the matter.

16603. I suppose he went away with the idea that you would come and give evidence in his favour?—If necessary. Then he wrote to me and said he would not require me.

16604. I understood he wrote you a letter asking you to come as a witness?—I did not give him to understand that I should give evidence in his favour.

16605. What did he say in his letter to you when he asked you to come as a witness?—I forget what he said in it. I believe he only wrote me the one letter. He asked me personally, and only wrote me the one letter, saying he would not want me.

16606. Your assumption is rather against what you have said. You said he wrote you a letter asking you to come as a witness, and then wrote again saying he did not require you. Which is accurate? Did he write you a letter and then write again, or did he not write you a letter, and only write you the once?—I believe he only wrote to me once.

16607. You believe?—I am almost sure.

16608. When did he write to you once?—About two days before the last meeting of the Commission was held. I have the letter and the date of it, but I do not think I have it on me. I have it at home.

16609. Had he spoken to you between that time and then?—Between what time?

16610. Between the time he first asked you, which was about two days after the trial?—No, I don't think he had.

16611. Had you seen him at all?—No, I do not think so.

16612. Not between October the 16th or 17th and November 22nd?—I believe I saw him about twice at Highbury Barn.

16613. Has he ever spoken to you about this?—Yes, when he got on my car.

16614. I mean since then?—No. I have not heard from him since then, only the letter saying he did not want me. I have not heard from Wells or spoken to him since the first Commission.

16615. What do you call the first Commission?—The first inquiry here.

16616. I understand you to say that four or five days after the event occurred he stopped you and stood on the step of your car and asked you whether you would come?—Yes, that is right.

16617. Then about two days before this Commission sat, which was last Thursday, November 22nd, he wrote to you saying he would not require you?—That is right.

16618. Within that interval, an interval of about a month, did you see him at all?—No.

16619. Not at all?—No.

16620. And never spoke to him?—No.

16621. Was he not there at his accustomed place?—He might have been there, but one week I am on in the morning and one week I am on night duty. I do not believe Mr. Wells makes it a practice to go up and sell goods to all the men. There is a man named Cohen and another man who are always there every week. I do not think Wells makes it a practice. I think it is only on the offchance that he has one or two customers amongst 'busmen. He has not got many. He is only picking up a trade. There are two men who are always there.

16622. He has asked you on occasions to deal with him?—On one occasion only.

16623. You have not dealt with him?—No.

16624. I understand Police Constable Dunham spoke to you last Friday?—Yes.

16625. What did he say to you?—He said, "You saw that affair when I arrested that man up at the Barn." I said "Yes." He said, "Were not you the driver of the 'bus in front of the rank there?" I said "Yes." He said, "Will you come up and say what you saw?" and I said, "Yes, I would." He said, "You had better go to the police station and see the Sub-Divisional Inspector about it"; and I went up to see Inspector Smith on Saturday about 9 o'clock.

16626. Is that all that he said to you?—That was all that was said to me.

16627. That is some time ago—that would not be October 13th. Did he not remind you when it happened?—I have not seen the man since.

16628. No, but he came to you last Friday—that is, November 24th, and he asked you whether you could give evidence of what happened on October 13th?—Yes.

16629. Did he say anything to remind you of what did happen on October 13th?—Nothing at all. He simply asked me if I would come up and say what I saw and what I heard.

16630. When and where?—At Highbury Barn.

16631. He said Highbury Barn?—Yes, when he arrested Wells. I believe it was the constable I heard the man's name from.

16632. How did he know you knew anything about the arrest of Wells?—I do not know unless he saw me there on the corner when the 'bus was there.

16633. You say you did not know him?—I had seen the man on duty in the neighbourhood and on the corner, but never spoke to him.

16634. Did he know you?—He saw me there as a 'bus driver, that is all as far as I know. He may have seen me as a driver there, and know me by sight, the same as I know people by sight, seeing them at the corner.

16635. How could he have known that you could have seen anything of it. This was the first time that he spoke to you about it?—Yes, it was the first time he spoke to me about it. He came up to me and said, "I believe you were a witness of the arrest of Wells at Highbury Barn, were you not." I said, "Yes, I was." Those were his words to me.

16636. He said, "I believe you were a witness of the arrest"?—Yes.

16637. Did he tell you what day it was?—He may have done so.

16638. Let us know exactly what he did say. At the present moment you wish us to understand you did not know him on October 13th, and he did not know you?—Not to speak to.

16639. He arrested a man?—Yes.

16640. There were a lot about according to your story?—Yes.

16641. And five weeks after that he comes and speaks to you in the street, and asks you whether you can give evidence?—He got up and said, "Are you the driver of the 'bus that was on the front stand."

16642. Now let us get it. Can you tell us every word of this conversation?—He said, "You are the man" or "Are you the man who was on the 'bus who witnessed the row with Wells when I arrested him at Highbury Barn." He might have said on a Saturday, but I do not recollect a thing like that. I did not know at the time I should be called upon to repeat it, or I might have remembered it.

16643. But this was last Friday. He stopped your 'bus, and he said, "You are the man who was on the 'bus at Highbury Barn on the Saturday"?—Yes.

16644. What Saturday?—He said on the Saturday. I said yes, I was. He did not say the date. On that Saturday—something to that effect he said. He may have put it that way.

T. W. Young. 28 Nov. 1906.

16645. Do you mean to say it was the Saturday that he referred to before?—Oh, no, I do not mean to say he referred to it before—not at all. He said "You are the driver of the motor 'bus that stood on the rank when I arrested a man at Highbury Barn on a Saturday," or on that Saturday.

16646. What did you say?—I said yes, I was.

16647. What was the next thing he said?—He said "Would you care to come up and give evidence before the Royal Commission as to what occurred?" I believe those were his words.

16648. Did you tell him at all what sort of evidence you could give?—No, I did not say anything. I simply said I saw it and I did not mind stating what I saw and heard. I do not believe I hardly stopped my 'bus.

16649. You did not say to him what you had seen and heard?—No, not at all.

16650. Did he know what you had seen and heard?—No, I do not believe so. He could not. I was there, that was all. He seemed to know I was on the 'bus at the corner.

16651. And then he said to you that you were to go to the police station?—He said "Will you call in at the police station in Upper Street and see the Subdivisional Inspector and ask for Mr. Smith?"

16652. When did you call at the police station?—At 9 o'clock on the Saturday.

16653. Was that on the following day?—Yes, after the Friday as I saw him on the Friday.

16654. You have no doubt that it was the Friday that you saw him?—It might have been so.

16655. Was it?—I believe so.

16656. You know now that you went on the Saturday?—Yes, I went round on the Saturday evening. I do remember that, because I had to make a special journey.

16657. You know that was the only day on which you saw him?—Yes.

16658. And you know you could not tell us for certain just now that it was a Friday that you saw him?—I did not think of it at the time.

16659. You went there on the Saturday. Who did you find there?—I spoke to the constable inside and said "I want to see the Subdivisional Inspector." I did not mention the name, and he called to one gentleman inside a window, and then he asked me to enter and said "Will you come inside." He took me round the back into a room by myself. He asked me what I had seen and heard, and I told him. He said, "Are you prepared to write it down in black and white and sign a paper?" and I said "Yes." He said "Very well" and got out some paper, and I told him every word that is on the paper.

16660. (*Chairman.*) Did you sign it?—I did.

16661. (*Mr. Dickinson.*) Did you write the paper?—No.

16662. He wrote the paper?—Yes. I told him what to put down, and he said to me distinctly: "Don't say anything only what you want put down here—don't say anything to me only what you want put on that paper," and he wrote down every word I said.

(*Mr. Dickinson.*) May we have that statement?

(*Mr. Muir.*) Yes, cerainly.

16663. (*Mr. Dickinson.*) Was anybody else in the room?—No one at all.

(*Mr. Muir.*) This is the statement. There are some notes by Mr. Muskett in the margin, which you will pay no attention to. (*Document produced and handed to the Commissioner.*)

16664. (*Mr. Dickinson.*) This statement was written by the Subdivisional Inspector?—Yes,

16665. Was it written at your dictation?—Yes.

16666. Before he started writing this had you had any conversation with him?—He might have asked me if I was at Highbury Barn and if I had seen the affair.

16667. Do not say he might have. Let us know what happened. This was only last Saturday?—He asked me if I was there and saw the man arrested, and if I was prepared to make a statement, and if so would I come in the other room and do so, and I went in and did it.

16668. He asked you if you had seen the man arrested?—Yes.

16669. Did he then mention the date and the time?—No, he did not. I do not think so.

16670. You began your statement by saying "About 3 p.m. on the afternoon of Saturday, the 13th October, 1906." When did you first know that it was the 13th October, 1906?—Because it was on the Saturday.

16671. But you do not carry in your memory the dates of the month, do you? When did you first know that Saturday was the 13th October?—After being asked to go up I just remembered the Saturday and saw when it was, how many weeks back, and counted up to see what date it would be on, and I thought it was at 3 o'clock, because in that week I was on morning duty, and always leave about 3 o'clock or five minutes to 3.

16672. You know it was Saturday, and you counted up to the 13th October?—Yes.

16673. When did you go through the process of counting up?—After the constable asked me if I would go up before I went to the police station, so that I should know what day it happened on.

16674. Before you saw the Inspector then you knew it was the 13th?—Yes, I knew it was the 13th.

16675. That you had arrived at of your own accord?—Yes.

16676. Did you make use of any diary to find that out?—No, I did not.

16677. You say in this statement that the 'bus driver was saying little or nothing, but Wells was shouting "You f——g"—using the full word—"b——g twister, you do not mean to pay me"?—That is quite right.

16678. Then according to that there was no altercation between them?—There was a lot of jawing going on. That was only one sentence I heard.

16679. "The horse driver said little or nothing"?—No, he was making use of the lavatory when Wells made that remark. In fact, he looked as though he wanted to get out of the way of the other man. The other man was there, as I took it, showing him up amongst his working friends because he owed him money.

16680. When did you first think of these definite words that were used?—I knew those words were used because I heard them. When the Divisional Inspector asked me to say exactly what I heard and nothing else, I sat there and thought of everything that had been said. I did not write that statement out in a short time; it took me some time to remember what had been said.

16681. You sat there and thought of what was said?—Yes, and told him word for word as it was written down.

16682. All that happened on this occasion when the arrest took place was that the man was arrested, so far as you observed?—I stood from start to finish, and heard everything said.

16683. It was not a very important matter to you on that occasion. You have told us that the 'bus-drivers very constantly use strong language?—I did not say they constantly used strong language.

16684. I thought you said it was very usual to hear 'bus-drivers using strong language?—I said it was not unusual.

16685. (*Mr. Whitmore.*) You said you were not surprised?—I was not surprised. You do hear it at times.

16686. (*Mr. Dickinson.*) And yet this language made such an impression on you that you remembered it five weeks afterwards?—All the men were talking about it after he was arrested.

16687. They were talking about it after Wells was arrested?—Yes.

16688. Who were talking about it?—For instance, any 'busman who might have been there, and the two timekeepers.

16689. When they were talking about it did the conversation also turn on these words that he had used?—No, I don't think it did. I don't believe anybody used those words, only the man in question.

16690. You say that afterwards they were talking about it, when this matter was being discussed by the

'bus-drivers and others there?—I don't think any of them said anything about what was said by Wells.

16691. When you sat down at the Police Station to think about what had happened, you remembered these words?—I remembered them all through the piece. I remembered that Wells swore at the 'bus-driver. I remembered that from start to finish.

16692. But you did not charge your memory with the words until you sat down in the Police Station?—I remembered those three words that he used all through plainly.

16693. You remembered these special words?—Yes, I did.

16694. You drove away immediately after this had happened?—Two or three minutes afterwards.

16695. Had you given any thought of this at all between the time the arrest happened and Dunham coming and asking you to give evidence?—Oh, yes, very often I thought about it. I wondered how the case was going on.

16696. Why did you think of it?—I don't know why. It often came into my mind because of what the man said about having goods off him. I remembered that, and I remember the others saying: "Fancy him getting locked-up over it," or something to that effect, and a lot of us kept from time to time mentioning it, and when I saw this 'bus-driver on his 'bus, he waved his hand and made some remark about it which I could not hear as he went by. But things often brought it to my mind.

16697. Among other things, did it come to your mind, may I say constantly, these particular words that were used?—Not particularly constantly, but I was there at the time, and it had come into my mind once or twice in the meantime as to what Wells had said to the man, and I did think to myself at the time that he had no business to talk like that to the man in front of his friends where he worked.

16698. Is this a very usual form of words: "You f——g b——g twister"?—I do not know that I have heard the three words coupled together before.

16699. You never heard those three words coupled together?—Not that I know of.

16700. Was that how it was that you remembered them so well?—It might have been.

16701. You say he used other words of an abusive nature which you do not now remember?—Yes, he did.

16702. If your memory was so good with regard to those words, can you tell me the sort of words he was using?—Yes, I believe he called him a dirty rotten tyke, once.

16703. Has that only just come into your mind?—No, that has been in my mind all along.

16704. When you thought this over in the Police Station, this was in your mind then?—Yes, I knew he called him other words.

16705. Why did you not tell the Inspector that?—If I were to tell the Inspector all the words he said, I could not remember. There was a lot of words. He kept swearing at him for about a minute, and continued swearing and jawing, and throwing these words in now and then.

16706. There are no other words that you remember?—No, I don't think I can remember. I know he called him a rotten tyke.

16707. And all this time the 'bus-driver made no reply?—He might have said something.

16708. But did he say anything?—I cannot tell. Whether he spoke or not I do not know. He said very little at all. He seemed ashamed of himself, and got on his 'bus and went away. It seemed to me the other man was trying to show him up, because he seemed to be trying to make him ashamed of himself, and to make him pay up. That was what I considered.

16709. This torrent of abuse was going on?—Yes, in the urinal.

16710. It is not exaggerating to say it was a torrent of abuse, is it? Is that how you would describe it?—Yes, Wells was very excited, and looked very white and upset. In fact, the man looked ill.

16711. He looked ill?—Yes, he looked white and looked ill; he was so excited over it. As soon as the police constable said the least thing to him, he said: "I sha'n't go—what have I to go for? I have not caused any breach of the peace—I shall not go."

16712. You say that when you came out of that urinal "Wells was shouting at the 'bus-driver who was getting up on his box to get out of the way of Wells as far as I could judge"?—That is right.

16713. To get out of the way of Wells?—Yes.

16714. What was he afraid of?—It appeared to me that if he had not got up there would have been a fight.

16715. Things were so bad as that?—Yes, that was my impression.

16716. The man was clambering up to the box of his 'bus in order to avoid being assaulted?—The other man kept jawing at him, and as he was at the side of the 'bus the other man walked towards the front of the horses and went up to him in such a way that I expected to see a fight.

16717. And yet you went on putting your motor to rights?—No, not at all. I came out at that moment at my end of the lavatory. The lavatory was *this* way and my 'bus was *there* (describing). They came out *there*, and the driver got on to the horse 'bus and I came out at *this* end and stood looking at them.

16718. (*Chairman.*) You stood looking at them?—Yes.

16719. (*Mr. Dickinson.*) Where?—In the end of the lavatory as I came out of the lavatory.

16720. Had there been this violent language used in the lavatory?—Yes.

16721. It was being used as the man went out of the lavatory?—Yes.

16722. When you came out they were on the ground looking as if they were going to fight?—Quarrelling.

16723. Quarrelling on the ground?—Yes.

16724. Then this man clambered up on to his box to get out of the way?—Yes, that is right.

16725. What did you do then?—I went towards the front of my box and started taking off the bonnet. Just at that time the horse 'bus driver, as soon as he was up, pulled his horses out and drew round the front way to go down Highbury Park.

16726. You went to your engine and began to put it to rights?—I opened the bonnet and put some fat in the pump and took a little cap off and put some grease in and put it on again. All the time I was taking notice of what was going on.

16727. Did the man get on to the box before you got to your motor?—Yes, he was on the box as I went by. I looked at him to see what was going on before going to the front of the motor.

16728. Then Wells having failed in assaulting the driver went to he horses' heads, I understand?—I don't mean to infer that he meant to assault the driver at all.

16729. You thought there was going to be a fight?—He looked very excited. Had it been other men besides this man it might have been rather worse, and there would have been a fight, but this 'busman seemed very quiet, and he got on his 'bus and seemed as though he wanted to get out of it.

16730. At that moment Wells must have been quite close to him?—He was close to the side—as close as I am to you.

16731. He got on the box, and was it then that he ran in front of the horses?—He gradually walked that way.

16732. What did he walk to the front of the horses for?—I could not say, but he took a step or two in that direction, and was going on at the man all the time.

16733. I understand you to say he got in front of the horses?—He got about a yard in front of the horses' heads.

16734. Do you mean to suggest that he went to the horses' heads to stop the horses?—I don't know what his intention was, but he went there. I don't suggest anything. I don't know whether he intended to stop them or not.

16735-6. You saw these men there and thought there

T. W. Young. 28 Nov. 1906.

was going to be a fight?—If he stood there he could have had another say at the man before he pulled away. That was my impression.

16737. He could have another say by standing alongside?—Yes, but then the man could pull away and be gone. It seemed as though he stood there to hinder him.

16738. To obstruct him getting away —Possibly.

16739. How many people do you say were there?—I think there would be about four or five 'busmen and timekeepers, and four or five other people; there might have been ten or a dozen people standing about.

16740. Do you know any of them?—Yes, I know my own conductor for one, and I know the timekeeper of the London General, I may have spoken to him about the time of day, he stood there, and our own people were a little further back.

16741. Those were the men you knew well?—Yes.

16742. And they could be found, of course?—I believe so.

16743. Were there any others amongst them that you knew?—Not that I know of.

16744. All the rest were strangers?—I believe so, barring our old man who fills the engines up with water.

16745. How many omnibuses were there altogether?—I believe only two—my motor 'bus and the horse 'bus behind us.

16746. The men who were there would be yourself, the conductor, and the two timekeepers who are constantly there?—Yes, and the man who fills the engines with water. There would be five.

16747. Was anybody else there?—There would be strangers who walked by; they might have been males or females; there might have been five or six people there.

16748. There might have been?—About five or six.

16749. Were there any women there?—There might have been.

16750. You know we have been told there was nobody there?—I cannot help that, I can only speak of what I saw.

16751. You say there were women there?—I do not say there were. There was the general public. Whether they were males or females I do not know. There may have been a woman or two passing the road from one side to the other. They watched and hesitated, and saw the man taken into custody.

16752. There was so much noise that it attracted a little crowd?—Quite right.

16753. This little crowd looked?—Yes.

16754. Did they say anything about it afterwards?—Not that I know of; they stood and looked and watched the man taken down the road.

16755. Did you say anything afterwards?—No, I got up and took my car away, I should think about two minutes after.

16756. This man Wells is well-known there?—He may be, I do not know him.

16757. He must be well-known to the timekeepers?—I do not know that.

16758. You have seen him. He was there?—I believe I have seen him chatting to the London General timekeeper.

16759. You have seen him chatting to the London General timekeeper?—Yes, I believe so.

16760. He always appeared to be a respectable man?—As far as I knew him up to that time.

16761. When he was taken up by the policeman was there no observation made upon this rather remarkable event, either by you or by anybody else? You did not drive off at once, I understand?—In about two minutes.

16762. Was there no conversation in the crowd?—I went and spoke to the conductor about it.

16763. You did?—Yes. I said that the man had got nicked—I mean, taken into custody.

16764. Anybody could see that, of course?—Yes.

16765. Was there no observation as to the reason for it?—Not that I know of.

16766. Did they say it appeared quite right of the police, or quite wrong of the police, or anything like that?—I do not think anybody passed any opinion.

16767. Nobody passed any opinion?—Not to me; they may have talked to one another.

16768. They were talking to one another?—Some of them were speaking about it.

16769. Did there seem to be any feeling about it?—Yes.

16770. What kind of feeling?—I cannot tell you.

16771. You were there for two minutes?—Some of them tossed up their heads at his being taken.

16772. What do you mean by that?—I do not know—as much as to say he asked for it, or deserved it.

16773. You were not able to gather what they meant by it?—No, I was not.

16774. They did stay talking about it?—Yes, just a minute or two.

16775. How long were they talking about it?—They seemed to clear away just before I went, I think.

16776. I see you say here, "Wells made a slight struggle against the police constable when he arrested him"?—Yes.

16777. What do you mean by "a slight struggle"?—When the policeman got hold of him he went like *that*, and tried to pull away.

16778. How often had the policeman spoken to him before he took him by the collar?—I believe he said to him, "You had better get out of this; this is not the place to quarrel with a man." Wells said, "I shan't go away."

16779. The omnibus driver had gone then, had he not—he had left; he had driven off?—Not at all.

16780. He had not driven off?—No, he was on his 'bus pulling his 'bus from the side.

16781. Therefore there was no more risk of any more trouble with him?—The constable came up and spoke to him as he was standing jawing to the man on the 'bus. The constable came up and said, "Come along, this is enough of that; you had better get out of it."

16782. When he was standing in front of the horses?—Yes, partly in front of the horses.

16783. You saw him come up and stand in front of the horses?—About a yard in front of the horses.

16784. Then he came and said, "Come along"?—The 'bus driver had the reins like *that* to pull out a little like *that*, and then Wells stood over *there*.

16785. What did the policeman then say to him?—"Get out of it."

16786. He had not touched him at that moment?—No, not at all.

16787. What did Wells say to that?—He said, "What am I to get out of it for? I have not committed a breach of the peace." The policeman said, "Come along, get out of it." He said, "I shan't get out of it." Then the policeman caught hold of him and took him down the road. Wells said, "I am only trying to get my rights."

16788. Then when Wells said he would not go, the policeman took him by the collar?—Yes.

16789. What did the policeman say to him?—He said, "You had better get out of it." Wells said, "I shan't get out of it." Then a mob round seemed to collect and looked to see whether the man would go when he was told or not. Then the constable, seeing that the man was obstinate, and would not go away, took hold of him by the collar and took him away.

16790. Then came this struggle?—Yes, the policeman, I believe, caught hold of him with the other hand, and took him down the road—pushed him along.

16791. When this was taken down, tell me exactly how it was taken down. The Inspector, I suppose, sat at his table?—He sat at the table.

16792. Where were you?—Sitting on a chair at the police station. He said, "Do you remember the occurrence—what you saw and heard"? I said, "Yes." He said, "Say it and I shall write it down, and you will

have to sign it." He said, "Just tell me only what you want on this paper—what you remember; do not say what you do not know."

16793. You then proceeded to speak, I suppose?—I said it was on the 13th, about 3 o'clock. He said, "Yes," and he proceeded to put it down. I may not have said the words in the exact order he put them down. I might have said, "At 3 o'clock on Saturday," or "On Saturday at 3 o'clock."

16794. You may not have told him exactly the words he has written down?—I may not have said it in the exact order in which they are there.

16795. He put it in his own words, and then read it to you?—No, not at all. There is nothing there except what I said. He said to me, "What was it you saw and heard, and when was it?" I said, "It was on Saturday, the 13th October, about 3 o'clock."

16796. He asked you questions, I suppose, as you went on, and you answered the questions, and he wrote down the answers?—I do not think he said very much. I said most.

16797. Did you say this right away through and he simply jotted down what you said?—Very nearly. He may have asked me one or two questions. He did.

16798. He did ask you one or two questions?—Yes.

16799. Just see if you can remember what questions he did ask you?—He wanted to know where it was, and about what time, and I told him. He said, "Get on with it. What do you say?" I said, "I drove my 'bus up to Highbury Barn, I heard a noise in the lavatory; I got down and went in to make water, and I saw Wells and this other man in there quarrelling. They were both rowing. Wells was very excited." He said to the other man "You do not mean to pay me." They walked out of the lavatory. In perhaps half a minute I walked out after them. They were quarrelling all the while. The driver walked up to his 'bus, and got on to his box. Wells turned round and said, "If you do not b——y well let me hear from you next Tuesday see what I will do." Whether he meant he would fight him or sue him I do not know. That is what he said. The driver pulled out his horses, and Wells kept jawing at him all the time. The driver attempted to pull out. Wells was still shouting at him. Then the policeman came up and told him to go away. He said, "I shan't go away; I have committed no breach of the peace. I have a perfect right here; what have I to go away for?" The constable said, "If you do not go I shall take you."

16800. The inspector read it out in the way you have told me now?—Yes.

16801. Only more slowly, I suppose?—Yes. I thought of it just as it happened.

16802. You had thought of it before, so as to put it down as it did happen?—Yes, I thought of it at home when I had to go and make the statement.

16803. I thought you meant you thought of it at the police station?—I had to think of it then as well.

16804. You thought of it in order to see that it was in order?—After I was asked to go up I thought about what did happen.

16805. You thought about it on the day you were asked to go up?—Yes, and on the morning before I went.

16806. When you came and saw the Inspector you put your ideas in order?—I pretty well knew what I was going to say when I got there. I only said what I saw and heard. I did not think a lot of it because I thought I had only to speak the truth, and it does not matter what I say then.

16807. (*Chairman.*) You had only to speak the truth and you thought it would be all right?—Quite right.

16808. I understand from you, just to sum up your view of the matter, that Wells was noisy?—Yes.

16809. He was abusive?—Yes, he was.

16810. He used the foul language you have mentioned?—Yes, he did.

16811. And his manner was menacing to Hill?—Yes.

16812. You think if the driver had not got up to his omnibus there might have been a fight?—I honestly do.

16813. You think, on the whole, the constable was in the right?—I believe so. I think he was in the right.

16814. Be careful?—Yes, he was in the right.

16815. In your opinion the constable was in the right. I want you to be careful in answering that question?—I have seen other men get more chances to go away than Wells got, but the constable was perfectly in his right.

16816. That is your opinion?—Yes, that is my opinion.

16817. Did you write a letter to Wells in answer to his request to you to come here?—Yes, I did do so.

16818. Now listen to your letter, if it is your letter: "Dear Sir,—Sorry to say I cannot get the day off, I must study my living, I would come if I could get the time off as I witnessed your arrest from start to finish, which I consider unwarranted"?—I did say that.

16819. Is that your letter?—Yes, that is my letter.

16820. A moment ago you told me that the constable was quite right in arresting him?—Yes, so I do think so now.

16821. You think so now?—Yes, I do, and I thought so then. I wrote that to Mr. Wells because he was worrying me to come up, and I did not want to come when I wrote that letter. I was under this impression—I have seen other men get more chances than Wells got, and I thought Wells might have had another chance to get away; at the same time I thought the constable was well within his right to take him.

16822. You have been examined by me at length, and by Mr. Dickinson at length, and you have had every chance to give your version of the facts?—Yes, and I have spoken the truth.

16823. And you have no explanation to give of this letter?—Only that at the time I thought the man might have had another chance to get away, which I did at the time.

16824. You do not dispute this letter?—No, that is my letter.

16825. (*Mr. Dickinson.*) On what date did you write it?—I do not remember the date I wrote it.

16826. (*Chairman.*) The date is immaterial?—It was just before the Commission sat.

16827. (*Mr. Dickinson.*) How soon after the event was it?—When he was first at the Police Court. I believe directly after that he wrote to me, or directly after that he knew he wanted me to go up—about two or three days after he wanted me to go and give evidence, and he wrote to me. Then I wrote back and said I was very sorry I could not go as I had asked for time at the yard, and they said unless I had a note down subpœnaing me they could not spare me.

16828. You remember I asked you some questions about those letters. The result of it was you said there was only one letter and that was a letter asking you to come?—Yes.

16829. Was that letter which we have had read in answer to the first letter?—He must have sent me two letters. That is an answer to the first one.

16830. Now we have got back to two letters?—Yes.

16831. Now we have it that there were two letters?—He did write two letters.

16832. He wrote you a letter asking you to come, and then he wrote you another letter saying he did not want you to come?—Yes.

(*Chairman.*) (*To Mr. Wells.*) Do you wish to ask the witness any questions?

16833. (*Mr. Wells.*) I believe I saw you about two days after I went to the Police Court, when you asked me how I got on, and I told you my case was dismissed you said "I should not think they could do anything else but dismiss it." Did you say that or not?—No, I did not.

16834. Did you also say you volunteered yourself as a witness?—No, I did not.

16835. So that you could get some of your own back from the police as a protection to you in case at any time they had to convict you?—No; I did not say anything of the sort.

16836. It is useless asking you any other question?—You suggested to me that I should have some cheap clothes off you, but I was never favourably impressed, because I thought if I owed you money you would treat me the same.

T. W. Young. 28 Nov. 1906.

16837. I did not ask you for your services as a witness?—Yes.

16838. You told me if I wrote to your company that would ensure you getting the day off to come up on my behalf. Did you, or did you not?—Why did I tell you to write?

16839. You told me to write so as to make sure of your getting the day off; it would be a help, and there was reason for making the application?—Why should I run after you and ask to go up in your favour?

16840. You did not run after me. I did not run after you, or you me, because I stood there?—What interest have I to put myself to trouble on your behalf?

16841. Did you, or did you not, say to me that if the constable had arrested you at the other end, meaning this end, you would have knocked his b——y head off?—Not at all.

16842. (*Chairman.*) There is one thing I want to be perfectly clear about as to what your view is. When did you first know Wells by name? Did you know him as Wells on October 13th, the day he was arrested?—No, I did not.

16843. I am going to take that down. "I did not know Wells by name on October 13th." You have told Mr. Dickinson with great particularity what took place at the police station when you gave your statement to the Sergeant, have you not?—Yes.

16844. Do you wish to modify anything you said to Mr. Dickinson in regard to the way in which your statement was made?—No, I do not.

16845. Let me read you now the first line of your statement: "A man known to me as Mr. Wells, tallyman, was in a urinal quarrelling with a horse 'bus driver." You say "A man known to me as Mr. Wells"?—Yes.

16846. Do you not see that that is inconsistent with your not knowing him as Mr. Wells on October 13th?—I heard his name from somewhere, but I do not know where.

16847. I asked you whether you wished to modify your statement you made to Mr. Dickinson as to the way in which your evidence was taken at the police station, and you said "No." Almost the first line that caught my eye was this: "A man known to me as Mr. Wells"?—Quite right; I knew him as Mr. Wells.

16848. Not on October 13th: "A man known to me as Mr. Wells, tallyman, was in a urinal quarrelling with a horse 'bus driver?"—Yes; but I did not know him by name when he was quarrelling.

16849. But you said so to the Police Inspector?—I did not say I knew his name on that date.

16850. You told Mr. Dickinson very particularly how you gave your evidence. Now look at the statement the Inspector took down?—I do not follow you.

(*Chairman.*) Do you wish to ask the Witness any questions, Mr. Muir?

(*Mr. R. D. Muir.*) No.

GEORGE EDWARD DAWSON, sworn.

G. E. Dawson.

16851. (*Mr. R. D. Muir.*) Are you a Metropolitan Stage Carriage Conductor, badge No. 10243?—Yes

16852. Do you live at 20, Tetcott Road, Chelsea?—Yes.

16853. Were you the conductor of Young's motor-'bus on the 13th October?—Yes.

16854. Do you remember that you were standing at Kelvin Road, Highbury, outside the Highbury Barn Public-house, on Saturday, the 13th October, about three o'clock in the afternoon?—Yes.

16855. Did you know Wells at all before that day?—No.

16856. By sight or otherwise?—Only by seeing a man standing there; I did not know who he was, or what he was, or anything.

16857. Did you know his name at all?—No.

16858. Did you see him there that day?—Yes.

16859. What was it that first attracted your attention while the 'bus was standing there?—A row was going on; a loud voice in the urinal first struck my attention.

16860. Could you hear any words?—Yes.

16861. What did you hear?—Some words I heard. I heard a voice call "You b—— tyke. You f—— well do not mean to pay me."

16862. Was that the word used—"f"——?—He was using the words "f"—— and "b"—— all the way.

16863. You say you first heard a voice in the urinal?—Yes.

16864. Did you see anybody come out?—Yes.

16865. Who came out?—I saw this tallyman.

16866. Wells?—Yes.

16867. *That* man?—Yes; that is the man.

16868. Who else?—The London General driver.

16869. That is Hill?—Yes.

16870. Did you hear anything said outside after he came out?—He was swearing and shouting at the top of his voice all the while.

16871. Who was?—The tallyman Wells.

16872. What do you say took place after he came out?—When the two came out the London General driver got on his box because his time was up to go away, and his 'bus pulled out from behind mine, and Wells followed round and kept shouting to him all the while.

16873. What took place then?—When the 'bus came to the corner the constable came up and said, "We cannot have anything of that here; get away out of it." Wells said he would not. He said "I am not drunk."

16874. What took place then?—The constable told him two or three times to get away out of it. Wells said "No, I will not," and at the finish he caught hold of him by the shoulder and led him away.

16875. Were there any other people about there?—Yes.

16876. Just tell us about them?—There was the time-keepers, and what we call the puller-up. There were two pullers-up—the London General's puller-up and the old man who looks after our engines and puts the water in, and there were some ladies and one or two children that got into my 'bus when I went away.

16877. Could the ladies in your 'bus hear what was going on?—Certainly. Everybody could hear.

16878. (*Chairman.*) How long have you been in your present occupation?—Just turned four years.

16879. How long do you usually stop at this corner?—Five or six minutes. It depends sometimes upon how long the next motor coming up behind is.

16880. On this occasion were there any passengers inside your 'bus while you were waiting?—Not while I was waiting. This row was on, and the people were standing looking on.

16881. I have not asked you a question about a row at present. When you drew up there were there any passengers in your motor-'bus?—No.

16882. None at all when you drew up?—Some people had got off and had gone away.

16883. Then there were some people in, or on your 'bus when you drew up?—Yes.

16884. Did all the passengers get out?—There were only two or three left to get out there. They all got out.

16885. Did all the passengers get out?—Yes.

16886. Had any more got in before your attention was attracted by this row?—No.

16887. Then while this row was going on your 'bus was empty?—Yes.

16888. What were you doing? Had you been away from the 'bus at all, or had you stood near the 'bus all the time?—I was standing near the end of the 'bus all the time listening to the row in the urinal. When the man came up I followed along.

16889. Had the row commenced?—Just as we arrived there.

16890. The row commenced just as you arrived?—Yes. My 'bus and the London General 'bus got there just about the same moment. My 'bus went on to the stand first, and the London General 'bus came behind me, and the driver went into the urinal.

16891. You saw Hill get down?—Yes.

16892. Did you know Hill before by name or by sight?—I only knew him by sight.

16893. He got down and went into the urinal, and you heard the row commence?—Yes.

16894. How long did the whole thing take up to the moment when Wells was arrested?—I should think it lasted six or seven minutes; it could not have been more, I think.

16895. It lasted six or seven minutes?—From the time of my pulling up to the time of my going away.

16896. I was asking you how long did the row (I have adopted your word) continue—that is to say, the altercation, or the talking, or call it what you like, which began in the urinal, from the moment Hill went in to the time of Wells' arrest?—We will say about four minutes. It was about three minutes after the arrest when we left.

16897. The row went on for about four minutes, you say?—Yes.

16898. When did you first see the police-constable on the scene?—When the 'bus pulled out from behind mine, after the London General driver had got on his 'bus to go round the corner. That was the first time I saw the constable come up.

16899. Then the constable came up after the 'bus moved?—Yes. That was the first time I saw him.

16900. You have told us what you heard pass?—Yes.

16901. That took place, of course, on October 13th?—Yes.

16902. You did not go to the police court, did you?—No, I never troubled my head about it.

16903. When did you next hear anything about Wells' arrest from anybody after the 13th?—The next thing I heard about it was my driver said to me: "I am going to give evidence about that affair at Highbury Barn." I told him: "If you like you can tell the police if they want my evidence they can have it. I will tell them what I heard and saw."

16904. Young told you he was going to give evidence?—Yes.

16905. When was that?—A week last Friday—Friday in last week.

16906. Which do you mean?—Last Friday.

16907. Why did you say a moment ago "A week last Friday"?—I meant Friday last week.

16908. What time on Friday last week?—In our working time I told my driver. We were on the morning shift. He told me he was going to give evidence. I told him, "If they like to have mine they can have it with pleasure."

16909. Young while on the morning shift told you he was going to give evidence before this Commission?—Yes.

16910. How long does a morning shift last?—From eight to nine hours—from 20 minutes past 8 in the morning until about 20 minutes past 4 in the afternoon.

16911. Where was it that Young told you this during that shift?—Whether it was at Highbury Barn or at Clapham Junction I could not tell you; I could not tell you the exact place.

16912. Was it early in the morning before dinner time?—I would not like to say for certain. It may have been as we finished work. No, it could not have been then. It must have been at the end of one of our journeys, because on the Friday we did not come home together after we finished, so it must have been during the day.

16913. Did you go to the police station and make a statement?—I got a message on the Saturday night asking me to go up.

16914. You went to the police station and made a statement?—Yes, I went to the police station.

16915. What sergeant or Inspector did you see?—I saw Smith I am told is his name.

16916. Did you tell him what evidence you were prepared to give?—Yes.

16917. And he took it down?—Yes.

16918. When Hill was getting on the box was the police-constable near?—Not when he was getting on the box. The first time I saw the policeman was at the corner. The horse 'bus was behind mine; he could not have been near.

16919. Where were you standing in relation to your 'bus?—I was standing just by the step of my 'bus.

16920. Where the conductor ought to be, in fact?—Yes. The tally man, Wells, was standing in the middle of the road right on the other side, just in front of the horses.

16921. That would be on the off side of your omnibus?—Yes.

16922. And on the off side of you?—Yes.

16923. Was he standing near the horses' heads in such a way that he would have been run over if the 'bus had gone on?—As a matter of fact the 'bus could not have gone on on account of mine. They had to pull up. If Wells had stood there and the 'bus had pulled out the horses must have knocked him over; but he kept following them round and shouting at him.

16924. You do not remember whether the police-constable heard anything before Hill got on the box?—If he was coming along he must have heard. I should think he could have heard the man's voice 30 or 40 yards away the way he was shouting.

16925. You distinctly remember Wells using the expression "You f—— well do not mean to pay"?—Yes, it was all f—— and b—— all the way.

16926. You distinctly remember that expression, I understand you to say?—Yes.

16927. Where was the constable then?—He was coming up at the moment to the corner.

16928. When the expression was used was the police-constable walking towards you?—That expression was made in the urinal by one of them.

16929. You say: "I distinctly remember him using the expression "You f—— well do not mean to pay"?—Yes.

16930. Where did he say that? If you distinctly remember it, probably if you apply your mind to it you will be able to tell me where it was said?—In the urinal he called him "a dirty b—— tyke," and when he came away I heard him say "You f—— well do not mean to pay."

16931. Was that while they were walking together from the urinal to the bus?—Hill, the driver was on his box then when he used that very expression.

16932. And the police constable was walking towards Wells?—Yes, he was coming towards Wells.

16933. So that when this expression which you distinctly remember was used the police-constable was still walking?—He was coming to meet Wells.

16934. He was still walking towards Wells?—Yes.

16935. When this expression which you distinctly remember was used?—Yes.

16936. You have no doubt about that?—I have no doubt at all.

16937. I am asking you because in your statement at the police station you say, after saying that you distinctly remember that expression, "The policeman was then standing close by"?—There would not be a yard separating the two.

16938. But the policeman cannot have been walking towards Wells, and standing at the same time?—It would not take the tenth part of a second for the expression to be said. The constable was coming up Highbury Barn, and while the man was using this filthy expression the constable just got there at the moment.

16939. Yes, but, you see, Wells denies all this; and I am trying partly to test your accuracy and partly to test your capability of giving a correct account of what took place. Mr. Wells absolutely denies that he used this expression "You f—g well do not mean to pay"?—I am positively certain that he did use it.

G. E. Dawson.

28 Nov. 1906.

G. E. Dawson.

28 Nov. 1906.

16940. You say: "I distinctly remember him using it"?—Yes.

16941. A moment ago you told me that when that was taking place the policeman was walking, and in the statement you made at the police station you said: "The policeman was then standing close by." You see what a difficulty you are placing us in. You are giving evidence directly contrary to the evidence given by Mr. Wells, and it seems to me that what you have now stated is not consistent with what you said at the police station. What is your explanation?—The policeman was coming up Highbury Hill. Of course, whether the policeman was standing or walking when certain expressions were used I cannot say.

16942. You say you cannot pledge your recollection as to that?—He was using these expressions all the while the 'bus was pulling out behind mine. Then the policeman was coming up to meet him.

16943. You must hear the expressions a good deal in the streets?—We do, every day.

16944. What made you so distinctly remember this particular expression?—We hear them every day. Some of them can hardly speak without saying "f——g" and "b——g."

16945. There are some people who do not, I suppose?—Yes, there are some, but it is quite common.

16946. Is the reason you distinctly remember Mr. Wells saying this simply from the recollection you have that nearly everybody in the streets is in the habit of using it?—No, I do not say so.

16947. Why should you remember Wells using it particularly?—I do not know why, but I know there was only one man doing the talking; only Wells could have used it at that time.

16948-9. Do you agree with Young, that Mr. Wells was not only noisy, abusive, and using this bad language, but that his manner was menacing?—I should not say menacing, but I agree with Young and the other people who were there. Some people said they thought he was mad, and some said he was drunk.

16950. You did not offer to go to the Police Court to speak on behalf of the policeman?—I never mentioned the case, and I never took any notice of it until last Friday. As a matter of fact I did not know that Wells was a tally-man until that day. I never took any notice of it. I did not know the 'bus-driver's name. I knew him by eyesight.

16951. Apart from the fact of the arrest there is nothing you could suggest to me as being a reason for your distinctly remembering any particular expression, is there?—They are common expressions with some people.

16952. I know, but Wells says: "I am a total abstainer, and I never use those expressions"?—I know the man did use them.

16953. It is the fact that they are so common that makes one suggest that your recollection is playing you false when you say that Wells used them. Are you certain it was not somebody on the pavement using them?—There was only one man doing the shouting, and that was the tally man, and I will swear he was using obscene language.

16954. What sort of obscene language?—"F——g" and "b——g."

16955. If you define obscene language by "f——g" and "b——g," that does not carry it a bit further than you have already carried it. At any rate, until last Friday or Saturday you had not spoken of the case to anybody any more than there may have been gossip at the corner?—That is all.

16956. Do you know Dunham, the policeman, at all?—No, I do not.

16957. Have you ever spoken to him since October 13th till to-day?—I have not spoken to him at all. I do not know him.

16958. (*Mr. Dickinson.*) Have you heard of any gossip about this between October 13th and last Friday?—No, I have not.

16959. The matter has never been referred to in your hearing?—Not in my hearing. I never heard anything about it, and I never troubled myself at all about it until my driver said he was coming to give evidence about the row at Highbury Barn. These were the words he said: "If my evidence is any good to them they can have it with pleasure."

16960. You have never even referred to it all this time until last Friday?—I have not.

16961. On no occasion?—On no occasion.

16962. Never even talked it over with your driver?—No.

16963. Did you know that your driver had been asked by Mr. Wells to give evidence?—I know Mr. Wells had got upon my 'bus, but what they were talking about I could not say. When the 'bus pulled away from Highbury Barn it was going so slowly that the people inside were complaining. I ran to the front and said "What is the matter? Let us get on."

16964. Did he say what was the matter?—No, he did not say anything. I did not know whether they were referring to the case at all, and I never asked any questions. I only said "Let us get on."

16965. You know now from what you heard in Court that Mr. Wells had spoken to your driver?—I know now that Mr. Wells had approached my driver.

16966. I wish you would explain to me exactly how those two 'busses stood. The motor-'bus came up first, did it?—Yes. *This* is Highbury Barn public-house; the motor-'bus was standing *here*, the London General 'bus was *there*, and the urinal is *there*.

16967. The motor-'bus had drawn up from *that* direction?—Yes.

16968. The 'bus had come up precisely behind it?—Yes.

16969. So they were standing like *those* two books?—Yes. The urinal was about *here*.

16970. When they came from the urinal they walked from there to the 'bus?—The driver walked from the urinal and climbed up on to the front of his 'bus. Wells was standing *there*.

16971. Where were you?—Standing *here*, just by my step.

16972. How much room was there between the horses and the motor-'bus?—A matter of about a yard. There was just room for him to pull round.

16973. When the driver climbed on to the 'bus what did Wells do?—When the driver climbed on to the top of the 'bus Mr. Wells was still shouting at him.

16974. From between the urinal and the 'bus?—Yes; he was standing about *here*. The urinal was *here*.

16975. What did he say?—He was shouting at him, "Why don't you pay me the money you owe me?" or words to that effect.

16976. Did he change his position?—He was at the side of the 'bus, was he not?—He was just by the horses' heads. *These* were the two horses' heads. When the 'bus pulled out Wells kept following on the outside. Wells came round on to the kerb.

16977. Did Wells come right round in front of the motor-'bus?—Wells came right round *here*, just to where the 'busses stand at the corner.

16978. Walking in front of the omnibus?—In front of the omnibus. As it comes round *here*, then the 'bus has to come on at like right angles.

16979. While the driver was pulling his horses round *there*, Wells was walking in front of the horses, was he?—Yes, shouting all the way, walking backwards, and shouting at him.

16980. Until they come close to the front of the motor-'bus?—Yes; my motor-'bus was about a couple of yards away from Highbury Hill.

16981. Where did the policeman come from?—The policeman came from Highbury Grove, away up *this* way. When the 'bus comes round it comes round like *that*. The policeman came up *this* way, and met Wells at the corner.

16982. When was it that he was using this obscene language after the driver was on the 'bus, and while the 'bus was being driven round?—Just as he got to the corner, as he was coming round the corner, I heard him say, "You f—— well do not mean to pay"? At that moment the constable came up and laid hands on him.

16983. Where was he when he said that?—Round the corner.

16984. That is to say, he had come round?—Yes.

16985. Where were you?—I had followed up from *here*.

16986. What made you follow up?—I heard this going on, and I suppose I was a little bit inquisitive, like all the others, and I wanted to see the finish of it. But my time-keeper called me away.

16987. You at the beginning distinctly saw what happened after they came out of the urinal?—Yes.

16988. Were they fighting?—No, there was no fighting went on. The London General driver seemed as if he wanted to get away. He looked as if he did not want to be shown up; he wanted to get away out of it.

16989. You have heard Young say that this morning, have you not?—Yes, I heard Young say it.

16990. Had you thought of that before you heard him say so this morning?—I thought so at the time, and the people remarked it that he did not like to be shown up.

16991. What people remarked it?—Passengers in my 'bus talked about it. Two ladies were talking about it going down the hill.

16992. What did they say?—They said, "What is it all about? What is it?" I said, "I do not know; somebody wants some money of him, and he will not pay." One of them said, "He must be drunk or mad."

16993. One of them said, "He must be drunk or mad"?—Yes.

16994. What sort of a person was that?—Two ladies.

16995. (*Chairman.*) You told me there were no passengers in the omnibus?—That was after we came away—when we started the journey. Before we started there were several people standing round. I did not leave there till about three minutes afterwards.

16996. You say there were several people standing round. First of all you told me there were two time-keepers?—Yes, and the puller-up of the London General, and the old man who fills the engines with water. He is called a puller-up.

16997. There was one pulled-up for horses?—Yes.

16998. That is four. What other people were there?—Other people coming from Blackstock Road wanting to get to the West End. I carried several people from there. While the row was going on they were all standing looking.

16999. Where were they standing looking?—Round the 'bus and the policeman and Wells.

17000. There were how many?—I should say a dozen or so.

17001. In addition to these conductors and time-keepers?—Yes.

17002. How many of them got into your omnibus?—I could not tell you exactly how many, but I should think I carried 7 or 8 away. I had above five or six inside and two or three on the top. I cannot say how many there were. My bills, which are at the Road Car's place, will tell you exactly how many people I had on that journey.

17003. I am just going to read to you what you said to the inspector: "The policeman was then standing close by, and could have heard this, I distinctly remember him using the expression, 'You f—— well do not mean to pay.'"—That was at the corner; the policeman had come up Highbury Hill.

17004. After he had pulled round the motor-'bus?—Yes, as he was pulling round the corner.

17005. "The policeman was then standing close by." Where was he standing?—At the corner; he had only just come up.

17006. At the corner of the public-house?—Yes.

17007. That is to say, just close to where the horse omnibus had pulled up, or come round?—Yes.

17008-9. "And could have heard this. The policeman went up at once and ordered the tallyman away." Where was the tallyman standing at that moment?—They were both at this corner. As the London General 'bus driver got round the corner he went away.

17010. Then the horse omnibus was between the motor-'bus and the policeman at that moment?—The horse omnibus had gone away. As soon as he got round the corner, he had gone away.

17011. And you were standing close by?—I was standing close by.

17012. And you could see that?—Yes.

17013. Your driver was standing there too, I suppose?—I do not know what he was doing.

17014. Cannot you charge your memory with what he was doing then?—He may have been standing beside them, or he may have been busy with his engine, or anything.

17015. He could see them as well as you?—Yes.

17016. The horse omnibus then moved off and went round the corner out of sight. Where did the horse omnibus move to?—It went down Highbury Hill.

17017. You being where your left hand is now?—Yes, just at *this* corner.

17018. You saw the omnibus go down this road?—Yes, I saw it go away.

17019. How far could it go down the road—till it got out of sight?—You could see it in sight for about a quarter of a mile.

17020. "The policeman told the man to go away again." That was after the omnibus had got out of sight?—Yes, the omnibus had gone then.

17021. That is to say, it had gone down the road a quarter of a mile out of sight?—I do not say that. I was not watching the omnibus.

17022. It had gone away?—It had gone away.

17023. "The policeman told the man to go away again and a crowd gathered round"?—Yes.

17024. The omnibus was well out of view?—I did not notice the omnibus, I was watching them. It may have been still in sight. You can see a long way down that road.

17025. "The tallyman replied to the policeman, 'That man owes me money; have not I a right to come and get what belongs to me?' The policeman told him to go away two or three times, but he still remained shouting at the top of his voice, 'What have I done?' The constable then arrested the man, and caught hold of the man by his coat. The man tried to break away from the policeman, and said something to the effect that he was not drunk and went away with the constable." All that happened after the omnibus had gone away?—Yes.

17026. Therefore the driver of the omnibus could not have seen it?—No.

17027. He could not possibly have seen it?—No.

17028. And anybody who says that the arrest took place when the omnibus was there is telling what is not accurate?—They are; they must be. It is not true, because the omnibus had gone, when the policeman took him. Sometimes the omnibus will stop at the church at the corner. Whether he stopped there or not and saw the arrest I could not swear. He had left Highbury Barn public-house I am positive. Whether he stopped at the church I could not say.

17029. Would it be a minute or two after the 'bus had gone when the arrest took place?—It was all done in about a couple of minutes.

17030. (*Mr. Dickinson.*) I suppose you are sure that the policeman told him to go away two or three times?—Yes, certainly.

17031. You are sure of that?—Yes.

17032. You have told me that before that happened the omnibus had gone away and disappeared?—Yes. I did not say the omnibus had disappeared. I said the omnibus had gone away, because you can see a long way down Highbury Hill. The omnibus may have been standing at the church. I never took notice of it. The omnibus had left Highbury Barn, but whether it had disappeared or not I cannot say.

17033. Do not let there be a misunderstanding about it. When you made this statement you said "The horse omnibus then moved off and went round the corner out of sight." I asked you what that meant, and you said it was round the corner down the road by the church. You said it was a quarter of a mile away?—Out of sight—out of my sight.

G. E. Dawson.

28 Nov. 1906.

17034. But you can see down the road a certain distance?—If you walk along the middle of the road. Highbury Road runs at right angles to where I was standing.

17035. The omnibus had gone out of your sight at any rate?—Yes.

17036. And I suppose nobody standing there could see it?—The people standing in the roadway might have seen it.

17037. What I want to understand is when, after that had happened, and you say that the policeman told him to go away two or three times, but he still remained shouting at the top of his voice—who was he shouting at then?—He was shouting out "I won't go—what have I done. I won't go. I am not drunk." I am positive he said "I am not drunk." He kept using different expressions. I cannot remember them all; but that was one that I can remember—"I won't go, I am not drunk."

17038. He kept on shouting that out?—Yes.

17039. And the policeman at last took him away?—Yes.

17040. I think you told the learned Chairman that Young told you he was going to give evidence last Friday?—Yes.

17041. Did he tell you what he was going to give evidence about?—He said he was going to give evidence about the row at Highbury Barn before this Royal Commission. As a matter of fact, I did not know the case had been dismissed at the police court. I took no interest in it until Young told me "I have to give evidence before the Royal Commission over this Highbury Barn case—that row that was on the day we were there."

17042. Up to that moment you did not know what row he referred to, I suppose, until he said "the row at Highbury Barn"?—Yes.

17043. Did you know at once what he was referring to?—Yes.

17044. You told us you never thought of it in the meantime. Had it never crossed your mind?—It had never crossed my mind. I never troubled my head about it.

17045. Did he tell you who had asked him to give evidence?—No, he did not say anything. All he said was he was going to give evidence before the Royal Commission, and I said to him, "If they want mine they can have it with pleasure." Those were the words I used.

17046. Where were you when this conversation took place?—It took place in our working time, but whether it was at Highbury Barn or Clapham Junction I cannot remember exactly.

17047. It took place when you got a rest off for a few minutes?—It might have been at the Highbury Barn end of the journey or the Clapham Junction end. I can remember it was last Friday that he told me. It was not after we finished work, but it was during our working hours.

17048. How did you know you had to go to the station?—On Saturday night I was going to bed early and a knock came at my door, and when I went there was a policeman there. I was not sure I would have to come at all. I simply told my driver if he wanted me I would go, and a police-constable came to the door with a message would I go to the Islington police-station as they wanted to see me.

17049. What time on Saturday was that?—I got the message about a quarter to 9, and I would get up there about 10 o'clock.

17050. You went straight up to Islington from Chelsea?—Yes.

17051. Did you go with the policeman?—No, me and my wife went up. She came out with me to keep me company.

17052. You got there I suppose late at night?—10 o'clock I think it was.

17053. What did you say when you got there?—I went in and told the man inside, "I have been asked to come up; someone wants to see me," and he asked me what it was about. I said "It is something about a row at Highbury Barn they want to see me about." The man in charge said "It is Superintendent Smith who wants to see you; he is not in just now; sit down." So I went in, sat down, and waited till he came.

17054. When he came in what did he do? Tell us what took place?—He came in and I believe he enquired if I had arrived. He must have been expecting me to come up, and when they told him I was there he took me in a room at the back. My wife went in with me, and he asked me if I was present at Highbury Barn when this row took place, and I said "Yes." He asked me what I knew about it, so I told him exactly about the bad language that was being used at the time.

17055. When he was taking this statement down which begins: "About 3 p.m. on the 13th October, 1906," did you know at that moment that it was the 13th October?—I did.

17056. How did you know that?—Because upon the Saturday previous I had had a day off. I had been to King's Cross, and that was October 6th. I had the date impressed on my memory, because I had not seen my uncle for ten years, and on October 6th I was at King's Cross to see him off. The Saturday after was the day that took place, and so I knew it was October 13th.

17057. When had you been thinking about all these things so as to bring the date back to your mind—when you were in the police-station?—Before I went to the police-station on the Friday.

17058. You settled it as the 13th?—No, he asked me what the date was.

17059. You had then to consider what date it was?—It did not need any consideration. The date was impressed on my memory that it was the Saturday after seeing my uncle off from King's Cross, and that was October 6th. I was not working on the Saturday previous or the two Saturday's previous.

17060. When the inspector took this down did he simply write out what you said or did he ask you questions?—The inspector said: "Now you arrived at Highbury Barn," and then he said to me, "What do you know?" and I told him. I said I heard a voice going on in the urinal, and I believe he asked me if I heard more than one voice, and I told him I only heard of one—a loud voice going on. He asked me if I could remember the words that were used, and I told him one sentence that I could remember hearing in the urinal, and that was "You dirty b—— tyke."

17061. You have got down here in this statement: "I heard a quarrel going on," that is not what you say here. You say now you heard voices?—I heard voices—I heard a quarrel.

17062. Did you say you heard a quarrel?—I told the inspector I heard a quarrel going on.

17063. You used the word "quarrel" to the inspector but you used the word "voices" to me?—I believe I used the word "quarrel" in front of the inspector I heard loud voices.

17064. You used the word "quarrel." What else did you say? I want to test your memory?—The inspector asked me if I heard more than one voice, and I told him no, that this man's voice was above anything else, and that that was the only one I did hear, and he was f———g and b——g, and one thing and another and, when they came out of the urinal the driver got on his box and pulled away behind me, and the tallyman followed him round, and I heard the tallyman say, "You f———g well don't mean to pay." The constable must have been coming up Highbury Hill just at the moment that the two of them met, the constable and this man Wells, and the constable told Wells two or three times to go away.

17065. When you told the inspector of this expression and that you distinctly remembered Wells using this expression, did he ask you then what expression he used, or did you simply volunteer that?—I volunteered that. I told him the expression that was used—that it was just at the moment the policeman told him to go away. It happened at the same moment when he used that expression.

17066. Did you tell him about any other persons being present?—Yes.

17067. Who did you tell him were present?—I told him there were two or three passengers in my 'bus,

and when the 'bus left there they said, "What is it all about"?

17068. You told us to-day there were two timekeepers and the pullers-up there. Did you tell the inspector that?—No, I did not tell the inspector that, because they are always there.

17069. Did he ask you whether you could mention anybody else who was there?—No.

(*Chairman.*) Do you wish to ask any questions, Mr. Wells?

17070. (*Mr. Wells.*) Yes, Sir. (*To the witness.*) Did you know me previous to this occurrence?—No, I did not.

17071. You had not an opportunity of recognising my voice at all?—I recognised you when you came out. There was only one speaking.

17072. How did you know it was me swearing in the urinal if you had never spoken to me before, or had the chance of recognising my voice?—The voice that was going on when you came out of the urinal was the same voice that was going on inside the urinal, so it must have been you.

17073. That is what made you believe it was me?—Yes; it was your voice all the time.

17074. You also said that your omnibus was in front of the horse 'bus?—Yes.

17075. You also said that when you drove up you heard a row and swearing going on in the urinal. How did you come to get your omnibus in front if you came up behind the horse 'bus?—No, I did not swear that.

17076. Yes, you did?—I said that our omnibus and the horse omnibus got there at the same time.

17077. You have not forgotten that you have to go round three roads before you get there, and that omnibus was there previous to your arriving?—Yes, but then these London General drivers when they pull up there take it very easily. They like to get behind the motor-'buses so as to shove us off.

17078. That all depends on how many are there. They like to have the best position, no doubt, but they do not do it very often?—One of our motor-'buses had just that moment gone.

17079. With regard to these motor-omnibuses, there are three roads, one Kelvin Road, by the side of the church, and then they go round a by-road which is called Mentone Road, and then they come up Kelvin Road. The Kelvin Road goes in a horse-shoe fashion right round, and they have to go through these roads on account of there not being sufficient room to turn the omnibus round and set the people down, and therefore they must come up behind the urinal before they can pull into a position on their left hand side behind whatever 'buses they are following. You had to do that, had you not?—Yes.

17080. How did your 'bus get in front. You distinctly said you stood in front of the horse-'bus and heard and saw everything?—Because the London General omnibus driver must have taken it easily so as to keep behind us. We both arrived there together.

17081. But he was there?—I did not say he was there.

17082. But I say he was there?—He was behind me, because he pulled round behind us.

17083. Then I will leave the driver to state what position he had when he came up?—He was behind me, because he had to pull out to get in front.

17084. You also said that while I and the driver were talking the constable was coming up Highbury Hill. Do you know where Highbury Hill is?—I do not know whether it is Highbury Grove or Highbury Hill. It is Highbury something.

17085. You ought to be careful. Highbury Hill is a matter of 300 yards away from Highbury Barn, and quite in another direction to the right. Where this occurrence took place that you are speaking about was not Highbury Grove or Highbury Hill, it was in Highbury Park. How far was the 'bus pulled round in Highbury Park out of Kelvin Road. The arrest occurred in Kelvin Road, did it not?—Yes, at the corner of Kelvin Road.

17086. This is your own illustration of the 'bus. Highbury Barn is *here* and the omnibus is *here*, the urinal is *here*. Is that so? (*Describing.*)—Yes.

17087. We, you say, were *there*? (*Describing.*)—Yes.

17088. The horse omnibus was *here*, and therefore if the horse omnibus was *here*, I stood *there*, did I not?—What is the name of the place *here*?

17089. Highbury Park?—Highbury Park runs at right angles to Kelvin Road?

17090. Look at this sketch which I have made. Perhaps that will help you? (*Handing sketch to witness.*) That is Highbury Park. I understood that the name of that was Highbury Hill. I did not know that was Highbury Park. I always understood that was Highbury Hill or Highbury Grove. That is where the arrest took place at *that* corner. (*Pointing on the sketch.*)

17091. In the centre?—I should say *that* is where the urinal is.

17092. *This* is the side of Highbury Barn, and the urinal is right opposite?—It is right opposite the saloon bar of the public-house.

17093. Perhaps it is; I will not be sure to a yard or two, but there is not much distance between either, because the urinal would be only 6 feet wide, and I take it that the saloon entrance is about the same, so that the 'bus would cover the two entrances. Is that right?—Yes.

17094. How did you come to discover that the constable was coming from Highbury Park when you were in Kelvin Road?—The constable must have come up *this* way, because I moved down *that* way to go into Highbury Park, as you call it.

17095. Are you not aware that the omnibus you were conductor of and the horse 'bus passed me in Highbury Park when I was under arrest?—Will you repeat your question?

17096. Just attend to the question before you answer it, because I only want you to answer it correctly. That omnibus of which you were conductor passed me while I was under arrest in Highbury Park? After the constable had arrested me your omnibus pulled out and passed me in Highbury Park?—You had been taken away about two minutes. I saw half a dozen people following you past the clock on Highbury Hill.

17097. Don't you remember the horse omnibus passed me with the man I am supposed to have been swearing at driving it?—The horse 'bus had gone away before you were arrested, but whether he pulled up round this Highbury Park or not I don't know, because I was called back along this Kelvin Road.

17098. (*Chairman.*) Did your motor-'bus pass Wells after he was arrested?—No, it could not have done. He had gone away and I saw a little crowd following. A clock stands in the middle of the roadway on Highbury Hill, and the crowd was past there. The passengers in my 'bus were looking out of the window and saw Wells going away.

17099. (*Mr. Dickinson.*) Which of these 'buses had come up first?—They both came up simultaneously. If a London General Omnibus comes up there I believe they have got orders to push on behind us and shove us off. There is only a stand for three. If three come on the stand the first one has to go away. If a horse 'bus comes up, and he sees a motor coming up at the same time, then he lets that motor come round so as to be first on the stand, so that he can pull behind and get him off.

17100. The driver of the horse 'bus had got off his box before you came up?—We both arrived there together. He got off and went into the urinal just as we arrived there.

17101. He got off his 'bus before you came up?—Yes.

17102. He was in the urinal before you came up?—No, we had arrived there. We had got upon the stand as he was pulling round. He pulled round directly behind us, and went straight in, and then the row started.

17103. When did your engine stop working?—As soon as we arrived there. When we arrived there we take the first place on the stand. Our timekeeper says, "Stop that noise," and the engines are not working at all. They won't let the engines work, because the people who live in the houses round about have complained about it.

(*Mr. Muir.*) Sub-divisional Inspector Smith can give you some information with regard to the two timekeepers and the two pullers-up if you desire it.

(*Mr. Dickinson.*) Are we not going to see those two timekeepers?

(*Mr. Muir.*) No, Sir. I can tell you why, but I had better call the Inspector.

Sub-Divisional Inspector SIDNEY SMITH, sworn.

Sub-Divisional Inspector S. Smith.

28 Nov. 1906.

17104. (*Mr. Muir.*) Are you Sub-Divisional Inspector of the N Division?—Yes.

17105. What is your station?—Islington.

17106. Have you interviewed the two timekeepers who have been mentioned by the driver Young?—Yes.

17107. With a view to seeing whether they could give evidence before this Commission?—That is so.

17108. Would you tell the Commission in your own way what the result has been?

(*Chairman.*) That is very much hearsay evidence, is it not?

(*Mr. Muir.*) Entirely. It is only to account for their absence from the Commission.

17109. (*Chairman.*) Why are they absent?—They state that they cannot give any definite information with regard to the occurrence.

17110. (*Mr. Muir.*) With regard to the two men who are called pullers-up. What do you say with regard to them?—I did not take statements from them because I considered they were too ignorant.

17111. (*Chairman.*) Who are the pullers-up?—Rather a low class of men who carry water to the motors. At one time they baited the horses.

(*Mr. Muir.*) Of course, those men can be physically brought before the Comission if desirable.

17112. (*Chairman.*) You did not think it was worth while taking their statements?—That is so.

17113. (*Mr. Dickinson.*) You did not take their statements because they were too ignorant?—That is so.

17114. Did you ask them anything about the occurrence to test their ignorance?—I asked them if they knew anything about it, and there was no definite reply at all.

17115. Do I take it that it is usual, and is supposed to be the proper thing, for a Sub-Divisional Inspector to decide as to whether witnesses should be called or not?—No, but there was no evidence to call in this case. They gave me no evidence.

17116. Did you see them?—Yes.

17117. Did you ask them anything?

(*Chairman.*) I hardly think it would be fair to Mr. Wells to ask what they did say, because it is really hearsay evidence. If what they said is of the slightest importance they ought to come here to say it.

17118. (*Mr. Dickinson.*) I was not going to ask you what they said. I want to know what course you took which assured you that their evidence was not desirable. Did you ask them?—Yes, I asked them, and got nothing from them.

17119. Do I understand that you asked the two timekeepers?—Yes.

17120. And you came to the same conclusion?—I came to the conclusion in their case that they did not want to give any evidence.

17121. (*Chairman.*) Will you kindly give their names to us?—I have not their names with me, but they can be easily found.

17122. (*Mr. Muir.*) You can get the names?—Oh, yes, easily.

17123. (*Chairman.*) You will send their names to the Secretary, and if you can get their addresses you will send them also, and the Commission will consider whether it is worth while calling them?—Certainly, Sir.

(*Chairman.*) That applies also to the two pullers-up. Are you going to examine this witness as to what took place at the police station?

(*Mr. Muir.*) No, Sir.

17124. (*Chairman.*) You took the evidence of the two men Young and Dawson?—I did.

(*Mr. Muir.*) May I point out with regard to that that those are simply instructions taken for the purposes of the Commission here to-day. The Commissioners desired to see them, and I supplied them with those witnesses proofs. I did not propose to tender you evidence, and it appeared to me most unusual to tender you evidence, as to the circumstances attending the taking of those proofs.

(*Chairman.*) Certainly it would be unusual for you to tender that evidence, but they are statements signed by the witnesses, and the Commission has asked for them.

(*Mr. Muir.*) I do not wish to controvert that in any way at all, but I only point out they are proofs, and they are not like ordinary reports made in the course of duty at all.

(*Chairman.*) We quite understand that these were not reports taken by the Inspector in the ordinary discharge of his duty. We quite understand they were taken because the Commission was to investigate this case, but they are statements taken by Inspector Smith from the witnesses and signed by the witnesses.

(*Mr. Muir.*) Certainly, Sir.

(*Chairman.*) They are clearly documents that are sufficiently relevant for us to receive, and we have got them.

(*Mr. Muir.*) I do not in the least know where the inquiry will stop if we are to investigate the circumstances under which every proof given on behalf of the Commissioner of Police is taken. I do not in the least know what it will lead to or where it will lead to. It is quite out of the ordinary course.

(*Chairman.*) The Commission will determine that.

(*Mr. Muir.*) Quite so, but the Commission will, I presume, hear any views I have on the subject before they determine the matter, I am sure.

(*Chairman.*) No, we do not hear speeches of counsel.

(*Mr. Muir.*) No, but the submission I should make to the Commission, I am sure they would desire to hear, and that is that no court that I know of would investigate the circumstances under which a statement of this kind was taken unless it was tendered on behalf of the party who took the statement.

(*Chairman.*) I have often heard a witness for the plaintiff cross-examined by counsel for the defendant upon the question of whether or not he had given a written statement to the solicitor for the defendant.

(*Mr. Muir.*) Certainly.

(*Chairman.*) And counsel takes his risk whether that evidence is put in or not.

(*Mr. Muir.*) This witness is in the position in an ordinary litigation of a solicitor's clerk who takes the proofs. I have never heard of any instance of a solicitor's clerk being called.

(*Chairman.*) I do not know what is in your mind at present, because we have got the written statements.

(*Mr. Muir.*) Quite so.

(*Chairman.*) I do not want to ask any question about it, because the witnesses have told us how they came to make these written statements, but Mr. Dickinson wants to ask a question of the Inspector about it.

(*Mr. Muir.*) That was prefaced by a suggestion that I had put this witness into the box for the purpose of proving the circumstances under which those statements were taken. That was not my object.

(*Chairman.*) No, it was put in the other way; I understood that was stated in answer to Mr. Dickinson.

(*Mr. Dickinson.*) No, I did not say anything about that.

(*Mr. Muir.*) I rather suggested that because I gathered from what you said when Inspector Smith was first called that you intended merely to question him in the way you have done, and that you were not going to ask him any questions as to the conditions under which the statements were taken.

(*Chairman.*) I never imagined Mr. Muir was going to ask him any questions about the statements at all. I understood you were going to call him simply to explain the absence of certain witnesses, but still, if Mr. Dickinson wishes to ask the Inspector any question about the statements——

(*Mr. Muir.*) Mr. Dickinson is entirely beyond my control.

17125. (*Mr. Dickinson.*) The question I was going to ask, first of all, has nothing to do with this. I was

going to ask whether you were the Inspector on duty when this man Wells was charged?—No.

17126. You had nothing to do with that at all?—No, nothing at all.

(*Mr. Dickinson.*) I suppose we are going to have the Inspector who was at the station when this man was charged.

(*Mr. Muir.*) Certainly.

(*Mr. Dickinson.*) We have never had his name, and that was the reason I thought it was this witness Inspector Smith.

Sub-Divisional Inspector S. Smith.

28 Nov. 1906.

(*Mr. Muir.*) The whole of my protest was founded entirely on a misunderstanding on my part. I thought you were asking the Inspector questions about the taking of the statements of Dawson and Young.

(*Mr. Dickinson.*) I thought he was the man who had taken the charge.

(*Mr. Muir.*) No. He will be called.

Police-constable THOMAS DUNHAM, 166 N, sworn.

P.C. T. Dunham.

17127. (*Mr. Muir.*) Are you Police-constable 166 of the N Division?—Yes.

17128. Have you been eleven years in the Police Force?—Yes, just over eleven years.

17129. You joined on the 1st July, 1895?—Yes.

17130. Where have you served while you have been in the Police Force?—Islington, Stoke Newington, and Cheshunt.

17131. On the 13th October were you on point duty at that point—I do not mean on that day, but for how long before that day?—I think about seven days before the 13th. I am not positive.

17132. Continuously for seven days?—I was warned to take the point up for seven days during a man's absence on annual leave.

17133. Had you been doing it for seven days up to the 13th?—Yes, about that time.

17134. During that time had you seen Wells at all?—No.

17135. Before the 13th you had not seen him at all?—No.

17136. On the 13th when did you see him for the first time, and what attracted your attention to him?—He was quarrelling.

17137. When?—On the 13th.

17138. At about what hour?—About 3 p.m. He was quarrelling with a 'busman.

17139. What was it you first saw or heard that makes you say he was quarrelling with the 'busman?—He was holloaing and shouting and using the most filthy language to this 'busman at the urinal.

17140. Where were you at that time?—Standing on the corner against Highbury Barn, on the fixed point.

17141. Is Highbury Barn the name of the public-house?—Yes, the corner of Kelvin Road.

17142. How far is that from the urinal?—It might be about 20 yards or something like that.

17143. You heard this holloaing and shouting in the urinal?—Yes.

17144. Did you hear any words?—I heard him using the most filthy language—f——g and b——g.

17145. What did you do first?—I took no notice of it until they came out.

17146. Who came out?—The two men came out—the 'bus-driver and the man named Wells.

17147. The 'bus-driver is Hill?—Yes.

17148. Up to that time had you seen Wells at all?—Not that day.

17149. Had you seen him before that day?—I had seen him before that day.

17150. When had you seen him before?—I saw him about eight years ago. I knew the man by sight eight years previous.

17151. (*Chairman.*) Wells?—Yes.

17152. (*Mr. Muir.*) Did you know his name eight years ago?—No.

17153. Had you seen him at all during the period of eight years?—No.

17154. When he came out with Hill what took place?—He was using the most filthy language and called him a f——g twister, and said he did not mean to pay him. I spoke to the 'bus-driver first, and told him he had better get on his 'bus, and I also spoke to the man named Wells, telling him to leave off using such language and to go away, that he ought to know better coming and quarrelling with a 'busman during his employment, he ought to know better, being a licensed man himself at one time.

17155. You knew he had been licensed?—Yes.

17156. A licensed 'bus-conductor or driver?—The man named Wells had been a licensed driver on that rank, and I knew him by sight, but not to know his name.

17157. What did Wells say to that?—He said, "I am not f——g well going for you, I am not drunk, I am on the road." The 'busman got on his seat and he placed himself in front of the horses' heads with the intention, as I thought, of preventing the horses from going on.

17158. Who did?—Wells. I asked him to go away again several times, and he kept saying, "I am not drunk, I am not going for you." I told him if he did not go away I should take him away. He said, "I am not going away, I am not drunk."

17159. What did you do?—As he refused to go away after I had asked him several times I caught hold of his arm and told him I should take him away. He threw himself round and was very wild, as if he resisted, and tried to get away, and I caught hold of his collar.

17160. What took place then?—He said: "Leave go of my collar." I released his collar.

17161. What took place then?—He shouted to the driver: "I shall see you again." We went down Highbury Grove, and as the 'busman passed he put his arm up and said something which I could not understand as to letting him go—that was the 'busman he was quarrelling with at Highbury Barn.

17162. Where did you go?—I took him to Upper Street.

17163. Before you left the place where you arrested Wells were there any people there?—Yes.

17164. Any people round about?—Yes.

17165. About how many?—I should say fifteen to twenty standing all round looking and wondering what was the matter.

17166. You took him to the station?—I took him to the station.

17167. Who was in charge of the police station?—Sergeant Hawes.

17168. What took place when you got in front of Sergeant Hawes?—I told him the charge was disorderly conduct and using obscene language.

17169. Did your prisoner, Wells, say anything?—The prisoner, after the charge was taken, said: "I am not drunk; and, now I come to think it over, it was not me who used the language; it was the other man."

17170. That was on the Saturday?—Yes.

17171. When the charge had been taken what did you do? Did you remain in the station or go back to your point?—I remained in the station till the prisoner was charged, and then went back on my point.

17172. The charge having been taken, you went back to your point?—Yes.

17173. On the 15th did you attend at the North London Police Court?—Yes.

17174. Did you give evidence yourself?—Yes.

17175. You were the only witness for the prosecution?—Yes.

17176. And for the defence the driver, Hill, was called?—Yes.

17177. And Carter was called?—Yes.

P.C. T. Dunham.

28 Nov. 1906.

17178. Did Wells himself give evidence on oath?—No.

17179. Did you hear what Mr. Fordham said?—Yes.

17180. He dismissed the charge?—Yes.

17181. Did you hear what Mr. Fordham said in dismissing the charge?—Yes. He said there might have been a mistake as to which used the language, and that the driver ought to have been charged as well. He said: "I discharge you this time," and he told him that he had better be careful in the future not to interfere with the men and transact business affairs amongst them during their employment. He said: "I shall discharge you this time."

17182. Did Mr. Fordham tell you that you had exceeded your duty or that you should have used more discretion?—No.

17183. Or that you had not stopped at telling an untruth in order to get a conviction?—No.

17184. Is there any truth in saying that Mr. Fordham said any of those things?—No truth whatever.

17185. Did Mr. Wells at the station say anything about being drunk?—Yes; he said he was not drunk.

17186. Had you accused him of being drunk?—No.

17187. (*Chairman.*) What time had you gone on duty at this point on Saturday?—From 9 to 5.

17188. Those are the times on which you had to be on duty? At what time did you go on duty?—I went on duty from 9 o'clock in the morning till 5 o'clock in the afternoon.

17189. Did you actually go there at 9 o'clock in the morning?—Yes.

17190. Had you been there for six hours uninterruptedly?—Yes. I had been there for six hours.

17191. Not gone away for refreshment at all?—No.

17192. Tell me exactly, if you please, where, in reference to the public-house, which has been called, I think, Highbury Barn, your point was?—Right at the corner—at the opposite corner, I think—of the road facing the Barn.

17193. That does not tell me much at present. Is Highbury Barn public-house at the corner?—It is at the corner of two streets—Kelvin Road and Highbury Park.

17194. Do they meet at right angles?—Yes, they run right up to the corner.

17195. You know what I mean by right angles—right across?—Yes.

17196. Do the roads continue on in the same direction?—Kelvin Road only runs into Highbury Park, and then it turns right and left.

17197. Standing at your point you look down what may be called three roads, and if you look one way you see Kelvin Road?—Yes, you stand at the corner of Kelvin Road.

17198. You see Kelvin Road?—Yes.

17199. Then you see Highbury Park as well?—Yes.

17200. That runs in two directions?—Yes.

17201. So that Kelvin Road runs into Highbury Park and stops?—Yes.

17202. Is there a refuge or anything in the centre of the road?—Yes, there is a urinal in the centre of the road with a post to stop anyone from running into the urinal. That is the only thing there is in Kelvin Road.

17203. Is there no lamp-post?—Yes, there is a lamp-post at each corner to light the urinal up at night-time.

17204. How far is the lamp-post near the Highbury Barn public-house from the Highbury Barn public-house?—The one that stands by the side of the urinal?

17205. Yes?—I should say about twenty yards, or something like that. There is an electric lamp on the opposite side which throws a light right down. That stands in Highbury Park.

17206. Is not this refuge together with the urinal accommodation in Kelvin Road?—Yes, in the centre of Kelvin Road.

17207. But not in Highbury Park?—No, not in Highbury Park.

17208. Where is the electric lamp-post?—In Highbury Park—on the opposite side—on the reverse side to Highbury Barn.

17209. I suppose the public-house has two frontages—one frontage in Highbury Park and the other frontage in Kelvin Road?—Yes.

17210. When the motor 'buses come up in what direction do they come?—They run round Kelvin Road. They go down the Kelvin Road—it is a road which has two outlets to it—it might be forty or fifty yards farther down the road there they run round *there* and come along another cross-road, and then up Kelvin Road into the other road and on to the stand ready to go away.

17211. Does Kelvin Road go out of Highbury Park and then back again into it?—Yes, farther down.

17212. I think one of the witnesses called it a horse-shoe kind of shape, but it is semi-circular?—It has like four corners; it goes round, and there is another road which comes into it.

17213. The motor-'bus at one point arrives at Highbury Park, then it goes into Kelvin Road, and ultimately it draws up at the Highbury Barn public-house?—Yes.

17214. Where do the motor-'buses draw up—between the urinal and the public-house?—Yes, they draw in between the urinal and the public-house.

17215. How many 'buses are allowed to stand there at the same time?—Three.

17216. Did you notice the arrival of the horse 'bus, and of the motor-'bus on this Saturday afternoon about three o'clock?—No, I did not notice their arrival. There were only three on the stand, I did not take notice of their arrival.

17217. When you heard this loud talking, and looked towards the public-house, you saw two 'buses standing there?—There were two 'buses standing there. A third 'bus came on the rank when the bother was on the go. When these two men were quarrelling another motor-'bus came, and the horse 'bus was between two motors.

17218. When did you first move towards the horse 'bus?—When Wells and this man came out of the urinal.

17219. The moment they did?—When they came out using most filthy language I moved towards them.

17220. At once?—Yes.

17221. Did you speak to the 'bus driver?—I spoke to the 'bus driver, and told him he had better get on his seat.

17222. Then what you have told Mr. Muir took place?—Yes.

17223. The effect of it was you arrested Wells, and took him to the station?—Yes.

17224. You have a note-book, of course?—Yes.

17225. Had you got it about you?—You do not record a note in the book when you take a man in charge.

17226. I did not ask you that. You had a note-book about you?—Yes.

17227. Have you got it here now?—Yes.

17228. Did you make any note of the arrest of this man in that book?—No.

17229. Let me look at the book, please. What are the papers you are taking out of it?—Only police court papers, and just the names of people when I call them in the morning. These others are all clean papers. (*The book was handed to the learned Commissioner.*)

17230. What do you put in this book?—Anything that occurs.

17231. Anything that occurs?—Anything that occurs, barring a charge; if you take a charge it is not recorded.

17232. (*Mr. Whitmore.*) That is recorded in another way?—Yes, that is recorded in another way.

17233. (*Chairman.*) You tell me you had been there for six hours on that day at the time the occurrence took place. Had anything unusual happened that day at all?—No—yes, a motor broke down in Mentone Road.

17234. About what time did that take place?—That

was in the morning, I could not say the time exactly. I took the particulars.

17235. I see you did make a note of that?—Yes, it was supposed to be reported.

17236. Do I understand that you do not make a note in this book, when you charge a man, to refresh your memory?—No.

17237. That is the custom, is it?—Yes.

17238. It does not apply only to yourself, but it applies to all constables, as far as you know?—Provided they make any statement, or anything of that sort, it is required to put it down—provided the prisoner makes any statement in the station.

17239. Are you supposed to put down in this book anything that a prisoner says at the station?—If it is volunteered, or if he likes to say anything we put it down, if it is worth putting down, as you think.

17240. Did you hear nothing on that occasion at the station said by Wells that was worth putting down?—No, not as I thought.

17241. You were not here when he was examined by us, were you. I understand you were not. Wake up, please?—I was against the door.

17242. I mean last Thursday?—No, I was not here then. I thought you meant to-day.

17243. Last Thursday I meant. When you got to the police court did you find the Inspector in charge there?—There was an Inspector in charge.

17244. Who was that?—He was a stranger to me, but I believe he was an Inspector from Stoke Newington. I did not know his name. I did not know the Inspector.

(*Mr. R. D. Muir.*) Are you speaking of the police court, or of the police station, because I think the officer may be confused?

17245. (*Chairman.*) I mean the police station?—You said the police court. There was a sergeant there.

17246. What was his name?—Sergeant Hawes.

17247. You knew him before?—Yes.

17248. Where was he when you got into the charge room?—He was in the office.

17249. Not in the charge room?—No.

17250. Did you say or do anything?—I told the sergeant the charge.

17251. Do you mean by the sergeant the sergeant in charge—Sergeant Hawes?—Yes, Sergeant Hawes was in charge of the station.

17252. No, not in charge of the station, because he appears at this time to have been in an office?—He was not in the charge room when I went in.

17253. Did you go into the office to fetch him?—No, he came out.

17254. Before you had spoken to him at all?—I spoke to him. He lifted the window up. I said "I have a charge here for using filthy language at Highbury Barn."

17255. Did you say that out loud?—Yes, I spoke it out loud.

17256. Did the sergeant then say "You say he was using bad language. What was it"?—Yes. That was when he came into the charge room. He came into the charge room then and heard what it was.

17257. Did you then say to the sergeant "He was swearing"?—I said to the sergeant he was using the word "f——g." He said "Say it out loud so that the man can hear." I told him then the language so that the man could hear plainly what took place.

17258. The sergeant told you to speak up so that the man could hear?—Yes.

17259. Did you hear Wells ask you to speak up?—No, I never heard Wells say so.

17260. Do you say Wells did not ask you to speak up?—No.

17261. Still, the sergeant did tell you speak up?—The sergeant told me to speak up loud as to the language so that the man could hear it.

17262. Is it not the fact that Wells had to ask you to speak up?—No.

17263. You say he has spoken untruly when he told us "I had to ask him"—that is you, Police-constable Dunham—"to speak up as I could not hear what he was saying"?—That is wrong.

17264. What made the sergeant tell you to speak up?—Because he wanted to hear what the language was, so that the man could hear it, and there could be no misunderstanding.

17265. But why should the sergeant ask you to speak up if you were not speaking in a very low tone?—I told the sergeant what the charge was. He said "Go on, and speak out loud, so that the man can hear the language."

17266-7. He did that without Wells asking you?—Yes.

17268. Why should he do it?—It is the natural thing to speak up so that a prisoner or other witnesses can hear what the charge is.

17269. Why were you speaking so low?—I did not speak low.

17270. Then why did the Sergeant tell you to speak up?—So that the man could hear it.

17271. As I understand it, according to your account, although you were not speaking low, you were speaking in such a tone that Wells could not hear you?—I was speaking all right, the same as I am now.

17272. Why did the Sergeant tell you to speak up so that the man could hear you?—So that the man could hear it.

17273. Although you were speaking as loudly as you are now?—Yes; there was no need to say anything as to saying it out loud.

17274. Then the Sergeant ought not to have spoken to you at all?—It was unnecessary.

17275. The Sergeant appears to have said something to you like "Speak up, so that the man may hear what you are saying"?—Yes.

27276. "Tell me what it was." Did he tell you that?—He said: "Speak out so that the man can hear the language."

17277. Did he say, "You are no priest"?—No, he did not.

17278. Are you sure of that?—Yes.

17279. Did not the Sergeant go on to say: "Was he not f——g and b——g"?—No, he did not.

17280. I put it to you. This is what Mr. Wells has sworn—that the Sergeant told you to speak up, and then you said he was using bad language. "What was it?" "Well," you said, "he was swearing." The Sergeant said. You are no priest. Was he f——g and b——g"?—No; that is wrong.

17281. You say Wells has spoken untruly?—I say that is deliberately false.

17282. When the charge-sheet was written out, did Wells say anything?—He said nothing. Only after the charge was taken he said: "Now I come to think it over, it was not me using the language, it was the other man. I am not drunk."

17283. You did not enter that in your book?—No.

17284. Why did you not? You told me that if a prisoner said anything in the charge-room when he was charged, you might enter it in the book?—I did not think it was necessary.

17285. Before you signed the charge-sheet, did not Wells say: "Constable, can you conscientiously sign that charge-sheet?"—No.

17286. Took it as a matter of course?—He never said anything.

17287. Had you said anything at all to Wells up to that moment as to what the charge was?—No.

17288. Did you search him?—Yes.

17289. Have you told us all that Wells said in the charge-room?—Yes.

17290. When you left the station, where did you leave Wells?—I left him in the station.

17291. But where?—In the cell, I expect.

17292. Did you take him to the cell?—No.

17293. Who took him to the cell?—The man on reserve—the man on the door.

17294. Is that the ordinary course?—That is the order.

17295. I said is that the ordinary course. I did not

P.C. T. Dunham.

28 Nov. 1906.

say anything about the "order"?—Yes; that is the ordinary course—for the man on reserve to take the man down to the cell.

17296. Ought not the warder or the gaoler to take the prisoner from the charge-room to the cell?—Gaolers, when they are in court, take the man to the cell; but not the man in charge of the case.

17297. You were in charge of this case?—Yes.

17298. You did not take him to the cell?—No.

17299. When you left the station was he still in the charge-room?—No; he was taken down to the cell by the other man—by the man on the door.

17300. Did you hear the Sergeant say anything further to Wells?—No; only to ask him his name and address.

17301. Is that all?—That is all.

17302. Nothing further about the name and address?—No; he got a directory and looked at the directory. That is all I saw.

17303. Was the name there?—I could not say. I left.

17304. Did you hear the Sergeant say to Wells that he would have to go into a cell?—I never heard him say he would have to go into a cell. He was taken down by the man on the door.

17305. How long after the charge was read did you remain in the charge-room?—About a minute or two—not more. As soon as I signed the charge I was gone.

17306. When a constable arrests a man as you arrested Wells in this case, and you leave your point, is no other constable left at the point?—The first constable who comes on the scene takes up the point for the present.

17307. Did you meet another constable on your way?—I saw several that were on point themselves, regulating the traffic in Upper-street, on account of the cars.

17308. Did you tell them your point was left?—No; they could not leave their point to go to another point. Their point was of as much value as any other.

17309. But was there nobody left on point at Highbury Barn?—No.

17310. You went back there as fast as you could?—I went back.

17311. Is no provision made for getting some other constable to come to the point in case of an arrest?—Not unless he happens to see you, and knows you have come from a certain place.

17312. If you had met a constable on duty, you would have told him to go to your point?—I should not have told him. He would have gone without speaking to me.

17313. How long were you away on this occasion?—About an hour, or something like that.

17314. Then you were away for an hour in this case, and the point was left quite unattended to?—Yes.

17315. You had been on duty for six hours at the point?—Yes.

17316. It is rather a relief to go off, is it not?—No; it is far enough to go there when you have to walk, without having to go with anybody else.

17317. You say you would have preferred to spend an hour—from 3 to 4 o'clock—at your point than to take the man away?—Certainly.

17318. Did you tell Wells what you arrested him for?—No.

17319. Did you think he was drunk?—No, not the slightest.

17320. Do you agree with the last witness that this language—"f——g" and "b——g"—is quite common in the streets?—No. They do not let policemen hear it. If they use it themselves they get on one side, or somewhere where the policeman does not hear, or they would be summoned for using this language.

17321. All 'bus drivers, 'bus conductors, and so forth, the moment you come near them, moderate their language, and you never hear anything of this kind?—They know better than use it in the hearing of a policeman. They know they would be reported for summonses for using the language.

17322. Because they are licensed persons?—They know they must not use the language during their employment.

17323. Do you conceive it your duty to arrest anybody for using bad language in the streets?—It is not natural to arrest them for bad language, provided they are licensed persons.

(*Chairman.*) Under what section was this charge of disorderly conduct and obscene language made?

(*Mr. R. D. Muir.*) It is under two sections, one relating to disorderly conduct and the other relating to obscene language. At the moment I cannot give it to you. In the course of this enquiry it has been given.

(*Chairman.*) Yes, it has.

(*Mr. R. D. Muir.*) I will find it for you. I think Section 54 of the Police Act is one of them.

17324. (*Chairman.*) At any rate, in your view, disorderly conduct and obscene language is a charge that is frequently taken?—Yes.

17325. I want to know from you whether if two men are quarrelling in the street and you overhear language such as is alleged to have been used by Wells in this case you would conceive it your duty to arrest them?—I might arrest one. You cannot take two provided they turn awkward.

17326. Supposing two people are quarrelling in the street and are using bad language, and supposing they are swearing in the correct sense of swearing, which is not necessarily obscene language. An oath is not necessarily obscene language. Supposing a man used the word "damn," do you call that obscene?—No.

17327. Supposing a man is not only swearing during the course of conversation in a public place, but is also using this offensive language which has been called "f——g" and "b——g," do you think it your duty to arrest him?—Certainly.

17328. Even although nobody else complains?—They draw a crowd round.

17329. I say even if nobody else complains, do you still think it your duty?—If a crowd gathers, and the two refuse to go away.

17330. What I gather from your evidence here is that you hear voices, and you hear this offensive language being used. Then a 'bus driver comes out of the urinal and the other man comes out, and he uses this bad language. The 'bus driver gets on his 'bus?—After being spoken to.

17331. Why did you speak to them. No crowd had gathered round?—There was. They were looking at where the sounds came from, and they were standing on the road and on the pavement looking.

17332. A great many people are usually standing there, are there not, waiting to get into the omnibuses?—They might be standing on one side but not all about the road in different places.

17333. This is the first we have heard of men standing all about the road?—There were some in Highbury Park and some in Kelvin Road.

17334. Very likely, but do you mean to say that before you moved from your point upon hearing these sounds coming from the urinal a crowd of people had stopped and gathered round the urinal?—A crowd had gathered looking to where the sounds were coming from.

17335. But before Wells had come out and the 'bus driver, do you say a crowd had gathered?—They were standing all round there—not round the urinal, but they were all standing close handy, about five or six or perhaps twelve yards away.

17336. Listening to the language?—Listening to the language and to the noise that was in there.

17337. People who otherwise were going about their business were stopping in order to listen to this sound coming from the urinal?—Yes.

(*Mr. R. D. Muir.*) The section is Section 54 of the 2nd and 3rd Victoria, one of the Metropolitan Police Acts. It is Chapter 47, Section 54, Sub-sections 12 and 13. Sub-section 12 says: "Every person who shall (among other things) use any profane, indecent or

obscene language to the annoyance of the inhabitants or passengers." Sub-section 13 says: "Every person who uses any threatening, abusive, or insulting words, or behaviour, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned"—then in any of those cases "it shall be lawful for any constable belonging to the Metropolitan Police Force to take into custody without warrant any person who shall commit any such offence within view of such constable."

(*Chairman.*) Thank you. (*To the witness.*) I think that is all I wish to ask you now.

17338. (*Mr. Dickinson.*) I noticed you said just now that you spoke to the 'bus driver first?—Yes, I spoke to the 'bus driver, and told him to get on his seat.

17339. What was the 'bus driver doing to make you speak to him?—He was quarrelling with the other man.

17340. Still quarrelling?—Yes, he was quarrelling.

17341. What was he saying?—He was using very high words, and I told him to get on his seat, and he got on his seat.

17342. He was using very high words?—Yes, he was.

17343. Did the magistrate ask you why you did not summon him?—He said that he thought that the busman also ought to have been charged.

17344. Did he ask you why you had not taken the driver?—I told him it was not necessary to take the man off his seat.

17345. Because he was in charge of a public vehicle?—Yes.

17346. Did the magistrate say to you: "What do you do in that case when a man is in charge of a public vehicle"?—No, he did not ask me that.

17347. Did you not say you usually summoned him?—No, I told him it was not necessary to take him off a public vehicle, because he was a license holder, and he could be summoned.

17348. You told him it was not necessary to take him off a licensed vehicle, because a summons would meet the case as well?—Yes.

17349. Did he ask you: "Have you applied for a summons against him"?—No.

17350. Do not say no in every case unless you are quite certain about it. We have got this statement: "The magistrate asked you why you had not summoned him." That is Mr. Wells' evidence. Did he not ask you that?—He did not, Mr. Fordham wanted to know why he was not charged. He never said anything about a summons. He did not ask me if I had summoned him or reported anything.

17351. Then I ask you why you did not summon him?—Because he got on his seat when I spoke to him after his quarrelling with this other man. I was not certain that the man Hill used the language.

17352. You told me just now you thought he was. I asked you just now when you spoke to the driver what you did it for, and you said he was using violent language?—I said he was quarrelling with a man named Wells. I spoke to him and told him to get on his seat, and he did so.

17353. Did you take his number?—No, it is not required—not when he did what he was told. He never abused me.

17354. When this happened did the horse 'bus driver move away or not?—The timekeeper put his arm up for the horse busman to pull out. He turned his horses out a slight triangle, and Wells was in front of the horses' heads to prevent him coming out.

17355. You say he was there to prevent his coming out?—Yes, and he was still shouting at this man.

17356. Did he make any effort to prevent the horses coming out?—He stood there in front of them; no doubt if the busman had gone on the horses would have knocked him down.

17357. He was there, in your view, intentionally to prevent him coming out?—Yes.

17358. He did not touch the horses' heads?—No.

17359. Then this 'bus drew away?—Yes, it drove away.

17360. And drove away?—It drove out into Highbury Park.

17361. Had the 'bus disappeared before you arrested this man?—It went into Highbury Park, but it had not disappeared altogether.

17362. It was going into Highbury Park?—It was in Highbury Park picking up passengers.

17363. Tell me how it was you say that the bus passed you when you had Wells in custody?—Because this 'busman picked up passengers as soon as he got round into Highbury Park with me and Wells together in front of him.

17364. You passed the 'bus first walking with Wells?—Yes.

17365. While the 'bus was waiting?—While the 'bus was picking up passengers.

17366. Then the 'bus caught you up?—Yes.

17367. What was it the 'bus-driver said to you then?—I could not say. He said something, but what he said I could not say, but the motion of him was to let him go.

17368. Appealing to you to let him go?—Appealing to me to let him go, after I had got him in custody.

17369. You have just told us that whilst you were there a third 'bus came in?—Yes, there were two 'buses and a third one came up, while we were talking, while I was telling Wells to get out of it. The other 'bus man had got on his seat ready to go away.

17370. Then, another 'bus drove up, was that a motor-'bus?—The third 'bus was a motor'-bus.

17371. That motor-'bus was making a noise?—It had not stopped properly it had simply drawn on the rank and had not stopped.

17372. Therefore, when we are told that there was a motor-'bus making a noise, that is accurate?—It was making a noise for a minute or so, but that was not during the time this language was uttered.

17373. But the motor-'bus was coming up?—It was coming up—it was some distance in Mentone Road.

17374. How long did this noise last?—It might have been three, four or five minutes; I took no notice of it at first.

17375. Before the horse 'bus moved to drive away, the other motor-'bus came up?—Yes, the other motor-'bus came up, behind it.

17376. When you arrested Wells, did anybody remonstrate with you?—No, no one said anything.

17377. Did no one come to you?—To me?

17378. Did no one come to you and say, "What is up"?—No, no one came.

17379. Do you know Carter?—I know him by sight now, but not before I did not.

17380. How do you know him by sight?—He came as a witness before Mr. Fordham.

17381. You say he did not come up to you and say, "What is up"?—No, he did not; he came up and he said, "Let him be; he has cause to quarrel with that man; he owes him some money."

17382. I asked you just now whether anybody remonstrated or spoke to you, and you said no?—Not as to his arrest. This man Carter came and said, "Let him be; he has cause to get on to him; he owes him money."

17383. Then, what did you mean by telling me just now that nobody came up and remonstrated with you?—No one remonstrated with me.

17384. Do you not call a man saying, "Let him be," remonstrating with you?—He said, "Let him alone; he has cause to quarrel with that man; he owes him money."

17385. What did you mean by saying to me just now no one spoke to you?—No one spoke—not from the time I arrested him.

17386. Carter came up?—I do not know whether he was there before or not; he put himself forward.

17387. And spoke to you?—Those were the words he said.

17388. I again ask you why did you say just now that no one came and spoke to you?—There was nobody, only him, and that is all he said.

17389. Then, there was somebody?—He was the only one.

P.C. T. Dunham.

28 Nov. 1906.

17390. What you were telling me just now was not true that no one came and spoke to you?—I know Carter put himself forward and said, "Leave the man alone."

17391. Did you say to him, "Don't you have very much to say, otherwise I shall take you"?—I did not say that to him.

17392. You did not say that?—I told him to mind his own business.

17393. That is much the same thing. You say you did not say, "Don't you have very much to say, otherwise I shall take you"?—No, I did not.

17394. As Wells was going to the station with you, did you have any conversation with him at all?—No, I only told him to be quiet.

17395. Do you mean to say he never asked you what you were charging him with?—Yes, he said, "What are you going to charge me with." I told him, "You will have to wait and see when you get to the station." It is not for me to tell him what I am going to charge him with.

17396. Did he say, "You cannot charge me with being intoxicated"?—No, he did not. In Kelvin Road he said he was not drunk. He said nothing about being drunk or anything on the way to the station.

17397. You say he did ask you what was the charge?—Yes, he asked me what the charge was, and I said he would have to wait and see when he got to the station.

17398. You did not say to him, "I am going to charge you with being drunk or swearing"?—No.

17399. That you are perfectly certain of?—Yes.

17400. All this time you simply said to him you would not say what you would charge him with?—I told him he would have to wait and see.

17401. I understand it is the fact, as the learned Chairman has asked you, that when you got to the station you did speak in a low voice?—No lower than I am speaking now; it was loud enough for anyone to hear. They always like you to speak loud, so that there is no misunderstanding as to the language, so that the prisoner or witnesses can hear.

17402. What did you say when he asked you to speak up?—I said he used the language "f——g twister."

17403. Have you ever had to charge other people with a similar offence?—Yes, several.

17404. Have you ever had, in making a charge, to say that they have been using the same words?—No, I I do not know that I have ever heard anyone using them before.

17405. I think this is the first time we have heard that anybody used the word "twister" at the police station?—Yes.

17406. You say you used the word at the police station?—Yes.

17407. And the words, "f——g" and "b——g." In making a charge of this nature have you ever said before that they used those words?—Not "twister."

17408. Not "twister" but "f——g" and "b——g"?—Yes, I have.

17409. It is a common charge, I suppose?—Yes, it is a common charge.

17410. You would use the full language. You only use the first letter to the Magistrate. You put the full language out at the police station or at any other place where you can tell them?—Yes.

17411. You have often had to charge people with using these words?—Yes.

(*Chairman.*) Mr. Wells, do you wish to ask any questions?

(*Mr. Wells.*) The questions have been already asked, so it is no use my asking them again.

(*Mr. R. D. Muir.*) I said there were two sections. The section I read to you was the one which deals with indecent and obscene language. There is also one dealing with a breach of the Peace. Section 64 is the one that by name deals with disorderly persons. It says: "It shall be lawful for any constable belonging to the Metropolitan Police Force to take into custody without a warrant all loose, idle and disorderly persons whom he finds disturbing the public Peace."

(*Chairman.* Why I was talking about that was this. Listening to what Constable Dunham says, Mr. Wells does not appear to have done anything except use bad language, which could be called disorderly.

(*Mr. R. D. Muir.*) That is so. "Threatening and abusive" are in Sub-section 13.

(*Chairman.*) I know that. "Every person who shall use any threatening, abusive, or insulting words or behaviour, with intent to provoke a breach of the Peace, or whereby a breach of the Peace may be occasioned." I have been following what Constable Dunham has said. He said improper words were used. There seems to be very little evidence of any use of words or behaviour with intent to provoke a breach of the Peace; I mean they are quite consistent with what we know from other witnesses, that the 'bus-driver owed money to this man.

(*Mr. Whitmore.*) Will you please read the words again as to "obscene language."

(*Mr. R. D. Muir.*) "Every person who shall use any profane, indecent or obscene language to the annoyance of the inhabitants or passengers." The words come immediately before the words read by the learned Chairman.

(*Chairman.*) Dunham strengthens the case by saying that when he first heard these words a crowd had gathered in the sense that various passers-by had stopped listening to the sounds coming from the urinal. That, of course, we have not had from the other witnesses.

(*Mr. R. D. Muir.*) To some extent, we have.

(*Chairman.*) To some extent, we have, but it was not put quite so specifically as Dunham put it. That is enough for my purpose.

(*Mr. R. D. Muir.*) Dawson speaks of passengers going into his 'bus.

Sergeant REUBEN HAWES, 58 N, sworn.

Sergeant R. Hawes.

17412. (*Mr. R. D. Muir.*) You are a sergeant, 58 N, stationed at Islington?—Yes.

17413. Were you in charge of the Islington Police Station at 20 minutes past 3 on the afternoon of the 13th October last?—Yes.

17414. When police-constable Dunham brought Wells into the station?—Yes.

17415. Will you tell us exactly what took place with regard to the constable making the charge?—Yes. He brought Wells into the station. I was in the office at the time, but came to the window. He said, "I have a charge here of disorderly conduct, making use of obscene language." I went into the charge-room. I said, "What did you see him do?" He said, "I saw him having a heated conversation with a 'bus-driver at Highbury Barn, Kelvin Road." I said, "Yes." He said, "Making use of filthy language," I said, "What did you hear him say?" He said, "I heard him call the driver a 'f—— twister.'" He lowered his voice when he said the word "f——." I said, "Speak up, so that the prisoner can hear." He said, "I cautioned him two or three times to go away, but he refused, and then I took him into custody." Then Wells said, "I am not drunk; I am not f—— well going away for you." He said, "The driver went on," and he took him into custody. I accepted the charge. I read the charge over to him. The prisoner replied, "I am not drunk. Now I come to think of it, it was the 'bus-driver made use of bad language." He was searched and placed in a cell.

17416. Who took him to the cell?—The man on reserve. You can call him a gaoler or a reserve man—the man who attends to the prisoners.

17417. Is he commonly called the man on the door?—Yes.

17418. Is it his duty to take prisoners charged to the cell?—Yes.

17419. Before Wells was taken to the cell was any-

thing said about bail?—I was about to let the prisoner out on his own bail as soon as I had verified his address, but in the meantime the man Carter came in.

17420. Was anything said between you and Wells about bail before Wells was taken to the cell, or was he taken before anything was said?—I said, "I shall let you out as soon as possible; I shall verify your address, and let you out on your own bail." In the meantime Carter came in, and said, "My friend has been locked up; can I be bail for him." I said, Yes. Are you a householder?" He said, "Yes. I said, "Have you anything to prove to me that you are a householder?" He said, "No; but I can soon slip up home and fetch my rent-book or receipts," I forget which he said now. I said, "Will you do so?" He said, "Yes." I said, "How long will it take?" He said, "About half an hour. I said, "If you come in half an hour's time I will take your bail." That is all.

17421. (*Chairman.*) Are you quite certain that the account you have given to us is a full account of all the conversation between yourself, Wells, and Dunham in the charge-room?—Yes, to the best of my recollection. Nothing out of the ordinary took place.

17422. I daresay nothing out of the ordinary took place, but have you told us all that was said either by Dunham, by Wells, or by yourself in the charge-room?—Yes.

17423. Did not Wells ask Dunham to speak out?—I told Dunham to speak out.

17424. Yes, but did not Wells ask him?—No.

17425. Are you certain of that?—Quite certain.

17426. I must put it to you, because Wells probably could not examine you himself. Wells has sworn that you went on to say, "You say he was using bad language. What was it?" Did you use those words?—No; I told him to speak out, and to say the language that he actually used—to repeat the language that was actually used by Wells, the prisoner.

17427. Are those the exact words you said?—Near about.

17428. Therefore, they are not the exact words?—Yes, we will say they were. I did not put them down for word what I said.

17429. Those were not quite the words you used in answer to Mr. Muir. I am not suggesting that you are endeavouring to mislead us. What were the exact words used?—I said to him, "What did you see him do?" Then he repeated what I said just now—that he saw him having a heated conversation with a 'bus-driver.

17430. A heated conversation?—Yes, he called him a "f——g twister."

17431. Did not you say to him, "Tell me what it was; you are no priest"?—No, I did not mention the word "priest" at all.

17432. I put it to you, because Wells has deposed to that it was you who suggested the "f——g" and the "b——g" to the constable?—I suggested nothing.

17433. When the charge was read over, did not Wells say something?—He said, "I am not drunk. Now I come to think of it, it was the driver made use of bad language, not me."

17434. Was that said after the charge had been signed by the constable or before it had been signed by the constable?—After it had been signed by the constable.

17435. Had Wells said nothing before the charge had been signed by the constable?—He was very excited. He continued to shout that he was not drunk. I explained to him nobody suggested that he was drunk.

17436. Wells was distinctly excited, although not drunk?—He continually said he was not drunk. He seemed to me to be under the impression that a charge of drunkenness was going to be made against him. I tried to soothe him by saying nobody suggested he was drunk.

17437. I thought a moment ago you told me in the account you gave to Mr. Muir that that was all that was said?—But as you go on you can keep thinking of things that happened.

17438. If you were going to think of further things that happened, you ought not to have told Mr. Muir that that was all that was said. Have you told me now all that was said?—Yes, I think so.

17438*. I understand Wells was talking a good deal?—No.

17439. He repeated that he was not drunk more than once. You have just told me that?—Yes; he kept saying that; but that would not make me speak to him.

17440. I am asking whether Wells said anything?—Yes, he said he was not drunk.

17441. And he said it several times?—And he said it several times.

17442. Ten times?—I did not count how many times he said it. He said it several times.

17443. He said it continually. May I put it in that way?—Yes; continually. That was the main point—that he was not drunk.

17444. Did he not ask Dunham, the constable, this: "Can you conscientiously sign that charge sheet?"—I did not hear him.

17445. You will not swear he did not?—I will swear he did not.

17446. Why did you say a moment ago you did not hear him?—He did not say it. If he had I should have heard him.

17447. He did not say anything of the sort?—No.

17448. Did you say anything to Wells beyond what you have just told us; and again I ask you to be particular. As a sergeant you are quite accustomed to being in the witness box and answering questions?—I told him I should liberate him as soon as possible—I would verify his address and let him go.

17449. That was to Carter?—That was to Wells. Carter came in afterwards.

17450. Was there anything further that you said?—That is all.

17451. Do you remember his being searched?—Yes.

17452. Did you say "I will tell you what your charge is"?—I had already read the charge. I did not say that to him.

17453. Are you prepared to swear that you did not say it?—Yes.

17454. Did you not make any observation before reading the entry in the charge sheet?—After I heard what the constable said I said: "You are charged on this constable's evidence"; and he was placed in the dock.

17455. That is exactly what I asked you. You told me you said nothing of the kind. I asked you a moment ago whether you did not say "I will tell you what your charge is," and you denied positively that you said anything of the kind?—I did say that, now I come to think of it.

17456. You did say it?—Yes.

17457. I thought it was such a proper thing to say that you must have said it?—Yes.

17458. I do not think I need put all to you that Wells said. Did he complain of being put into a cell?—No.

17459. Did he say: "Surely there is some other place where you can detain me without putting me into a cell"—No; he did not say that to me.

17460. You are perfectly clear about that?—Perfectly sure—in fact, he was only in the cell about thirty-five minutes.

17461. You have varied your account of what took place several times, so that I think I had better put it to you. Wells, on oath, like yourself, told us the other day that he, on being told that he would have to go into a cell, said: "Surely there is some other place you can detain me in without putting me into a cell"?—He did not say that to me.

17462. You had been looking at the Directory, had you not?—We always verify the address as soon as possible, and let them out.

17463. You had been looking at the Directory?—Not before he was in the cell.

17464. Do you mean to say that Wells did not see you looking in the Directory. Just carry your mind

Sergeant R. Hawes.

28 Nov. 1906.

back?—The only way I can think of it would be like this: As the man was placed in the cell I might have taken up a Directory and looked at it. I know the man resided at the address given.

17465. I am putting to you now whether, in fact, Wells did not give you his name and address, and see you looking in the Directory?—I do not think he did.

17466. You will not say he did not?—I will not say he did not, and I will not say he did. I only wish to speak the truth.

17467. Wells told us: "The sergeant looked in the Directory for a short time, and he could not find it, or he said he could not find it, but it was still there. I said 'Surely there is some other place you can detain me in without putting me into a cell'"?—No, I do not remember that.

17468. Supposing you had found his name in the Directory, you would not have put him in a cell at all, I suppose?—The Directories are not always right. A man might leave, although his name and address was there. I should send a telegram and verify his address.

17469. I think you said you knew Wells lived in that neighbourhood?—I do not know that he lived in that neighbourhood. I sent a telegram to verify his name and address.

17470. Did you find his name and address in the Directory?—Yes, in the Islington Directory.

17471. You found it there?—Yes.

17472. And he was present at the time?—I did not think he was. I went into the office to do all this.

17473. Where is the Directory kept?—In the office.

17474. Is there a door from the office into the charge room?—Yes.

17475. When you went to fetch the Directory I suppose if you partially turned round you could see the prisoner in the dock?—Yes.

17476. He was in the dock at this time?—No, he was out of the dock at this time.

17477. Was he when you went to fetch the Directory?—Yes.

17478. You did go to fetch a Directory?—I do not know that I went for it in his presence. I know it is my business as soon as a prisoner is charged to let him out as early as possible; and, in fact, he would have been out earlier but for his friend Carter calling.

17479. Why was that?—When his friend came and said he would be bail for him he said he would go home and fetch his receipt book.

17480. Having found Wells's name in the Directory, did you not telegraph off?—No, because his friend said he would come at once.

17481. His friend did not come at once?—He said he would be back in about half an hour.

14782. I gather you had looked at the directory before Carter came in?—Yes.

17483. And had found the name and address of Wells?—About that time—Carter was not long afterwards—he was in there very shortly afterwards.

17484. Carter said: "I went off to my house and fetched my receipts and went to bail him out." How long was it before you got to the station?—I was "there at half-past three"—Mr. Carter.

17485. Yes?—The charge was only brought in at 20 minutes past 3, so it was not long.

17486. At the time when Carter arrived you are certain Wells had been taken away from the charge room to the cell?—I would not swear to that. I was very busy at the time, I remember that. There might have been other people there.

17487. Were you pretty busy that day?—Fairly. We get a number of callers at Upper Street.

17488. Who is responsible for keeping the cells clean at this police station?—Each officer as he takes over the charge of the station every four hours is responsible that it is all clean.

17489. Wells's account of the cell is rather a serious one. He calls it dirty and dreary, and then he says: "I found at the end of the bench, or wooden seat, an open w.c. pan half-full." Who was responsible for that state of things?—It is flushed every time. The flush is pulled every time a man goes down there; and if a man was liberated on bail the flush would be pulled before anybody went into the cell. The cell was clean enough. I do not say about being dreary.

17490. You say it was clean?—Yes.

17491. Had you, in fact, gone over the cell that day?—I did when I went on duty at two o'clock.

17492. (*Mr. R. D. Muir.*) Had anyone been in the cell other than Wells while you were on duty?—Not during my turn on duty.

17493. You went over the cell at 2 o'clock; it was then clean, and Wells was the first man to go into it after that?—Yes.

(*Mr. R. D. Muir.*) That is the evidence.

(*Chairman*) Was any Police Inquiry held in this case that we have just been dealing with?

(*Mr. R. D. Muir.*) No.

(*Chairman.*) This is a case in which the Magistrate dismissed the charge?

(*Mr. R. D. Muir.*) Yes.

(*Chairman.*) It seems that in some instances an Inquiry is directed when that takes place.

(*Mr. R. D. Muir.*) It is only if the Magistrate makes any adverse comment on the conduct of a police officer.

(*Chairman.*) In this case there was no inquiry?

(*Mr. R. D. Muir.*) No.

(*Chairman.*) I am not suggesting that there ought to have been. I only want to know the fact.

(*Mr. R. D. Muir.*) According to our case no adverse comment was made on the conduct of the police officer, otherwise it would have been reported, and if it was reported either by the Inspector at the police court, and it would be his duty to do it, or if it appeared in the public press, then notice of it would be taken at the Central Office.

(*Chairman.*) I gathered that that was the practice from the preceding cases. I simply wanted to ascertain the fact as to whether in this case a report had been called for or not.

(*Mr. R. D. Muir.*) No report was called for.

(*Mr. Dickinson.*) Do I understand that the Inspector records the fact?

(*Mr. R. D. Muir.*) Yes.

(*Mr. Dickinson.*) Was the Inspector on this occasion Inspector Smith.

(*Mr. R. D. Muir.*) If you will look at the charge sheet you will find who the Inspector was. I am told that it was Inspector Scarffe who was on duty.

(*Chairman.*) Hawes was the police sergeant taking the charge.

(*Mr. Dickinson.*) Who was the Inspector whose duty it was to report?

(*Mr. R. D. Muir.*) Inspector Scarffe. The Inspector on duty at the police court during the hearing of the charges might have nothing at all to do with any of the charges other than simply to sit in court and listen. It would be his duty to report any adverse comment made on the conduct of a police officer.

(*Chairman.*) You, Mr. Wells, have no fresh witnesses you wish to call before us?

(*Mr. Wells.*) No, only the witnesses who have been called.

(*Chairman.*) They have told us their story. Mr. Muir, when I said that to Mr. Wells I did not mean to commit the Commission to not calling the two timekeepers, and the other persons who have been referred to, and who are not of sufficient importance in the opinion of your witnesses to be called. We reserve the power to call them, of course. We shall sit at 11 to-morrow morning to go on with Mullins's case and with Baker's case. There are several witnesses you wish to call Mr. Muir?

(*Mr. R. D. Muir.*) Yes.

(*Chairman.*) We will begin at 11 o'clock with Mullins's case, and then we will take Baker's case. You will have your witnesses here in Baker's case?

(*Mr. R. D. Muir.*) You desire them to be in attendance?

(*Chairman.*) Yes.

(*Earl Russell.*) May I renew the application I made

the other day, that I may be supplied with the reports made by the police before I cross-examine witnesses?

(*Mr. R. D. Muir.*) Those reports are confidential documents passing from superior officers to superior officers. This Commission will have every document before them if they like to call for them, but as to placing such documents in the hands of such a society as is represented by Lord Russell, I respectfully submit ——

Sergeant R. Hawes.

28 Nov. 1906.

(*Chairman.*) We will take our own course without the benefit of argument for or against.

(*Earl Russell.*) The same objection was taken in Altfuldisch's case, in which I had the documents. I did not ask that they should be handed to the society.

EIGHTEENTH DAY.

Thursday, 29*th November* 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).

Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law).

Charles Algernon Whitmore, Esq. (Barrister-at-Law).

J. W. St. Lawrance Leslie, Esq. (Barrister-at-Law) (*Secrétary*).

(*Mr. Eldon Bankes.*) I understand, Sir, you have asked for some reports in Wilson's case, which was the case of the man who was hit by the police-constable on the ground.

(*Chairman.*) The police-constable's name was Worsley.

(*Mr. Eldon Bankes.*) Yes. I understand you have asked for the reports. We have got them all collected together, but I have to press that the Commission would at any rate treat those as confidential reports until you have had an opportunity of seeing them, because they are of a different class to the others. They were reports which were got together for the purpose of the County Court action in the main, and they constitute the communications between the solicitor of the Commissioner and between the Commissioner and the Home Office. They are not of the same character as the others. I will hand them in, but with the request that the Commission would please treat them as confidential, at any rate.

(*Chairman.*) The Commission asked for the reports, and we have taken the evidence on both sides in this case. We will take them, and we will use them in our own discretion.

(*Mr. Eldon Bankes.*) Quite so. You understand the application I have made, and the reason of it.

(*Chairman.*) Quite so. We give no undertaking. We have the right under the statute to call for any document that we like, and we shall use our discretion as to the publication of any documents with a view to the general public convenience.

(*Mr. Eldon Bankes.*) I will ask for no undertaking. When I have once explained to you the nature of the documents I am sure they will be properly dealt with.

(*Chairman.*) In substance, you say they were documents provided for the purpose of pending litigation

(*Mr. Eldon Bankes.*) Mainly.

George Mullins, recalled.

G. Mullins.

29 Nov. 1906.

17494. (*Chairman.*) Do you apply to cross-examine this witness, Mr. Bankes?

(*Mr. Eldon Bankes.*) If you please, Sir. (*To the witness.*) I have not many questions to ask you. I understand you to say that when you came out of this public-house you spoke to a constable, thinking you knew him?—Yes.

17495. I understood from your evidence last time that you made an observation to him which now you think it was wrong of you to have made to a stranger?—Yes.

17496. And that you consider you are yourself to some extent to blame for what happened?—To a certain extent, yes.

17497. I understand your complaint is that the constable ought not to have taken you into custody, and that he ought not to have ill-treated you afterwards. I understand that is your complaint?—That is my complaint, because when I found I was mistaken I apologised to him. I said, "I am very sorry, old man."

17498. You think that you yourself were to some extent to blame for what followed?—I have just answered that question.

17499. Did you desire of your own motion to bring this case before the Commission? If nobody had come to you should you have brought the matter before the Commission at all?—I do not think so.

17500. I understand two gentlemen did come to you and ask you questions about what had happened?—Yes.

17501. Did those two gentlemen explain to you who they were?—No.

17502. Were you under the impression they had been sent to you by the Commission?—I was under no impression at all as to who sent them. I had no idea of the case going on so far.

17503. And did they tell you what they wanted your statement for?—They said they would like me to apply for a summons against the constable, and I said no, I was already very well satisfied with the case.

17504. And did they ask you for a statement with reference to the possibility of taking out a summons against the constable?—It is so long ago, just ten weeks ago, and I cannot say yes or no.

17505. But did they not explain to you who they were?—I cannot answer that question.

17506. Did they say anything to you about the Commission at the time they were talking to you?—No.

17507. And at the time you made the statement to them you had no idea that it was going to be put before the Commission?—I told them then, as I have told you just now, that I did not want anything at all to do with the case. I was done with it.

17508. You do not quite understand, and I am sure I did not make myself plain. At the time you made a statement to them they did not explain to you, did they, that they were going to put your statement before the Commission?—Oh, yes. They said, "If you do not care about coming we will bring you." I told them I did not want to have anything more to do with it, and they told me that they would bring me.

C. Mullins.
29 Nov. 1906.

17509. Did they ask your permission to put your statement before the Commission?—No, I do not think so.

17510. We know that on the last occasion a document was produced which purported to be your statement which had been put before the Commission?—I never said anything about that. The only thing I made a statement about was with regard to the way I was served—in a rough sort of way.

(*Mr. Dickinson.*) Might we know when this happened?

17511. (*Mr. Eldon Bankes.*) Can you recall at all when this was that they came to you?—I was tried on the Monday, and on the following Wednesday they came to my work.

17512. Did the gentlemen tell you what their names were?—No, not to my knowledge.

17513. And the next thing you heard was that you received a summons from the Commission to appear here?—Yes, last Wednesday night. I was done at 10 o'clock, but my missus give it to me after I had my supper about 11 o'clock, and it said I was to appear on the Thursday. Two nights previous to that I was only flattering myself that the case was all done with.

17514. So far as you personally are concerned you are here unwillingly. You did not desire to come?—That is rather a difficult question to answer.

17515. Perhaps you can answer it if you think a little. So far as you personally are concerned you say you had done with the matter, and were congratulating yourself that you would not hear any more about it?—I was at the time, until I had further advice about what happened to me, and what would very likely happen to me, so I thought to myself I might as well go and say what I have to say.

(*Chairman.*) Mr. Mullins told us he greatly desired to have no publicity.

(*Mr. Eldon Bankes.*) Quite so; but I think it is desirable that you should know how this evidence is brought before you.

(*The witness.*) As I told you last week, the only grievance I have got is against the policeman, and no one else, and I congratulated the Inspector who took the charge, as I told you last week.

17516. I am going to deal with that in a moment. Now a few words about the occurrence. You told me a moment ago your only complaint is with regard to this particular constable?—Yes, that is right—for striking me, and for the way he handled me. Nothing else. When I made the complaint to the Inspector I got more than justice from the Inspector.

17517. You work in Covent Garden, and there are a number of constables employed there, are there not?—Yes.

17518. In the course of your work you have constantly to come in contact with one or another of them?—Yes.

17519. Speaking generally, you have no complaint against the police at all except with regard to this particular man?—No, not so far as I am concerned. I have a lot of dealings with the police in Covent Garden Market with regard to speaking to them from being there a number of years. We have one man in particular in the Floral Hall who has been stationed there nine months and twelve months at a time.

17520. You constantly come in touch with the police, and you have no personal complaint against them for the way they do their work, except this particular man?—Not that I know of.

17521. With regard to the Inspector, I think you said last time that he treated you as a perfect gentleman?—Quite so, and so he did. When I asked him to see me to the cells he saw me to the cells.

17522. Was that Inspector's name Wheeler?—Yes.

17523. He was the man who was in the charge room when you were taken in?—He was not in the charge room; he was in the office.

17524. He was the man who took the charge?—He was the man who took the charge. When he came out I complained of the way I was hit by the constable in the charge room, and showed him my lip.

17525. I will come to that in a moment. Now a word about what happened in this room. The constable charged you, did he not, with being drunk and with fighting?—No.

17526. And with using obscene language?—He charged me with being drunk and disorderly and using obscene language—I do not know who to—but no fighting.

17527. When the constable made that charge to the Inspector did you say "Yes, I admit all that, but I complain of the man striking me in the mouth"?—Decidedly not. That is false, whoever said it. I will soon get over that difficulty. If I pleaded guilty in the charge room to being drunk and disorderly and using obscene language, what did I want to send for a doctor for?

17528. We will see. You say you did not say that to the Inspector?—Decidedly not.

17529. But you have told the Commission the Inspector is a man who up to the present has treated you thoroughly well, and he is a man in whom you have confidence?—If I had been the King of England I could not have been better treated by that Inspector who took the charge.

17530. You went before the Magistrate on the day following?—Yes.

17531. Did you then describe to the Magistrate what had taken place in the charge room?—I did. I gave evidence on oath.

17532 Do you complain now that the policeman struck you once or more than once in the charge room?—He struck me one punch with the left hand.

17533. Only one?—That is all, because the Inspector came in as he punched me, as I sat on the form in this way (*describing*). He stood over me and hit me with his left arm on the lip.

17533*. You are quite sure about that, that he only struck you once?—In the charge room.

17534. How came you to give this evidence to the Magistrate. Is this what you said before the Magistrate: "In the police station I sat down"?—That is right.

17535. "He stood over me, and said 'You'—something—'I know who you are'"?—That is right.

17536. "You are one of those bleeders"?—That is right.

17537. "And he struck me in the mouth"?—Yes.

17538. "And then a second time. My mouth bled"?—I said no such thing. I only said once. You do not want to be hit twice to make your mouth bleed, if you are hit at all.

17539. If you did say that before the Magistrate you said something that was not true, according to your own view?—I did not say that before the Magistrate. That has been added.

17540. That is what happened before the Magistrate. Now let me go back to the charge room and ask a question or two about that. When you got into the charge room there were no other prisoners there, were there?—No.

17541. But there were two other constables there?—As I went in, yes.

17542. Would you recognise them?—Yes, I should recognise them.

17543. Will Hunt and Saunders stand forward?—Yes, these are they.

17544. I have a plan of the station here. (*Handing plan to Witness.*) The charge room is on your left?—Yes.

17545. That is the room you were taken into?—Yes, and the form was just here. (*Pointing.*)

17546. That is the room in which Hunt and Saunders were when you were taken in by P.C. Morgan?—Yes.

17547. They were both of them there?—Yes, I do not know which is Hunt, but the one with the greyish hair when I was taken to the charge room went through a door over here, and the other one went towards the Inspector's office. I am still along with the policeman in the charge room by ourselves.

17548. You say so, and we shall see. I will take your evidence about that, and the Commissioners will have to judge. I suggest to you you were never left alone?—I was not left alone, but me and the constable were together.

17549. I accept the correction. You were never left in the room with P.C. Morgan?—Yes, I was for a few moments, and that is when it occurred.

17550. What do you mean by a few moments?—Say a minute or so. Put it down as a minute. I cannot exactly tell you the time, but I know they left for some reason on their business transactions as I was brought in and sat down on the form. They were doing their ordinary business, I expect.

17551. The Inspector came into the room there shortly after you came in?—From the time I was in the charge room, taken to the station, the Inspector came in within about as near as I can guess (it is a long while ago) about five minutes, I should think.

17552. When he did come in you complained that the constable had hit you?—Yes, directly I was put in the dock I said to the Inspector as he passed alongside——

17553. You complained to him that you had been struck?—Yes.

17554. Did he then say to you, "Why did you not shout out if you were struck?" or words to that effect—"why did you not call out"?—No, not that I know of.

17555. As a matter of fact, you did not call out, did you?—I holloaed out when he hit me, and so would you holloa if anybody hit you, would not you?

17556. You did holloa?—Yes.

17557. Did you holloa so that anybody could hear you?—Of course I did. I only said "Oh," I never holloaed for assistance or anything like that.

17558. You holloaed loud enough to let anybody hear who was anywhere close to?—I could not tell you.

17559. Now I suggest to you that when the Inspector asked you why you did not call out, that you said you had not thought of it?—I never said anything of the kind.

17560. Now I am going backwards to the time when you were being taken to the station. What was the name of the public-house you came out of—the Duke of Sussex, was it not?—Yes. Five minutes previous to that I was in the Earl Grey.

17561. Did anybody assist the constable to take you from the Duke of Sussex to the station?—I had come out of the Duke of Sussex and the police was about——

17562. We do not want to go into the whole story. The constable took you from the Duke of Sussex?—Not from the Duke of Sussex.

17563. Near the Duke of Sussex?—Yes, about fifteen to twenty yards from it.

17564. Did anybody help the constable to take you?—Not at all. He did not want any help. I did not resist anything.

17565. Did anybody go with him or walk alongside him?—Not to my knowledge. I could not say. My coat was up almost like that—(*describing*)—and my arm stretched out.

17566. (*Mr. Eldon Bankes.*) Is Cameron here? (*No response.*)

17567. You say that nobody helped the constable?—Nobody at all.

17568. Nobody accompanied you?—No, nobody.

17569. Do you know a man named Cameron?—No.

17570. Now I am coming to the events in the public-house. You told the Commission that you had been in a public-house before the Duke of Sussex?—Yes, and had a glass of cider.

17571. And that you went on to the Duke of Sussex?—Yes, about three minutes to eleven.

17572. You stayed there till closing time?—They were halloaing out closing time then.

17573. Do you remember what you did as you came out?—Yes, I walked out.

17574. Did you speak to the landlord or the landlady?—Nothing at all; I only said "Good night, Mrs. Cole," and she said "Good night, George."

17575. Did you shake hands with them as you went out?—No.

17576. Are you quite sure?—Quite positive.

17577. It would not be your usual practice to shake hands with the landlord in going out unless you were rather under the influence of drink, would it?—I would shake hands with anybody whether I was sober or whether I was in drink if I thought they were worth shaking hands with.

17578. You are quite positive you did not shake hands with the landlord or landlady as you left the place?—No. "I said "Good night, Mr. Cole—Good night, Mrs. Cole," and they said "Good night, George."

17579. Had you taken your little girl into the public-house?—No, she was outside.

17580. When you went outside you say there was a constable standing there talking?—The constable and two marine store dealers, and a gentleman with a straw hat and a light dust coat, were talking together—the four of them.

17581. How near the public-house?—There is a mantle shop next door to the public-house, and there is an ice cream vendor's shop, and then Sims's shop.

17582. Is Sims the marine store dealer?—Yes.

17583. At that time they were standing three shops away from the public-house?—Not quite three shops. They were standing between the three—in the centre of the three.

17584. Then it was you say you spoke to the constable, thinking you knew him?—Yes. When I spoke to him the two Sims's walked away—right away out of it.

17585. You say that after you spoke to the police-constable he turned round and punched you in the ribs?—Yes.

17586. Could the Sims's have seen that if the constable had done it?—It is no use my saying that. If I said that they would only come here and say they did not see it.

17587. In your judgment, if the constable had punched you in the ribs then the Sims's could have seen it?—If they had looked they could have seen it.

17588. And after that you went away some distance?—Yes, I went to my turning, just about forty yards away, and I said to my little girl, "Run down, Katie, I will see to this."

17589. Then you came back?—Yes. The constable was still talking to a man with a straw hat and a light dust coat—who he is I do not know. Then I came up and said to him "Can I have your number?" He said "Go on—give him one."

17590. When you came back was there any disturbance between you and another man?—There was not a soul there near the constable and this young gentleman, or old gentleman—I could not see his features, because it was very dark—but whoever it was.

17591. Did the constable tell you to go away?—Not at all. He caught hold of me and dragged me to Kennington Road.

17592. Your suggestion is that he took hold of you then without any sort of provocation at all?—On that occasion he did.

17593. And that he took you to the police station without any rhyme or reason. There was no reason for his taking you to the station at all?—Only that he was vexed at the remark I passed on him. I suppose that was the reason.

17594. When you made the remark to him did you make it in a loud voice, or did you speak low?—In a low voice.

17595. You know the constable has always said that he never heard what you said to him about being at the ear-hole?—He might have said he never heard it, but he must have heard it.

17596. You admit you spoke in a low voice, and he had got his back to you?—I did not shout it out. I only spoke to him the same as I am speaking to you, so that he must have heard it.

17597. You were passing along the street, and he had got his back to you, according to you?—Yes.

17598. And according to you he had no notion that you were going to speak to him?—No.

17599. And it was in a busy street when he was talking to some other people?—A busy street?

17600. It is a thoroughfare, and one of the main streets there?—Yes.

17601. People passing up and down at the time, and he was engaged in conversation with other people?—Yes.

G. Mullins.
29 Nov. 1906.

(*Mr. Eldon Bankes.*) Those are all the questions I want to ask. I have several witnesses to call.

17602. (*Earl Russell.*) You have been asked several questions as to how you came to make that statement. Is this a correct summary of your position that you were not unwilling to tell the Commission about the case, but you did not want any more publicity?—That is what my idea of the case was.

17603. Did you tell the people who tried to see you that you were afraid of what might happen to you from the police afterwards?—Yes.

P.C. JOHN MORGAN (383L), sworn.

P.C. J. Morgan.

17604. (*Mr. R. D. Muir.*) Are you a Police-constable—383, of the L Division?—Yes.

17605. You are attached to the Kennington-road station?—Yes.

17606. On the 9th September, at 11.15 p.m.—— Is that the right date?—That is right.

17607. Were you on duty in Oakley-street?—Yes.

17608. That runs between the Waterloo-road and the Westminster Bridge-road?—Yes.

17609. Did you see George Mullins there?—Yes.

17610. Tell us what you first noticed with regard to him?—At ten past 11 on the evening of the 9th September last I was on duty in Oakley-street when I saw Mullins, with several others, having a heated altercation which led to blows, Mullins taking part. I went to disperse the crowd, and requested them all to go away. They all went away with the exception of Mullins. I again advised him to go away, and he did so. Five minutes later he returned, running up the road with his hat off, several persons following behind, shouting out "Where is he?" I again went to him and asked him what was the matter. He said "What has it got to do with you?" I told him to go away home. He said he would f——g go when he liked—"you and 20 other policemen would not take me." I arrested him. He became violent at first for a few yards, and then went quiet. I got him to the station.

17611. What view did you take from his behaviour as to his sobriety?—Drunk.

17612. At the station what did you do?—Sat him on the form.

17613. In what room?—In the charge room.

17614. Was anybody else there at that time?—There were two reserve police-constables.

17615. What took place?—The Inspector arrived a minute after I took the charge in. The man (Mullins) accused me of assaulting him by striking him in the mouth. The Inspector asked me if that was right, and I told him it was a falsehood. He asked me then what the charge was. I told him it was drunk and disorderly and making use of obscene language in Oakley Street. He asked me what he was doing. I told him he was fighting with another man and using obscene language. I told him to go away, and he said he would f——g well go when he liked. The charge was taken. When read over to him he said "I admit all that, but," he said, "this man struck me in the mouth in this room," which I denied. He was put back in the cell, and I went back on my beat.

17616. Do you remember whether he said how often you had struck him, or did he simply say you had struck him in the month?—That is what he said. He simply said I had struck him in the mouth.

17617. That is your recollection. Then you went back to your beat?—Yes.

17618. What day of the week was this?—Sunday evening, the 9th September.

17619. The next day did you go to the Tower Police Court?—I did.

17620. The case was heard before Mr. Rose, and you gave your evidence?—Yes.

17621. And then the defendant was called and gave evidence?—Yes.

17622. Do you remember the learned Magistrate saying anything to you about asking Mullins questions?—Yes.

17623. Just tell us how that came about?—He asked me if I had assaulted him, and if I had any questions to ask which I denied at the time.

17624. The learned Magistrate asked you if you had any questions to ask?—Yes.

17625. What did you say?—I said no.

17626. Do you know two men named F. and J. Sims?—I know them.

17627. Did you see them that night?—I do not remember seeing them.

17628. You do not remember seeing them?—No.

17629. Do you know a man named Cameron?—I know he comes from Waterloo Station occasionally. I know him by sight, but I don't know him personally.

17630. Did you see him that night?—I saw him when I had got the prisoner in custody. He asked me if I wanted any help. I said "I think I can manage," and he walked down as far as Westminster Bridge Road with me, and then he left.

17631. (*Earl Russell.*) May I have a copy of the Magistrate's Clerk's notes? (*Copy handed to learned Counsel.*) With regard to this first disturbance that you say you saw about Mullins when he was having a heated altercation, you did not think it necessary to take him into custody for that?—I gave him a chance to go away, which he did.

17632. About how many others were there with him at that time?—About 10 or a dozen.

17633. Did you notice when he first appeared in the street did he come out of the public-house at closing time or not?—I could not swear he came out of the public-house, but I put it down as such because he was outside.

17634. Was that the Duke of Sussex?—Yes.

17635. You think that this crowd you saw came out of that public-house at closing time?—I think so.

17636. You were within what distance?—Fifteen yards.

17637. You saw them all suddenly appear on the pavement talking loudly and squabbling and fighting?—Yes.

17638. Actual blows?—Yes.

17639. All you did was to tell them to move off?—I told them to go away and they did so. I was satisfied.

17640. And Mullins went away too?—Yes. I advised him a second time and he went.

17641. What exactly did you say to Mullins?—I requested him to go quietly and not get himself into trouble.

17642. Did you say "You had better go home quietly or you will get into trouble"—that kind of thing?—Yes.

17643. What was Mullins doing at the time you spoke to him?—Do you mean the first time?

17644. Yes?—Fighting.

17645. The other people were still there?—Yes, they were looking on.

17646. I thought you told me when you spoke to him all the others went away except Mullins?—They did.

17647. Then you were left alone with Mullins?—Yes.

17648. No one else was near you at all?—All the others went away.

17649. No one else was near you at all at that time?—No.

17650. What did Mullins say to you then or what was he doing then? After the others had gone away and you asked him to go, Mullins still remained behind. What was he doing then?—Standing here.

17651. Saying nothing and doing nothing?—He was very excited.

17652. Shouting?—Not altogether shouting.

17653. Was he saying anything at all?—He said he was not going away; he had not done anything. I told him again to go and he went.

17654. And the others went away. You do not complain of his conduct except that he stood still and did not move off?—I was satisfied when he went away.

17655. The only thing you complain of is that he did not move off after the others had gone?—I had occasion to speak to him, and I wanted him to go away then as I told him, and he went away.

17656. The others went away, and Mullins remained behind?—Yes.

17657. But Mullins at that time was not shouting or doing anything, and what you complained of was that he did not move on when he was told?—He went when I told him the second time.

17658. There was no disorder that you complain of after the others had gone?—The disorder was when I spoke to him first.

17659. After the others had gone was Mullins shouting?—Very excited. I don't say he was shouting.

17660. How did he show his excitement?—By throwing his arms and shouting.

17661. Throwing his arms?—From the effects of the drink.

17662. And shouting?—Yes.

17663. What do you mean?

(*Chairman.*) A moment ago you said he was not shouting.

17664. (*Earl Russell.*) Which was it? Was he shouting or not shouting?—There was not much. He was throwing his arms about and very excited. I don't know whether he was shouting. I did not take particular notice of that.

17665. Do you prefer to say that now, that you do not know whether he was shouting or not?—(*No answer.*)

17666. Well?—I could not say he was shouting, but when I told him the second time to go away he went.

17667. You could not say for certain whether he was shouting or not?—No, I could not say for certain.

17668. Were the Sims's in the street at that time?—I could not say. I did not see them.

17669. They might have been?—Yes.

17670. They might have been near you without your seeing them?—They might have been.

17671. You were standing about opposite their shop?—Within about 15 yards of the public house. That would be near their shop.

17672. Have you known them some time?—Yes, I have known them by sight some time.

17673. They are marine store dealers?—Yes.

17674. Both of them?—Yes.

17675. At the time when the rest of the crowd had gone and you were telling Mullins to go away for the second time, who else was in the street that you saw at all?—I did not take particular notice. There were a lot of people in the street. They had just turned out of the public-houses.

17676. Was there anybody close to you?—There was nobody close to me then.

17677. Nobody with Mullins?—No, no one with Mullins at all.

17678. Not a soul at all?—No, I am quite sure.

17679. Not his daughter?—No.

17680. You never saw her?—No.

17681. You never saw any young girl of 10 close to you?—No.

17682. Then Mullins went away the second time when you told him, and you say he came back again?—Yes, five minutes later.

17683. You had not seen where he had been to in the meantime?—No.

17684. When he walked off, was he accompanied by a young girl or not?—No.

17685. You never saw one?—No, he was alone.

17686. How far did you watch them for—100 yards?—No, about 15 or 16 yards.

17687. Did he not go straight along the same street as you were in?—Yes.

17688. He was in your view for 100 yards?—I did not watch him. He went away at that time, and I was satisfied. I did not watch the man after he went away.

17689. You did not watch to see whether he only went 15 yards and stopped?—I could not tell you how far he went.

17690. Did not you watch him for 30 or 40 yards at least?—No, he went off out of my view, and I went on my beat.

17691. Was it out of your view?—Yes. I turned and went on the opposite side.

17692. You paid no attention to him?—No.

17693. The next thing you saw was that Mullins came running back?—Yes.

17694. You do not know where from?—No, I could not tell you that.

17695. Did he come back from the same direction that he had gone in?—I could not say. He came running up.

17696. You can tell me whether he came running from the same direction as you saw him walk off in?—He crossed the road. I could not say in what direction he came from.

17697. You cannot say whether he came back from the same direction as he had gone?—No.

17698. Do you say he was without his hat?—Yes.

17699. What was he doing as he ran?—Shouting out "Where is he?"

17700. Did you take that to mean you?—I could not tell you who he meant.

17701. And there were other people with him, do you say?—Some running up behind.

17702. Attracted by his shouts?—I could not tell you that.

17703. Did you know any of the people who were with him?—No.

17704. How many were there—about?—Seven or eight following up behind.

17705. As far as you know they may have been merely people in the street who were attracted by the shouting?—They might, I should think.

17706. You are quite clear there were seven or eight following up behind him?—I should say so. I did not count them.

17707. Was he doing anything besides shouting "Where is he"?—Running and shouting "Where is he?" That is all.

17708. Without his hat—and he ran on where to?—He ran on to me and I spoke to him and he stopped.

17709. Did he stop or did you stop him?—I stopped him and I asked him what was the matter.

17710. How did you stop him?—I went to him and asked him what was the matter, and he stopped.

17711. You walked up to him?—Yes.

17712. And said, "What is the matter"?—Yes.

17713. What did he say?—"What has it got to do with you?"

17714. What did you say then?—I advised him to go away home.

17715. What did he answer to that?—He said he would f——g well go when he liked.

17716. Did he shout that out or speak to you in a quiet voice?—He shouted it out, and I could hear it plain enough.

17717. Shouted loud?—Yes.

17718. What had happened to the other seven or eight people who were running after him or following after him?—They stopped around to see what was going to happen.

17719. Around you and him?—Yes.

17720. How close round you—Quite close?—Yes.

P.C. J. Morgan.
29 Nov. 1906.

17721. A yard or two?—Quite close.

17722. The whole seven or eight of them?—Yes.

17723. Had you ever seen any of them before?—I did not stop to look who were there. I saw the people there, but I could not tell you that I knew who they were. I don't say that I knew any of them. I did not look.

17724. There may have been people there who you knew by sight?—There might have been.

17725. They might have been useful witnesses for you, might they not?—I could not compel them to be witnesses.

17726. Surely you could if you knew who they were?—I did not say I knew who they were. There might have been people who I knew.

17727. You tell us you did not take the least trouble to look at these seven or eight people?—No.

17728. Not even so much as to say whether you knew them or did not know them?—That is right.

17729. Although they were within a yard or two of you?—Yes, quite close.

17730. Then you took Mullins into custody on that?—Yes.

17731. You formed the opinion that he was drunk?—I did.

17732. When you saw him for the first time did you also form the opinion that he was drunk?—Yes. We don't take up everyone we see drunk if they will go away when we tell them.

17733. Was he very drunk the first time you saw him?—He was drunk.

17734. Had he reached the stage of being drunk and incapable or would you call him drunk and excited, or drunk and disorderly?—Drunk, I said.

17735. Just a little fresh, or very drunk should you say?—I say drunk. He was either drunk or sober, and I don't see there is anything in between the two.

17736. You cannot say whether you think he was very drunk or only a little drunk?—He was drunk.

17737. Was he so drunk as not to know what he was at?—I could not say that.

17738. At the time you arrested him it was about 20 minutes past 11?—A quarter past 11.

17739. Quite a quarter past 11 by the time you actually took him in charge?—Yes.

17740. Do you know what time you reached the police station with him?—25 minutes past 11.

17741. And the doctor came to see him about 11.45, did he not?—I was not there and I could not tell you the exact time.

17742. Did not you at the police court give evidence about the doctor seeing him?—I told the magistrate the doctor was called.

17743. You are stated to have said at the police court, "The doctor saw him at 12 o'clock, and said he was not drunk." You do not remember that?—No.

17744. You do not know of your own knowledge that the doctor saw him or when he saw him?—No, not to my own knowledge.

17745. When you got into the station with him you agree with Mullins that the Inspector was in the Inspector's office?—Yes.

17746. And that two other constables, whose names we have heard this morning, Hunt and Saunders, were inside the charge room?—In the charge room.

17747. It is correct to say, is it not, that these two other constables were moving about on their business. They were not seated in the charge room or standing by all the time?—They were standing in the charge room when I came in.

17748. But they did not stand still in the charge room all the time you were there with your prisoner, did they?—They were standing by. I don't think there was anything particular to do at that moment.

17749. Did they leave the charge room during the whole time your prisoner was there?—No, they were there the whole time.

17750. Where were they standing?—Each side of the desk.

17751. Each side of the Inspector's desk?—The charge room desk.

17752. The desk that prisoners are charged at?—Yes.

17753. They continued to stand there the whole time?—Yes.

17754. From the time you first came in with Mullins up to the time he was taken to the cells?—That is right.

17755. They never left the charge room?—They were there the whole time.

17756. They were standing alongside the Inspector's desk, one on each side?—Yes.

17757. Were they doing anything there?—They were standing there.

17758. They were doing nothing at all?—No.

17759. Were they talking to each other?—No.

17760. Standing straight upright and doing nothing?—That is right.

17761. Were they writing?—Nothing at all.

17762. You say their names are Hunt and Saunders?—Yes.

17763. I put it to you that Hunt was busy writing?—He was standing in the charge room when I came in.

17764. Do you say he never wrote a word the whole time the prisoner was there?—I did not see him writing.

17765. You think he stood straight upright all the time?—Yes.

17766. And if Hunt himself says he was busy writing during this time, that is wrong?—I did not see him, anyhow.

17767. You told me you did see him standing there?—Yes, when I came into the charge room they were both standing there.

17768. You do not agree he was busy writing?—No.

17769. There is a door in the charge room as Mullins described it, is there not?—Yes.

17770. Did you hear Mullins give evidence last week?—No; I was not here.

17771. Let me read you this: "Whatever business these other policemen were doing, one went through one door and one went through the other door." He is quite right in saying there are two doors in the charge room that they might have gone through?—Yes; there are two doors.

17772. You say neither of them left the room at all?—No.

17773. Did one of these constables who was in the charge room have some papers in his hand?—I did not see them.

17774. Did one of them go into the Inspector's office?—No.

17775. He never moved?—No.

17776. Is it true that you forced Mullins down on the seat in the charge room?—No.

17777. Did you use any force to keep him there after he was on the seat?—No.

17778. Did you not hold him down on the seat after he was there?—No.

17779. You never held him on the seat?—No.

17780. When Police-constable Saunders says it was necessary for the police-constable to hold him on the seat, that is not true, is it?—I don't know. I could not say that.

17781. You can say whether it is true you held him on the seat or not?—When I came in the man sat down.

17782. Is it true you held him on the seat, or not?—I did not hold him on the seat.

17783. When Saunders says it was necessary for you to hold him on the seat, that is not the case?—He might have been mistaken, very likely.

17784. You need not explain about Saunders' mistakes. That is not the case?—He sat out there, and he sat down.

17785. It is not the case that it was necessary for you to hold him on the seat?—No; it was not necessary.

17786. Have you made a written report?—Yes.

17787. I ask to see that report.

(*Mr. R. D. Muir.*) It is a confidential report from this officer to his superior officer.

17788. (*Chairman.*) To whom did you make your report, and what report was it?—A report of the occurrence in the street and the proceedings at the police court.

17789. Was it made after the police court proceedings?—Yes. I made a report out the same evening and one the next day of the proceedings in the police court.

(*Chairman.*) We will cross-examine, if necessary, upon the reports, Earl Russell. I think that would be quite as convenient a course to take.

(*Earl Russell.*) If you please, Sir. You have reminded counsel that we have no rights at this enquiry, but I only submit it would be useful for me. You appreciate the constable says there are two reports, and you have them both, I suppose.

(*Chairman.*) Yes.

17790. (*Earl Russell.*) When did you make the first report?—On the evening of the occurrence.

17791. On the Sunday night, do you mean?—Yes.

17792. Who told you to make a special report that night?—The Inspector in charge of the police station.

17793. Why?—Through the alleged assault.

17794. That is, the cut on the lip in the police station?—Yes.

17795. You wrote that out the same night?—Yes.

17796. Before you went back on duty?—No, later on, when I came off.

17797. In the small hours of Monday morning?—Yes.

17798. Did you make any note in your note-book?—I took the name and address of the prisoner at the time of the charge. That is all I have got in my book.

17799. (*Chairman.*) Have you got the book here?—Yes.

17800. Will you show it to me? (*Book handed to the Chairman.*)

17801. (*Earl Russell.*) The only note you made there is the name and address of the prisoner?—That is all.

17802. Where did you make that note?—At the police station.

17803. That is, during the time Mullins was being charged?—Yes.

17804. Did you make any note in that book of the expressions he had used?—No, I remembered them.

17805. You trusted to your memory?—Yes.

17806. Or any note of the other people who were about?—Nothing at all.

17807. When did you make the second report on this case?—On the Monday after the proceedings in the police court.

17808. How came you to make that second report?—By order of Sub-divisional Inspector Spencer.

17809. Was that also because of the alleged assault?—No, because of the proceedings at the police court.

17810. Because the charge had been dismissed?—Yes.

17811. Because the charge was dismissed at the police court you were ordered to make a further report?—Yes.

17812. Have you made any further reports besides those?—No.

17813. No other written statement by you?—No other report at all.

17814. You formed the opinion he was drunk, and the disorder was what you have told us—the shouting?—That is right.

17815. Did the shouting consist of anything besides "Where is he?" the second time he came back?—Nothing more than that. He said, "Where is he?" That is what he said first when I stopped him.

17816. And he kept on shouting "Where is he?" Did he shout anything else?—No, he did not shout anything else then.

17817. That was the disorder?—And the crowd following up behind, and all collecting. It all constitutes disorder.

P.C. J. Morgan.

29 Nov 1906.

17818. Was the obscene language which you complained of used on the second occasion, or the first?—On the second occasion. There was no obscene language on the first occasion.

17819. He was charged at the police court with riotous behaviour?—Drunk and disorderly, and making use of obscene language.

17820. I have it here, "Charged this day before me for that he was found unlawfully drunk in Oakley Street, and while so drunk was guilty of riotous and disorderly behaviour."

(*Mr. R. D. Muir.*) We have the charge-sheet here.

(*Chairman.*) We have the charge-sheet, but Earl Russell is quite right in pointing out that at the police court, according to the notes of evidence, the charge was not the same as the charge made in the police station.

(*Earl Russell.*) The charge-sheet is the same as what we have heard, I suppose—drunk and disorderly, and obscene language.

(*Chairman.*) The charge-sheet enters the charge against Mullins thus: "Drunk and disorderly, and making use of obscene language in Oakley Street, in the Parish of Lambeth." According to the notes of evidence taken by the Clerk of the Court, the charge was "For that he was found unlawfully drunk in Oakley Street, and while so drunk was guilty of riotous and disorderly behaviour." I do not suppose the constable is responsible for the variation.

(*Mr. R. D. Muir.*) It must have been the Magistrate himself or the Magistrate's Clerk.

(*Chairman.*) I suppose the charge was taken before the evidence commenced.

(*Mr. R. D. Muir.*) As I understand from Mullins' evidence, the doctor's certificate was produced almost at once, which was to the effect that he was not drunk.

(*Chairman.*) I do not know how the certificate was evidence if the doctor was not called.

(*Mr. R. D. Muir.*) The Magistrates, as a rule, do take those certificates, and act upon them.

(*Chairman.*) That is to say, if not objected to by the other side.

(*Mr. R. D. Muir.*) If not objected to by the accused.

(*Earl Russell.*) It was in favour of the prisoner.

(*Mr R. D. Muir.*) Yes; the alteration of the charge must have been the act of the Magistrate. The police would have nothing to do with that.

(*Chairman.*) I am not suggesting any blame to the police. I am only trying to ascertain what the facts were.

(*Mr. R. D. Muir.*) I should say, from my experience, that that is what must have happened.

17821. (*Earl Russell.*) Are you able to say from your memory what charge was read out to him at the police court when he was charged?—Drunk and disorderly, and using obscene language.

17822. That is what you think?—Yes.

17823. Mullins thinks that all he was asked was whether he would plead guilty to being drunk. Do you remember whether that was so or not? Do you think he may be right, that the Clerk may have said to him, "Are you guilty of being drunk"?—The Clerk would be sure to say "Drunk and disorderly."

17824. Anyhow, you did not hear this charge of riotous and disorderly behaviour read out?—No.

17825. What did Mullins say when the charge was read out to him?—Do you mean at the police court or the police station?

17826. The police court?—He pleaded not guilty.

(*Chairman.*) I think the matter of the doctor's certificate is made clear by Mullins' evidence. At Question 15,780 I asked him: "When the case was called on, the Clerk asked you whether you wished to plead guilty to being drunk. (*A.*) Yes." He had previously said: "I was asked by Mr. Coates (the Clerk) whether I pleaded guilty to being drunk. I told him I could not plead guilty to being drunk." Then he answers my question in the affirmative. Then I asked him: "Then the case went on? (*A.*) No; before the charge

P.C. J. Morgan.

29 Nov. 1906.

went on, I asked the Clerk to read the certificate of the doctor to the Magistrate, and he read it. That was before the charge was proceeded with. (*Q.*) After that the Clerk said: 'Do you wish to plead guilty to being drunk?' (*A.*) No. Directly I got in the box I was asked whether I pleaded guilty to being drunk, and I said no."

17827. (*Earl Russell.*) Probably, to save time, they start with the doctor's certificate? How long were you giving evidence at the police court yourself?—About five minutes.

17828. Did you tell the Magistrate practically everything you have told us?—Yes.

17829. You told him about fighting in the first instance?—No, because that happened on the first occasion. I did not arrest him on that. He went away on that. I arrested him on the second occasion.

17830. Therefore you gave no evidence of what happened on the first occasion?—No.

17831. But you did begin your story with his running towards you without his hat on?—Yes.

17832. You are stated in the notes of evidence to have said: "At 11.30 p.m. yesterday I saw the prisoner in Oakley Street." Was that a mistake in the notes or a mistake of yours?—I do not remember saying that. It was 11.15.

17833. The notes say 11.30?—I cannot account for that at all.

17834. You do not think you said 11.30. You could not have said 11.30, because you got into the station at 11.25?—Yes.

17835. You are sure of that?—Yes, the charge was taken at 11.30.

17836. According to this, you saw Mullins running towards you without his hat on, and he at once refused to go away, and you almost at once took him into custody?—I asked him what was the matter first.

17837. But he never left you again after that?—No.

17838. From the time you went away with him in custody?—That is right.

17839. At that time it would not be correct to say that you sent him away and that he came back?—Not at that time.

17840. At that time he came to you and would not go away and you arrested him?—That is right.

17841. Are you quite sure that you began the story in the police court where you begin it now, because in the police court note there is, "I sent him away, but he came back and refused to go away, and used obscene language"?—I requested him to go away. That is the start.

17842. Then, you did not start with the time you told him when he came hatless to you. You started with the time you first saw him?—I requested him to go away, but he came back again five minutes later.

17843. That is your story, but I am asking you did you tell the whole of that story at the police court? You must have done?—Yes, I told the whole story.

17844. Then you began further back than you told me just now?—I told the Magistrate that I requested him to go away.

17845. You told him about the first crowd?—Yes.

17846. You think so now. (*No answer.*)

17847. This is what you are reported to have said: "I sent him away, but he came back." That would only refer to your having begun telling the Magistrate about the first crowd?—Yes.

17848. Now think it over again. Do not you think you began by telling him about the first crowd?—I remember telling the Magistrate that I requested him to go away and he came back again, and that would be right—he did.

17849. That would not be true of the second time when he came after you hatless?—No, because he refused to go away then.

17850. You told the Magistrate, did you, about the first crowd?—I told him in the evidence that I arrested him.

17851. I am asking you perfectly fair questions, and if you cannot remember, you can say so. Did you not tell the Magistrate when you were giving evidence in the police court when you first saw him with this disorderly crowd fighting—you told the Magistrate that?—Yes, I told the Magistrate that he refused to go away after me telling him.

17852. You told the Magistrate the whole story? You told him about the first time you saw him with this crowd who were fighting?—I might have done.

17853. Cannot you remember?—It is quite likely I did.

17854. That is all you can say?—Yes.

17855. You think it is quite likely you told the Magistrate about the first crowd. When you told him about the first time that you saw the prisoner did you tell him these people had come to blows?—No, I said nothing about fighting at the police court.

17856. You never said a word about fighting?—No; that is quite right.

17857. You never made any complaint against him on your evidence that he had been fighting with other people?—No.

17858. Or quarrelling with them?—Yes; I told the Magistrate he was quarrelling.

17859. When you were talking of the quarrelling which incident were you referring to—the first time you saw him, were not you?—When he came running back shouting "Where is he?"

17860. Who was he quarrelling with then?—I do not know, I am sure.

17861. Do think. Do you say you told the Magistrate he was quarrelling the second time when he came running back without his hat on?—(*No answer.*)

17862. Well?—(*No answer.*)

17863. When you gave evidence did you say he was quarrelling the second time when he came back?—No; I do not know that I did then, but I told him the whole story from the start.

17864. Did you tell the Magistrate that the prisoner Mullins had been quarrelling the second time he came back to you without his hat on?—I told the Magistrate he was having a heated altercation. I did not say anything about quarrelling.

17865. Do you mean you never used the word "quarrelling"?—I do not think so, to the best of my recollection—I do not think so.

17866. You are quite sure you said nothing about fighting?—I am quite sure of that.

17867. And nothing about quarrelling?—No.

17868. Are you quite sure of that, too?—Quite sure—well, I am not quite sure, but to the best of my recollection.

17869. If you had said anything about quarrelling would it refer to the first time that you saw Mullins or the second time?—The first time.

17870. Did you tell the Magistrate there was an interval of about five minutes between the first time you saw him and the second time?—I could not tell you whether I told him there was an interval of five minutes. I said he came back shortly afterwards.

17871. Did you tell the Magistrate that he was shouting "Where is he?"?—I could not say whether I said that or not.

17872. When you reached the station with Mullins was he still without his hat?—I could not say. I think he had his hat in his pocket at the time when he came up the street. I fancy he had a hat on when he came to the station.

17873. What kind of hat?—I could not say; I think it was a cap.

17874. You said he had it in his pocket?—I think it was a cap. He had no hat on when he came running up the street the second time.

17875. Did you notice when he put it on?—No, I did not notice that.

17876. Did he have a chance to put it on after you had taken him into custody?—Yes.

17877. How?—Because he had got his hands free.

17878. If he had dived them into his pockets you would have noticed it and wondered what he was pulling out?—I might have done, but I did not notice it.

17879. But you do not want to tell me that when you are taking a man to the station and he puts his hands in his pockets you would not watch to see what he is pulling out?—It might be a knife?—It might have been.

17880. Do you wish us to believe that on the way to the station, while you had him in custody, he could put his hands in pocket and put his cap on his head without your noticing it?—He might have done.

17881. That is what you wish us to believe?—He had got both hands free.

17882. You wish us to believe he might have done that without your noticing it?—I say he might have done.

17883. Are you quite sure he was not wearing a hat of this sort—a bowler hat?—I fancy it was a cap, but I am not quite sure.

17884. You are not sure it was not one of these hats?—I could not say for certain.

17885. Not quite certain?—No.

17886. He could not put a hat of that kind in his pocket, could he?—Not very well.

17887. He could not be holding it in his hands while he was waving his arms about and gesticulating?—He could take his hat off, I expect, and hold his arms up with his hat in his hands.

(*Chairman.*) Why could he not be waving his arms with his hat in his hands?

(*Earl Russell.*) Certainly he could, but I suggest to the witness if that was so it is curious he did not notice it—a man who was waving his arms with a hat in his hands.

(*The Witness.*) He had his hat off when he came running up the street. I could not say that he had not got a hat.

17888. Where was it?—I did not see.

17889. If he was waving his arms about you would be bound to see it if it was in his hands?—Yes, I should think so.

17890. Did you mention in the reports you made what you have told us this morning, about the first crowd that was fighting and quarrelling?—Yes, I mentioned it in my report.

17891. Did you mention about his being without his hat?—No.

17892. Did you mention that at the police court?—I do not think so.

17893. Why not?—I thought it was not necessary.

17894. Surely, it is a sign of disorder if a man runs about a London street without a hat?—That would not be disorder—not that alone.

17895. Not by itself, but it would be a sign of it. Now, I want to ask you about what he says happened in the police station and before. Did he ever say anything to you about "At the ear-hole again" when he saw you in the street?—No, I did not hear it.

17896. Are you quite sure that you were not chatting to the two Sims's when he first saw you?—Positive.

17897. Did he put his hand on you when he first saw you?—No.

17898. He never took hold of you at all?—No.

17899. Have you ever heard the expression, "At the ear-hole"?—No.

17900. You do not know what it means?—No.

17901. How long have you been in the Force?—Seven years.

17902. And you have never heard it?—No.

17903. And if it was used to you you would not know what the man meant?—I should not.

17904. No idea?—No idea.

17905. Did you turn round and strike him?—No.

17906. Nothing of the kind?—Nothing of the kind.

17907. You were not annoyed by his speaking to you in the street the first time?—He did not speak to me at all.

17908. He never spoke to you?—No.

17909. You spoke to him?—That is right.

17910. Did he never answer you the first time when you spoke to him?—I advised him twice to go away, and he said he would not go away.

P.C. J. Morgan.

29 Nov. 1906.

17911. He said he would not go away, with an improper expression?—No, he was very civil the first time.

17912. That is all that passed?—That is all that passed.

17913. When he came back to you you have told us he was shouting out, "Where is he"?—Yes.

17914. You had no idea who he wanted?—No idea at all.

17915. When he came up to you did he ask you for your number?—No.

17916. If he had asked you for your number, would you have given it to him?—He could have taken it off my collar if he wanted it.

17197. Would you have given it to him quietly and in a friendly way if he had asked for it?—Most decidedly.

17918. It would not have annoyed you at all?—No.

17919. Are you sure you did not say to him, "I will give you number"?—No.

17920. Nothing of the kind?—No such thing passed.

17921. You were not irritated?—No.

17922. I suggest to you, when he asked you for your number, you took him into custody?—No such thing.

17923. On the way to the station how did you hold him? Did you hold him by the scruff of the neck, or by the collar?—By the collar.

17924. Both hands, or one hand?—One hand.

17925. In his collar?—That is right.

17926. Screwing it tight?—No.

17927. Quite loosely?—Tight at first, because he was violent at first, and afterwards he went quietly, and I loosened his collar.

17928. You did not take hold of either of his arms?—No.

17929. You took him along in front of you in this kind of way?—Yes.

17930. Did you assist his progress by putting your knee in his back at all?—No.

17931. Nothing of the kind?—It was not required. He went very quiet after he went a few yards.

17932. Just at the beginning, did you have to help him a little?—He threw himself to the ground at the station.

17933. Did he fall right down to the ground?—On his side.

17934. His full length on the pavement?—On his side in the roadway.

17935. His full length?—Over on his side. I saved him from falling his full length.

17936. Very nearly his full length?—Yes.

17937. When did you first mention that? Have you told anyone before to-day?—I mentioned that he was violent and threw himself over.

17938. Have you mentioned to anyone before to-day that he threw himself on the ground?—I could not say.

17939. You say this man Cameron accompanied you part of the way?—Yes.

17940. Who is Cameron?—I do not know.

17941. You never saw him before?—I have seen him before, but I do not know him personally.

17942. Do you know what his occupation in life is?—A stonemason.

17943. Was Cameron wearing a straw hat?—I did not take that notice.

17944. That is another thing you did not notice?—Yes.

17945. Was Cameron with you the first time, when Mullins came up to you?—No. Cameron came up to me after I had the man in custody—just after I arrested him.

17946. Was he one of the seven or eight who had been running after him the second time?—I could not say that for certain.

17947. He just appeared in the crowd, did he?—Yes,

P.C. J. Morgan.

29 Nov. 1906.

seeing the man was rough he wanted to know if he could do any good.

17948. You have known him by sight?—I had seen him before.

17949. You knew his occupation?—No, and I did not know his name then.

17950. You did not ask him to assist you?—No. He asked me if I wanted any help.

17951. He came up by himself?—Yes.

17952. He accompanied you about what—a quarter of the distance to the police station?—To the top of Oakley Street, in sight of the station.

17953. Is not that the whole way?—Very nearly the whole way.

17954. Did Mullins see him, or did he walk behind?—He walked behind. I do not think Mullins could see him. He was in front of me.

17955. You were helping Mullins like *this*?—Yes.

17956. Did you have any conversation with Cameron on the way?—No.

17957. Did he ask you what the man was in custody for?—No.

17958. And you did not tell him?—No.

17959. When you got to the station is it true that you walked up to Mullins and hit him in the face?—I did not walk up to him. I was with him the whole time, and sat him on the seat.

17960. Did you hit him in the mouth?—No.

17961. He had a cut lip?—He had a little blood by the side here on the lip.

17962. If you did not hit him very hard that is about what he would get, is it not?—I did not hit him at all.

17963. I know you say so, but it was an injury which was consistent with a hit from a fist on the lip?—It might have been.

17964. When did you first notice it?—I noticed blood on one of his handkerchiefs.

17965. You were there when he complained to the inspector that you had done it?—Yes.

17966. He made that complaint to the first person he saw?—To the inspector, as soon as he came out.

17967. Do you say it was there before he came into the station?—I could not say.

17968. It is quite untrue to say you were annoyed by him when you took him into custody?—No, I was not annoyed.

17969. Nor cross with him in the station?—No.

17970. It is quite untrue to say you walked up to him and gave him a blow?—That is untrue.

17971. When you saw the inspector at the station you have told us what you said to him. Did you tell him about the first crowd?— You did, I think, did you not? You told him about the prisoner coming back, did you not?—Yes.

17972. Did you tell the inspector he was calling out "Where is he?"?—I do not think I did; I could not say.

17973. Did you tell him about a large number of other people in the street?—I told him a crowd assembled.

17974. Did you hear Mullins give any account to the inspector of what you had been doing?—All he said was that he accused me of assaulting him, and after the charge was read over to him he said, "I admit that, but this man struck me in this room," pointing to me.

17975. Did you not hear Mullins tell the inspector that he had come back to ask you for your number?—No.

17976. Did you hear him say anything about the "ear-hole"?—No.

17977. Not a word?—Not a word in the station.

17978. When did you first hear him tell the story about the "ear-hole"?—At the police court.

17979. Not a word to the inspector?—Not a word.

17980. You are sure you did not hear him say: "Never mind about that; what I want to complain of is the constable striking me in the station." Are you sure he did not say: "Never mind about that"?—I am quite sure what he said.

17981. Did you hear him tell the inspector he had his daughter with him?—Not that evening, he did not.

17982. When did you hear him say that?—At the police court.

17983. Was there a man with a straw hat there when Mullins came back to you?—No one.

17984. There was no one with a straw hat?—Not that I noticed; there may have been, but I did not see them.

17985. Did you hear anybody say: "Go on, give him one"?—No.

17986. You were asked by the Magistrate at the police court if you wanted to ask him any questions, were you not?—Yes.

17987. When you heard him make this statement about your assaulting him, did you ask him any questions?—I did not ask Mullins any questions at the court. I denied the assault.

17988. That was afterwards, was it not?—That was at the time.

17989. At the time you were asked if you had any questions to ask, you said no, did you not?—I said no.

17990. And stepped back for a minute or two?—No, I did not step back. I denied the assault.

17991. You stepped back for a minute or two, and then came back and said: "I deny the assault"?—No.

17992. That is not true, is it?—No.

17993. Are the Sims's here?—I could not say.

17994. Have you seen them since about this?—I have not seen them.

17995. Do you not know whether they are here?—No, I could not say.

17996. Is Cameron here?—No.

17997. Do you know his address?—Yes, I know his name and address.

(*Chairman.*) Do you wish to ask any questions, Mr. Muir?

(*Mr. R. D. Muir.*) No, thank you.

17998. (*Chairman.*) Just take this book, and look at the entry about Mullins. (*Handing book.*) The entry is in pencil, I observe?—Yes.

17999. It gives the name and address of Mullins?—Yes.

18000. When did you take his name and address?—When he gave his name to the inspector.

18001. In the charge room?—Yes.

18002. Mullins was present then?—Yes.

18003. Did he see you writing?—Quite likely he did.

18004. In whose handwriting is the date put which is written in ink?—Which date?

18005. 9/9/05?—It does not appear to be written in ink here.

18006. I may have looked at the wrong entry. It looks to me as if it were written with very faint ink, but you think it is written in pencil?—All in pencil.

18007. Is that your entry?—Yes.

18008. It does not look like the same handwriting?—No.

18009. Is it your custom to take a note of the name and address of a prisoner whom you have arrested in the charge room?—Exactly, every man I arrest I enter his name and address.

18010. I only ask what your practice is, because another police constable who was called yesterday told us he did not make any entry of a case in which he arrested a man?—I always make an entry and generally the result.

18011. You have not put the result in that note?—No.

18012. Why did you not put the result there?—I do not think of it always, but as a rule when I think of it I put the result under the name to refer to at any future time.

18013. That is your custom?—Yes.

18014. Is that a custom you have followed according to your own bent, or has somebody told you to do that?—No, it is what I have always done.

18015. You have been seven years in the force?—Yes.

18016. How long have you been in this division?—The whole time.

18017. How long had you been on the beat in September when this occurrence took place?—Exactly a week.

18018. Had you ever seen Mullins before?—Not to my knowledge; he was an absolute stranger to me.

18019. Are you sure he had no little girl with him when you first saw him?—I did not see the girl; I could very nearly swear he had not.

18020. You have said that you saw several people—a crowd in fact. Were there any women in the crowd?—There might have been.

18021. Of course there might have been, but were there according to your recollection?—I could not say now; there was a crowd; I could not say there were any women.

18022. You know Mullins says that he had got a little girl with him when he came out of the Duke of Sussex, and that he took her home and came back?—I did not see any little girl there.

18023. I understand that you made a report on the Sunday night late or early on the Monday morning?—Yes.

18024. And you made a second report after the police court proceedings?—Yes.

18025. Do you recollect whether in your first report you said anything about fighting or not?—Yes.

18026. About Mullins fighting?—Yes.

18027. You did say so?—Yes.

18028. Did you say anything about it in the second report?—I could not say about the second report, I think that was after the proceedings at the police court.

18029. You cannot recollect whether you said anything about fighting in your second report?—No; I could not say.

18030. At the police court Mullins was charged, I suppose, was he not, in your presence?—Yes.

18031. Who read out (the Magistrate or the Clerk of the Court) something to him?—The Clerk of the Court always says, "Do you plead guilty to being drunk or disorderly," or whatever the charge might be.

18032. And that was done in this case?—Yes.

18033. Were you asked questions by anybody after you had taken the Book and been sworn? Were you asked questions by any other constable, or did you tell your own story?—I gave my own story, my own evidence, and then I had finished.

18034. You were not in any way stopped from telling what was necessary for the purposes of justice at the moment?—No, I gave my evidence, and I stepped from the witness box and the next witness came up.

18035. Never mind what happened afterwards for the present. You told your story?—Yes.

18036. Did you say anything about Mullins fighting with another man?—I did not say that at the court.

18037. Why not?—Because I thought it was not necessary. I arrested him when he came back the second time. I gave him a chance to go away the first time.

18038. There was apparently no charge against him of actually assaulting another man?—No.

18039. Then in beginning your story to the Magistrate leading up to the charge you might have said you saw, might you not, without any danger of the charge being increased against Mullins?—Yes.

18040. I understand you are suggesting that you omitted to mention the fighting in the interests of Mullins?—No, I did not think that was necessary. The man went away then, but then he came back again.

18041. I am coming to that. I am now asking you a question about the police court. You had said in your first report, had you not, this: "I had occasion to arrest George Mullins for being drunk and disorderly and using obscene language"?—Yes.

18042. "He was fighting with another man, and I requested him to go away, which he did, but shortly afterwards returned and repeated his conduct." Was that what you said in your report?—Yes.

P.C. J. Morgan.

29 Nov. 1906.

18043. First of all on that I ask you why did you not say that to the Magistrate?—(*No answer.*)

18044. You do not answer that question. Is this a correct report of what you did say to the Magistrate: "I saw prisoner in Oakley Street, drunk and quarrelling, surrounded by a crowd"?—Yes.

18045. That is what you told the Magistrate?—Yes.

18046. Does not that strike you as a different kind of story from that which was told in your report?—A little different.

18047. What I am putting to you is this. Looking at the report, and reading it, I should have thought it meant that Mullins and another man were actually fighting in the street. Is that what you meant by it?—Yes.

18048. Mullins and another man actually engaged in using their fists one against the other?—Yes.

18049. Why did you not say that to the Magistrate? The importance of it to my mind is this, I tell you at once. Mullins says there was no kind of crowd, no fighting, and that he was passing with his little girl, and tapped you on the shoulder?—No.

18050. That is his account?—No such thing happened

18051. I know you deny that. Am I to understand now that you say that when your attention was first called to Mullins he was actually engaged in fighting another man?—Yes, there was an altercation, coming to blows.

18052. I am not dealing with an altercation coming to blows. Do I understand that when you saw Mullins he was actually using his firsts against another man and that the other man was using his fists against him?—Yes.

18053. Why did you not tell that to the Magistrate?—As I say, the man went away then, and I had finished with the case, and then he came back again.

18054. Very likely, but that is no reason why you should not have told the Magistrate the way in which the row, or call it what you like, commenced, as far as you were concerned. Why did you not tell him?—I should have told him.

18055. But what you did tell the Magistrate was that Mullins was drunk and quarrelling, surrounded by a crowd?—Yes, there were about eight or ten persons about him the first time when I requested them all to go away.

18056. Mullins being drunk and surrounded by a crowd does not necessarily mean fighting, does it?—No.

18057. However, that is the explanation you give of that. You thought it was unnecessary to mention the fighting to the Magistrate?—Yes, because the man went away, and they all went away when I told them, and the fighting stopped.

18058. When you saw Mullins coming back followed by seven or eight people what did you think he was coming back for?—I really could not tell. He said, "Where is he?" I again told him to go away. He said he should f——g well go when he liked. Then I arrested him. A crowd was there by that time.

18059. You have told me, Mr. Muir, and Lord Russell, everything that Mullins said?—Everything that I can recollect.

18060. Everything that strikes you as being of importance?—Yes.

18061. Do you think it was fair to found upon that alone a charge of using obscene language?—Yes.

18062. As far as I can make out only one word could possibly be described as obscene?—That would be obscene language.

18063. Then you think if a man, who is in an excited condition, who is arrested by you, and taken to the police station, uses one single word that could be described as obscene, it is right to found a charge of obscene language?—To my idea.

18064. And that is what you meant by charging Mullins before the Inspector at the police station with being guilty of using obscene language?—Yes.

18065. Did you press that charge at the police court? Yes, I told the Magistrate what he said.

P.C. J. Morgan.

29 Nov. 1906.

18066. There is no note about it, and the charge that the Magistrate ultimately heard was not a charge of using obscene language, but it was a charge that he was found unlawfully drunk in Oakley Street, and whilst so drunk was guilty of riotous and disorderly behaviour?—I gave in my evidence what he said, that he would f——g well go when he liked.

18067. That is not in the note, although it is quite possible you said that. But you did not press the charge of obscene language?—It would be pressing the charge when I told the Inspector what it was.

18068. You were the prosecutor in the case?—Yes.

18069. You did not call the Magistrate's attention to the obscene language apparently to found the charge upon?—It is not my place, it is the clerk's—about the obscene language.

18070. I am not saying you are to blame because the clerk does not take everything down, because I know how the proceedings are conducted, and I see nothing wrong in the way the proceedings were conducted here. The only word he used was the word you have used?—Yes.

18071. You did not press the charge?—No, I told the Magistrate what he said.

18072. I do not quite understand the story. You say the man had blood upon his lip?—I noticed that in the station first.

18073. Mullins has sworn on oath before us that you did give him a hit in the police station, and cut him in the mouth?—Yes, I deny that. I did not touch him at the station.

18074. Can you explain to me how his mouth came to be cut?—It might have been done in having a fight before.

18075. I thought of that, and that is why I was asking you a few minutes ago so particularly as to whether the two men were actually fighting?—That is the only way I can account for it.

18076. Then the position is this. You say Mullins and another man were fighting in the street, that there was a crowd there, that you dispersed the crowd, and that you ultimately arrested him and took him to the station, and his lip was then bleeding?—Yes.

18077. And although you heard him say you hit him in the station you never told the Magistrate one single word about his fighting. How do you account for that?—I did not tell the Magistrate he had been fighting because I did not think it was necessary.

18078. You heard Mullins say "He stood over me and said 'You ——,'" and then he used a foul expression, I presume, because it is left in blank by the Clerk of the Court, "I know who you are, you are one of these bleeders,' and hit me in the mouth, and then a second time, my mouth bled"?—No, no such thing passed.

18079. Did you hear him say that in the Magistrate's Court?—Yes, I heard that.

18080. How came it that when he said that you never told the Magistrate that he had been fighting with a man if, in fact, he had been. You know the magistrate said at the end there was a circumstantial account, and that he dismissed the charge?—Yes.

18081. If it was true that Mullins and another man had been fighting, why on earth did you not say that to the Magistrate? (*No answer.*)

18082. If the story is true, it seems a complete answer to the suggestion that you hit him at the police station, does it not?—I do not know.

18083. Does it not seem an answer?—I know I did not mention it because the man went away, and they all went away.

18084. That is how you account for his cut lip?—That is the only way I can come to the conclusion that he had a cut. I could not say he had it there.

18085. Does it not strike you as odd that you did not say so to the Magistrate when he was dealing with the case? (*No answer.*)

18086. (*Mr. Dickinson.*) I just want to get the exact time when this thing occurred. You were at the police station at half-past 11?—Twenty-five minutes past 11.

18087. How far is it from Oakley Street to the police station?—A matter of seven or eight minutes' walk.

18088. Then you could not have left Oakley Street much before a quarter past 11?—About that, yes.

18089. How long, according to you, was Mullins away?—About four or five minutes, to the best of my recollection.

18090. The first time he went away would be not later than 10 minutes past 11?—Yes.

18091. Before he went away you had asked the crowd to disperse?—Yes.

18092. And they had gone away?—They all went away.

18093. That took a little time, I suppose?—A minute or so; not long.

18094. I suppose we should not be wrong in saying that this fighting which you saw take place had taken place about five minutes past 11?—No, 10 minutes past was the first time I saw him at all. The first time I saw the crowd was 10 minutes past 11.

18095. How do you know that was the time?—There is a clock there, and I had a watch in my pocket.

18096. Do you mean you looked at the time?—Yes.

18097. We will take it that it was not earlier than 10 minutes past 11. What had you been doing before that—before you saw that crowd?

(*Chairman.*) As I cross-examined in my discretion from the reports, it is only fair that Lord Russell should see them. (*The reports were handed to the learned counsel.*)

(*Earl Russell.*) I am afraid I cannot make use of them now.

(*Chairman.*) If you wish you can make a request to the Commission.

(*Earl Russell.*) I am much obliged.

18098. (*Mr. Dickinson.*) What had you been doing before you saw this crowd with these people fighting?—I had been working the beat for an hour and ten minutes. I came out at 10 o'clock.

18099. You came out at 10 o'clock. How long had you been in Oakley Street?—Four or five minutes, I daresay. I went there when they turned out of the public-houses.

18100. You so arranged your beat that you would be standing near the public-houses at the time they were closing?—Yes.

18101. That is 11 o'clock?—Yes.

18102. Did you arrive there before closing time?—No, I arrived there about 11 o'clock.

18103. When this fighting took place you, I understand, were standing not far from Sims' shop?—About 14 or 15 yards from the public-house.

18104. You know the Sims's?—Yes, I only knew them by sight. They have been about there a long time.

18105. You do know them by sight?—By seeing them standing at the shop.

18106. By being about there?—Yes, I have had occasion to speak to them about their vans standing outside.

18107. I understand you had only been seven days at this station?—Seven days on that beat, but I had been on it before.

18108. You have been in this district for how long?—Seven years.

18109. During that time you have known the Sim's?—Yes.

18110. Do you remember speaking to the Sims's at all on that night?—No, I do not; I do not remember seeing them, let alone speaking to them.

18111. You often saw them standing at the door?—Yes, I often saw them.

18112. You have seen them standing at the door?—Yes.

18113. And you would have seen them on this night if they had been standing at the door?—The shops are all closed on Sunday night; they do not live there.

18114. I suppose on Sunday evening those places are closed?—All the shops are closed.

18115. So that if they had been there you would have seen them?—I should have seen them if they had been there. The whole place was in darkness.

18116. There was nobody there?—No.

18117. And the place was in darkness?—Yes.

18118. With regard to this fighting that was going on, about how many people were there?—I should say from nine to a dozen.

18119. Did it involve noise?—They were talking very loudly.

18120. It was what you call a heated altercation leading up to blows?—Yes.

18121. Which did lead up to blows?—Yes, I was there on the spot, and it did not last many minutes

18122. But you could not get eight or ten people having a heated altercation leading up to blows without everybody in the neighbourhood hearing it?—No.

18123. I understand you to say to Lord Russell that some of the people there you knew?—No, I said I thought there might have been somebody there I knew.

18124. (*Earl Russell.*) He said he was unable to tell?—I did not see anybody I knew there.

18125. (*Mr. Dickinson.*) Do you not think it would have been useful if you could have got somebody to come and say there was a fight going on?—No one seemed to know

18126. Did you ask anybody?—I did not ask, but inquiries have been made since.

18127. Inquiries have been made since?—Yes.

18128. Did those inquiries find no one who would know anything about it?—Not many people would be there, as the public-houses were closed.

18129. There was nobody there to see it?—No.

18130. I suppose inquiries in a street like that two or three days after the occurrence would result in some information?—They do not take very much notice of a fight, or of anything else, in that street; it is a very rough street.

18131. You know this place very well. Do you mean to say that on Monday or Tuesday if the police had gone down the street and said, "Do you remember there was a fight in this street on Sunday night?" you would not have found anybody?—They would have forgotten all about it. They take very little notice of a fight in that street. Nobody seemed to know anything about it.

18132. Are you perfectly certain about your story?—Yes.

18133. Afterwards you found the inquiries failed. You say there is no doubt about it?—There is not.

18134. I just want to ask you what, in your own mind, made you arrest that man? You had not arrested him for fighting; he had gone away quietly?—Yes.

18135. What made you arrest that man?—Because I requested him to go away and he refused, and said he would f——g well go when he liked. A crowd had gathered by that time.

18136. Although you say this place is very well known, and there are very often fights in this street, do you mean to say that if any man uses that expression, and says, "I am not going away," or "will not f——g well go away for you," it is the usual and recognised thing to take him to the police court?—Yes.

18137. Everybody who says "I will not go away for you" is to be taken to the police court?—After I advised him to go away, and he said he would f——g well go when he liked, I think it is the duty of the policeman to take him then.

18138. Am I to understand that that is a common occurrence?—With people round that neighbourhood. It is a very low part.

18139. It is a very common occurrence that people speaking like that would be taken to the police court?—It is not uncommon.

18140. Would he be charged in this particular form with being drunk and disorderly and using obscene language?—Yes, that would be the wording of the charge.

18141. I do not want to repeat anything that you have been asked by the learned Chairman, but I want to understand this. When the case came on before the Magistrate did you see Mullins first?—I saw him when he came in the passage to go through.

18142. Did he say anything to you?—I think he said "Good morning"; I would not be sure.

18143. When he said "I saw him—Police-constable Morgan—in the corridor at the police court," that is quite correct?—That is right, I told him where to wait. *P.C. J. Morgan.* 29 Nov. 1905

18144. Did you say anything more to him?—No.

18145. Charge your memory, because he has told us what was said. What did you say?—I told him where to wait until the charge came on.

18146. You said nothing about the case?—No.

18147. Did Mullins know who the Magistrate was?—I could not say. If it was a Monday morning I would not know myself until I went into the court.

18148. Did you know who the Magistrate was?—No, not until I went into court.

18149. Who is the Magistrate who usually sits there?—There are different Magistrates.

18150. Who are they?—Mr. Rose and Mr. Chapman are the usual ones, but sometimes there are others.

18151. Is there any difference between the Magistrates who sit in that court in the way in which they treat prisoners?—I think there is always a difference. They are not all the same.

18152. Is one of them looked upon as very severe or more severe than the other?—No.

18153. Is either of them looked upon as a lenient Magistrate?—There are lenient Magistrates, but I could not say who they are.

18154. Does Mr. Rose appear to be lenient?—I think so.

18155. Did you, or did you not, say to Mullins, "It is all right, it is a very lenient Magistrate, Mr. Rose"?—No.

18156. Are you sure of that?—Quite sure.

18157. Did you say to him "It will be only a matter of a fine"?—No.

18158. That you deny too?—Yes.

18159. That is what he says he was told by you?—No; I did not know who the Magistrate was myself until I got into court.

18160. Then it is quite impossible that you should have said Mr. Rose was the Magistrate?—Yes.

18161. Did he say to you "Mind your own business"?—No.

18162. You say all that is an invention?—It is a pure invention.

18163. No such communication passed between you at all?—No.

18164. You only told him where to sit and that was all?—Yes, where to wait.

18165. You made two reports as we have heard?—Yes.

18166. The second report which was made on the 10th September I presume was made in pursuance of some order or request from your superior officer. Is that so, or not?—Quite right.

18167. That was because they wanted some explanation of what had happened at the police court?—Yes; that is right.

18168. Do you know at all what reason they had for asking for a further report. Can you imagine at all?—The prisoner got discharged.

18169. Is it always or generally the case that when a prisoner is discharged the police constable who has made the charge has to make a report?—Only when a complaint is made against him.

18170. Did the Magistrate say to you what we have been told he said right to your face: "I do not believe your story, and the prisoner will be discharged"?—Certainly not.

18171. You would know if he had said it, would you not?—I would.

18172. You say that is not true?—Those were not the Magistrate's words at all.

18173. It is only fair to you to say that that is what Mullins said the Magistrate said: Then the second report being given in accordance with some request from your superior officer, why did you make the first report?—I made the report in the station.

18174. You went out on duty again, I understand, after that?—Yes.

P.C. J. Morgan.

29 Nov. 1906.

18175. And you came back late at night after your duty was finished?—Yes.

18176. At what hour would that be?—Two o'clock in the morning.

18177. At that time you sat down and made this report?—Yes.

18178. Was that entirely upon your own responsibility?—It was entirely on my own.

18179. Nobody asked for that?—No. The Inspector ordered a report.

18180. When did he order that report?—When I came off duty.

18181. He was still there?—Yes.

18182. What did he say to you about it?—He asked me to make a report out *re* the alleged assault at the station.

18183. Would this be the usual course. Supposing no assault had taken place at all, and you had brought in a man who was drunk and disorderly, would it be the usual course to ask you to sit down and write a report immediately?—No.

18184. Therefore you knew that you were asked for this report because there was some question about an assault by you?—Quite right.

18185. When you had written this report did you show it to the Inspector?—I took it in to the Inspector.

18186. Did he speak to you about it at all?—He read it. That was all.

18187. I suppose he read it out?—No.

18188. He must then have read what you said about Mullins having been fighting with another man?—Yes.

18189. He must have read that?—Yes, he read that.

18190. Is the Inspector responsible for, or does he have anything to do with, the presentation of the case before the Magistrate?—He attended the police court.

18191. Why, if you were giving evidence before the Magistrate and had made a report, did you not give your evidence in the same words as the report?—Giving evidence and making a report are two different things.

18192. You look upon them as two different things?—Yes.

18193. You thought the report was simply a question for your superior officer as regards assault and you were giving evidence irrespective of that report?—Yes.

18194. When you go to give evidence before a police Magistrate in this way, do you give any consideration to what you are going to say? Do you think over what you are going to say?—No. You state the pure facts.

18195. You state the pure facts at the moment?—Yes.

18196. You are not asked to write out anything for your superior officers or anybody before giving evidence at the police court?—No.

(*Mr. R. D. Muir.*) I should like to call your attention to the regulations as to arrest.

(*Chairman.*) I am much obliged. I was going to ask you as to that.

(*Mr. R. D. Muir.*) In the White Book, at page 215, the thirtieth direction is as to the common assault. You know, of course, that a common assault can only be proceeded with on a complaint by the party aggrieved. The police cannot prosecute for common assault if the party assaulted does not come forward. That lies at the root of the direction. Direction 30 is: "The police are not to interfere between a man and his wife." Rule 31 says: "The police are not authorised to arrest or assist in arresting a person charged by another for a common assault when the assault was not committed in the presence or within view of the police. The person complaining is to be referred to a Magistrate to obtain a summons." Then on the next page, Direction 35, is as to "Assaults—general instructions." "When the residence of a person is known it can rarely be a proper step for the police to take him into custody during the excitement of an affray or disturbance, and when resistance by others as well as by the person himself may be caused by the attempt to take into custody. This does not apply to those cases in which it is necessary to take persons into custody in order to put an end to a disturbance or prevent acts of violence being committed." Probably the effect of these rules would be to make the police chary of arresting in cases for mere assault.

(*Chairman.*) I want to interpose a witness at this point. I understand Mr. Ryan wants to say something. He had better go into the witness-box, but he need not be sworn.

PATRICK JOSEPH RYAN, called.

P. J. Ryan.

18197. What is your full name and address?—Patrick Joseph Ryan, 55, Hall Place, Paddington.

18198. You have made an application to the Commission to hear a complaint that you have got against the police?—Yes, Sir.

18199. I thought I would like you to come and state publicly what your complaint was, although I am afraid that it goes outside the sphere of our inquiry. Will you just state it shortly?—It is a case in which I and another man were sentenced to three months' hard labour through Detective-sergeant Rose, and it was proved afterwards we were not there.

18200. Where were you arrested?—London Street, Paddington.

18201. On what occasion?—The visit of the King and Queen of Portugal.

18202. You were charged with what?—Attempting to pick pockets.

18203. Who was with you?—Henry George Baxter.

18204. He also was charged?—Yes.

18205. Were you convicted on a charge of pocket-picking?—Yes, and sentenced to three months' hard labour.

18206. At the police court?—Yes.

18207. What has happened since?—We were released after a week, and since then we have had a free pardon.

18208. You and Baxter have received a free pardon?—Yes. I have it here if you wish to see it.

18209. You rather thought you ought to be allowed an opportunity of coming here to make your application, and I did not stop you; but I have told you it is not one of those cases with which we are able to deal. You appear to have had a free pardon, and so nothing more is to be said about it as far as we are concerned?—But the Magistrate and the solicitor said there was no reflection whatever on the police, but there was.

(*Chairman.*) We cannot go into that.

(*Earl Russell.*) May I say, Sir, Mullins' wife and daughter are here? I do not know whether you would like me to call them now or wait until the police evidence is finished.

(*Chairman.*) The daughter is the only witness we want, I suppose.

(*Earl Russell.*) I want to call the wife to show the condition of Mullins' lip when he paid the first visit to the house.

(*Chairman.*) Then, I suppose, you had better call them before we go on with the police evidence.

KATIE MULLINS, sworn.

K. Mullins.

18210. (*Earl Russell.*) Is your name Katie Mullins, and are you 11 years old?—Yes.

18211. Do you remember a Sunday in the early part of September when your father had some trouble with the police?—Yes.

18212. Were you coming home with him from Greenwich?—Yes.

18213. After you came home you went out for another little walk with him, did you?—Yes.

18214. And returned home over Waterloo Bridge?—Yes.

18215. Do you remember when you were nearly home your father going into a public-house?—Yes.

18216. Which public-house was that?—The Earl Grey.

18217. Then do you remember he went into another? Yes.

18218. What was the name of that?—The Duke of Sussex.

18219. Where were you while he was in the Duke of Sussex?—I was standing outside.

18220. Do you know how long he was in the Duke of Sussex—about?—About three minutes.

18221. What happened when he came out?—There was a policeman and two rag-shop men standing outside and another man.

18222. When your father came out from the Duke of Sussex did he come out alone or with other people?—Alone.

18223. Nobody else with him?—No.

18224. Where were you?—I was standing outside.

18225. Did you go with him?—Yes.

18226. How close to him were you?—About as far as I am from here. (*Indicating about half a yard.*)

18227. Not holding his hand?—No.

18228. You say you saw the policeman talking to two rag-shop men?—Yes.

18229. What did you see happen then?—Daddy spoke to the policeman, but I do not know what he said, and the policeman struck daddy.

18230. Who spoke to the policeman?—Daddy.

18231. Did you hear the policeman speak to your father first?—No.

18232. Was your father talking to any other men when he came out of the public-house?—No.

18233. Was he fighting with any other men?—No, there was never no fights there.

18234. Did you see anyone else with the policeman besides the two rag-shop men?—Another tall man.

18235. What did you notice about him?—He had a white straw hat on.

18236. Then you say your father said something to the policeman which you did not hear?—Yes.

18237. And the policeman you say struck him?—Yes.

18238. Will you show the Chairman how and where?—He struck him like that (*describing*) on the eye *there* (*indicating the left eye*).

18239. Did you hear the policeman say anything?—The policeman said to him, "You get away," and daddy said to me, "Come on, Katie," and we both went down home.

18240. You started crying out, did you not?—Yes. He said: "Come on, Katie," and Daddy took me down home, and said to mother: "I am going back to take that policeman's number;" and Daddy said to mother: "Come on, Kate," and mother went with Daddy, and that is all I know.

18241. You say your mother went with your father?—Yes, mother went with Daddy.

18242. Where did you go?—I went down home.

18243. You stayed there?—Yes.

18244. Where did your father meet your mother?—Mother was down home.

18245. He came home and saw her there?—Yes.

18246. Did you know those two rag-shop men?—Yes—Mr. Sims.

18247. You had seen them before?—Yes.

18248. Would you know the policeman again if you saw him?—I do not think so.

18249. (*Mr. R. D. Muir.*) Is your house in Oakley Street?—No, it is in Johanna Street, Oakley Street.

18250. How far is that from Oakley Street?—Not far.

18251. Is it a turning out of Oakley Street?—Yes.

18252. How far are you down Johanna Street?—Three doors down.

18253. Where did you leave your father to go home? Where did you part with him?—He took me right down home, and he called mother, and mother went.

18254. Right indoors?—Yes.

18255. Did your father go indoors too?—Yes, because he called mother.

18256. He went right indoors?—Yes.

18257. Into what room did he go?—Into the parlour.

18258. How long did he remain in the parlour?—About ten minutes.

18259. And then did your father and mother go out?—Yes.

18260. Leaving you alone indoors?—Yes.

18261. You saw the policeman strike your father?—Once; that is all I saw.

18262. How often did the policeman strike your father?—Once; that is all I saw.

18263. Only once?—Yes.

18264. Just point out again where he struck him?—On his eye.

18265. The left eye?—Yes, because when Daddy came home from the police station I was just going into bed, and I saw a bruise there. (*Pointing to the left eye.*)

18266. On his left eye?—Yes.

18267. Did you see the policeman strike him on that left eye?—Yes.

18268. Where you saw the bruise?—Yes.

18269. You are quite clear about that?—Yes. It was not much.

18270. (*Chairman.*) What time did you go out on that Sunday with your father?—I went to Mass first, and I came home and had dinner.

18271. Was your father with you at Mass?—Yes, he took me.

18272. Then you went home and had dinner?—Yes.

18273. About what time did you go out?—About 4 o'clock, it was.

18274. Do you remember where you went that afternoon with him?—Yes, to Greenwich.

18275. Where did you have tea?—We had tea after we came home from Greenwich; between 10 and half-past 10 it was when we came home.

18276. At night?—Yes.

18277. It was very late?—Yes.

18278. How was it you were so late getting your tea?—I do not know, Sir.

18279. You went all the way to Greenwich?—Yes, we stayed in the Park a long while, and walked right round the Park.

18280. Where did you go then, when you had been round the Park?—We came by the boat then, and came home.

18281. I suppose you sat down in the Park?—Yes.

18282. How long were you there altogether do you think?—About three hours.

18283. Do you mean that you had nothing to eat or drink from 4 o'clock, when you went out, until you got back to London?—Daddy bought me some milk and cake.

18284. Where was that?—In the Park, at a shop.

18285. At Greenwich?—Yes.

18286. About what time was that?—About 6 o'clock.

18287. You think it was about 6 o'clock?—Yes, it was about that time.

18288. What time did you get to the boat?—About 8 o'clock.

18289. Did your father have something to take?—Yes, he had the same as I had.

18290. You are sure it was the same as you had?—Yes.

18291. Are you sure you did not go into any other place?—No.

18292. He had no beer or anything?—No.

18293. Are you quite certain of that?—Yes. Daddy went in the "Earl Grey" and had a glass of cider, which I had a drink out of.

18294. That was when he got back to London?—Yes.

18295. You left Greenwich about 8 o'clock?—Yes.

18296. And got on the boat?—Yes, and we came home.

K. Mullins.
29 Nov. 1906.

18297. Which pier did you get off at?—Waterloo—— Big Ben, I mean.

18298. You mean Westminster?—Yes.

18299. You are certain it was Westminster Pier?—Yes.

18300. How far from Westminster Pier is Oakley Street, do you think?—About 10 minutes' walk.

18301. Where did you walk to when you got off at Westminster Pier?—We came right over the Westminster Bridge and daddy took me right round, and we came over Waterloo Bridge and then we had tea.

(*Mullins.*) We went right round Victoria way.

18302. (*Chairman.*) You must not interrupt the evidence. You went from Westminster Bridge. Do you mean you went along the Embankment?—Yes, past Westminster Bridge, right round the Embankment, and then we came out of the Embankment and then went round Waterloo Bridge and came home by Waterloo Bridge.

18303. You walked along the Embankment. I suppose you went up the steps?—Yes.

18304. Are you sure you went up the steps?—Yes.

18305. And got on to Waterloo Bridge?—Yes.

18306. Then, when you got over Waterloo Bridge, where did you go?—We came home and had tea.

18307. You went home?—Yes.

18308. Right to Johanna Street?—Yes.

18309. Are you certain of that?—Yes.

(*Mullins.*) She has made a mistake.

18310. (*Chairman.*) Do not interrupt. (*To the Witness*). You went over Waterloo Bridge with a view of going home, I understand?—Yes.

18311. Your father took you home?—Yes; we had tea and then daddy went in the Earl Grey and had a glass of cider and I went in with him.

18312. What time did you get home, do you think?—Between 10 and half past 10.

18313. Was your mother at home when you got there?—Yes.

18314. Did you have a regular tea, do you mean. Did you sit down at the table?—Yes.

18315. What did you have with your tea?—Winkles and watercress.

18316. Just an ordinary tea?—Yes.

18317. At what time did your father go out after that?—About a quarter to 11 it was when he went out.

18318. Did the tea only take a quarter of an hour after all that long day's walk?—Yes, because we had something out in the park.

18319. But still you were pretty tired, were you not?—Yes.

18320. Do you mean to say you only sat down to tea for a quarter of an hour with your father?—Yes.

18321. Why did you go out with him so late at night?—Daddy told me to come.

18322. Does he generally take you out so late at night?—No, he don't generally take me out so late.

18323. You had been out with him for over six hours?—Yes.

18324. Then you came home and had tea. Are you quite certain that he asked you to go out again that night?—Yes. He said, "Would you like to come out again with me, Katie?" and I said "Yes, daddy."

18325. You are sure it is not some other night you are thinking of?—No. It was the first night that daddy took me out.

18326. Had he never taken you out before?—No.

18327. Never taken you to Greenwich or any place like that in the afternoon?—No. It was the first time I ever went to Greenwich.

18328. What is your age?—11.

18329. It was because you were getting a bigger girl that he was taking you out?—Yes.

18330. This was the first outing of the kind that you ever had with your father?—Yes.

18331. Were you tired?—Not very tired.

18332. Then he said "You come out with me again"?—Yes.

18333. Were not you surprised at that?—Yes.

18334. Why did he ask you, do you think?—I do not know.

18335. However, what you say is that he asked you to go out again with him?—Yes.

18336. When he went out, where did he take you to?—We went into the Earl Grey.

18337. Is that a public-house?—No, it is a beerhouse.

18338. How far is that from Johanna Street?—It is only two doors up.

18339. When he got out did he go straight to this beerhouse?—Yes, he came out and went straight to the beerhouse, and then he came out of there and then he went right on.

18340. Did you go into the beerhouse with him?—Yes, because I had a drop of cider out of his glass.

18341. Then he went to the Duke of Sussex?—Yes.

18342. How far off is that?—Six doors down.

18343. Six doors down Oakley Street?—Yes.

18344. Therefore only a minute's walk?—Yes.

18345. Did he go straight to the Duke of Sussex from the other place?—From the beerhouse we went down to the Duke of Sussex.

18346. The beerhouse is only two doors down from your place, I understand?—Yes.

18347. The Duke of Sussex is about 10 houses down?—Yes.

18348. In Oakley Street?—Yes.

18349. How long did you stay in the beerhouse with him?—About 10 minutes he was there.

18350. And then he took you straight to the Duke of Sussex?—Straight to the Duke of Sussex.

18351. Did he ask you in there?—No.

18352. What did he tell you to do?—He said "Will you wait outside, Katie?" and I said "Yes, daddy."

18353. And he went in?—Yes.

18354. When he came out were other people coming out too?—No. Daddy was the last one in and the last one out.

18355. Then closing time had come?—Yes; about three minutes he was in there.

18356. What time was it then?—He was about three minutes in there. He came out about three minutes to 11.

18357. Did you take his hand when he walked away from the Duke of Sussex?—No; I never took his hand.

18358. Did you see him pass the constable, or was the constable standing where you would have to pass him in order to get home?—Oh, yes, we had to pass the constable.

18359. He was talking to Sims?—Yes.

18360. You had seen Sims before?—Yes.

18361. Are there two Sims's?—Yes.

18362. Were they both there then?—Yes.

18363. Was anybody else talking to the constable?—Yes, a tall man. There were four of them altogether—the two Sims's and another man and the policeman.

18364. What kind of coat had the tall man on?—I could not tell you. I did not notice.

18365. Did you see your father tap the constable on the shoulder?—Yes, I saw that, and then the policeman struck daddy.

18366. Did you see the blows actually given?—Yes.

18367. And saw where they struck your father?—Yes, because when he came home from the police station I was just going to bed and I saw it.

18368. But you told one of the learned gentlemen you saw that when he came back from the station?—I saw him strike daddy.

18369. You said on the eye?—Yes, so he did.

18370. Are you certain it was not in the back or the side?—No, it was on the eye.

18371. Then you told us you went home. What kind of hat had your father got on that day?—The same hat as he has got on now.

18372. What kind of hat is that?—A bowler hat.

18373. You are certain he had not a cap on?—No, he had a bowler hat—his Sunday hat.

18374. When he went out the second time with you had he the bowler hat still on?—Yes.

18375. When he and your mother went out afterwards?—He had his same hat on.

18376. Was he carrying it in his hand?—I do not know.

18377. Did he seem angry?—Yes.

18378. Did he take anything in the house after coming back?—No—he brought his hat in.

18379. But I mean did he take anything to drink?—Oh, no.

18380. When he went out of the house with your mother, the next time you saw him was when he came back from the station?—Yes.

18381. That was very late for you to be up?—Yes.

18382. Had you gone to bed?—I was just going to bed, but I wanted to stay up.

18383. Why did you want to stay up? Was there anything unusual about your father's behaviour or his appearance?—I stayed up because I thought daddy would get into more trouble, because the policeman struck daddy and I stayed up till daddy came home.

18384. When your father went out the second time you thought there would be more trouble?—Yes.

18385. And you stayed up because you were anxious?—Yes.

18386. Were you in court this morning when your father was giving his evidence?—No.

18387. How did you come to the court to-day? Who asked you to come?—Daddy came home as I was just going to school.

18388. This morning?—No, this afternoon.

18389. What time did you get out of school this morning?—12 o'clock.

18390. What time was the school going to begin again?—2 o'clock.

18391. When did your father come home for you?—It was just 1 o'clock when we came out of the door.

18392. And he asked you to come here?—Yes.

18393. Have you seen anybody else except your father this morning to talk about the case?—No.

18394. Your mother came with you, I think?—Yes.

(*Mr. R. D. Muir.*) I saw something with my own eyes when I came through the corridor.

18395. (*Chairman.*) Did any people talk to you outside in the corridor of this court?—Only Uncle Joe.

18396. Is Uncle Joe in the court now?—Yes.

18397. Has anybody besides your Uncle Joe spoken to you?—No.

18398. You told us your father and mother brought you to the court here?—Yes.

18399. And you have not been in the court until you were called, I understand?—No, I have not.

18400. You came straight from outside the court into the witness-box?—Yes.

18401. Had anybody spoken to you besides your father and mother outside?—No.

18402. Now are you sure of that?—Yes—oh, I spoke to that gentleman there (*pointing*).

18403. Who is that gentleman?—The one with the beard (*Mr. Timewell*).

18404. What did he say to you?—He asked me all the questions.

18405. Were they like the questions that Lord Russell has asked you?—Yes.

18406. Much the same questions?—Yes, he wrote them on a piece of paper.

18407. Who wrote on a piece of paper?—That gentleman (*Mr. Timewell*).

18408. Until you came here with your father and mother nobody has spoken to you about this case except your father and mother?—No.

18409. You are able to read, I suppose, because you are 11 years of age and go to school?—Yes.

18410. Did you read anything in the papers about this matter?—Yes. *K. Mullins.* 29 Nov. 1906

18411. Did you read what your father said to us on Thursday last in any newspaper?—I read something about daddy in the papers.

18412. That was last Friday?—It was one day last week.

18413. In what paper was it?—It was in the "Evening News."

18414. That would be on Thursday, perhaps?—I do not know.

18415. One day last week?—Yes.

18416. Has your father told you to say anything particular to-day?—No, because I was there when it happened.

18417. Did your father on your way to come here tell you what to say?—No.

18418. Did he go over the whole case with you?—No.

18419. Did he ask you what you remembered?—He asked me what I remembered, but I never told him.

18420. On the way here now?—Yes.

18421. Did he use those words—"What do you remember, Katie, about it?"—Yes.

18422. Those exact words?—Yes.

18423. He did not say "Do you recollect what took place?"—No. He said "Do you remember them things what happened on the Sunday?"

18424. He did not tell you what you were to say, and say, "Now mind you say that"?—No, Sir.

18425. Are you sure he did not?—Yes, Sir.

18426. Your father took you out, and you seem to have had a very nice day with him?—Yes.

18427. Do you get on well with your father?—Yes.

18428. Does he often have too much to drink?—No.

18429. Is he never rough in the house?—No.

18430. Nor quarrelsome?—No.

(*Earl Russell.*) I should like to hand in the proof that was taken in the passage of this court, if anything turns upon it.

(*Chairman.*) So far there is absolutely no impropriety shown at all, but there is the fact that Mr. Timewell had an interview with the young lady.

(*Earl Russell.*) I should prefer to put it so that there should be no question about it. (*Handing in document.*)

18431. (*Mr. Dickinson.*) You told us that your father gave you a little cider that evening?—Yes.

18431*. Have you ever been in a public-house before with him, and had a drop of cider?—No.

18432. Never at all?—No.

18433. Did you like the cider?—Yes.

18434. Had you never tasted it before?—Yes, I have tasted it indoors.

18435. Your father drinks cider indoors?—Yes.

18436. After you came off the steamer, do you remember how long it was you were walking about before you got home?—About half-an-hour.

18437. You next walked along the Embankment, and round by the bridge, and down to Oakley Street?—Yes.

18438. Did you stop anywhere on the way?—No, Sir, we came straight home.

18439. You have told us you thought your father was angry?—Yes.

18439*. Was he angry when he came out of the public-house?—No.

18440. When was it he became angry?—When he came down home and went back again.

18441. What made you cry?—I thought daddy would get locked up.

18442. Why did you think he would get locked up? What had he done wrong?—Because the policeman struck him.

18443. Do you think that the other three gentlemen who were there saw that happen?—Yes, Sir.

18444. You are sure that they saw that happen?—Yes, because they were talking with the policeman.

K. Mullins.
29 Nov. 1906.

18445. Who else was there in the street? Were there any other people in the street?—No.

18446. You are sure of that?—Yes.

18447. Was the street empty?—Yes.

18448. Were there many people coming out of the public-houses?—No, because daddy was the last one in and the last one out.

18449. When you were waiting outside the public-house, was the policeman and those three gentlemen talking there all the time?—No, they had been in the "Duke of Sussex," and they came out, and then the policeman came up to them.

18450. The two Sims's?—Yes, the two Sims's, and the policeman came up and spoke to them.

18451. You saw them come out of the door?—Yes.

18452. They came close to you, did they?—Yes.

18452*. You were standing by the door?—Yes.

18453. Where did the other gentleman with the straw hat come from?—He came up with the policeman, and the man said: "Give him one," and then the policeman did give daddy a blow.

18454. The man said: "Give him one"?—Yes.

18455. Which man said that?—The man with the straw hat.

18456. What had your father done then to make him say: "Give him one"?—Daddy had just tapped the policeman on the shoulder.

18457. You saw him tap him on the shoulder?—Yes.

18458. And then the other said: "Give him one"?—Yes.

18459. Who did he say that to?—To the policeman.

18460. And then the policeman did give him one?—Yes.

18461. Did he give him more than one stroke?—Not when I was there.

18462. You saw him hit out, and you say he hit him in the eye?—Yes.

18463. And that made you cry?—Yes.

18464. Did your father seem hurt by the blow?—I think so.

18465. When he came back in the evening, what did you see on his face?—The bruise.

18466. Did he show it?—I called out to daddy, "Look at that bruise on your eye."

18467. Your mother had gone out with him?—Yes.

18468. Had she come back before your father?—No, they both came back together.

18469. And all that time you were waiting, thinking that something was going to happen?—Yes.

18470. Have you any brothers and sisters?—I have some sisters but no brothers.

18470*. Were they awake all that time?—No, they were all abed.

18471. (*Mr. R. D. Muir.*) May I ask a further question. (*To the witness.*) You spoke to your father about his eye when he came home?—Yes.

18472. What did you say to him about it?—I said to daddy, "Look at your eye."

18473. What did he say?—Then he looked in a looking-glass.

18474. What did he say?—He did not say anything then.

18475. He said nothing at all?—No.

18476. Was your mother there?—Yes.

18477. Did she say anything about his eye?—No.

18478. There was nothing more said about it?—No.

18479. Did your father at any time say anything more about his eye?—No.

18480. (*Chairman.*) Are you quite certain that your father came with you all the way home after the policeman struck him?—Yes; we came right indoors, me and daddy did.

18481. You are quite sure of that?—Yes.

18482. Quite sure that your father did not say at the top of the street, "Now go indoors"?—No; because he brought mother out.

18483. Then if your father told us that he took you to the top of the street and sent you indoors, that was not what took place?—He took me right indoors.

18484. Then if you father told us "I took her"—that is you—"to the top of the street and sent her indoors," that is not true, is it?—No.

18485. How far is your house down the street?—Two doors. There is the public-house and then another house, and then there is our house.

(*Earl Russell*). May I ask two questions of Mullins himself to show how these witnesses came here, and when they were sent for?

(*Chairman.*) Yes, I see no reason why you should not.

GEORGE MULLINS, recalled.

G. Mullins.

18486. (*Earl Russell*). Did you go home this morning by my directions in order to fetch your daughter here?—Yes.

18486*. At what time was that this morning?—A quarter to one.

18487. Had you any intention up to that moment of calling her as a witness?—I had no wish of bringing her into such a place at all. I told you last week, and that gentleman Mr. Timewell, that I had no wish to bring my daughter or my wife into the case, or anybody else, and up to a quarter to one to-day I had no idea that I was going to bring my daughter here.

18488. And you only brought her because I asked you?—Under your direction I went and brought her. I did not bring her of my own free will. She has come here against my will.

18489. (*Chairman.*) She came here under your guardianship?—She came here under my guardianship because I was advised by Lord Russell to fetch her. That is the reason I brought her, and I told the gentleman I did not want to bring her into it.

18490. She has told us the story of the afternoon very much as you have told us?—Quite right. It is only the truth. The only mistake she has made is with regard to saying she went over Westminster Bridge. She did not go over Westminster Bridge.

18491. She corrected that at once. But how about the left eye?—She might have made a mistake with regard to the eye. I did have a little knock, but I took no notice of that at all. I got a two-handed hit.

18492. What do you mean by a two-handed hit?—I was hit with one hand and hit with the other at the same time when I was first hit.

18493. This is what you said, "He hit me in the ribs and I walked away with my girl as she started crying"?—I take no notice of little slight things. The only thing I took notice of was the punch I got inside the station on my lip. As for the constable saying that I was fighting I had no more idea of fighting than anyone else. Of course, that is his defence.

18494. You have said all that before. You also told us that you left the little girl at the top of the street and told her to go home?—I said "Go on, Katie, and tell your mother, quick. Go indoors." I saw her go to the passage. It is not further from the corner of the street to where my house is than that wall of the court. They are only small houses.

18495. Your daughter has been clear about it, and she has no doubt that you went back right into the house?—I may have gone into the passage.

18496. You were there 10 minutes, according to the little girl?—The child is not able to judge what time it is. She might be a minute and say it was half an hour, or she might be half an hour and say it was two hours.

18497. I asked her about the story of the afternoon, and she agreed with you as to every moment almost?—Yes.

18498. If she is so sound in her recollection of time at Greenwich and on the way home, why is she un-

sound about time when she says 11.15? She says you were 10 minutes in the house. It might be nine or eight minutes?—It may have been a few minutes, but very few minutes.

18499. It cannot even have been a few minutes if you did not go into the house at all, but sent her indoors and then went back for the constable's number?—I said to my wife, "I am going to take this constable's number," and she came with me.

18500. That is in accordance with the story the little girl tells us now, but what you told us last week was, "I took her to the top of the street and sent her indoors. I went back to the same place and looked for his number." I am not necessarily saying you were speaking falsely, but I am only calling your attention to what you did say on the last occasion. Which is the right account—the girl's account or the account you give us last Thursday?—I would rather rely on the girl's account, saying that I went indoors at the time, because I was a little bit upset with regard to the way in which I was served.

(*Earl Russell.*) There is no statement in his evidence that he did not go indoors, because he begins by saying he went home.

(*Chairman.*) There is not, I entirely agree, but he did say "I took her to the top of the street and sent her indoors."

(*Earl Russell.*) That is immediately after an answer saying that he went home.

(*Witness.*) I believe I said in my first answer that I went home.

18501. (*Chairman.*) In answer to another question you said "When he struck me I got out of temper a bit and I took my girl down home." Is that all you wish to say about it? You think now, having heard Katie's evidence, that she is right?—What she said she said of her own conscience and not with mine or her mother's. Her mother is here, and if you would like to hear her evidence with regard to accompanying me to get the constable's number she will give it to you. She followed me right to the station, and I asked her the question this morning—I had not asked her till I heard the policeman's evidence—"Was there another man assisting the policeman, and did he want any assistance?" She was walking at the side of me to the station.

18502. It is the first suggestion we have had that Mrs. Mullins was there at all?—I let her alone. I did not want her to have anything to do with it at all, and I did not want to bring my child into such a place as this. She has never been in such a place before.

18502*. That is what you told Mr. Bankes. You explained your position fully?—Yes.

(*Chairman.*) What does Mrs. Mullins say? If you think it worth while to call her we will take her evidence.

(*Earl Russell.*) I think I should prefer to call her, Sir.

Mrs. Katherine Mullins, sworn.

18503. (*Earl Russell.*) You remember your husband coming home on this Sunday night?—Yes.

18504. Had he been out most of the day with your little girl Katie?—He had been out since dinner time with my eldest girl.

18505. When did he first come home after dinner time?—About half past 10.

18506. What did he do then?—He came in and just had a little tea. He did not want much because he had refreshments during the day.

18507. And after that what did he do?—He went into the Earl Grey.

18508. Did you know that. Did you see him go in?—I stood at my street door and saw him.

18509. He went out of the house with your girl?—Yes.

18510. You saw him go into the Earl Grey?—Yes.

18511. Did you see what happened after that?—Did you see where he went next?—No.

18512. When did you next see your husband and Katie?—When my husband brought my Katie in.

18513. What time was that?—That was five to seven minutes past 11.

18514. He brought her back?—He said, "You take Katie and come back with me; I have been insulted by a constable, and I want his number."

18515. What sort of state was he in when he first came home at half-past 10 to tea?—He was sober.

18516. When he came home the second time about seven minutes past 11 what sort of state was he in?—He was sober.

18517. Quite sober?—Quite sober.

18518. He asked you to come to the station, did he?—Yes.

18518*. What did you do with Katie?—I sent Katie to bed. My other four girls were in bed.

18519. Did you go with your husband or behind him?—I went with my husband as far as Sims's shop.

18520. You followed your husband?—Yes, I walked by the side of him.

18521. How was your husband dressed? Had he a hat on or not?—He had a hard hat, the same as he always wears on Sundays.

18522. Are you quite clear he had it on his head?—Yes, he generally wears it on Sunday, but he wears a cap for his work all the week.

18523. Was he walking or running?—Walking.

18524. Fast?—No, not fast.

18525. How far is it from your door to Sims's shop?—About twelve or fourteen doors down. They are all shops right the way down.

18526. What did you see when you got there?—He said, "I want your number."

18527. Who was there to begin with?—The Sims's were gone then, and he was in the company of another gentleman wearing a straw hat.

18528. Who was?—The constable was in the company of a gentleman wearing a straw hat with a black band on it.

18529. Do you know that man?—No, I never saw him before or since.

18530. When your husband reached P.C. Morgan, how close to your husband were you?—As close as I might be to this gentleman. (*Indicating about a foot.*) I stood at the side of him.

18531. Did you hear your husband say anything?—He said, "I want your number," and the gentleman in the company of the constable said, "Go on, give him one," and with that the constable struck him and arrested him, and took him right along Oakley Street. I followed behind.

18532. Did you hear the constable say anything at all?—He said, "I will give you number. I will show you whether you will have my number or not," and he took him by the collar.

18533. He took him by the collar at the same time as he said that?—Yes, explaining those words.

18534. What other people were there in the street near by at that time?—At that time, an unusual thing, there was hardly anybody in Oakley Street—only a few neighbours in the street where I lived, and they were rather surprised to see Mr. Mullins being taken by the top.

18535. What do you mean by the "top"?—By the top of the street. One said to the other: "Fancy—Mr. Mullins is locked up.

18536. At the time that Mullins and the police constable were speaking to each other, was there a crowd round them at all?—None whatever.

18537. Not seven or eight people round them?—I do not suppose there was a dozen in the "Duke of Sussex" that very night.

18538. This was after the public-house had been shut?—About seven minutes.

18539. Did you hear your husband use any bad language?—No.

Mrs. K. Mullins.

29 Nov. 1906.

18540. Then the constable, you say, marched him off?—Yes, right along Oakley Street.

18541. Did you go with them?—I followed up to the station.

18542. Alongside the constable?—Behind him.

18543. Was there any other man there with him?—None whatever.

18544. Did you hear your husband say anything on the way?—No.

18545 Did you go right into the station or not?—No, only as far as the door.

18546. Did you see any constable on duty at the door?—No, I saw nobody.

18547. Why did you not go in?—You are not allowed to go in.

18548. Did you try?—I did ask outside, and one or two who were there said: "It is no good your trying, you would not be allowed to go in," and I went back home.

18548*. Who were the one or two who you asked? Were they casual loafers or policeman?—One or two who had followed up.

18549. Not policemen?—No.

18550. You did not try to go in and any policeman stop you?—No.

18551. What did you do then?—I came home, and I asked one of his friends if he would go to the station and ask if there was any bail allowed, and he went, and the Inspector on duty said my husband had not been there long enough, and he must come later on. The bail went later on, after he had seen the doctor, and he was allowed out on £2 bail, and he came straight home and went to bed.

18552. Is there anything more that you can tell the Commission about what happened in the street, or is that all that you can recollect about it?—I did not see any more. Had he not brought my girl back I would not have known anything about it, because I was sitting indoors, and putting my other four girls to bed.

18553. (*Mr. R. D. Muir.*) Did your husband appear to be very angry when he came back?—He was rather vexed to think such a liberty was taken with him uncalled for.

18554. Did he tell you what the liberty had been that had been taken with him?—He said the constable was speaking to the two Sims's, and he passed a remark to the constable, and the constable turned round and struck him.

18555. Struck him?—Yes.

18556. I thought you told the learned counsel a moment ago that he said he had been insulted by a policeman?—That is an insult I should think.

18557. Is that what he said—that he was insulted?—Insulted by the policeman.

18558. That is what he said to you?—Yes. And he wanted his number, and would I go back with him, and I went back with him.

18559. Where was this said to you? Where were you when he told you about having been insulted by a policeman?—In my own place.

18560. Where in your own place?—In the parlour, I suppose you would call it.

18561. You were in your parlour?—Yes.

18562. There was no doubt about that?—No. He came in with the girl.

18563. How long did he stay in?—A matter of a few minutes, it might be five or ten minutes. I did not take that much notice.

18564. Did he calm down at all while he was there in the five or ten minutes?—He was not out of temper to a great extent at all. He did not seem to me to be terribly upset.

18564*. Did he get calmer or more excited towards the end of the ten minutes?—Calmer of the two. I said, "Very well, you know what to do."

18565. What were you doing during those ten minutes?—Some domestic work of my own indoors. I could not exactly tell you now.

18566. So that he waited until your domestic work was over before he went back to get the policeman's number?—He explained the case to me first, and then it was that he went back.

18567. Tell us what his explanation was?—He said he came out of the Duke of Sussex, and the policeman was speaking to the two Sims's, and he made a remark, and a constable deliberately hit him, and he would see what he could do with it by taking the constable's number. That was all he said to me.

18568. Did he say where the constable hit him?—He did not mention particularly where he hit him, and I was not there, so I don't know where he hit him.

18569. Did he say how often the constable had hit him?—No.

18570. He did not take ten minutes to tell you that?—It might be a matter of five minutes. I felt rather upset, the man being out all day enjoying himself and coming home solid and sober. I thought it was a liberty.

18571-2. What was the reason of the delay. Why should he not have gone out at once, and you with him, to get the policeman's number. The policeman might have gone out of sight altogether?—He could hardly have gone out of sight, because he was on Oakley Street duty.

18573. You knew the policeman, did you?—Of course, we know where they are on duty.

18574. He knew this policeman, did he?—Not his name.

18575. But he knew him by sight?—Yes.

18576. Did he tell you he knew the man?—No.

18577. How did you know it was the man who was on Oakley Street point duty?—I should suggest that no other constable would have done such a thing, only the man who was on duty.

18578. Only a man who was on duty would do such a thing in Oakley Street?—Yes, at that time. There are plenty passing to and fro, but I dont' think they would take the liberty of striking a man for nothing the same as he did.

18579. When you came up there was a gentleman with the constable?—Yes, wearing a straw hat.

18580. Was anybody else with the constable?—Not then.

18581. Was anybody round about?—There was not a soul round about. It was rather quiet for Sunday night, particularly for Oakley Street.

18582. This was just after 11 o'clock?—Five or seven minutes after.

18583. Oakley Street on Sunday night five or seven minutes after the public-houses had closed?—It was rather quiet.

18584. Not a soul in sight except this policeman and the man with the straw hat?—Yes.

18584*. And you and your husband?—Yes.

18585. From one end of the street to the other?—There were a good many in the street, but not round about this spot.

18586. So far as this occurrence is concerned nobody about at all?—No.

18587. That was just close to the Duke of Sussex?—Yes.

18588. Do you remember what it was the gentleman said?—The gentleman who was with the policeman?

18589. Yes?—He said, "Give him one," when my husband asked for the policeman's number. He directly said, "Go on, give him one." With that the policeman did so again in my presence, and took him by the collar along Oakley Street.

18590. The policeman gave your husband one in your presence?—Yes.

18591. Where?—At the side.

18592. Which side?—*This* side—*that* way. (*Describing*). I think it was the left side, if I am not mistaken.

18593. A hard blow?—Hard enough for him to feel it.

18594. Did it make a noise?—I did not hear the sound.

18595. Still, he obeyed the instructions of his friend, and gave him one?—Yes.

18596. Do you remember which hand the constable used?—No, I could not tell you.

18596*. You could not remember whether it was the right or the left?—I don't know. I could not remember. He knows that himself I daresay.

18597. Was it hard enough to make your husband feel it?—Yes, decidedly so.

18598. What did your husband say when he was struck like that?—"All right," he said, "I will see to this to-morrow. I am not drunk."

18599. You are sure he said all that?—Yes. "Very well," he said, "you need not upset yourself, I will go along quietly, I am not drunk, I will see to this to-morrow."

18600. By that time was your husband in custody?—The policeman had taken him then. He had him by the collar in *this* fashion. (*Describing.*)

18601. He hit him first, and then took hold of his collar?—Yes.

18602. Did he hit him with the same hand that he took hold of his collar with?—That I could not say.

18603. You are sure he only hit him one blow in your presence?—In my presence he only hit him once.

18604. In the ribs?—Yes.

18605. And you and the man in the straw hat were the only witnesses?—That was all who were there then.

18606. Did he start to walk your husband off towards the station?—Yes, right along Oakley Street.

18607. Did your husband go quietly?—Yes, there was no violence whatever.

18608. Perfectly quietly?—Perfectly quietly.

18609. No violence at all?—There might have been had he been intoxicated, but he was not intoxicated. He was sober.

18610. Is he the sort of man that would be violent if intoxicated?—I daresay he would be if anybody was going to take a liberty with him, he would take his own part quick enough, but at the time he was sober.

18611. How do you know he would take his own part if he was intoxicated?—I know it so far that if ever he has had occasion to he has always been man enough to take his own part.

18612. When was the last time you remember that happening?—Years ago now—about eight years ago, and then it was not with a constable, but with a man.

18613. It was not a constable?—No, it was a lodger of mine.

18614. Was it indoors or in Oakley Street?—In Johanna Street, where I have been 25 years.

18615. Where did it end?—Only outside the door. It was the man's fault.

18616. There were no subsequent proceedings?—No, no police proceedings at all.

18617. Was your husband the victor?—There was no victor. They settled it between them. The man paid the rent he owed, and that settled the matter.

18617*. On the way to the station was there any violence at all?—No. The constable on one occasion put his knee in *that* position into my husband's back.

18618. How far had they got when that happened?—Just opposite the Oakley Arms.

18619. How far would that be from the point of arrest?—About 150 doors, or something like that.

18620. That would be very nearly the length of Oakley Street?—Very nearly the length of Oakley Street.

18621. They walked very nearly the entire length of Oakley Street before the constable did anything. Did your husband say anything upon that?—Yes; my husband said "You need not use any violence; I will go quietly."

18622. The constable did not use any violence?—Not until he put his knee into his back.

18623. Having got almost to the end of Oakley Street, that was almost his only chance of doing anything?—Yes. He did the rest when he got inside. When my husband left me he had no mark whatever. When I went for bail from the station his lip was bleeding, and over the eyebrow.

18624. Had he not anything the matter with his eyebrow before?—Not when he left me.

18625. That was something quite fresh?—To me it was to see him bleeding in that manner.

18626. It must have been done after he got to the station?—I expect it was; I do not know.

18627. It would not have been done on the first occasion before he came home with the little girl?—No. There was no mark of violence whatever.

18628. There was no scratch on him then?—No, not when I saw him.

18629. No mark at all. Was what you saw on his eye when he got home pretty bad?—The eye was swollen, bleeding a little, and the inside of the lip.

18630. It was swollen and bleeding a little?—Yes, bleeding a little. I was in the station when he was bailed out, and I was rather surprised to see it.

18631. You saw that in the station?—I saw the state of him in the station when I took the bail over. I did not see it done.

18632. Would it be right to say that your husband took the little girl to the top of the street and sent her indoors and then went back again?—He came a little further than the top of the street. He was a little excited. He came as far as my house—that is two houses down Johanna Street.

18633. He came into the parlour and stayed five or ten minutes talking to you and giving you a description of what had happened?—Yes.

18634. (*Mr. Dickinson.*) Did you get bail for him?—I got a friend of his to bail him out on £2 bail.

18635. What made you do that?—I did not wish him to stay there all night.

18636. You followed him to the police station?—Yes.

18637. Then did you go away?—I went away for some minutes.

18638. You did not bring the bail till five minutes to 1, did you?—I was speaking to the Inspector on duty, and he said he would not take any bail just then, and I was to come again.

18639. You waited at the police station?—Yes.

18640. Did you say you were the wife of this man?—Yes.

18641. Did you tell the policeman that?—When I went in with the policeman I told him I was the wife.

18641*. At the moment you first arrived you went into the station with your husband?—No.

18642. I thought you said you followed him?—No; I told that gentleman I did not go into the police station.

18643. Then what did you do?—I came back home again to get the bail. I did not go to my own house until my husband came with me.

18644. You did not say anything to the policeman about bail?—No.

18645. Why should you do that?—I did not wish my husband to stay there all night.

18646. But why did you not speak to the policeman? I suppose there was a policeman at the door of the station. You say you went straight away because you knew bail would be required?—Yes, it is always required.

18647. Have you had to do it before?—No, I have not, but my husband has gone bail for people often and often.

18648. So you went to fetch somebody?—Yes.

18649. You went back?—Yes, and stood at the top of the street with my mate.

18650. You got somebody there?—Yes.

18651. How soon did you get back to the police station?—As quickly as possible I got back. I went in with the bail and my rent book. The Inspector said my bail was no good, but he would accept this other man, and he took his bail.

18652. You said just now that when you went with your husband to the police station the policeman was standing with a tall man with a white straw hat on?—Yes.

18653. You say that man said "Give him one"?—Yes. Directly he said "Go on, give him one," when my husband asked for his number.

18654. Your little daughter was there before you, was she not?—I know nothing about it.

Mrs. K. Mullins. 29 Nov. 1906.

18655. You have heard her tell her story that when she was there there was a tall man with a straw hat on and a policeman?—Yes.

18656. And that the tall man with the straw hat said "Give him one"?—Yes.

18657. He said that in the presence of your daughter, she says?—Perhaps he said it twice. He said it in my presence.

18658. I suppose this matter has been a matter of conversation between your husband and yourself?—Not with me. I am very bad; in fact, I should not be here now. I have just got over an attack of influenza. I assure you it was not this case that was troubling me at all; in fact, I was rather disgusted with it altogether.

18658*. Have you not been talking about this at all in your own family?—We may have had a few words about it; in fact, I think the people in the parish have been speaking about it—it has been in everybody's mouth.

18659. I suppose it was in everybody's mouth—"Give him one"?—No; I heard that direct with my own ears. My husband said "I will take your number." The man said "Go on, give him one," in that tone of voice. He did so. Then he took him by the collar right along Oakley Street.

18660. You think when your little girl said the same thing happened on the former occasion she must be also telling the truth, and that he struck him twice?—I cannot say; I was not there. All I know is that when my husband went into the station he had not any marks on him, and when he came out he was bleeding from the eye and mouth. I know that much; and I know he was not intoxicated at all—he was sober.

18661. I suppose you cannot say whether he had any marks on him when he first came to your house?—He had no marks on him. He was sober. He came in as lighthearted as possible, having enjoyed himself with his eldest girl. She is the eldest of six.

18662. He had no marks on his eye at that time?—Not at that time. He had no mark on him any more than I have at present.

18663. Your little girl said he had a hit on the eye?—He very likely might, and perhaps it might not have marked him. He might receive a blow on the eye and it might leave no mark.

18664. But there was a mark on the eye afterwards?—Yes, when he came out of Kennington Road Police Station there was.

18665. On the left eye. That mark was not there the first time?—Not when I saw him. What violence he received I think he received at Kennington Road Police Station by the hand of Constable Morgan.

18666. (*Chairman.*) You saw the constable arrest your husband?—Yes.

18667. What did the constable do?—When my husband and I returned to the station he said "I will take your number."

18668. We have had all that. After the conversation what did the constable do? How did he use his hands?—He struck him in *that* manner, I should think it was (*illustrating*), and he took him by the collar and took him right along Oakley Street.

18669. Did your husband struggle then?—No; he said "I will not struggle; I am sober; but I will let you see what I will do to-morrow."

18670. Did your husband fall upon the ground?—Decidedly not.

18671. Or throw himself round?—No, nothing of the kind.

18672. He went quietly?—He went quietly.

18673. Did you see any man come up to the police-constable and say something about offering him help, or say anything to him?—The only man who spoke to that constable was the man with the straw hat.

18674. Who was there when you first went there?—When I first went to the constable?

18674*a*. The police-constable has told us that a man did come up and offer his help, and that he declined it, and that the man did walk part of the way with him to the station. Did any man walk any part of the way to the station with him?—Decidedly not. I will tell you what did happen. Outside the Oakley Arms public-house there were several men and women, and they cried shame on the constable. If he had said that he would have said right, but as regards any man following him up, it was no such thing.

P.C. JOHN MORGAN (383 L.), recalled.

P.C. J. Morgan.

18674*b*. (*Chairman.*) I want to make it perfectly clear upon the notes what you said at the police court in reference to Mullins' charge against you of having struck him. I did not put it quite as clearly, perhaps, as I ought to have done. Did you hear the Magistrate ask you whether you would like to ask the prisoner any questions?—Yes.

18674*c*. He did ask you that question?—Yes.

18674*d*. What did you answer?—I said "No."

18674*e*. Is that all you said?—I said "No," and I denied the assault there and then.

18674*f*. You said "No, only I absolutely deny having in any way assaulted him"?—That is quite correct.

18674*g*. Did the Magistrate then say: "He makes a very serious accusation against you, and his story is rather circumstantial as to what took place in the street"?—That is correct.

18675. Did you say these words: "I was standing alone when this row started; I was 10 minutes trying to get him away; I used no more force than was necessary in taking him to the station"?—I did.

18676. You see the Magistrate had got in his mind that the charge of assault made by the prisoner was serious?—Yes.

18677. Knowing that it was serious, and knowing also that Mullins had a cut on his lip, why did you not tell the Magistrate that he was fighting with another man if that was the case?—I had given my evidence then.

18678. But this is after Mullins had given his evidence. Mullins having given his evidence, the Magistrate turns round to you and says, "Would you like to ask him any questions?" and you said "No," and denied the assault?—Yes.

18679. If your story is true that Mullins was fighting with a man that might very likely account for his lip being cut, might it not?—It might have done; it is quite likely.

18680. You told the Magistrate you had not hit him at all?—Yes.

18680*. You knew that Mullins had been fighting; at least, so you tell us?—Yes.

18681. Then why was it that you did not tell the Magistrate that he had been fighting?—(*No answer.*)

18682. You do not wish to add anything?—No.

18683. I think you have told us to-day that the Sims's were there?—I do not know whether they were; I did not say they were there. They might have been, I did not see them.

GEORGE NICOL HENRY, sworn.

Dr. G. N. Henry.

18684. (*Mr. R. D. Muir.*) You are the Divisional-surgeon for the district of the Kennington Road Police Station?—That is so.

18685. Were you called in the very early morning, in fact at midnight on the 10th September?—Yes, I was called just before midnight—on the 9th that would be. At 12 a.m. I made the entry in the book.

18686. Were you called in to see Mullins?—Yes.

18687. To examine him as to his sobriety?—That is so.

18688. Did you examine him accordingly?—I did.

18689. Did you record the result of your examination in the Occurrence Book?—I did.

18690. You signed it, and it is before you?—Yes.

18691. Will you read the entry?—Yes. "At 12 a.m. attended and examined George Mullins, who denied being drunk. He had evidently been drinking, but was not drunk at the time I examined him." Then I signed my name.

18692. Did you examine him for any marks of violence at all?—I did. He said he had been hit in the lip, and he had a small abrasion on the lip.

18693. On the lower lip?—I think it was on the upper lip.

18694. It was on the upper or lower lip?—That is so. He had a slight abrasion on the lip.

18695. Was there any other mark of violence upon him otherwise?—He made no other complaint of being injured. He said he had been hustled to the station by the constable, but I did not examine him for anything else.

18696. As far as his face was concerned, was there any mark of violence?—Not at all.

18696*. You have heard the description given by the wife and the daughter of the left eye being bleeding?—That is not correct.

18697. (*Earl Russell.*) It is a regular phrase: when a man is not drunk, if he smells of drink at all, you say he has been drinking, do you not?—I do under certain circumstances. In this case I made the entry in the book that he had been drinking, because his breath smelt very strongly of very stale drinking. He had been drinking I should say for some time, not quite immediately before. But I say the man was quite sober when I examined him.

18698. Of course his story is that he had a glass of cider at about 10 minutes or a quarter to 11 and some whisky just at 11 o'clock?—Yes, he told me so. He went through the whole day with me with regard to what he had been drinking.

18699. That would be consistent with the appearance you noted?—It would with the exception of the stale drinking which he smelt of. I do not say that he had been drinking to excess recently, but he may have been drinking more than was good for him for a day or two, but not to make him drunk.

18700. (*Chairman.*) He had been drinking for a day or two do you say?—I should think so from the stale smell of his breath.

18701. (*Earl Russell.*) Do you suggest that if you smell a person's breath at midnight you are able to tell from that whether he has been drinking a day or two previously?—I think I could.

18702. That is rather a strong assumption to make, is it not?—There is a particular stale smell of drink that is very frequently smelt at a police station from people who have been drinking quite recently.

18703. Are you quite sure it was not about his clothes?—I am quite sure it was not about his clothes.

18704. Are you prepared to go so far as to say from your examination that the statement that he had a glass of cider and a whisky about 11 o'clock, and no more on that day, must be untrue?—No, I do not say so for a moment.

18705. Did you put him through some sort of examination?—I simply had a conversation with the man and was quite satisfied that he was sober.

18706. You did not inquire more than that?—No, I did not think it was necessary.

18707. Are you able to fix exactly when you saw him—whether it was before 12 o'clock?—It was before 12 o'clock; I should say it was probably about 10 minutes or a quarter to 12. Then I made my entry in the book. I put the time down as I was practically leaving the station.

18708. It was about a quarter or 10 minutes to midnight when you saw him?—Yes.

18709. At that time you had not any doubt, without going through any prolonged test, that he was sober?—I had no doubt of it at all.

18710. Would that be consistent with his having been violently drunk at 11 o'clock?—It is very difficult to say. I should say that it was unlikely he was violently drunk at 11 o'clock.

18710*. And it would be still less likely at a quarter or 20 minutes after 11: that would be about half an hour before you saw him?—That is so. I remember I saw him soon after he was brought to the station.

18711. Did anything strike you as to his being in an excited state when you saw him?—He was excited when I spoke to him first of all, but he got quite calm and collected during conversation.

18712. He was rather excited and upset?—He was.

18713. Did he seem rather glad than otherwise to see a medical man?—I could not say. He talked very sensibly. I took him over the whole of his day, and he had very correct ideas of time and place as regards everything that had taken place practically to the moment when he was brought to the station.

18714. Your presence had a soothing and rather reassuring effect upon him?—I do not know. I say the man was not drunk, and I did not see any evidence of his being drunk from the moment I saw him.

18715. Was his excitement consistent with that of a man labouring under a considerable sense of injury?—I should think so.

18716. He did tell you that he had been hustled to the station?—He did.

18717. But he made no complaint of any specific injury in consequence, and you did not look for it?—With the exception of the lip, I did see there was an abrasion on the lip.

18718. That was consistent with a blow on the lip from a fist?—It might have been consistent with a blow, but certainly not a strong one.

18719. And it was of recent origin?—Quite recent.

18720. Did he make a statement to you as to how he had acquired that?—He said the constable had hit him in the mouth.

18720*. In the station?—He said so to me in the station.

18721. That is what he told you?—Yes.

18721*. (*Chairman*). I gather from you there was nothing to suggest that he had been on that Sunday drinking excessively?—No, and from his conversation I should judge he had not been drinking excessively on the Sunday.

18722. Therefore to all intents and purposes he was a sober man at 11 o'clock?—He must have been—yes, certainly.

18723. Who asked you to come to him—which of the constables?—I am in telephonic communication with the station, and I got a telephone message from the Inspector. I saw the Inspector, and he told me the man was being charged with being drunk and disorderly. I examined him

18724. He was in the station on a charge of drunkenness and disorderly conduct. He denied the drunkenness, and you examined him?—Yes.

18725. Then you went through the process you have described to the learned Counsel?—Yes.

18726. Do you think it quite fair to a prisoner to put the certificate in that exact form in which you gave it?—I do.

18727. You say it is a form which is commonly given?—That is so; and it is to a certain extent compatible with previous excitement.

18728. But supposing, without your explanatory evidence, I came across this entry in the Occurrence Book—"At 12 a.m. attended and examined George Mullins, who denied being drunk. He had evidently been drinking, but was not drunk at the time I examined him"—would it be an unfair inference for me to draw from that that George Mullins had been drunk?—I should think it would be unfair without further evidence.

18729. Then in that case why do you not content yourself with saying "sober"?—The reason I put it there was because I had heard of his excitement, and I considered it possible that the man might have been excited from the recent drink that he had had. He said he had had, I think it was threepennyworth of whisky at some place, and it is possible, that even threepennyworth of whisky, to a man who may have

Dr. G. N. Henry.

29 Nov. 1906.

been drinking previously, may cause excitement of the man.

18730. I quite agree about all that, but I am calling your attention to your entry. You say, "He had evidently been drinking, but was not drunk at the time I examined him." That looks as though you thought he had recently been drunk?—I did not intend to convey that idea.

18731. But you now see, do you not, that the form of words is a little unfortunate?—In one sense I do see it.

18732. (*Mr. Dickinson.*) What was really in your mind when you put these words that he had been drinking. For what purpose do you put those words. You are called in to certify as to whether a man is drunk, and you find he is not drunk. I want to know with what object in your mind do you put the additional words, that he had been drinking?—I put the expression down that he had been drinking because of the history, and excitement previously, which may have been due to drink; but I did not think it was excitement caused by drink.

18733. (*Chairman.*) You had no evidence of excitement before you. You did not know what had taken place in the street. You were called in as a medical man to give an expert opinion?—I was told so by the prisoner himself.

18734. (*Mr. Dickinson.*) I am speaking rather more generally. I suppose it is not an unusual thing to put not "drunk," but "has been drinking"?—It is not an unusual thing.

18735. I daresay I should find a good many such cases in this book?—I do not think you would find very many because I should say that fully 90 per cent. of the cases to which one is called at the station are cases in which persons are so obviously drunk, when they deny being drunk, that "drunk" is put down.

18736. That is precisely what I want to get at. When you have a person who is drunk you certify him as being drunk?—Yes.

18737. When you have a person whom you cannot certify as being drunk what purpose is served by putting in the additional words, "but has been drinking"?—It is rather difficult to say.

18738. I want to know what is in your mind. Why do you put it?

(*Mr. R. D. Muir.*) If I may look at that book I will try to find you a case.

18739. (*Mr. Dickinson.*) I think it is common knowledge that the words, "Not drunk, but has been drinking," are not uncommon in the mind of Divisional Surgeons of the Police, and having got a Divisional Surgeon here, I want to know what in his mind is the object which is intended to be served by putting down that additional fact which, of course, he is not asked to put down. You are only asked to certify whether a man is drunk. When you find a man is not drunk, what object have you in view generally in putting in the additional words. Is it that they may be used on a future occasion, or what?—Yes, I should say it is. If I am called to a man who is suffering from some sort of disease like epilepsy, I say the man is not drunk, but is suffering from epilepsy or from the effects of epilepsy. A man may be suffering in the same way from the effects of drink, but still is not drunk. This man had been drinking, and I understood he was charged with being drunk and disorderly. The fact of his having been drinking might account for his having been disorderly before.

18740. Therefore in your mind you are aiming at a situation in which a man will be charged with being disorderly and in which the question of whether or not he has been drinking might be of importance?—Yes, perhaps you might put it like that.

18741. You think the interests of justice might be served by knowing that in your opinion the man had probably been drinking?—I think so.

18741*. Do you think, with all the knowledge you have at the moment, you are justified in putting down something which could be used afterwards in evidence in that way. Being called upon to certify whether or not a man is drunk, and finding he is not drunk, do you think you are justified in putting down additional words which undoubtedly may be used afterwards in a way that may not for the moment be realised?—I do it in this sense. This man was smelling so strongly of drink at this time that it is quite possible that condition may have given rise to excitement, and I put an entry in that case. If I examined a man, and he was merely smelling of drink, I should not put down that he had evidently been drinking. I do not put it in that sense at all. I put it in the sense of a man who has been drinking, to my mind, to excess, because of the condition of breath this man had.

18742. (*Chairman.*) In coming to a judgment on the problem whether or not a particular man is drunk, do you allow any extraneous circumstances to affect your mind?—No, not with regard to the question of whether he is drunk or sober.

18743. Then dropping everything—even if he had not been in a police station at the moment, or wherever he had been—you are perfectly certain he was sober?—I am perfectly certain he was sober.

18744. Then why do you add anything to that? You are called in, as I understand, as an expert?—That is so.

18745. You are called in to decide the question as to whether the man is or is not sober, and not for the purpose of making evidence for or against the prisoner. Why do you not content yourself with giving your expert judgment when it is asked for on the question on which you have to certify?—One puts it down in connection with the charge. That is all I can say.

18746. If the man had had a fight at 11 o'clock would that affect your judgment in coming to a conclusion at midnight on the question of whether he was sober or drunk?—No.

18747. You would exclude that from your judgment altogether?—I should.

18748. (*Mr. Dickinson.*) You know that these certificates of the divisional surgeon as a rule influence the mind of the Magistrates?—That is so.

18749-50. Therefore, as far as the Magistrate is concerned, he has no opportunity of investigating the question of what you mean by these rather vague words?—If the Magistrate is not satisfied he always sends for the divisional surgeon to come, and he asks him questions if he wishes.

Inspector THOMAS WHEELER, sworn.

Inspector T. Wheeler.

18751. (*Mr. R. D. Muir.*) Are you an Inspector of the L Division, stationed at Kennington Road Police Station?—Yes.

18752. Were you in charge of that station at and before midnight on the 9th of September last?—Yes.

18752*. When P.C. John Morgan brought John Mullins to the station?—That is so.

18753. At what hour was he brought in?—Half past 11.

18754. What charge was made against him?—The charge made against him by the police constable was one of drunkenness, and he said he found him fighting at Oakley Street and making use of obscene language.

18755. Did you see the constable and his prisoner come in?—I did.

18756. Where were you at that time?—Sitting at the desk in the Inspector's office.

18757. Can you see into the charge room from your desk in the Inspector's office?—Part of the room—about half the room.

18758. You saw enough of the room to see them come in?—That is so.

18759. Did you then go into the charge room?—Yes.

18760. How long after?—One minute perhaps may have elapsed.

18761. When you got into the room who was there?—Police-constable Morgan and the prisoner, and Hunt, the constable on reserve duty, and Saunders.

18762. What was said when you got into the room, and who said it?—I asked P.C. Morgan what was the charge, if any, against the prisoner. He told me he was drunk, he found him fighting at Oakley Street, and making use of obscene language; he had requested

him to go away, which he did for a short time, but returned and commenced to fight, and he took him into custody.

18763. What did the prisoner say?—The prisoner said "He has struck me in the mouth since I have been in this room."

18764. Was that after P.C. Morgan had made his charge?—After P.C. Morgan had made his charge.

18764*. Did you look at his mouth?—I did.

18765. What state did you find it in?—I found on the lower lip a slight abrasion inside, not bleeding, and a little swollen on the outside.

18766. What did you say to Morgan?—I asked Morgan if it was true that he had assaulted the prisoner, as he alleged. He said "No." I asked P.C. Hunt and Saunders if they had seen the alleged assault take place, and they said "No."

18767. Was that all said in the presence of the prisoner?—That was so.

18768. Did you then take the charge?—I then took the charge.

18769. Did you say anything to the prisoner when he said he had just been struck?—Before the charge?

18770. Yes?—The prisoner told me, "The constable has just struck me in the mouth inside this room."

18771. Did you say anything to him then? Did you ask him any questions?—I questioned Morgan and Hunt, and examined the prisoner's lip.

18772. Do you remember whether you said anything to the prisoner?—I do not recollect that.

18772*. You made a report upon this, did you not, almost at once?—Yes.

18773. Look at the second paragraph of that report. It says: "On their arrival at the station." Just read that to yourself, and then I will ask you a question about it. (*Handing report.*) Do you remember saying anything to the prisoner?—Yes. I asked him why he did not shout or call out.

(*Earl Russell.*) May I have this report now?

(*Chairman.*) As it has been given to the witness, I think you may look at it now.

(*Mr. R. D. Muir.*) That is not in accordance with the ordinary rule.

(*Chairman.*) Yes, it is. You showed a document to the witness.

(*Mr. R. D. Muir.*) Just to refresh his memory.

(*Chairman.*) The cross-examining counsel can ask for it.

(*Mr. R. D. Muir.*) He is not cross-examining at present.

(*Chairman.*) If that is the point, Lord Russell must wait. But is it worth while, Mr. Muir? I should have thought Lord Russell might have it now.

18774. (*Mr. R. D. Muir.*) Very well, sir. (*A copy of the Report was handed to Earl Russell.*) Is it true that it was five minutes after the arrival of Morgan in the charge room, or about five minutes after, that you went into the charge room?—That is not true; it would not be more than one minute.

18774*. Is it true that Mullins holloaed out "Oh." while he was in the charge room?—No. If he had I must have heard him.

18775. You took the charge, and we have the charge sheet here?—Yes.

18776. He was charged with being drunk and disorderly and with using obscene language. Did you read over the charge to Mullins?—Yes.

18777. What did he say?—He said, "I will admit all that, but this man has struck me in the mouth inside this room."

18777*. At that time did he deny being drunk?—No.

18778. At any time did he deny being drunk?—After being placed in the cell.

18779. How long after he had been placed in the cell?—P.C. Hunt and myself placed him in the cell and closed the door. Immediately it was closed he knocked. I opened the door. He said: "Can I be allowed to see a doctor? I do not think I am drunk." I said: "Yes, the divisional surgeon will see you."

18780. It was immediately after he had been placed in the cell that he denied being drunk, and he asked to see the surgeon?—That is so.

18781. Did you telephone for the surgeon?—Yes.

18782. I think he came almost at once?—It must have been a lapse of nearly a quarter of an hour.

18783. Did you bail Mullins at five minutes to 1?—That is so.

18784. (*Earl Russell.*) Is this the only report you have made on this case?—I made one after the appearance of Mullins at the police court. That is the first one.

18785. You say you made another after the appearance of Mullins at the police court?—That is so.

18786. Is your recollection fairly clear as to what passed between you when the man was brought into the station?—Yes, fairly clear, I think.

18787. Do you think you can charge your memory with pretty well everything that was said?—I think I can.

18788. Just let me ask you again what you say Morgan told you. As I understand Morgan said the man had been drinking and disorderly, and fighting with other people in Oakley Street?—That is so.

18789. Morgan told you then that he had gone away when requested, but had returned?—Yes.

18790. Then I understand Morgan went on to say that after his return he commenced to fight again?—Yes.

18791. And would not go away?—Yes.

18792. Did Morgan tell you with whom he commenced to fight on his return the second time?—He did not say with whom.

18793. Did he say anything about there being a large number of people there either on the first or on the second occasion when he saw him?—When I questioned him with reference to disorder he said Mullins had been fighting, and with reference to the number of persons present he said probably there were from ten to a dozen.

18794. Just in a vague way. No importance was attached to that?—No.

18795. You did not go into the question of how many people were present carefully at all?—Not farther.

18796. And then he said he came back a second time and began to fight, and therefore he had to arrest him?—That is so.

18797. He did not tell you with whom, or how, or why?—No.

18798. The fighting is the disorder?—That is so.

18799. Did you say anything at that time about the use of obscene language?—He said on the last occasion when he requested Mullins to go away Mullins said he would f—— well go away when he liked.

18799*. Then it was on the second occasion he used the obscene language?—Yes.

18800. You told Mr. Muir just now that when you read the charge over to the prisoner he said "I admit all that, but what I complain of is the assault at the station," or of something at the station?—He said "I admit all that, but I have been struck in the mouth inside this room."

18801. Why did you not say that when you wrote out this report on the 9th September? Let me remind you of what you say here: "The prisoner was charged with being drunk, disorderly, and making use of obscene language, and when read over to him said 'I admit all that.'" There you stop. You do not say anything in your report on the 9th September about his saying he had been struck in the mouth?—Mullins said so. That was Mullins' answer when I read the charge to him.

18802. What was?—When I read the charge he said "I admit all that, but I have been struck in the mouth inside this room."

18803. When writing this report you give that answer: "I admit all that," and you leave out the last part about "I have been struck in this room." Why did you leave that out when you wrote this report?—I had no specific reason.

18804. With regard to these times on the charge sheet which you write down when a person is brought in and charged, I suppose they would be accurate within five minutes or so—I suppose you write them down within five minutes?—No—accurate time.

Inspector T. Wheeler.
29 Nov. 1906.

18805. You mean the exact time by the clock?—Yes.

18806. You mean if it is 11.31 you say 11.31 and not 11.30?—Yes.

18807. Do you not simply take the nearest five minutes?—No.

18808. If it was 11.29 or 11.31 you would not call it 11.30?—That is so.

18809. You would put it down 11.29 or 11.31?—Yes.

18810. This charge against Mullins is said to have been taken here at 11.30 p.m. That really means 11.30. It does not mean 11.28?—No.

18811. And not even 11.29?—No.

18812. You heard Morgan say he came into the station at 11.25?—I did.

18813. That makes five minutes before he was charged?—Yes.

18814. And not one minute. You told us just now one minute.

(*Chairman.*) 11.30 is not the hour at which the person is charged. It is "Date and hour brought to station."

(*Earl Russell.*) Yes, I see it is so marked here.

(*Chairman.*) That rather seems to help your suggestion, because if the man was brought there at 11.25 this entry is wrong.

18814*. (*Earl Russell.*) You wrote this charge sheet?—That is so.

18815. The hour you put down on it is the hour at which you write it down with your pen. You look at the clock?—No. I was sitting in the Inspector's office with the clock in front of me, and immediately Morgan and the prisoner came in I glanced at the clock. It was just then 11.30.

18816. You mean the man was actually brought in at 11.30?—That is so.

18817. (*Chairman.*) At that minute?—At that minute.

18817*. I dare say that is the intention, and I dare say it may be accurate in this case, but it does seem to me odd that there should be four prisoners charged on one charge sheet, and that each one of them should be brought in either at 11.30 or at 11.55. Anybody reading the charge sheet would certainly think you put down as near to five minutes as you could?—No. There are times when two or three prisoners come into the station in succession—almost at the same time.

18818. There is an instance here. Prisoners 3 and 4 on the charge sheet both came in at 11.55?—That would be correct.

18819. Not one at 11.54 and the other at 11.56?—No. Two prisoners might possibly be brought in one after the other, and there would not be a matter of three or four seconds between their arrival at the station.

(*Chairman.*) Anybody reading the charge sheet would think the entries were made at intervals of about five minutes, or rather that the five minutes on the clock was taken as the convenient time.

18820. (*Earl Russell.*) You say it is the exact minute?—I do.

18821. Then Morgan has made a little mistake when he says he got there at 11.25?—I believe Morgan has made a little error in that.

(*Chairman.*) I am afraid, Lord Russell, we must break off now, as the Commissioners have other important public duties to attend to.

(*Earl Russell.*) Mr. Mullins desires me to ask you whether you wish him to be present on Monday.

(*Chairman.*) No, Mullins need not come on Monday. We are obliged to him for his attendance.

NINETEENTH DAY.

Monday, 3rd December 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).

Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-law).

Charles Algernon Whitmore, Esq. (Barrister-at-law).

J. W. St. Lawrance Leslie, Esq. (Barrister-at-law) (*Secretary.*)

Inspector Thomas Wheeler, recalled.

Inspector T. Wheeler.
3 Dec. 1906.

18822. (*Earl Russell.*) There is a plan of the police station that has been handed in that I should like the witness to look at. (*Plan handed to the witness.*) The place where you were when the charge was brought in, is that in the room marked "Inspector's office"?—That is so.

18823. Is that separated by a passage from the charge room?—Yes.

18824. Has it got ordinary walls, or has it got glass walls?—Ordinary walls. There are glass doors between in the passage.

18825. When you are in the Inspector's office you can see into the charge room through the two doors across the passage and not otherwise?—That is so.

18825*. Whereabouts is the place where you sit or stand to do your work in the Inspector's office?—Immediately opposite this door. The desk is just about here.

18826. Where is the prisoners' bench in the charge room?—Between the fireplace and the left-hand corner.

18827. Running along that wall?—Yes.

18828. Then, when the prisoner is on the prisoners' bench, he would not be in sight from your Inspector's office?—No.

18829. Did you notice this prisoner being brought into the station?—I did.

18830. Had you got a good view of him at that time?—I had a good view from the doorway.

18831. I forget whether there was any other constable besides Morgan bringing him in?—No, there was no other constable.

18832. Was he struggling in any way when you saw him, or not?—No, he was walking quietly.

18833. Were you able to see his face at all?—No. Immediately he came into the passage he turned to the left, and his back would be turned to me at the time.

18834. How was Mullins brought into the charge room?—He turned to the left.

18835. What were you engaged in?—I was sitting down at the desk not doing anything.

18836. Not writing any reports?—No.

18837. Nothing in particular?—No.

18838. Did you see the other two constables, Hunt and Saunders, who were in the charge room?—When I went in.

18839. But not before you went in?—Not before.

18840. You say about a minute elapsed before you followed them into the charge room?—Not more. Immediately Morgan came in with Mullins, I left my seat, went round to the desk to the left-hand corner, and took a charge-sheet out of the little case in which they are kept, and then followed in.

18841. You got up and provided yourself with the charge-sheet and then followed in?—Yes.

18842. Could you see what Mullins was doing with his hands when he came in?—I did not notice.

18843. You did not notice either of his arms?—No.

18844. Did you hear anything at all from the time you left your desk to the time you went in?—No.

18845. When you went into the charge room where were Hunt and Saunders?—Saunders was at the desk in the charge room.

18846. Whereabouts is the charge desk on that plan?—In the centre. The back of the desk is facing the fireplace.

18847. Hunt was standing by the desk?—Yes.

18848. Where was Saunders?—Saunders was on the right-hand side of the desk, between the dock where the prisoner is placed, and the desk looking towards Morgan and Mullins.

18849. Did you notice what they were doing? No, I do not think they were doing anything. I am sure that Saunders was doing nothing. He was between the desk and the dock.

18849*. What duty were these two men on at the time?—They were both employed on reserve duty. The duty of Hunt is to attend to the telegraph and telephone, and Saunders has to assist in putting away the prisoners, and to take telegraphic or telephonic messages when they are received.

18850. In fact, they were on duty in the station to make themselves useful as they were wanted?—Yes.

18851. (*Chairman.*) Who was at the door of the station?—There was a third man outside.

18852. (*Earl Russell.*) What was his name?—I really could not tell you for the moment, but his name can be found.

18853. Where is the telephone and the telegraph which you have spoken of?—There is a room on this plan marked "Stores," and the telephone instrument is fixed in this room. This is the back room, and the telephone instrument is fixed on the table in this corner. (*Pointing on the plan.*)

18854. In the Inspector's office?—In the Inspector's office.

18855. Which door would a man leave the charge room by to go and attend to either of those instruments?—He would come back by the main door and into the Inspector's office.

18856. The same way as you went into the charge room?—That is so.

18857. Did you see or hear anything of any violence at all in the station on the part of the prisoner?—No, I did not.

18858. You heard no complaint of his being violent in any way?—Not other than what the constable said, that he struggled with him when he was arrested, but not inside the station.

18859. In the street?—Yes.

18859*. But nothing was said at that time by anybody about the prisoner having struggled inside the station?—No.

18860. You heard nothing of that at all?—No.

18861. The prisoner said nothing and Morgan said nothing?—No.

18862. And neither of the reserve men said anything?—No.

18863. Although only a minute elapsed before you came in, that is to say, we will say a minute, quite a short time. Of course you do not quite agree with Morgan about that, because Morgan says he brought Mullins in at about 11.25, and you took the charge at 11.30?—I do not agree with that time.

18864. But you think it was less than five minutes?—Yes, it would not be more than a minute, at the outside.

18865. The moment you went in the prisoner appealed to you, and said he had been hit?—I inquired of Morgan first what was the reason he had brought him there.

18866. It was not that you had a conversation with Morgan, that he said that?—No.

18867. I thought that was the first thing that happened when you went into the charge room?—The first thing that would happen would be to inquire of Morgan the reason why the man had been brought there.

18868. That may be what you mean, but let me read a passage from your report: "On their arrival at the station I immediately followed them into the charge room," and then you say later in the report about the one minute having elapsed, and that is what you mean by "immediately"?—Yes.

18868*. "When the prisoner said, 'This man" (pointing to Police-constable Morgan) 'has just struck me in the mouth inside this room'"?—That is so. The inference from that is that that was after Morgan had preferred the charge against Mullins.

18869. That is what you meant by that?—Yes, that is so.

18870. It reads as if it was the first thing that happened when you went into the room?—Yes.

18871. The first thing that happened was that Morgan told you why he had arrested this prisoner?—That is so.

18872. You told us last time what Morgan said?—Yes.

18873. Did you start writing down the charge when Morgan told you why he had arrested him?—No. As soon as Morgan had told me the cause of his arrest, Mullins complained of his being struck in the mouth.

18874. The minute Morgan had finished speaking?—Yes.

18875. Before you asked him if he had anything to say about it?—When Morgan had concluded preferring the charge, Mullins spoke with reference to being struck in the mouth. I said to Mullins, "Why did you not shout or call out?" and he said, "I did not think of it." The two constables of reserve, Hunt and Saunders, both denied that Mullins had been struck as had been alleged, and also Morgan.

18876. That was before you had reduced the charge to writing in the charge-sheet?—That is so.

18877. Of course you do not invite a prisoner, if he has anything to say, until you have taken the charge down?—With regard to inviting, I should not invite him.

18878. You do not invite him to say anything until you read the formal charge over to him. This was before you got the formal charge down, and the minute Morgan had finished speaking, Mullins said, "This man struck me in the mouth inside this room." You noticed his mouth then and saw it was bleeding?—Yes, it was swollen, and there was a little blood on the inside.

18879. And there was a bloody handkerchief, was there not?—He had a handkerchief, but there was no blood on it.

18880. Up to his mouth?—No, he had it in his hand.

18881. And a little blood on his face?—No, I did not see any blood on his face.

18882. None at all?—No.

18883. He was quite close to you, was he not?—Yes, I was standing quite close to him, within a foot.

18884. Closer to you than he was to Hunt?—Yes, he would be.

18885. Hunt, in his evidence at the police court, said there was a little blood on Mullins's face?—I did not see any blood.

18885*. You do not agree with that?—No, because I was quite close to him. I must have seen it when I examined his handkerchief.

18886. When the prisoner made this statement about being hit you first asked him why he did not call out?—Yes.

18887. Did you then ask Morgan about it?—Yes.

18888. What did Morgan say?—Morgan denied having in any way assaulted him. I asked Morgan if

Inspector T. Wheeler.

3 Dec. 1906.

it was true, as alleged by Mullins, that he had struck him inside the room, and he said, "No, sir."

18889. Then you asked Hunt and Saunders?—That is so.

18890. You asked them if they had seen it?—Yes.

18891. Did you ask them if they had left the room at all?—Yes.

18892. You asked them if they had been there all the time?—Yes.

18893. And they said they had?—Yes.

18894. Never left the room at all?—Yes.

18895. Did Hunt tell you what he had been doing in the charge-room?—No.

18896. Did you make any inquiries as to how the injuries to the prisoner's mouth had been obtained?—After Morgan had explained that Mullins had been fighting and Mullins did not deny that fact, I concluded that it was possible that it was done in the street.

18897. That is what the next paragraph in your report says: "P.C. Morgan again repeated that prisoner had been fighting with another man at Oakley Street and refused to go away"?—That is so.

18898. Then he repeated that again, and there was this conversation about the mouth?—Yes.

18899. You did not ask Morgan whether he had obtained that mouth there; you took it for granted?—Yes, I took it for granted, as Mullins did not challenge him on the point that he had been fighting.

18900. But Morgan did not say that he thought that it must have been obtained in a fight. It was your own inference?—It was my own inference. Morgan did not suggest that.

18901. Did you ask Morgan whether he had that wound on his lip when he was arrested?—No.

18902. Did you inquire of either Morgan or the two reserve men whether there had been any struggle in the police station at all, or as to any way in which he could have obtained that injury there?—No, and furthermore, there could not have been a struggle. I should have heard if there had been the least struggle taking place.

18902*. It was because you thought you would have heard it yourself that you did not think it necessary to ask the question. Is that so?—Yes.

18903. But you did not ask any of them whether the prisoner had struggled at all in the station?—No, I did not.

18904. Did you ask him if he had tried to get up or get away or refuse to sit down, or anything of that sort?—No.

18905. No one volunteered any statement about it?—No.

18906. Do you think if he had been so violent that he had to be held down in his seat you would have heard the scuffle?—Most certainly I must have heard that.

18907. If it had been necessary for Morgan to hold him on the seat by force you are sure you must have heard it?—I should certainly say so.

18908. Saunders was one of the reserve men, was he not?—Yes.

18909. Do you know he said at the police court, "It was necessary for the police constable to hold him on the seat"?—He might have said so. I could not say he did not.

18910. So that that apparently did happen, if it did happen, and Saunders, of course, was in the room when you were not, if Saunders is right that did happen without your hearing it?—That is so.

18911. Was Mullins, in your opinion, drunk when you saw him?—Yes, when I saw him he was.

18912. How did he show it?—He smelt very strongly of drink, and he was very unsteady on his feet, which, to my mind, indicated that he was drunk.

18913. Those were the only indications?—Those were the only indications.

18914. Nothing more than that?—Nothing more than that.

18915. And the fact that Morgan told you he had been drunk and fighting, I suppose, that influenced your mind to some extent?—No, I have to be governed by the facts as they are placed before me when the person is brought to the station, irrespective of what Morgan or any other officer has to say.

18916. If a man had been held rather tightly by the back of the neck or marched rather uncomfortably to the police station he might be a little unsteady on his feet when he got there, might he not?—Not necessarily so.

18916*. You do not think that would upset him at all?—No.

18917. It was not more than half an hour, rather less than half an hour after you had seen him that the doctor saw him and certified that he was not drunk?—That is so.

18918. (*Mr. R. D. Muir.*) When you charged him with being drunk what did he say?—He said, "I admit all that, but I have been struck in the mouth by this man."

18919. He was charged with being drunk and disorderly and using obscene language?—Yes.

18920. (*Chairman.*) Were you here when Mrs. Mullins gave her evidence on Thursday last?—Yes.

18921. You remember that she said then that she followed the constable Morgan and her husband to the police station?—Yes.

18922. Was there, as far as you know, anything to prevent her from coming into the station?—Nothing whatever.

18923. There was a constable there, I understand?—There would be a constable posted at the door.

18924. "There would be" is not an answer to my question. Was there, as far as you know, a constable there?—Yes.

18925 Are you certain of it?—There was a constable there four or five minutes before, but actually at the moment I could not say whether that man might not have been called away.

18926. It was the duty of some constable to be at the door?—Yes.

18927. You do not remember his name?—No, I do not remember his name, but his name could be obtained.

18928. Was the constable there under your orders at the time in the sense that it was your duty to see whether he was doing his duty or not?—Yes.

18929. You were in charge of the station from 10 to 2, I suppose?—Yes.

18930. Had you given any special instructions on that night to the constable at the door?—No.

18931. Are there any general instructions issued to the constable who is stationed at the door of a police station?—The duties change monthly, and in that instance being night duty on the first night the various constables receive certain instructions, one of which, and the most important, is to the man who is on the door, that should any person call or wish to see the officer on duty their business is not to be inquired into, but they are allowed to come in and see the officer on duty.

18931*. Is that the only general instruction given as to the conduct of the policeman at the door?—I would not say it is the only one, but that is a very important one that is impressed on the mind of the constable who is posted on the outside of the door.

18932. Have you in the course of your experience in the Force been posted at the door?—Yes.

18933. What instructions did you receive then in addition to the general instructions you have mentioned?—I have been instructed by my inspectors that at any time should anyone call at the station they are not to be stopped at the door, they are not to inquire their business, but they are to be shown in to see the officer on duty.

(*Mr. R. D. Muir.*) I am told the officer was 37 LR Ripping and I can send for him.

(*Chairman.*) It is unimportant as far as I am concerned. I only want what are the instructions or the special instructions.

(*Mr. R. D. Muir.*) Then I need not send for him.

18934. (*Chairman.*) No, not as far as I am concerned. (*To the witness.*) But supposing a person comes to the

door, and says, "I want to come in and hear that man"—pointing to a prisoner—"charged"?—That person would be allowed to enter.

18935. Any constable then according to you and your experience who prevented anybody who wished to go into the charge-room from coming in would be exceeding his duty?—He would.

18936. So much for that. You have heard the evidence of P.C. Morgan given the other day?—Yes.

18937. And you have read the report you have made?—Not since the time I made it.

18938. Your recollection of the arrest of Mullins has been refreshed?—Yes, it has.

18939. I want you to tell me according to the best of your recollection, thus refreshed, what exactly was said by you and the other parties concerned when you went into the charge-room on this occasion. We have it according to you that Hunt and Saunders were there?—That is so.

18940. Mullins was of course there?—Yes.

18941. And P.C. Morgan?—Yes.

18942. Who spoke first?—Morgan.

18943. What did he say?—Morgan said, "I have brought this man," meaning the prisoner Mullins, "in for being drunk, fighting, and using obscene language."

18944. Anything else?—"At Oakley Street."

18945. Anything else?—That was all that was said then. Mullins immediately said, "This man," pointing to or meaning Morgan, "has struck me in the mouth." I said, "Why did you not shout or call out." He said, "I did not think of it."

18946. Who spoke next?—The next thing that was done was that I looked at Mullin's lip, the lower lip, which was red and swollen very slightly, and there appeared to be a slight abrasion on the inside of the lip. I said to Morgan, "You hear what this man says, that you have struck him in the mouth." I said, "Is that so," and he said, "No, sir." I also asked police constables Hunt and Saunders, who were also in the room if they had seen any assault committed on Mullins, and they also said, "No, Sir."

18947. What then took place?—Morgan again repeated that he had found Mullins fighting, and that he was drunk and using obscene language. That was not denied by Mullins, and he was charged.

18948. Did you write that in the charge sheet?—Drunk and fighting.

18949. You said Morgan repeated that he had found Mullins fighting, drunk, and using obscene language?—Mullins said, "He has struck me in the mouth"—he repeated that again. Then Mullins was charged, and I read the charge over to him.

18950. Before reading the charge you must have written it?—Yes, I beg your pardon, the charge was entered on the sheet.

18951. When Mullins said the second time that Morgan had assaulted him did you sit down and write on the charge-sheet?—Yes.

18952. Have you told everything that took place before you wrote down the charge?—To the best of my recollection I have, Sir.

18953. I am not pinning you down to the exact words, but have you said in substance what took place before you read the charge?—Yes.

18954. When you had written down the charge what did you do then?—I read it over to Mullins.

18955. What did he say?—He said, "I admit all that, but I have been struck in the mouth."

18956. Did anything further take place?—Not at that time. He was then placed in the cell.

18957. You have told me all according to your recollection that took place?—To the best of my recollection. I do not recollect any other statement being made. (*After considering.*) Yes, that is all, to the best of my recollection.

18958. Do you think it was right to take a charge against a man of being drunk, fighting, and disorderly ("disorderly" is the word in the charge-sheet) and using obscene language after such an examination as you made into this case?—Yes.

18959. I need not ask you, Inspector, who have risen in the Force, whether you know what are the general instructions and regulations contained in the White Book?—I do not know that I am thoroughly conversant with the whole of them.

Inspector T. Wheeler.

3 Dec. 1906.

18959*. But you have the book, I presume, or have had it?—I have it.

18960. How long have you been inspector?—One year and ten months.

18961. How long have you been in charge of this police station from time to time?—Between seven and eight months.

18962. Do you recollect paragraph 199 in the White Book. "The officer on duty before receiving a charge is to ascertain that there is reasonable ground for preferring the complaint against the accused, and unless the circumstances be such as to entitle the accuser to be believed, the charge is not to be taken." Then 200, "The greatest care is to be exercised in the investigation of charges, as it has occasionally been noticed that even where there have been suspicious circumstances the officer on duty has shown great readiness in accepting the statement of the constable making the charge without giving the case that close personal attention which is imperatively demanded." Do you consider that you complied with those instructions in this case?—I do.

18963. Let us see. The charge you took was one of being drunk, being disorderly, and using obscene language?—Yes.

18964. Were you at the Police Court on the Monday morning?—Yes.

18965. Is it not a fact that the defendant was there charged under the Licensing Act simply with being drunk, and while drunk behaving riotously, or words to that effect?—That is the method of the Police Court, and that is in accordance with the wording of the section—drunk, disorderly, and using obscene language is the method we adopt for shortness.

18966. I can quite understand that it simplifies your work, but what I am calling your attention to is the fact that in the Police Court there was no charge of using obscene language made against Mullins?—On the original charge there was.

18967. There was no charge at the Police Court, apparently?—That is a matter for the magistrate. If he thought there was no obscene language used, he has the discretion of altering the charge in accordance with the evidence.

18968. P.C. Morgan was the prosecutor in the case, was he not, according to our forms?—That is so.

18969. I suppose it is the custom for the Inspector who is on duty when the charge is made to attend the Police Court?—The reason that I attended in this instance was to answer any question that might be asked by the magistrate referring to the complaint about the assault.

18970. I do not suggest that you are responsible for it, but I do not quite understand how the charge came to be made against Mullins in the form in which it was made at the Police Court?—If you would kindly look at 2 & 3 Victoria, Chap. 47, Section 58, that will give the Police Court wording of the charge.

18970*. The whole charge?—I believe so.

(*Mr. R. D. Muir.*) Section 58 says: Every person who shall be found drunk in any street or public thoroughfare within the said district, and who while drunk shall be guilty of any riotous or indecent behaviour"——

(*Chairman.*) Those are the words in the Licensing Act, I think, as well.

(*Mr. Muir.*) That may be so, Sir, but that is the Metropolitan Police Act, Section 58. The other section under which Mullins was charged at the police-station was Section 54—the words I read before. Somebody, presumably the magistrate, altered the charge from Section 54 to Section 58.

(*Chairman.*) I should have thought the Police Court notes or documents ought to show the alteration.

(*Mr. R. D. Muir.*) To show that it is an alteration?

(*Chairman.*) Yes.

(*Mr. R. D. Muir.*) The only way in which you could get that is by comparing the charge-sheet with the charge on the notes.

Inspector T. Wheeler.

3 Dec. 1906.

18971. (*Chairman.*) My point was not so much about the propriety of the form in which the charge was made, but as to your caution. You took a charge against Mullins that he had used obscene language?—Yes.

18972. Except by the use of the word "obscene" by the police constable in what seems to be a general formula, there was nothing before you as to the obscenity or the use of improper language when you took the charge?—The obscene language placed before me was that when the constable was requesting Mullins to desist, he said, "I will be f—— well away when I like."

18973. I had asked you particularly, and I took a note of it, whether you had, having refreshed your memory, told me in substance all that had taken place before you wrote in the charge-sheet?—Yes, I had, to the best of my recollection.

18974. I put you on your guard about it. I asked you specially whether that was all that had taken place?—Yes, you did, Sir.

18975. You have been asked questions by Earl Russell as well, and now, you see, we are harking back, and saying that the particular expression was used?—That was in answer to your question to me in reference to the obscene language.

18976. I know. It is no use my reading what I have got down, but I wrote down as you were speaking what you said about what took place in the charge-room before you read out the charge on the charge-sheet to Mullins, and when I had finished asking you, I asked you, "Is that all?" or words to that effect, and you said, "Yes"?—I quite follow you, Sir.

18977. Now, you remember something, or you say that something was said, which had a distinct bearing upon it?—The obscene words as alleged to be used by Mullins must have been told me, otherwise I should not have entertained the charge of obscene language.

18978. That is arguing that you necessarily did your duty, and that is just the question which is at issue. But, however, there it is. You say before you took the charge you now recollect that there was an obscene expression stated by the constable to have been used by Mullins?—Yes.

18979. It is a pity you did not tell me that before?—I did not quite follow the question as put to me. It was quite an oversight.

18980. You cannot call it an oversight after the caution I gave to you that I wished to have everything that was said by you, or by Morgan or anyone else, in your presence before you took the charge. You cannot call that an oversight?—Probably not, Sir.

18981. Did you take down what Mullins said in writing?—No.

18982. Is it the custom to take down what the accused states in answer to a charge when made?—No.

18982*. Did you make any note of what Mullins said?—No.

18983. And nothing was written down at the time?—No.

18984. Then I call your attention again to the White Book, paragraph 198: "The statement made by a prisoner when charged at the station is to be accurately written down at the time by the officer on duty, and reported to the magistrate who hears the case." You know that is in the book?—Yes.

18985. You did not follow the book, then, in this case?—Not in cases of drunkenness I do not follow the book. In any case of felony or other serious matters, whatever is mentioned by the prisoner is taken down.

18986. I quite follow the distinction you are making, but the distinction does not appear to be made in the book?—No; perhaps not.

18987. Then, again, in paragraph 209, I notice: "The charge as entered upon the sheet is always to be read over to the prisoner, not with a view to extracting an answer, but to inform him of the nature of the offence with which he is charged, but any observation he makes is to be noted and attended to"?—That is so, Sir; and in this case that was noted.

18988. You read that to mean not noted in writing, but to be noted by the Inspector in charge?—Yes.

18989. You say you did note it here?—Yes.

18990. And you did attend to it?—Yes.

18991. You have been rather altering the account you gave to me, and I think I ought to call your attention to the report which you made on September 9th. You say in your report: "I immediately followed them into the charge room," which is as you have described to-day, "when the prisoner said: I read that as saying before Morgan spoke at all—'this man (pointing to P.C. Morgan 388 L) has just struck me in the mouth'"?—Yes.

18992. That is not quite consistent with what you stated to me after being cautioned by me?—That is so.

18993. Then, again, I should like to point out that in your report I do not find that you noted or attended to any expression of an obscene character—there is not one word in the report about an allegation that the prisoner used obscene language?—I think you will find that there is, Sir.

18994. No, the report is very much in accordance with what you gave me to-day before you afterwards thought of the expression alleged to be used by Mullins—"Charged with being drunk and disorderly and making use of obscene language at Oakley Street." Those were the words you told me this morning were used by Morgan, and they are the same. In your report there is not one word about using any obscene expression by Mullins?—When I inquired into the circumstances of the case as to the nature of the disorder ——

18995. It is somewhat unfortunate if you take a charge in that way that you should not have mentioned in your report the grounds upon which you took the charge. Was Mullins searched in this case?—Yes.

18996. Why was he searched?—The object of his being searched was previous to putting him in the cell to ascertain that he had nothing on him whereby he might possibly cause an injury to himself.

18997. Had you any reason to suspect that he had got a deadly weapon on him?—No reason to suspect.

18998. Let me call your attention again to the White Book: "Any prisoner may be searched if it be suspected that he has upon his person any deadly weapon or any article which has been stolen or unlawfully obtained." There was no suggestion of any larceny in this case?—No, not this case.

18998* You have told me you had no reason to think he had anything upon him that would harm him?—I had no just reason. On the other hand, if he had not been searched and he was placed in the cells, and he had committed an injury to himself, there would have been trouble. Of course, the persons are searched as a safeguard to prevent them doing injury to themselves.

18999. It may be that the rule you are suggesting should be the rule might be a proper rule, but I am only pointing out to you that the instructions are that a prisoner should be searched if it be suspected that he had upon his person any deadly weapon. You do not seem to have had any suspicion of that?—No particular suspicion.

19000. You have told us this morning that you think Mullins was drunk?—Yes, I thought so.

19001. The only ground that you have for saying so is that his breath smelt of drink and that he was unsteady on his legs, or something of that kind?—Yes, that is so—unsteady on his feet.

19002. Did you look at him with a view of forming a judgment on the question of whether he was or was not drunk?—I did.

19003. Your judgment was wrong, apparently, was it not?—It was.

19004. When you first saw him he had got a cut on the lips, you have told us?—Yes.

19005. Did it not occur to you it was a case in which you ought to have obtained the opinion of the Divisional Surgeon at once?—The cut that has been mentioned was merely a swelling of the outside of the lip and a slight abrasion on the inside.

19006. Did it seem as though it had been caused recently?—It did.

19007. You thought that Mullins was drunk?—Yes, I honestly thought so in my opinion.

19008. Do not you think it would have been better if you had sent for the Divisional Surgeon under those circumstances?—I had no reason to send for him at that time. If Mullins had then said: "I am not drunk" I should have immediately sent for a doctor.

19009. Then if he had denied being drunk you would have sent for a doctor?—Immediately.

19010. Is that the practice?—That is so.

19011. And that ought to be done by all inspectors?—I think so. If a person denies beink drunk they should send at once to get medical opinion.

19012. Mullins was injured, was he not?—He had a slight injury. You may term it an injury.

19013. Then, again, I draw your attention to the White Book: "If prisoners appear to be ill or injured in any way, although they do not complain, the Divisional Surgeon is to be sent for immediately"?—That is so.

19014. Why did you not send for the Divisional Surgeon?—That generally applies to a person who might be found in the street lying down, or something of that sort.

19015. No; excuse me, it says: "If prisoners are insensible or appear to be ill"?—That is what I was referring to.

19016. But a man is not a prisoner until he is arrested?—No; but a man may be found lying in the street practically insensible, and he might be brought to the station. He would be a prisoner then. He might not complain, although if it was uncertain what he was really suffering from, the Divisional Surgeon would be called to give an opinion.

19017. There is a rule as to that which seems to me a very proper rule indeed, and which, as far as our inquiry has gone, appears to be faithfully performed by the police. But there is another rule: "If prisoners"—that means if a man being a prisoner—"appear to be ill or injured in any way, although they do not complain, the Divisional Surgeon is to be sent for immediately." Please do not think I am unnecessarily censuring you?—No, decidedly not.

19017* I am only trying to ascertain what did take place on this occasion, and whether the conduct of all concerned came up to the requirements mentioned in this book?—Quite so, Sir.

19018. At any rate, you did not interpret the injury in this case as being one that made it necessary for you to send for the Divisional Surgeon?—That is so, Sir.

19019. You see now it is a pity you did not?—Yes, it is a pity.

19020. Had you sent for the Divisional Surgeon, who ultimately did have to come, and said that Mullins was not drunk, Mullins would never have been put in the police-court?—That is so.

19021. And all this bother about it would not have arisen?—That is so, I admit.

(*Earl Russell.*) I ought to have asked two other questions, and perhaps you would put them for me, Sir. I did not ask the inspector why he did not mention the cut lip in his report, and whether he did make any other report or note in a note-book of any sort or kind?

19022. (*Chairman.*) Inspector Wheeler has given his evidence very fairly, and he has frankly admitted that he was wrong about one point in the report. (*To the Witness.*) You hear what Earl Russell suggests. Why did you not mention the cut lip in your report?—There was not a cut. I say now there was no cut.

19023. There was an abrasion?—Yes; but it could hardly be described as a cut.

19024. (*Mr Dickinson.*) When Mullins asked you to send for a doctor, did he first of all ask you to send for Dr. Reed?—He did not.

19025. He has told us that when he asked for a doctor he asked for Dr. Reed—"My own doctor, who I was under at the time"?—That is quite untrue. What absolutely took place was this: As I closed the cell-door—in fact, the bolt had been shot back—he knocked. I opened the door, and he said, "Inspector." I said, "Yes." He said, "I don't think I am drunk. I should like to be seen by a doctor." I said, "Very well, I will send for the Divisional Surgeon," and upon that the door was closed. There was no mention of any other doctor.

19026. Let us see what did happen. I understand that the moment the door was closed he tapped, and called you?—That is so. *Inspector T. Wheeler.* 3 Dec. 1906.

19027. And asked for a doctor?—Yes.

19028. That was the moment the door was closed after he had been put into the cell?—Yes.

19029. Who was there at the time?—The constable on reserve, Saunders—no, I think it was Hunt. I will not be positive, but it was one of the two officers on reserve. I believe it was Hunt.

19030. You and Hunt and Mullins were the only three at the cell-door?—At that time.

19031. How had you gone to the cell, do you remember—in what order?—I had got Mullins by the arm, he was in front of me, and Hunt—if it was Hunt, as I believe it was—was following up.

19032. Is it usual for you to go to the cells with the prisoners?—Yes; I make it a practice to see all the prisoners to the cells when I am on duty.

19033. You took Mullins to the cells?—Yes.

19034. You say you always take all prisoners to the cells?—Yes; I don't go so far as to say that I take them all, but I go with the constable who does accompany them to the cells, and see them safely to the cells.

19035. Is there a gaoler there?—Yes; he is one of the officers I refer to. We term him the reserve man.

19036. Did Mullins ask you to take him to the cells?—No, he did not.

19037. That you are perfectly certain of?—I am perfectly certain on that point.

19037*. You took him to the cells, because you were on duty, and it was usual with you?—I was in charge of the station, and that is my usual practice.

19038. What was it exactly that you took down when you took the charge? I do not know that we have seen that. Is it only what is on the charge-sheet?

(*Mr. Eldon Bankes.*) That is all.

19039. (*Mr. Dickinson.*) When the charge is taken, do you take it down on the charge-sheet?—We write it down on the charge-sheet.

19040. The same document that goes into court the next day?—That is so.

19041. All that you read out to the prisoner are the words that are on the charge-sheet?—That is so.

19042. The words on the charge-sheet on this occasion being that he was accused of being drunk, disorderly, and using obscene language?—Yes.

19043. When you say in your report, "When that was read out to him he said, 'I admit that,'" that means that he admitted what was on the charge-sheet?—That was the inference that I gathered.

19044. You took it that all he was asked at that moment to admit if anything was what was on the charge-sheet?—Yes.

19045. Was that all that happened—that the three words on the charge-sheet were read out to him, and he said, "I admit all that"?—Yes.

19046. That you are perfectly certain of?—Yes, at that time.

19047. You made three reports on this matter?—One at the time, and the others after Mullins appeared before the Magistrates.

19048. You made one on the 9th September, which was the night of the occurrence?—Yes.

19049. You made one on the 10th September, which was after the case had been heard by the police magistrate?—That is so.

19050. In the second one you say: "I further beg to report that, on investigating the charge made by the police constable against the prisoner, who said in prisoner's hearing 'That he (prisoner) was drunk, and had been fighting with a man at Oakley-street; he dispersed them, when they again commenced to fight, and prisoner was arrested, prisoner said, 'Yes, I admit all that; but he (police constable) struck me in the mouth inside the station.'" Now, I want you to tell me how those two statements can be consistent. The first statement was, as you told me just now, that you read out to Mullins what was on the charge-sheet?—Yes.

Inspector T. Wheeler.

3 Dec. 1906.

19051. And which he said, "I admit"?—Yes.

19051A. Now, in the later report, you say that the statement that he had been fighting with a man at Oakley-street was made, and he then said, "I admit all that." Did he say it twice, or is it your account of one transaction?—After Morgan had preferred the charge in the first instance of being drunk, disorderly, and making use of obscene language, I inquired as to the nature of the disorder and the obscene language. The police constable explained exactly what transpired in accordance with that report, and Mullins was accordingly charged. He did not deny what the constable said, and the words read over to Mullins would not be the words of the report, but the words on the sheet.

19051B. To which he said, "I admit all that"?—Yes, although he has heard what was mentioned in the report, he heard Morgan relate to me the history of what had taken place in the street, but I did not read Morgan's words to the prisoner but only merely what was on the sheet.

19052. But your first report is perfectly clear, "The charge was read out, and he said, 'I admit all that'"?—Yes.

19053. Now I understand you to say he only used the words, "I admit all that" once?—Yes, that is so.

19054. Then in making the report to your superior officer you stated all this that I have read out to you that he was drunk and had been fighting with a man at Oakley Street?—That is so.

19055. And then he said, "Yes, I admit all that"?—That is referring to his first admission when the charge was read over—not that "I admit all that" had been said twice.

19056. It is rather important. Taking it for granted that you had this long explanation of what had been going on, you assume that when he said, "I admit all that" to a definite charge, that he meant that he admitted everything else that had been said in that conversation?—I took it for granted that he admitted, or he did not deny that he was drunk, or that he was fighting, and that the words he used did mean that.

19057. You took it for granted that the words he used could be extended to an admission of all these facts that had been related by the constable?—Yes.

19058. And that you put in the report to your superior officer?—Yes.

19059. What was the object of this second report?—The object of that report was that the Superintendent might be made aware of the whole facts in connection with Mullins' complaint.

19060. One of the facts being that he had been fighting with a man in Oakley Street?—Yes.

19061. And that from the investigation you made on that occasion you thought it was correct?—Yes, I did.

19062. You had no knowledge of it except the statement that you say the police constable made?—I had no knowledge more than Morgan's statement of the fact that Mullins did not deny that he had been fighting.

19063. He did not deny what you had stated and the words were that he admitted it?—Yes.

19063.* I want to ask you one question about these reports which are made after the hearing at the police court, this report on the 10th September, 1906, in which you stated in detail what happened at the police court. How did you arrive at that report? Have you got any means of taking down in shorthand what is said at the police court?—No. It is to the best of my recollection of what transpired at the time after I returned back to the station.

19064. You wrote it at once?—After my return to the police station—not at the police court.

19065. You wrote it at once after the hearing at the police court at the police station?—Yes.

19066. How soon afterwards did you get back to the police station?—From half-an-hour to three-quarters of an hour—from Tower Bridge to Kennington Road.

19067. And then you would write it out. Is that a matter of course? Do you do it in every case?—Only in cases where it has been alleged there is a complaint against a police officer—not in all cases, but only in cases of complaints.

19068. You only do it in cases of complaints?—Yes.

19069. Are there any instructions to that effect?—There are instructions, of course, to the effect that if the conduct of any police officer is in question, the facts shall be brought to the notice of the Superintendent and the Commissioner.

19070. That is what I want to get at. There is a definite instruction, am I right in saying, that whenever the conduct of a police officer is called in question at the court, it is the duty of someone to call it to the attention of the superior officer?—That is so.

19071. But you told us just now you would not, under ordinary circumstances, have been at the Police-Court?—No.

19072. You went there for this particular reason because of this complaint of an assault?—To answer any question that the Magistrate might put to me with reference to the case.

19073. Who, then, would be the proper person to make this report to the superior officer?—At all police courts there is an inspector from the division in which the police court is situated who attends to all the police business and reports all observations made by magistrates irrespective of from what division the case may come.

19074. Would he in this case have been Inspector Fergusson?—Yes.

19075. Then Inspector Fergusson's report which he made on the 10th of September, was the report which had to be made in accordance with this instruction?—Yes.

19076. If it was his duty to make this report, why did you make this report of the 10th September yourself. It was not your duty to do it, was it?—It was my duty, to an extent.

19077. How?—Because I attended the police court and I could be asked any question by the magistrate, and I had the whole dealing with the case.

19078. You did not give any evidence?—Yes, I gave evidence.

19079. Before the Police Court?—Yes.

19079.* It was because you had given evidence that you thought it was your duty to return this report to your superior officer?—Yes, I thought it would be more effectual to tell the Superintendent what the observation of the Magistrate was.

19080. Have you ever seen this report which was made by Inspector Fergusson?—No.

19081. Have you ever done the duty of Inspector at the police court?—Yes.

19082. How do you take down the reports, because you would have to report on several cases?—Whatever observations are made by the magistrate. You make a note of what has been said by the magistrate to the best of your ability, and from those notes you compile the report and submit it to your own Superintendent of the division to which the officer who is called in question was attached.

19083. In this particular case, did you, when you were making the report, make a note of what was going on at all?—No, it is all from memory to the best of my ability.

19084. If there is any similarity—I do not say there is any similarity—between the wording of your report and Inspector Fergusson's, it is quite accidental?—Quite.

19085. They do not come from the same source at all?—Not at all.

19086. You set out your report quite independently, and he sets his out?—My report is made at Kennington Road Police Station, and the other is made at Southwark—the M Division police station.

19087. Did you have any conversation with him about this case at the police court?—No.

19087*. Not at all?—No.

19088. (*Mr. Whitmore.*) Do you remember what Mullins was wearing on his head at the police station?—A cap—a dark grey cap.

19088*. You are quite sure of that?—Quite sure of that

(*Chairman.*) I am not yet quite satisfied about the formal entry as to the proceedings in this case. Will you just follow. That is a copy of the charge sheet.

(*Mr. Eldon Bankes.*) I have the original charge sheet here. (*Handing document to witness.*).

19089. (*Chairman.*) Under the column "Charge" you find the words "Drunk, disorderly, and making use of obscene language at Oakley Street, Parish, Lambeth"?—Yes.

19090. Those words are in your handwriting?—Yes.

19091. "John Morgan, P.C. 383, L." That is your handwriting?—No, it is the constable's writing.

19092. The constable's own writing?—Yes.

19093. The person charging has to sign himself?—Yes.

19094. You are careful to observe that always. I suppose in your own interest—you and the other Inspectors when you are taking charges?—Yes.

19095. You are always careful to see that the constable or other person who is making the charge signs himself?—Whether a private individual or a constable they always have to write their own name.

19096. Then look at the next column; "Witness's name and address." There was no witness in this case?—No.

19097. Then "Taken into custody by" is the next column—"John Morgan." Who writes that?—The officer on duty. I did.

19098. "Property found on person or elsewhere—nothing." Then follow other columns. Are the other entries as to the time of detention and the time at which he is admitted to bail in your handwriting?—Yes.

19099. And then the entry of the Police Officer taking the charge. "T. Wheeler," that is your handwriting?—Yes.

19100. Then the Magistrate before whom the charge is made—"Mr. Rose"—that is in the Magistrate's handwriting, I suppose?—No, it is a stamp.

19101. Is that made by the Clerk?—I could not say. Probably so.

19102. Either by the Magistrate or by the Clerk?—Yes.

19103. Then look at the next column "Charge how disposed of by Magistrate, and what offence proved." I see the word "disd."—that means dismissed I take it?—Discharged, I take it.

19104. Surely not?—Probably it may be "dismissed."

19105. It does not much matter. Then underneath there are the words "Not proved." Who wrote those?—The Clerk I presume.

19106. But that original was handed back to you, was it not, or sent back to the police station ultimately?—Sent back to the police station on the following night.

Inspector T. Wheeler.
3 Dec. 1906.

19107. You do not know, I understand, who wrote the words "Not proved"? You think it was the Clerk?—I should presume so. Presumably it was.

19108. (*Mr. Eldon Bankes.*) It was written when it came back to you from the court?—Oh, yes.

19109. (*Chairman.*) I just wanted to have that thoroughly clear. But I suggest to you, Inspector, that this entry is not an accurate formal entry of all that took place?—Yes, I say it is.

19110. The charge made was being drunk and disorderly, and making use of obscene language?—Yes.

19111. As a matter of fact the prisoner never was tried on that charge?—No, but that was the charge preferred against him. The doctor was called, and it was proved that the man was not drunk, and, of course, that part of the charge would have to be struck out.

19112. Now you have come to the point. Is it any part of your duty to amend the entry in the charge sheet if the Magistrate says it ought to be done?—No.

19112*. You have never known a case in which you have altered a charge sheet?—Never.

18113. Have you ever seen a charge sheet altered?—No.

19114. By the Magistrate?—Not to the best of my recollection.

19115. I do not think it ought to be?—I do not know that I ever have.

(*Mr. Eldon Bankes.*) The charge sheet would be the record of what took place at the time.

(*Chairman.*) Is it not a record in the sense of being a record?

(*Mr. Eldon Bankes.*) Only of the charge.

(*Chairman.*) I do not see what power a Magistrate would have to alter the charge sheet itself, because that is a document very sacred to Inspector Wheeler for instance, because he has got on it the name of John Morgan actually written, and the charge that John Morgan made, and he signs himself to say that he took the charge. But if the prisoner is charged at the Police Court with another offence it seems to me that that is an irregularity. There was no evidence tendered here of any obscene language for instance. However, it does not appear that you were in any way responsible for that.

(*Mr. Eldon Bankes.*) The next witness I was going to call was Inspector Fergusson, but I am told he has left the court. All he can speak to is what happened at the Police Court. I do not know whether the Commissioners require any other evidence about that.

(*Mr. Dickinson.*) I think I have all the answers I want.

(*Mr. Eldon Bankes.*) I am obliged.

(*Chairman.*) If, on considering the case further, we think it necessary to ask Inspector Fergusson to come, I have no doubt he will come.

(*Mr. Eldon Bankes.*) Yes.

P.C. Charles Hunt (16 L.R.), sworn.

19116. (*Mr. Eldon Bankes.*) I think you are a constable stationed at Kennington Road Station?—Yes.

19117. Were you in the station at half past eleven on the night of the 9th September, when Police Constable Morgan brought in Mullins?—Yes.

19118. Will you take the plan of the station in your hand? When Mullins was brought in, he has told us he was brought through the door by Morgan into the charge room?—Yes.

19119. Where were you standing then?—Alongside the desk.

19120. Mullins has told us that he was taken across and sat down on the seat. Is that accurate?—Yes.

19121. Did you sit in the room until the Inspector came in?—Yes.

19122. The whole time?—Yes.

19123. How long elapsed after Mullins got into the room before the Inspector came?—Just a moment I think; he came straight out into the room.

19124. Did anybody go to fetch the Inspector, or did he come out of his own accord?—He came out of his own accord.

P.C. C. Hunt.

19125. Are you sure you did not leave the room at all until the Inspector came into the room?—Yes.

19126. Whilst Morgan and Mullins were in the charge room did Morgan strike Mullins at all?—No.

19127. Were you in the room when the Inspector came in?—Yes.

19128. Did you hear Mullins say anything to the Inspector?—When Morgan preferred the charge Mullins said, "I admit all that, but he struck me in the mouth."

19129. So that the first time you heard Mullins speak to the Inspector was after the charge had been read over to him?—Yes.

19130. Did the Inspector ask you anything about whether Morgan had struck him?—Yes.

19131. What did you say?—I said no.

19131*. When the Inspector asked you whether

P.C. C. Hunt.

3 Dec. 1906.

Morgan had struck Mullins did Mullins say anything about your not being in the room?—No, he did not.

19132. Was there any other constable in the room besides yourself?—Saunders was there.

10133. You have told us you heard the charge read over to Mullins, and you heard Mullins say "I admit all that, but he struck me in the mouth." Did Mullins say anything about the way he had been treated in the street?—I did not notice anything.

19134. Who was it took Mullins to the cell?—Inspector Wheeler.

19135. Is that his ordinary practice?—Yes.

19136. Was any request made by Mullins as to who should take him to the cell?—No.

19137. (*Earl Russell.*) You made a report on this case?—Yes.

19138. More than one?—Yes, two.

(*Earl Russell.*) May I see those reports?

(*Mr. Eldon Bankes.*) Certainly (*handing*).

19139. (*Earl Russell.*) You are said to be a man on reserve duty in the station?—Yes.

19140. Does that mean that you would act as gaoler if necessary?—If required.

19141. And as gaoler you would be the proper person to take a prisoner to the cells, would you?—Yes.

19142. How was it you did not take this prisoner to the cell?—I accompanied the Inspector.

19143. You did not have hold of him —No.

19144. Is the constable who brings in a prisoner never allowed to take him to the cell?—That is the rule.

19145. The constable making the charge does not take the prisoner to the cell. That is the usual rule?—Yes.

19146. Just tell me about those other doors out of the charge room on that plan. Which way would you go out of the charge room if you were going to attend prisoners in the cells?—Across *this* side.

19147. You would go out by *this* door?—Yes.

19147*. Would it be your business on this night to attend to the prisoners in the cells, or would you be doing the telephone and telegraph business?—Whichever it might be.

19148. Had you some papers in your hands?—I do not remember. I may have had a book. I could not say.

19149. What were you doing with a book—reading it?—No, I was writing.

19150. You had some duties to perform?—Yes.

19151. You might have had papers to look up, put away, and that kind of thing?—No, I do not think I had that night.

19152. Do you think you were writing any papers at all?—I was writing in a book I believe at the time.

19153. What book was it?—A telegraph book.

19154. It is part of your business to attend to the instrument, you mean. Had you sent a telegram off, or what?—I cannot remember what it was.

19155. Did you make any note of what happened on this night in your pocket-book?—No.

19156. No other notes beyond the two reports. Those are the only written notes you made?—Yes.

19157. Where were you standing in the room?—I was standing at the desk.

19158. And writing on the desk?—Yes.

19159. The desk, we have been told, is in the middle of the room, between the fire-place and the wall where the words "charge room" are written?—Yes.

19160. On which side of the desk were you standing —on the same side as the prisoner, or on the opposite side?—I was standing behind the desk, I believe, at the time; I might have been *this* side more than the other side, towards the entrance.

19161. The desk faces, as I understand, the wall which has the main door in it. The desk faces the passage. The Inspector, as he was seated in the chair, would have his back to the fire-place. Is that right?—Yes.

19162. Taking the Inspector's chair, were you standing on the left-hand of that chair or on the right-hand?—More to the right I should think. I cannot exactly remember.

19163. Were you standing or sitting?—Standing.

19164. Bending down over your book?—Yes.

19165. It was a message you were about to send off, was it?—I think it was one I had sent.

19165*. Mullins' description that you had papers in your hand would probably be not incorrect as far as that goes?—I might have had a book. I do not think I had any papers.

19166. Are you quite positive that in the course of your telegraphic duties you did not leave the room for a moment before the Inspector came in?—Yes, quite positive.

19167. Never left it for an instant?—No.

19167*. In the statement you made on the 10th September you do not say you were there all the time. This is what you say: "I beg to state that I was in the charge room, and did not see any violence used by Morgan." Why did you not say you were in the charge room, and never left it?—I did not think it was necessary.

19168. The whole object of your writing that report was to show that Morgan could not have done what he was said to have done without your seeing it, was it not?—Yes, I should think so.

19169. It was to exonerate Morgan from blame. This is what the report was for?—I could not say that.

19170. Do you mean when you wrote the report you had no idea why you had been asked to write it?—I heard that the prisoner had made a complaint against the constable.

19171. Exactly, and you knew the object of your report was to show that the prisoner's complaint was not true?—Yes, just so.

19172. Then it was very important to say that you never left the room at all during the time the constable was there with the prisoner, was it not?—Yes.

19173. Did you write this report on September 10th before or after the hearing at the police court?—After the hearing at the police court.

19174. When you wrote it you had heard Mullins say at the police court that in the police station you had walked out of the charge-room with papers in your hand. You had heard Mullins give evidence at the police court when you wrote this report, of course?—Yes.

(*Mr. Eldon Bankes.*) But Mullins did not say at the police court that this man had left the room.

19175. (*Earl Russell.*) I was just asking whether Mullins said so. Mullins has sworn you did so. Did you hear Mullins tell his story at the police court?—Yes.

19176. Did you hear Mullins say at the police court that he had been struck in the mouth by Police Constable Morgan?—Yes.

19177. Did you hear him say that there were two other constables in the charge-room when he was brought in?—Yes.

19178. Did you hear him say one left by one door, and one left by another?—Yes, he did say that.

18179. When you wrote this report you appreciated the importance of your having been present in the charge-room all the time?—Yes.

19180. But you do not say you never left it. You simply say you were in the charge-room. What you meant was that you had never left it?—Yes.

19180.* You are quite sure Mullins is mistaken in saying that you walked out for a moment?—Quite sure.

19181. You never went to attend to your telegraph bell, or to a bell from the prisoners' cells, or anything?—No.

19182. Not for a moment?—No.

19183. Are you quite positive of that?—Yes, I am.

19184. You are perfectly certain you never stepped out of the door for five seconds?—I may have done after the Inspector came out.

19185. But before the Inspector came out you did not pass through the door for a few seconds and come back again?—No.

19186. Quite sure?—Yes.

19187. It is correct to say you were occupied with your writing, is it not?—Yes.

19188. In what state was the prisoner when Morgan brought him in?—He was drunk.

19189. How did he show it?—He appeared to be excited, and had all the appearance of a man intoxicated.

19190. The appearance of his face?—No, not particularly his face; I did not see anything wrong with his face.

19191. You never saw anything wrong with his face when he came in. Was it his walk, or his speech?—He was unsteady.

19192. Unsteady on his feet?—Yes.

19193. Thick in his speech?—I could not say.

19194. Was he shouting?—No, I did not notice him shouting.

19195. Did you hear him say anything at all before the Inspector came in?—No, I do not remember that.

19196. Was he violent before the Inspector came in?—Not that I noticed.

19197. You did not see him struggle with Morgan?—No.

19198. Did you watch them from the time Morgan came to the door to the time Morgan took him to the prisoner's seat?—I did not watch them.

19199. You went on with your writing?—I just finished what I had to do.

19200. There was nothing that made you lift your head and look at them?—No.

19201. But you had a good look at him when he came in, you say?—No, I did not.

19202. You told me it was from his look you thought he was drunk—nothing the matter with his face, but simply his walk?—That was after he was charged, and after he was in the dock.

19203. You did not form any opinion as to whether he was drunk or not until after the charge?—At the time the charge was taken.

19204. Before the Inspector came in you had not troubled to form an opinion about it?—I noticed he was drunk.

19204.* That is just what I want to know. Did you make up your mind that he was drunk before the Inspector came in to take the charge?—I could not say that.

19205. In what way did he show excitement?—He would not keep quiet for one thing.

19206. While the charge was being taken?—Yes.

19207. Is there a sort of little dock you put them into?—There is a dock.

19208. Do you mean he skipped about in the dock, or tried to get out, or what?—He kept moving about.

19209. Restive?—I could not say whether he was restive.

19210. Was Mullins restive. Did he try to break his way out, or anything of that sort?—No, he did not try to get away.

19211. That is all you can tell us about the excitement, that he moved about instead of standing still?—Yes.

19212. You noticed nothing peculiar about his face when he came in?—I did not.

19213. Did you notice his hands when he came in?—No, I did not.

19214. And you noticed nothing which took place between him and Morgan on the bench before the Inspector came into the room?—No.

19215. If it is true that he had to be held down on the bench you did not see it?—I did not see that.

19216. You said when you were being examined in chief that the first thing you heard Mullins say was: "I admit all that, but I have been struck in the mouth," or something of the sort. Is that right?—He did say that.

19217. That was the first thing you heard him say?—To the best of my recollection.

19218. That was after he had been charged by the Inspector, was it not? That was in answer to the charge being read over to him?—Yes.

19219. You are quite clear that is the time he said it—after the Inspector read the charge over to him of being drunk, disorderly, and using obscene language?—About that time, I think.

19220. His answer was, "I admit all that," and so on. Were you quite close to the Inspector, to Police Constable Morgan, and to the prisoner at this time?—Not quite close.

19221. As far as you are from me—as close as that?—Not so close as that.

19222. Did you not hear Police Constable Morgan telling his story to the Inspector of what had happened outside?—Yes, I heard Morgan tell his story.

19223. And you heard Morgan, of course, come to the end of his story?—I will not be sure about that.

19224. What were you doing at the time when Morgan came to the end of his story, do you think?—I may have been out of the room, I think.

19225. At that time you think you may have been out of the room?—Yes.

19226. But you came back again just as the charge was being read over?—No, I did not. I was there when the charge was being read over.

19227. I thought you told me you might have gone out of the room when Morgan was telling the Inspector what had happened, before the Inspector reduced the charge to writing?—I was in the room then.

19228. Up to the time Morgan finished his story?—Yes.

19229. You heard everything Morgan said, and you heard him come to an end?—Yes.

19229*. But you did not hear Mullins make any answer to that?—Do you mean when the charge was read over?

19230. No, I do not. I mean when Morgan first began telling Inspector Wheeler his story of what had happened in the street, and before the charge was reduced to writing?—I was there at that time.

18231. When Morgan finished his story, did you hear Mullins say anything?—I heard Mullins say, "I admit all that, but he struck me in the mouth in this room."

19232. You heard him say that before the charge was read over to him?—About the time the charge was taken.

19233. You heard him say that when the charge was read over?—When the charge was read over.

19234. Did he say it once or more than once. It is a long sentence—"I admit all that, but this man has struck me in the month." Did he say it more than once?—Once, I think.

19235. Was not the time when he said that, according to you, when the charge was read over to him?—Yes.

19236. I am asking you about the time before the charge was reduced to writing and read over to him. Try and follow me. You were here when Inspector Wheeler gave evidence?—Yes.

19237. We have heard all about what happens when a prisoner is brought in. The first thing the constable does is to tell his story to the Inspector. That is right, is it not?—Yes.

19238. Before the Inspector writes down the charge?—Yes.

19239. I am asking you before the time when the Inspector wrote down the charge. Constable Morgan told his story to the Inspector, did he not?—Yes.

19240. At the end of his story did you not hear Mullins say anything?—Only, "I admit all that, but he struck me in the mouth."

19241. But before the charge, which was reduced to writing, was read over to him. Did he say it before he was charged or after?—When he was charged.

19242. I am asking you about before he was charged. You heard him say nothing before he was charged?—I heard nothing.

19243. You did not hear him say to the Inspector, directly Constable Morgan had finished, "This man has struck me in the mouth since I came in," or "Since I was in this room"?—No.

P.C. C. Hunt.

3 Dec. 1906.

19244. You never heard that?—No.

19245. But you did succeed in hearing these important words about admitting all that?—I heard that.

19245*. Did you look at Mullins' lip?—No, I did not.

19246. Although you knew he charged the constable with striking him?—Yes.

19247. You did not think it was worth while to look to see whether there had been a blow?—I did not look at it.

19248. Did you not look at his face at any time while he was there to see what condition he was in?—Yes, I saw him from the dock; he was standing by the dock.

19249. That was after you had heard it suggested that the constable had struck him?—No, I do not think so.

19250. That was before you had heard anything about his striking him?—Yes.

19251. Did you see anything wrong with his face then?—No, I did not see anything wrong.

19252. Nothing at all—no sign of a blow?—I thought that his lip was a little swollen.

19253. Just think. Are you throwing your memory back? Is that what you recollect at the time? Try and put yourself back in the charge room. Is that what you thought at the time—that his lip was a little swollen?—Yes.

19254. You did notice that?—Yes.

19255. Did you notice any blood on his face?—No, I did not see any blood.

19255*. Not at any time before he was taken to the cell?—No.

19256. What does this report at the police court mean. Let me read to you what you are supposed to have said at the police court. "Charles Hunt"—that is you, is it not?—Yes.

19257. "The prisoner was drunk and excited when he was brought into the station." You say that now?—Yes.

19258. "I saw no violence used"?—Yes.

19259. "I was busy writing"—is that right?—I was writing.

19260. That is true—"I was busy writing"?—Yes.

19261. "There was a little blood on his face"?—I might have said that.

19262. You might have said it?—Probably I did say it.

19263. Is it a fact that your recollection about this is really not very clear?—I do not remember it.

19264. You did not pay much attention to it at the time?—No.

18265. But you recognise it would be a very serious thing for a constable to have struck a prisoner in his charge?—It would be.

19266. Although you heard the charge made at the time, you still did not pay very much attention to it?—No, I did not.

19266*. (*Mr. Eldon Bankes.*) You have been asked if you recollect this distinctly. If Morgan had struck this man in the charge room, is that a thing you would have forgotten?—I should not have forgotten it.

19267. (*Chairman.*) Where is the bench in the charge room?—It is where the words, "Charge room" are.

19268. Will you just mark the bench with a pencil. (*The witness marked the plan.*) The bench, then, is towards the centre of the room?—Not quite in the centre of the room.

19269. You have put a cross against the words, "Charge room" in the word, "Charge," on the plan?—Yes.

19270. How long is the bench. I do not mean to a few inches, or to a foot, or two?—It is only about 4 ft., I should think, or 3 it., or 3½ ft. in width.

19271. Which is it?—It is about *this* width (*illustrating.*)

19272. About 3 ft. wide?—Yes, and about 4 ft. high, I should think.

19273. From the ground?—Yes.

19274. Do you mean from the seat of the bench to the ground?—There is no seat to the bench. It is a desk without a seat; it stands up pretty high.

(*Mr. Eldon Bankes.*) The Chairman is asking you about the seat that Mullins sat on.

19275. (*Chairman.*) The seat I am asking you about?—The seat is an ordinary seat, fixed to the walls.

19276. Will you kindly mark where the bench or seat is? (*The witness again marked the plan.*) I see you put the cross near the wall, between the dock and what I call the desk, and which you originally marked as being the bench?—The bench is where the word "Charge" is, and the seat is where the other cross which I have made is.

19277. How long is the seat?—About 12 ft., I should think.

19277*. Has it got any back to it?—The wall is the back.

19278. Is it fixed against the wall?—Yes.

19279. It runs, then, in the direction of the dock?—Yes.

19280. The two windows of this room are windows opening into the street, are they not. There is no side window, is there?—There is no other window.

19281. The dock is opposite the window?—That is right.

19282. I should like exactly to know where the desk is. *There* is your mark on the plan, which suggests to me that it is the desk. You put the cross *there*?—The desk would be about *there*.

19283. Is it in the centre of the room?—It is not in the centre of the room really.

19284. Is it touching the wall?—No. It is a desk that you can move about to any part of the room you like.

19285. Does it slope—is it a desk for writing at?—Yes.

19286. Which way is it generally put with the slope?—With the slope towards the fireplece.

19287. So that in writing you would have your back to the fireplace?—Yes.

19288. If you were writing there, the seat is also at your back?—Yes, just so.

19289. So that if you were writing at the desk and there was a prisoner sitting on the seat you would not be able to see him?—No.

19290. But a prisoner entering from the lobby in order to get to the seat would have to pass round the desk I take it on one side or the other?—Yes.

19291. Was it while Mr. Mullins was being taken from the entrance door to the seat that you had an opportunity of observing him?—I did look up.

19292. That is all you did then?—At that moment.

19292*. Now will you tell me please where, in the Inspector's office the telephone apparatus is. (*The witness again marked the plan.*) Am I right in assuming that you had been attending to telephone business that evening?—Just previous to the prisoner coming in.

19293. Then to get to the telephone you have to go through the door of the charge room, into the lobby, from the lobby through another door into the Inspector's office, and make your way to the corner where the telephone apparatus is?—Yes.

19294. But from there you could not see what was taking place in the charge room?—No, certainly not—not of the charge room—you could see a portion.

19295. It would require the two doors to be wide open to see anything at all from the corner, would it not?—Yes. There are glass panels in the doors.

19296. What kind of glass?—Ordinary window glass.

19297. That you could see through quite easily?—Yes.

19298. Does that apply to all the doors here. Does that apply to the doors leading to the cells as well—that they have glass panels in them?—No, I think those two doors.

19299. Have you any recollection at all as to what you were writing when Mullins was brought in?—I think it was a telegram I had just sent, to the best of my recollection.

19300. Why were you writing a telegram you had just sent?—You have to enter them into a book.

19301. In the occurrence book?—In the telegraph book.

19302. We know the time when Mullins was brought to the station. According to the charge sheet the time Mullins was brought to the station was 11.30?—Yes.

19303. Could you tell from the telegraph book what telegrams you sent that evening?—I cannot recollect now.

19304. But you could tell from the book?—Yes, I should think so.

19305. Surely you can tell me that. Do you enter the hour of dispatch in the telegraph book?—Yes.

19306. Then you can say so?—Yes, the time is entered as well.

19307. I suppose you entered the time on this occasion as usual?—Yes.

19308. I suppose this was a telegram sent to another police station, or something to do with official business. Do you write out a form first before you go to the telephone, or do you simply go to the telephone and send the message as one to be forwarded from the exchange by ordinary telegraph?—We have a book to take messages in and to write them down.

19309. Do you write the message before you have been to the apparatus or not?—Not as a rule.

19310. You give your message at the telephone first?—Yes.

19310*. And then you come back to write the message you have sent?—Yes, to write it in the book.

19311. Are you quite certain that it was not after Mullins had come in that you went to the apparatus to send this message?—Yes, quite certain.

19312. Quite certain?—Yes.

19313. Why?—To the best of my recollection.

19314. You said you were certain a moment ago?—I do not remember leaving the room before.

19315. You do not remember leaving the room before Mullins came in? Is that what you mean to say?—It was after the Inspector came out that I left the room to attend to the telegraph.

19316. I understand you were writing a telegram in the book when Mullins came in?—Yes.

19317. I understood from you you had been already to the telephone to dispatch the message?—Yes, before Mullins came in.

19318. I am putting to you, are you quite certain that that is the case?—Yes.

19319. Now why are you quite certain?—I remember going to the telegraph, and then afterwards writing it in the book.

19320. I am asking you about that, because you have been asked about the police court, and your evidence seems to suggest, to my mind, that you were not really attending to Mullins at that time. You say "I saw no violence used. I was busy writing." (*No answer.*)

19321. The telegraph book is at the police station, I suppose?—Yes.

19322. How many telegrams did you send between 10 and 12 o'clock? Can you recollect that? Was it a busy night?—Not extra busy, I think.

19323. Was the only duty you were discharging on this evening the sending of messages?—Yes, or doing anything that might want doing to the prisoners.

19324. You were to act as gaoler?—I was not really gaoler. I was to attend to anything that wanted doing to the prisoners.

19324*. Had you before that been asked to go to the cells, or to attend to anything in connection with prisoners that evening?—I probably had; I do not remember.

19325. At what time did you go on duty?—10 o'clock.

19326. (*Mr. Dickinson.*) You remember making this report of yours of the 10th of September?—Yes.

19327. At what time in the day would you make it?—Some time in the evening I think it was, or after I came back from the police court.

19328. At what time was this case heard at the police court?—Between 11 and 12 in the morning.

19329. Then were you asked to make this report?—Yes. 3 Dec. 1906.

19330. Who instructed you to make it?—The Inspector.

19331. Inspector Wheeler?—Yes.

19332. Did he tell you why he wanted the report?—With reference to the complaint alleged.

19333. With reference to the complaint of striking Mullins on the mouth in the charge room?—With reference to the alleged complaint.

19334. I mean that is what you understood?—Yes.

19335. The complaint was that Morgan had struck Mullins in the charge room?—Yes.

19336. In that report you say "Mullins was excited and accused the police constable of striking him on the mouth. I beg to state that I was in the charge-room and did not see any violence used by Morgan." I suppose Inspector Wheeler, when he asked you for this report, said he wanted your report on the question of the assault?—Yes.

19337. Do you remember signing an addition to this report: "With reference to the statement of the prisoner when he was before the magistrate, I beg to state that nothing was said by Mullins at the station of any assault in the street. He did not ask that P.C. Morgan should not take him to the cells." When did you make that addition to the report, or perhaps it was a separate report.

(*Mr. Eldon Bankes.*) Here is the document. (*Handing.*)

19338. (*Mr. Dickinson.*) You wrote out this first report in the evening, you told me. The first part of it you wrote out in the evening?—Yes.

(*Chairman.*) I expect it was on the morning of the 10th.

19339. (*Mr. Dickinson.*) I think it was on the evening of the 10th, after the hearing at the police court. Let us get that clear. I asked you just now, and you said you wrote it after you came back from the police court. In this report, which you sign "Charles Hunt," and which is dated the 10th September, you say: "I beg to report that at 11.30 p.m. on the 9th inst., I was present at this station when P.C. Morgan, 383 L, brought George Mullins in on a charge of drunk and disorderly. Mullins was excited and accused the police-constable of striking him on the mouth. I beg to state that I was in the charge-room, and did not see any violence used by Morgan." I want you to tell me exactly what was the time when you wrote that report?—It was some time during the night.

19340. During the night?—The same night that Mullins was charged.

19341. Let us get this right. This report is dated the 10th September. The 9th September was the night Mullins came in and was charged. The 10th September was the day on which he was at the police court. Now, perhaps, you can tell me at what time on the 10th September did you make that report?—I made it out before I went off duty at 6 o'clock.

19341*. You were asked by Inspector Wheeler to do it?—Yes.

19342. Do you know whether at the same time Saunders made his report?—He did.

19343. At the same time?—I believe he did.

19344. Having got that I now want to know when this addition was made. Here is the addition, written at a different time and with rather lighter ink. It is your writing. When was that addition made?—That was after the proceedings in the police court.

19345. But *this* one was made after the proceedings in the police court?—No, not the first one.

19346. The first one is dated the 10th September. You told me that was made before you went off duty at 6 o'clock on the day on which the police court proceedings took place.

(*Mr. Eldon Bankes.*) Yes, but that is 6 a.m.

(*Mr. Dickinson.*) I did not understand that.

(*Chairman.*) Yes, it is so.

19347. (*Mr. Dickinson.*) You wrote this before the proceedings at the police court?—Yes.

P.C. O. Hunt.

3 Dec. 1906.

19348. Now I understand it. You wrote it at 6 a.m. on the 10th September—in the morning——

(*Chairman.*) The first report was made in consequence of the complaint by Mullins that he had been assaulted at the police station. The reports were made at various times on the morning of the 10th.

19349. (*Mr. Dickinson.*) I did not understand that this was made on the 10th. Now, when was this addition made?—After we came from the police court.

19350. This addition was made in the afternoon—after you returned from the police court?—Yes.

19351. Why did you make that addition?—I was asked by the Inspector to make a report.

19352. Did he ask you to report upon these two subjects. First of all, the assault in the street was not the same assault as the assault in the police station, I take it. You say, "With reference to the statement of the prisoner when he was before the magistrate, I beg to state that nothing was said by Mullins at the station of any assault in the street"?—Yes.

19353. What assault in the street were you referring to then, or thought you were referring to?—The prisoner alleged that Morgan used him roughly in the street.

19354. That is to say, at the police station?—Yes.

19355. You heard him say that?—At the police court.

19356. Inspector Wheeler asked you to give your account of whether Mullins said anything with regard to an assault in the street?—Yes.

19357. Inspector Wheeler asked you about it?—Yes.

19358. And in accordance with his request you wrote this?—Yes.

19359. "He did not ask that P.C. Morgan should not take him to the cells." Why did you write that?—I made the report that the Inspector asked for.

19360. I want to know exactly what did Inspector Wheeler ask you to do?—To say what I knew of it at the station.

19361. To say what you knew of it? Did he, or did he not, ask you to say whether or not he had asked that P.C. Morgan should not take him to the cell? I suppose Inspector Wheeler spoke to you about this matter?—Yes.

19362. And one of the things was that Mullins said he did not want the constable to take him to the cell. I suppose Inspector Wheeler mentioned that to you before you made this report?—No.

19363. It was of your own motion that, that you put in this about his not going to the cell without the Inspector having asked you about it?—Yes.

19364. You mean, I suppose, it was not your suggestion, but it was Inspector Wheeler's suggestion?—No, it was my suggestion; I made the report.

19365. When you made this report did Inspector Wheeler, or did he not, say to you, "Just make a report of what happened," or did he say, "Tell us what happened with regard to this question of going to the cell."?—Yes.

19366. How did he do that?—He said, "Just make a report of what happened."

19367. You told me that Saunders made a report at the same time?—About the same time. He had to do it before he went off duty.

19368. When these reports were made were both of you present?—Yes.

19369. And I suppose Inspector Wheeler spoke to both of you?—He said, "I want a report from each of you before you go off duty."

19370. And you immediately, both of you, sat down to make your reports?—Yes, to the best of my recollection.

19371. I want to know exactly how these reports were made?—Probably we sat down at the table and wrote them out.

19372. You sat down and wrote them out at the same table?—Yes.

19373. And at the same time?—I should not be sure of that; I should say we were about the same time.

19374. Did you see Saunders' report?—No, I did not.

19375. You do not know whether Saunders saw your report?—No, I do not think he did.

19376. Did you have any consultation while you each wrote your reports?—No.

19377. Are you sure?—Yes.

19378. You both made your report absolutely independently of each other. You were sitting at the same table. I want to see what the value of these reports is. You were sitting at the same table. Inspector Wheeler was there at that moment, was he not?—No, he was not.

19379. He had gone away, had he?—He was in his office.

19380. He left you to make your reports?—Yes.

19381. You both sat down to make your reports?—Yes.

19382. Am I suggesting what is inaccurate when I say they were made in consultation?—I do not believe I spoke to Saunders about it.

(*Mr. Eldon Bankes.*) You will notice that they do not begin in the same way.

19383. (*Mr. Dickinson.*) I was going to read the two. Your report says: "With reference to the statement of the prisoner when he was before the magistrate, I beg to state that nothing was said by Mullins at the station of any assault in the street. He did not ask that P.C. Morgan should not take him to the cells." Saunders' report says: "With reference to the statement made by the prisoner at the hearing of the case at court, I beg to report that Mullins made no complaint at the station respecting the alleged assault in the street, neither did he request that P.C. Morgan should not take him to the cell." You had both been asked by Inspector Wheeler to report upon those two points, I suppose?—I do not remember that. I know I was asked to make a report.

19384. Did you not have some conversation as to the importance of those two points? They were two points that had just been raised before the magistrate, and the idea was that Mullins was inaccurate. Do you mean to tell me that you did not have any conversation about that, either with Inspector Wheeler or with Saunders?—I might have spoken to him with reference to it.

19385. Did you or not?—I do not remember now.

19386. After you left the police-court, had you not been discussing the importance of these two points?—No, I do not think I had.

19387. (*Chairman.*) How long have you been in the Force?—Just 13½ years.

19388. I want to know whether my impression of your evidence is accurate. I understand that you did notice, when Mullins was placed in the dock, that he had got an injury to the lip?—There was a slight swelling on the lip.

19389. You noticed it, then?—Yes.

19390. That was the first time you had noticed that his lip was swollen?—Yes.

19391. When you were writing at the desk, was Mullins quite quiet after he had passed you? He said he was forced to sit on the bench. Morgan denies that. That was taking place behind your back, if you were writing. Was Mullins talking at all during the time after he came in?—I do not quite remember whether he was or was not.

19392. Was he talking when he came through the door?—No; I did not notice anything being said.

19393. He was coming quietly, then?—Yes.

19394. Does not that strike you as being rather more like a sober man than a drunken man?—No; a drunken person sometimes comes in quietly enough.

19395. When you say Mullins was drunk (you were writing at the desk, you have told us), on what do you form your judgment? It is rather a serious thing to say, especially upon your oath here. It was no business of yours, so far as I can see, to notice whether Mullins was drunk or sober. You were busy at the table, writing?—Yes; but I mean when he was in the dock I noticed him.

19396. But you did not notice when you were writing at the desk, and he simply passed you, whether he was drunk or sober?—No; I do not think I did—not just then.

19397. When did you come to the conclusion that he was drunk?—When he was in the dock.

19398. On what grounds did you come to that conclusion?—By his appearance. He had all the appearances of a man being intoxicated.

19399. What appearance?—He was unsteady on his feet.

19400. Anything else?—His eyes looked rather peculiar.

19401. Those are the two points that struck you?—Yes.

19402. You know as a fact that he was not drunk. You heard what the doctor said?—Yes.

19403. Were you present when the doctor examined him?—Yes.

19404. Then I suppose you are willing to admit that the judgment you formed was wrong?—Well, certainly, in my opinion, I should say he was drunk.

19405. Notwithstanding what the doctor said, and the admission made by Mr. Wheeler, you still stick to the opinion that Mullins was drunk when he was charged?—(*No answer.*)

(*Mr. Eldon Bankes.*) I have got the telegram-book here, and may I just explain, in order that you may follow it? There is a telegraph as well as a telephone at the station, and the practice is this: that with regard to the telegraph, there is a slate kept on which the officer immediately writes down either the message he sends or the message he receives; with regard to the telephone, there is a small book kept in which the same thing is done at once, and then, when the opportunity offers, from the slate or the small book it is transferred into that book which is before you, and the time which appears there is not the time at which it is entered in this book, but the time at which the message is either received or sent, as the case may be. The red ink are the telephone messages, and the black ink are the telegraph messages; and if you look you will find that the material ones are that at 11.10 a telephone message was received dealing with the case of a missing child, and at 11.45 a telephone message was sent to the Divisional Surgeon.

P.C. C. Hunt.
3 Dec. 1906.

(*Mr. Dickinson.*) The officer signing is Inspector Wheeler.

(*Mr. Eldon Bankes.*) He apparently countersigns it.

(*Mr. Dickinson.*) Is there any intimation as to who actually did receive the telephone message?

(*Mr. Eldon Bankes.*) I have no doubt it was Constable Hunt; but I can ask him. As far as the book is concerned, there is nothing to indicate.

P.C. Charles Hunt (16 LR), recalled.

19406. (*Mr. Eldon Bankes.*) Have you looked at the telegraph-book?—Yes.

19407. There are two entries there in red ink—one at 11.10, a message received about a child missing, and at 11.45 a message sent to the Divisional Surgeon. Are those entries in that book in your handwriting?—Yes.

19408. (*Chairman.*) Was it the former of those two entries that you were busy writing when Mullins came in?—Yes, the 11.10 one.

19409. (*Mr. Eldon Bankes.*) You would be writing at the desk into the book what you had already put on the slate previously?—Yes.

19410. (*Mr. Dickinson.*) Copying it from the slate?—Yes.

19411. (*Mr. Eldon Bankes.*) It is my mistake—it would be the small book?—Yes.

19412. (*Mr. Dickinson.*) You would be copying from the small book?—Yes.

19413. Immediately after you had copied it from the book you would take the book back to the telephone?—Not always. I leave it on the desk sometimes.

19414. When did you take the book back to the telephone that night? The book, I suppose, is close to the telephone, so that it can be used at once?—Yes.

19415. When did you take that book back?—It was after the charge was done with, I think, that I took it back.

19416. (*Chairman.*) You are not sure?—I often leave it on the desk till it is required.

19417. (*Mr. Dickinson.*) It would be very awkward if the book was not at the telephone if another message came. Anybody who goes to the telephone can at once write down what the message is?—Yes.

19418. Therefore, I suppose, it is important that the book should be back at the telephone always?—Yes, by whoever is going to take the message.

19419. Is it your usual practice to take the book back at once?—No, not at once; I leave it on the desk sometimes.

19420. Then the book might not be on the telephone when it is wanted?—No.

19421. (*Chairman.*) The entry in this book is "12,698 R.C. to S.S., 11.10 p.m. Missing, Stewart, George, age 5, dress blue sailor dress, white front, blue sailor hat, 'H.M.S. Crescent,' thereon." Is that entry in your handwriting?—Yes.

19422. Is that the entry which you were writing when Mullins was brought into the charge room, according to your recollection?—Yes.

19423. No other entry was made in the book until the entry at 11.45, when there is this message: "Ask doctor to come to K.N.; man denies drunkenness"?—Yes.

19424. Did you make that entry?—Yes.

19425. Was the man referred to Mullins?—Yes.

(*Chairman.*) Then we need not keep the book.

19426. (*Mr. Eldon Bankes.*) Are all the calls to the telephone and all the messages from the telephone recorded in this book?—Yes.

19427. So that at this time, between 11.10 and 11.45, there was no call to the telephone at all or to the telegraph. It would appear in the book if there was, would it not?—Quite so.

P.C. Alfred Saunders, 412 L, sworn.

19428. (*Mr. R. D. Muir.*) Were you on duty on the 9th September when P.C. Morgan brought George Mullins into the station?—Yes.

19429 Were you in the charge room?—Yes.

19430. Did you see Inspector Wheeler come into the charge room?—Yes.

19431. Between the time that Morgan entered with his prisoner and the time that the Inspector entered had you left the charge room?—No.

19432. What were you doing at that time?—Nothing in particular.

19433. Is it true that Morgan struck Mullins at all?—No.

19434. Did you hear Mullins make a statement that he had been struck in the mouth?—Yes.

19435. Were you asked a question by the Inspector about that?—Yes, I was asked if that was true.

19436. What did you say?—"No, Sir."

19437. Did the Inspector ask you to make a report?—Afterwards, yes.

P.C. A. Saunders.

19438. When did you make that report?—Before I came off at six in the morning.

19439. Did you attend at the Police Court the same day, when Mullins's case was heard, and did you give evidence?—Yes.

19440. Were you cross-examined?—Yes, by Mullins himself.

19441. Was anything said in the cross-examination (try and remember what it was exactly) by you as to whether it was necessary for the police-constable to hold Mullins on the seat. What was Mullins's question?—The question to me was: "Do you consider any more force was used than necessary," and my answer was "No." Nothing was said about him being hit on

P.C. A. Saunders. 3 Dec. 1906.

the mouth. It was just a question of any more force than necessary.

19442. After you had been to the Police Court were you asked to make a report as to some statement that Mullins had made while giving evidence?—Yes.

19443. Who asked you to make the report?—A request came from Sub-divisional Inspector Spencer, I think. I would not be quite sure, but I think so, to the best of my recollection.

19444. Did you make a report accordingly?—Yes.

19445. When Mullins was at the station did he make any complaint of having been assaulted in the street by Morgan?—No.

19446. Did Mullins make any request that P.C. Morgan should not take him to the cells?—No.

19447. (*Earl Russell.*) You made two reports, besides giving your evidence?—Yes.

19448. Did you make any other written statement about it?—Nothing.

19449. You heard Hunt give evidence?—Yes.

19450. Your reports were made in the same way as his, one before you went off duty at six o'clock, and the other after the hearing at the Police Court?—Yes.

19451. Do you agree with him as to their being made at the same time and practically at the same table?—Yes, about the same time.

19452. And in the same place?—When we made out the second report the former reports were altogether; they were pinned together.

19453. It is the second report I am talking of for the moment?—That is it—consequently we could not both write quite at the same time.

19454. They were made in the same place?—We did not unpin the reports.

19455. You say the reports were pinned together, and the addition was written on without unpinning them?—Yes.

19456. You wrote one and then the other?—Yes.

19457. Immediately after the other?—Yes, as far as our ordinary duties would allow us. We had just come on duty then.

19458. One of you handed the bundle to the other to go on with?—No, the bundle was lying on the table, and we each went to it as opportunity offered.

19459. Never said a word to each other?—No.

19460. Never read each other's reports?—No, it was impossible.

19461. How was that?—Unless we deliberately turned the sheets over to do so. They were pinned together. Both reports were not lying open like that. (*Describing.*)

19462. It would be quite easy to turn the sheet back?—It would have been.

19463. Then do not say it is impossible. You mean you did not do it?—That is it.

19464. Are you quite sure?—Yes, positive.

19465. What was your duty at the station that night?—I was on reserve duty. My chief duty was gaoler.

19466. Were there many prisoners in the cells?—I cannot recollect. We were not particularly busy that night.

19467. You had been attending to them?—Yes.

19468. Taking them to the cells?—Yes, unless I was otherwise occupied.

19469. And answering their bells, and that sort of thing?—Yes.

19470. They do ring their bells?—Occasionally, yes.

19471. And getting bail for them?—Yes. If there was a telegraph message to go out I should have taken it.

19471*. At the moment Mullins came in you had nothing at all to do?—Beyond attending to him, no.

19472. You were in the charge room waiting for a duty of that sort?—That is it.

19473. Did you take particular notice of him when he came in?—Beyond just taking ordinary notice, no. I did not make an examination of him, if that is what you mean.

19474. No, I mean just what I say. Did you have a good look at him when he was brought in?—An ordinary look at him, yes.

19475. Did you form the opinion before he was charged whether he was drunk or not?—He appeared to be drunk.

19476. But at what time did you form that opinion; was it before the Inspector came in to take the charge, or afterwards?—As it was only about a minute, I would not be quite definite on that point. I formed the opinion when he was in the charge room, anyway before he was taken to the cells.

19477. That was altogether a matter of some ten minutes?—Yes, altogether.

19478. You cannot say whether you came to that conclusion before the Inspector had charged him, or after?—His condition and his actions in the charge room would lead me to form an opinion.

19479. How did he behave as he came in at the door of the charge room?—In the ordinary way. He was brought in by the constable who had hold of him by one hand.

19480. By his neck?—Yes, by the collar of his coat.

19481. Did he come in quietly?—Yes.

19482. No struggling?—No.

19483. No shouting?—No.

19484. No attempt at fighting of any sort?—No.

19485. What was he doing with his hands when he came in?—Nothing particular, that I noticed.

19486. What was the condition of his face when he came in?—I noticed nothing particular about his face. No particular marks.

19487. He was taken to the prisoners' bench?—Yes.

19488. Did he sit down quietly, or did he have to be made to sit down?—He sat down.

19489. Without being made to?—Yes.

19490. Did he try to get up again?—He was a little excited.

19491. Did he try to get up again after he sat down?—To the best of my recollection, yes.

19492. And had to be forced down again?—No, he was told to sit down.

19493. He did it when he was told?—Yes.

19494. Did he make a further attempt to get up?—No, I do not think so.

19495. He only tried once?—That is all.

19496. Was that before the Inspector had taken the charge?—No. It was immediately after he was brought in and sat down.

19497. Before the Inspector took the charge?—Yes.

19498. You say he sat on the bench?—Yes.

19499. And made one attempt to rise, but did not have to be pushed back?—No.

19500. He sat down by himself when he was told?—Yes.

19501. Did he have to be held down afterwards?—No.

19502. Do I understand the explanation you gave my learned friend of this was that you did not say "It was necessary for the police-constable to hold him on the seat"?—No, the question was quite definite, and the answer equally so.

19503. You did not say anything like that?—No.

19504. That is a mistake of the clerk at the police court?—I remember the question put to me, because it was the only one.

19505. You were only asked one question by Mullins in cross-examination?—Yes.

19506. What was that?—"Was any more force than necessary used."

19507. And what did you say?—"No."

19508. Did you see any force used to him at all?—No.

19509. You have not told me of any yet, you know?—No.

19510. You did see any force used to him at all?—No.

19511. That is what you said in your evidence in chief at the police court?—Yes.

19512. "I did not see the police-constable use any violence towards him"?—That is it.

19513. Why did you not answer the question more fully. Why did you not say "Not only not more than necessary, but none at all"?—He did not suggest that there had been any force used that I know of beyond striking him as he came in.

19514. (*Mr. Whitmore.*) The witness said he gave a distinct answer to a distinct question.

19515. (*Earl Russell.*) You say the question was this: "Did he use more force than was necessary"?—Yes.

19516. Would it not have been better to have said he used no force at all?—I only answered the question that was put to me. I was not supposed to think what was in the other man's mind. The question was asked, and I answered it.

19517. You think that was a sufficient answer?—Yes.

19518. You gave no assistance to Morgan in dealing with his prisoner?—No.

19519. Did you stand quite close to him and the prisoner all the time?—Yes, when they came first into the room they passed me, and having passed into the room I stood between the desk and the dock.

19520. That would be quite close to him, as close as you are to me?—Yes.

19521. This statement of Mullins you say is incorrect: "Whatever business these other two men were doing one went through one door and one went through the other door"?—That is incorrect.

19522. That did not happen?—No.

19523. Did you have any conversation with the prisoner at all?—No.

19524. Did you hear him say anything before he was charged?—Yes, and when the constable Morgan explained to Inspector Wheeler what had taken place Mullins said "That man"—pointing to Morgan—"has struck me in the mouth in this room."

19525. That was before the charge was written down or read over?—Yes.

19526. Was that the first thing you had heard him say since he came in?—Yes.

19527. This is how you begin your evidence at the police court, "The prisoner was very excited"?—Yes.

19528. Can you tell me what sign of excitement he showed?—He was very restless; these people generally are when they are brought in under such conditions.

19529. You mean the getting up off the seat?—Yes, he wanted to get up and he showed signs of excitement in himself.

19530. In what way?—He was not calm. One is calm in the ordinary way, but he was not.

19531. He was breathing quickly?—He showed signs of excitement in himself.

19532. You cannot tell me any external sign?—He was apparently restraining himself with an effort. He would have got up or behaved in an excitable way, perhaps, if he had been free to do so, but he was told to sit down, and he did so.

19533. That might have been consistent with a man who was very angry?—Well, yes.

19534. As well as with a man who was drunk?—Yes, both.

19535. Do you still think he was drunk when you saw him?—Yes.

19536. You agree with the last witness?—Yes.

19537. Did you observe any signs of drunkenness beyond what you have already told us?—I have not given any signs of drunkenness yet.

19538. You have told us he was excited, and I thought you said that was consistent with his being drunk. Did you observe any other sign of drunkenness about him?—He smelt of drink strongly; his eyes had the appearance of a man who had been drinking, and he was not as steady on his feet as a sober man would be.

19539. What was the appearance about his eyes that suggested he had been drinking?—They were not clear and such as a man's eyes would be if he was quite sober.

19540. Did you notice that before he was charged?—I noticed it while he was in the charge room, but I will not be quite definite as to how many minutes he was there before I noticed it.

19541. But directly he had been charged and taken out of the dock he went straight to the cells?—Yes, and during the time he was in the charge room I formed my opinion.

19542. But you cannot say it was before the Inspector came in or after?—I never had much time to form an opinion before the Inspector came in.

19543. You asked no question of the prisoner?—No, it was not my place to do so.

19544. Did the Inspector ask him for his name and address?—Yes.

19545. To write it on the charge sheet?—Yes.

19546. Did he give his name and address directly?—Yes.

19547. There was no trouble about it?—So far as I can recollect, no. Had the Inspector been longer coming out I should have taken his name and address.

19548. If the Inspector had been longer coming you would have taken his name and address?—Yes.

19549. Why?—I wanted it for my own information, to put it on the slate for our guidance.

19550. You do not mean that you would have charged him?—No, not at all.

19551. Did you, in fact, ask him for his name and address?—No, I did not have any time to.

19552. Not at any time?—No.

19553. Then he did not refuse to give it to you?—No.

19554. You are said at the police court to have stated, "He refused to give me his name"?—To the best of my recollection I did not ask him.

19555. Did you say that at the police court or not?—If it is in the clerk's depositions, yes; I took no copy of what I said. It is some time back now.

19556. You do not think that is incorrect, like the other statement?—No, not if I said it. I will not swear I did not say it.

19557. You think now that you did ask him for his name?—I may have done so; I do not recollect it. I will not swear that I did ask him, anyway.

19558. That is part of the evidence that you gave there on oath at the police court?—Yes. If I did say so, it was correct.

19559. Although you gave it on oath then you have forgotten it now?—I do not remember just that one small point—no.

19560. When did you first notice Mullins's cut lip?—I did not notice it at all. I made no inspection of the man.

19561. You made no inspection of him?—No.

19562. You heard the Inspector say his lip was swollen?—I have heard that.

19563. You did not look at him closely enough to see that for yourself?—No, that was not part of my duty.

19564. Not during the whole time you were in the charge room?—No. The Inspector took the case at once and dealt with him entirely.

19565. At the same time did you look at him closely enough to see if he had a swollen lip?—No.

19566. Or whether there was any blood on his face?—No, I made no examination at all.

19567. Then at what time did you examine him closely enough to observe the condition of his eyes?—That would be ordinary observations during the time he was in the charge room. There is a difference in forming an opinion of a man being drunk and examining him for cuts inside his mouth.

19568. I did not say inside his mouth—I said a swollen lip?—You mentioned the cut.

19569. Do you wish to tell the Commission on oath that you observed the condition of his eyes without making any close examination?—I should have had to have pulled the man's lips down to examine what

P.C. A. Saunders.

3 Dec. 1906.

was inside his lips, but I could have stood some distance from him and observed his eyes.

19570. You say there were no external marks whatever of the injury to his lip?—I made no examination of the man. There may have been a swelling, I am not saying there was not; I only say I made no examination of him.

19571. You wish the Commission to believe you could have overlooked the swollen lip, but you did not overlook the eyes?—I heard his complaint; it was not made to me. Those who it was made to dealt with it.

19572. But you were quite close by?—Yes; I am open to admit there was a swelling, but I did not examine him for it.

19573. It did not interest you enough to cast a glance at him to see?—No. A drunken man at Kennington Road Station is no new thing.

19574. Was he holding a handkerchief to his mouth at the time?—I did not observe that he was.

19575. You could not say whether he was or not?—I did not observe that he was.

19576. Was there blood on his face?—I did not notice any—at least I do not think I noticed any.

19577. Was there any there. Surely you can say?—I cannot say that I saw any.

19578. Could you have failed to see it if it had been there?—Possibly I ought to have noticed that.

19579. You mean it might have been there and you did not notice it?—It would have been a very small amount of blood if I did not notice it.

19580. Enough for Hunt to notice it, but not enough for you to notice it?—He went with the man to the cells, and I did not.

19581. And although you could not see his swollen lip or any blood on his face you could see the condition of his eyes?—Yes, you could look at a man and see his returning look easily.

19582. Were you attending to what went on between Mullins and the Inspector the whole time?—In the ordinary way, yes. At the time I did not expect to have to reproduce everything that was said.

19583. You mean you were not paying very much attention?—I paid the ordinary attention as was consistent with my duty.

19584. It was not your duty to attend to a man being charged?—Yes, as gaoler.

19585. Is it your duty to be present when the charge is taken?—If I am at the station, yes.

19586. And to listen to the details of it?—In the ordinary way, yes.

19587. That is the gaoler's duty?—In the ordinary way, yes.

19588. What paragraph in the instructions?—Is that the order?—Yes, to assist in any way.

19589. Therefore you were fulfilling your duty in listening to the man being charged?—Yes.

19590. (*Chairman.*) When did any Inspector tell you if you were there in the charge room that you were to listen to what the charge was?—That is the general order at our station, that the man who is on second reserve acts as gaoler, and in that capacity he would be present while the prisoner is charged. He would assist in the searching if necessary, and he would conduct him to the cells under the supervision of the officer on duty. That is the understood thing at our station.

19591. (*Earl Russell.*) After the Inspector had reduced the charge to writing he read it over of course to the prisoner in the ordinary way?—Yes.

19592. What did the prisoner say in reply?—"I admit all that, but he struck me in the mouth."

19593. You heard him say that?—Yes.

19594. You heard him make no other complaint to Morgan?—No.

19595. You did not hear him say anything else about what happened in the street?—No.

19596. The reason you wrote your first report on this was on account of the complaint against Morgan?—Yes, the alleged assault.

19597. Let me read it to you: "I beg to report that I was on reserve duty at Kennington Road Station on the 9th inst. when P.C. 383 Morgan brought in George Mullins on a charge of being drunk and disorderly at 11.30 p.m. On Inspector Wheeler entering the charge room Mullins complained that he had been struck in the mouth by P.C. Morgan at the station." Did he make that complaint immediately Inspector Wheeler entered the charge room?—After the Inspector had asked Morgan for details of his reasons for bringing him in.

19598. Not immediately he entered the charge room?—It followed close on. There was not a break in it at all. Inspector Wheeler came straight in. He asked Morgan for the details, which were given, and Mullins made a complaint to the Inspector. It was just the running order of things.

19599. "P.C. Morgan at the station, but there is no truth in this allegation." Was the reason that you did not mention his swollen lip there that you had not seen it?—I had no occasion to mention it. There was an assault alleged, and I say it was not true, as I have stated there.

19600. You thought that was enough?—Yes, I had but to state what occurred in the charge room.

19601. You were not going to see your superior personally, and this was the report that was going before him as a full report?—Yes, that was going before him to explain whether the assault took place in the charge room or not.

19602. But if you had noticed his lip was not that a thing which ought to have gone in the report?—There was no suggestion that his lip was cut in the charge room.

19603. No suggestion?—No.

19604. He said he had been struck in the mouth, did not he?—Yes.

19605. What was the exact words he used. Did he say Morgan had burst his lip?—No, he said he had been struck in the mouth by this man.

19606. Did he not say it had cut his lip?—I do not remember that he did say so.

19607. Did he not say his mouth was bleeding?—He showed his lips to the Inspector.

19608. With blood on them?—I am not prepared to swear that.

19609. What do you mean when you say that he showed his lips to the Inspector?—After he made the allegation against Morgan he went to his lip like this (*describing*), and the Inspector went forward and examined it.

19610. But you did not see it?—I did not go and examine it—no, Sir.

19611. Therefore you do not know whether it was bleeding or not?—I would not like to swear whether it was or was not.

19612. Is that why you did not mention it in your report?—The assault was alleged and I say it did not take place. Beyond that I did not see that I had anything to do.

19613. You did not think it necessary to say anything more than that?—No.

19614. Before the Inspector came in you were not, of course, watching Morgan and his prisoner?—I had an eye on them, yes.

19615. But not with the same care as when you were standing by when the charge was being taken?—One has some confidence in one's comrades, and you do not expect that a man is coming in to assault the man in charge for nothing, and it was my duty to take notice of what took place in the charge room.

19616. You recognised it was a very serious charge against Morgan?—Yes, certainly.

19617. Have you talked it over with him since?—No.

19618. Never said a word about it?—Well, in what way do you mean have I talked it over with him?

19619. I mean exactly what I ask you. Have you not talked it over with Morgan since?—Officially, no, Sir.

19620. I did not ask you that?—I have not talked it over with him with the idea of reproducing any evidence.

19621. If you had I should not expect you to admit it, but I ask you have you talked it over with him?

—The whole case has been given some publicity, and one has to hear and see these things.

19622. Did you not talk it over with him the same night it happened?—No, he went out on duty. I was still on reserve and he took up his beat at once.

19623. Was he gone before you put the prisoner in the cells?—I did not put him in the cells.

19624. And was he gone before the prisoner was put in the cells by somebody else?—He should be gone in the ordinary way, but I will not swear he was gone. His duty in the station ended after the charge was read over, and the answer made.

19625. The Inspector and Hunt went off to the cells with the prisoner?—Yes.

19626. And you were left alone with Morgan?—I remained in the charge room—I will not say with Morgan.

18627. You cannot tell us?—No, because Morgan should have gone away. I can remember this much, that he said nothing to me then, because if he had have done I should have remembered it.

19628. He said not a word to you?—No.

19629. Nor since?—He may have said, "What do you think of it?" or made an ordinary casual remark, but as to the talking the case over, no, Sir.

19630. You have never discussed it with him?—There was no need to discuss the case.

19631. (*Chairman.*) Where were you standing when Mullins arrived with Morgan?—Close to the desk in the charge room.

19632. Which side of the desk?—When he came into the charge room I was standing between that door and the desk, and immediately afterwards I was standing between the desk and the dock.

19633. Between the desk and the dock?—Yes, that would be immediately after he sat down on the seat.

19634. Did you move at all when he came in?—Yes.

19635. Where had you been standing before he came in?—Just as he entered the door I was standing between that door and the desk. He faced me with Morgan, and I shifted my position then and I went over the passage to where he sat down, and I was standing there when the Inspector came in.

19636. And it was then that you had a look at him, I suppose?—I should hardly lose sight of him the whole time.

19637. But you did notice him when he came in?—Yes, an ordinary casual observation, that is all.

19638. You told Lord Russell that you thought he was a little excited?—Yes.

19639. Is that what you tell us now?—Yes. I should not notice the excitement, of course, until he sat down.

19640. When he sat down was he more excited or less excited?—He was just excited.

19641. So that the words, "A little excited" represent really what his condition was, as near as you could tell and recollect. Is that so?—Of course, it would be just a question of degree, but he was excited in the way such people generally are.

19642. Now, that being so, why did you tell the Magistrate that he was very excited?—He was excited.

19643. But I have asked you just now whether the words, "A little excited," represented what his condition was?—I don't think the words, "A little excited," would quite cover it. He was excited, to my mind. He was sufficiently so to justify me in making that assertion at the police court.

19644. Then, he was very excited?—Yes, he apparently only restrained himself by an effort.

19645. If that is so, why did you not tell Lord Russell that he was very excited when he was asking you a few minutes ago?—I led him to believe so at first, but he did not seem quite satisfied with that.

19646. Who?—Lord Russell.

19647. He stopped asking you about it because he was satisfied. Can you give me any explanation of the different use of language to Lord Russell and the language that you used to the Magistrate. Perhaps you can give a reason. What is it?—To the Magistrate I would state the thing as it appeared to me then. Lord Russell would naturally suggest this thing. It is more his suggestion than mine.

19648. You are rather inclined to adopt a suggestion which is made to you?—Not necessarily so, but perhaps Lord Russell is inclined to modify it.

19649. In the police court somebody persuaded you to say, "Very," and now Lord Russell has persuaded you to say "A little." Is that what you mean?—No, not at all. My story at the police court was as outspoken as the thoughts came into my mind respecting the occurrence on the previous night.

19650. The statements might have been what occurred to your mind as being proper to say at the police court, but the question is, were they accurate statements?—Yes.

19651. Did you have any talk with Mullins at all in the charge room?—No, none.

19652. None at all?—No.

19653. You are perfectly certain of that?—Yes, I did not speak to the man.

19654. Did not you ask him for his name?—I don't recollect doing so. I might possibly have done. It is some time back.

19655. If you might have done it, why did you tell me a moment ago that you were certain you had no conversation with him?—Not to discuss the case; I may have said, "What is your name?" but I almost think I misunderstood your question.

19656. I am not persuasive enough?—Not necessarily so, but one can hardly call asking a man's name a conversation.

19657. Very well, I see—that may be so. Did you ask him for his name?—I may have done so, but just at this present moment I cannot swear it. If at the police court I said I did, probably I did. It is some time back now to tax one's memory to every small detail.

19658. I understand that during the interval that took place between the time that Mullins sat on the bench or seat and the coming in of the Inspector you continued to stand in the room?—Yes.

19659. Was it part of your duty to watch what was going on?—Yes.

19660. Why?—Because my chief duty, as I have said, would be to be the gaoler that night. I should stand there ready to see the prisoner to the cell under Mr. Inspector Wheeler's supervision.

19661. Do you assume that everybody who comes into the charge room is going to the cells?—Men generally bring charges in to be taken.

19662. It is possible that a charge might be refused?—Possible, but not probable.

19663. I understand that when you are gaoler, when a man is brought in, you at once begin, as part of your duty as gaoler, to observe him?—In the ordinary way, yes.

19664. Not "in the ordinary way"?—One is prepared to go on with one's duty. When a man is brought in on a charge and you, as a matter of fact, expect he will individually be charged, and go to the cells, you don't want to wait till that before you are prepared to do anything. You are standing ready, and if the charge is taken, you are ready there.

19665. You are ready also in case of need to say what has taken place before the charge?—One would observe that.

19666. We will take it that you were quite rightly doing your duty in an ordinary kind of way?—Yes.

19667. Where were you standing?—Between the dock and the desk.

19668. How far from the fireplace?—4 or 5 ft.

19669. And close to the desk, I think you said?—Yes, there is a table next to the desk, and I should be standing just beyond the table, about a foot or so away from it. If *this* was the desk *here*, the table is about *that* distance, and I was standing *here* (*describing.*)

19670. About a yard or so from the desk?—Yes.

19671. And 4 or 5 ft. from the fireplace?—Yes.

19672. There is no doubt about it in your own mind that that is where you were standing?—Yes, I was standing there.

19673. Then I understand until the inspector had come in and you were taking Mullins to the dock you

P.C. A. Saunders.
3 Dec. 1906.

made no kind of personal examination of Mullins except in an ordinary kind of way that you told us you looked at him?—Yes.

19674. And you stood during the time that you were waiting for the inspector to come in in the position you have just told me?—Yes. It would all take place in a little under a minute.

19675. Now will you tell me what opportunity you had of smelling Mullins' breath?—I don't think I suggested I did smell it in that minute.

19676. I did not say that. What opportunity did you have until the time I mentioned when you were taking him to the dock of smelling Mullins' breath?—When he was brought in by Morgan. He passed near to me, and while he was in the dock he would be standing close to me facing me.

19677. So that his mere passing by you gave you a sufficient indication of what his breath was to justify your coming to the conclusion he had been drinking heavily?—He smelt strongly of drink.

19678. Then I understand you did not go near enough to him after he had sat down on the bench to smell his breath again?—I did not approach him with that idea at all.

19679. You were several feet away according to this plan of the room if it is drawn according to scale?—I should be rather nearer to him than to the fireplace.

19680. I do not think so from what P.C. Hunt marked?—The seat on which Mullins sat runs from the fireplace to the other wall, and Mullins would be sitting perhaps in the middle of the seat as near as possible.

19681. But you think you were near enough to smell Mullins' breath, then, from the seat?—No, I would not suggest that.

19682. Then why did you?—I understood you to suggest I was some distance from him.

19683. I know, and I was then going to ask you, was not the distance such that you could not smell Mullins' breath from where you were standing, and the moment you saw I was going to ask you that you said that Mullins was nearer to you than the fireplace. Why did you say that?—Just to correct you. You were going to foreshadow that I was some distance away from the man.

19684. Quite. Then am I to understand you were so near to Mullins that while he was sitting down you could get some impression of what his breath was smelling like?—I could have got the impression.

19685. Did you. You told Lord Russell he was smelling of drink strongly?—When I first noticed the smell of drink was when he stood up in the dock—to notice it definitely.

19686. Then you do not rely in that statement on the whiff that came from him as he came in?—No.

19687. Nor upon his sitting down?—Not to make a definite statement—no.

19687*. Where were you standing when he got into the dock?—I had not shifted my position but very little. It is probable that I had to move on one side to allow him to pass.

19688. I do not know that. According to the scale on this plan it would be about 9 feet between the table and the dock?—Hardly as much as that.

19689. Then this scale must be wrong?—It might possibly be that amount, but I should not have thought it.

19690. How far do you say it is?—I was standing from the dock about 3 feet or so after he was put in.

19691. Then you must have moved a good distance forward?—I should step back in this manner (*describing*). To allow him to go by me, and I might have stepped up, and I should not step back in an exact straight line.

19692. You say you were near enough to him when he was in the dock to smell his breath?—Yes.

19693. Why did you not tell me that at first when I began to ask you about this matter?—I do not quite remember that you put the direct question.

19694. I did. I asked you where you were, and then I said, how do you account if you were there for the fact that you were able to smell his breath. Then you went back and you said you smelt it as he was coming in, and then you explained he was nearer to you than to the fireplace?—I understood you to ask me what opportunity I should have during the time he was there to smell Mullins' breath.

19695. Why did you not say when he was in the dock and only 3 feet from him I smelt it, if that is the case?—That is the case.

19696. Why did you not say so?—I could have made a shorter answer by saying that, certainly.

19697. (*Mr. Whitmore.*) Do you remember how Mullins was dressed when he came into the station?—except that he had dark clothes on, no.

19698. Did you see any marks of dirt on his clothing?—I did not notice them.

19699. Did you notice what he had on his head?—I did not take particular notice.

19700. (*Mr. Dickinson.*) I understand that on this night you were the gaoler?—That was my chief duty.

19701. Is that a duty that is taken on by a different man every night?—No; I was posted on reserve duty for that month.

19702. For one month you are posted there as gaoler, and does that mean that you are constantly at the station?—Not necessarily. If a telegraph message is received that has to be taken out I should have taken it. During my absence Hunt would have acted as gaoler.

19703. If you are not out you act as gaoler?—Yes, while I am there.

19704. Tell me exactly what is the duty of the gaoler?—He sees the prisoners to the cells, visits them periodically as is necessary, according to their condition, attend to their wants, answering the ringing of the bells, and of course will report any undue circumstances to his inspector.

19705. What do you mean by seeing the prisoners to the cells. When a prisoner comes in he is charged first of all?—Yes.

19706. It is your duty to be there at that moment?—Yes.

19707-8. What happens then? What do you do when you have to see them to the cells?—You merely go down the cell passage and see that the cell is lighted, and the prisoner walks into the cell.

19709. Does the gaoler take the prisoner to the cells?—Yes, under the supervision of the inspector.

19710. He takes the prisoner to the cells under the supervision of the inspector, and therefore the gaoler is the person who leads him if he must be led?—Unless the inspector would do so. The inspector is directly responsible, and the gaoler is responsible to the inspector.

19711. You were there for a month. Had you taken many prisoners to the cells?—Yes, but I had only been on about a week on this very night.

19712. Do you as a rule take a prisoner to the cells alone?—No. The gaoler would go down the cell passage with a prisoner alone with the exception of the presence of the inspector.

19713. What do you mean alone, except with the presence of the inspector?—The inspector would either come down—Mr. Wheeler invariably comes right down to the very door, and as often as not would bolt one of the bolts.

19714. He invariably goes down?—Yes.

19715. On this night he went down?—I did not go down, but I know he went.

19716. Why did you not go down. You were gaoler?—Yes.

19717. Why did you not go down. It was your duty?—Yes. Hunt and I did the job amicably between us and Hunt went down with Inspector Wheeler. There was no special reason why he should go or not go. He would act as gaoler if I were not there, so we were jointly responsible, and on this occasion he took the responsibility and went down.

19718. What do you mean by jointly responsible. I thought you said you had been by somebody told off on duty as gaoler for the month?—Yes, but should there be any message to go out I should have to take it.

19719. But there was no message going out then?—Not at that moment.

19720. I want to know how it was that Hunt, who

was not the gaoler, took this man to the cells?—Because he was doing nothing in particular at that moment.

19721. What were you doing?—I do not know that I was doing anything, but to the best of my recollection I was. One has various duties to perform, and little official duties crop up during the time one is on one's tour of duty.

19722. Is it the usual custom for the gaoler to let other men do the work he is told off to do?—As I said before, we were jointly responsible.

19723. But Hunt was not gaoler?—To a certain extent he was. It was his main duty to attend to the telegraph and telephone. At the same time he was as much responsible for the condition of the prisoners as I was; therefore it was to his interest to be about to see that the prisoners were all right, and he would, if necessary, visit them periodically, the same as I did.

19724. And of course you were there at that station till 6 o'clock the next morning?—Yes.

19725. Is there a constable named Ripping there?—Posted at the station, yes.

19726. Do you remember a notice coming to the police station that the police were wanted at China Walk that night?—Yes.

19727. When did it come?—To the best of my recollection after Mullins had been charged. I will not exactly swear to it, but to the best of my recollection after he had been charged.

19728. About how long after was that?—It would be immediately afterwards; it was close, either just before or just after, but it was close—I can remember.

19729. You were in the charge room, I suppose, when that came?—Yes.

19730. How did that notice come, do you know? There was nobody else to receive it but you?—It came in by a lad to the best of my recollection, and he said the police were in trouble in China Walk and wanted some help.

19731. He said that to you, did he?—Yes.

19732. Did you tell the Inspector that?—Probably I did.

19733. Was Police-constable Ripping there?—His duty was to be on the door. I fully expect he was there.

19734. Is it a fact that Morgan and Ripping were sent off to carry out that duty?—Morgan, I understand went afterwards. Whether he was sent I do not know. I did not give the order, but I knew for a fact that he went, because I saw him at the other station when the charge was eventually taken.

19735. I think you told Lord Russell just now that immediately after the charge was taken Morgan went off on his beat?—I said that he went out, and, to the best of my recollection, that was so.

19736. Now I have reminded you of this episode, what are the facts?—As I just told you, he went out, and my subsequently seeing him at the other station in connection with a charge there makes me positive that he went to the trouble, but I did not hear him ordered to go. He went out. I am not prepared to swear he was not sent there.

19737. Now I want to ask one thing with regard to what was said at the police court. You, first of all, said: "The prisoner was very excited. I did not see the police-constable use any violence towards him"?—Yes.

19738. How did you come to give that answer? Did anybody ask you a question?—I do not recollect that I was asked any questions.

19739. What is the course of procedure there? Did you go into the box?—Yes.

19740. Did the Magistrate ask you anything in the first instance, or the clerk of the court?—You go into the box and are sworn. You give your name and your number, and then you proceed to tell the story. You do not get any questions asked unless the clerk wants to bring any facts out.

19741. Did you volunteer that statement without any question being asked—the prisoner was very excited?—Yes; I may have been interrupted. I do not just remember.

19742. You further answered: "He refused to give me his name." That you also volunteered without any question?—Yes.

19743. You could pretty well say whether it was so or not, now that I have called your attention to the usual practice?—Yes.

19744. Whatever was taken down was taken down as a voluntary statement of yours?—Yes.

19745. Then Mullins asked you if you thought any more violence than was necessary had been used?—After I had given my evidence, yes.

19746. I think you have told us that the answer you gave was that no more violence was used than necessary?—Yes.

(*Mr. Eldon Bankes.*) The answer was "No."

19747. (*Mr. Dickinson.*) We have two answers. What was your answer? What actually happened? What did Mullins ask you, and what did you say?—Mullins put the question to me.

19748. What did Mullins say?—Did I consider any more violence than was necessary was used, and I said "No."

19749. You say Mullins put the question in that form—"Do you think any more violence than was necessary was used?"—Yes.

19750. Can you suggest why he should put the question in that form?—Perhaps it was in his mind. Mind you, I cannot speak for him.

19751. You are denying what is put down by the clerk. The clerk says your answer was: "It was necessary for the police-constable to hold him on the seat?" I presume the question would have been: "Was it necessary for the police-constable to hold him on the seat?" However, you say that question was not asked and that answer was not given?—No; I give the question and the answer as I remember it.

19752. You say he asked: "Was any more violence than was necessary used?"—Yes.

19753. Can you say why he should put the question in that form?—Perhaps in his mind he felt he deserved, or merited, some violence.

19754. He wanted to defend the police-constable?—Not necessarily.

19755. But a person who asks a question like that would be anxious to show there was not more violence used than necessary?—He had already said when he was charged: "I admit all that."

19756. Morgan told the Inspector about the occurrence, and then he was eventually charged. What had Mullins admitted?—That what Police-constable Morgan alleged was correct, except that he had been struck in the face.

19757. He admitted he had been rough in the street, and fighting, and perhaps he would carry that idea in his head, and think he would need some restraining, and that would be the reason he would put the question to me.

19758. (*Chairman.*) Just consider what Mr. Dickinson has been putting to you. You were cross-examined by Mullins?—Yes.

19759. And the answer that you gave, whatever the question may have been, was this: "It was necessary for the police-constable to hold him on the seat." Did you give that answer?—I do not recollect that at all. The question and answer, to the best of my recollection, were as I have given them to you to-day. Mullins distinctly asked me did I consider any more violence than was necessary was used, and I answered "No."

19760. Then your suggestion is that the clerk, in taking it down, made a mistake in taking down these words?—Yes, of course, there is a possibility.

19761. It seems to me unlikely that he should have made a blunder about so clear a question and answer—"It was necessary for the police-constable to hold him on the seat." Now let me ask you this: The police-constable was Morgan, of course?—Yes, I understand so.

19762. Was Police-constable Morgan in fact holding Mullins on the seat at any time?—No.

19763. You are perfectly clear about that?—He did not hold him there after he sat him down.

19764. Then the meaning of this sentence of yours is still more obscure—"It was necessary for the

P.C. A. Saunders. 3 Dec. 1906.

police-constable to hold him on the seat." You say Police-constable Morgan did not hold him. Therefore it was not necessary?—I do not remember having said that at all. I have given the question and the answer that have remained in my head all the time.

19765. I understand you to suggest that the clerk has not taken it down quite correctly. Is that what you suggest?—Yes. I do not remember that question and answer at all. The question and answer are as I have given them to you.

GEORGE SIMS, sworn.

G. Sims.

19766. (*Mr. Eldon Bankes.*) Are you a marine store dealer?—Yes.

19767. I think your shop is at 29, Oakley Street?—Yes.

19768. Do you keep the shop, or is it a relative of yours that the shop belongs to?—I keep the shop.

19769. You are the shopkeeper, are you?—Yes.

19770. Who is Mr. Frederick Sims?—My uncle. He works for me. He is the manager of the shop.

19771. Is your shop near the Duke of Sussex public-house?—Yes.

19772. How far off?—Three doors away.

19773. Do you remember the night of the 9th September, the time when Mullins came and spoke to the constable? Do you remember the incident?—The time, do you mean?

19774. Yes?—I should say it must have been about 11 o'clock, or a few minutes after, or something like that.

19775. What were you doing?—Standing outside talking to my uncle.

19776. As you were talking did the constable come up?—He was standing about three feet away from us.

19777. Just explain that a little bit more. Had you been standing on the pavement longer than he had, or did he come up?—He came up.

19778. You were standing talking to your uncle, and the constable came up?—Not the constable. The constable was standing there when we came out of the Duke of Sussex.

19779. But I thought you came out of your shop?—No.

19780. Were you in the Duke of Sussex up to closing time?—We came out of there a few minutes before they closed.

19781. Did you walk up the road towards your shop?—No; we were outside the private bar there.

19782. You and your uncle?—Yes.

19783. Did you see the constable when you came out of the public-house?—Yes.

19784. Where was he standing then?—Against the saloon bar.

19785. Was he standing by himself?—Yes.

19786. Did you know the constable?—Only by being on duty round there.

19787. Had you spoken to him before, or he to you?—Yes.

19788. You knew him just to pass the time of day to him?—Yes, that is right.

19789. When you came out of the Duke of Sussex, and he was standing there, did you go and speak to him?—We were both standing talking, and we said "Good evening" to him, just passing the time of day.

19790. Was he three feet from you at that time?—Yes—it would be about three feet.

19791. So that, as he was standing there, you just said "Good evening" to him?—Yes.

19792. What did he say to you? Did he say anything?—I do not know that he answered. I could not be sure.

19793. What was the next thing that happened?—Mullins came up.

19794. Where did Mullins come from?—From the Duke of Sussex.

19795. Did you see him come out?—I did not notice him come out.

19796. What did you see him do?—He tapped the constable on the shoulder.

19797. Had the constable got his back to him?—Yes.

19798. Did you hear Mullins say anything?—He said, "At the ear-hole again," or something of that sort.

19799. When Mullins said that what did the constable say?—The constable took no notice of him.

19800. Then what did Mullins do?—I said, "Good-night," and walked away. Mullins went one way and I went the other.

19801. Did you see Mullins go away?—Yes.

19802. Did you speak to Mullins?—I said "Good-night" to him.

19803. Did you know him to speak to?—Yes.

19804. After he touched the constable and said this to him you said "Good-night" to Mullins and went away?—Yes.

19805. You were three feet from the constable then? Were you standing in the same place?—About that.

19806. You say the constable took no notice. Did the constable, so far as you know, hear what was said? Did he appear to hear?—I could not say whether he heard what was said or not.

19807. Did he turn round to speak to him, or did he keep standing in the same position?—I never noticed that.

19808. Should you have seen if the constable had struck Mullins?—There was no blow struck while I was there.

19809. You saw Mullins walk away?—I saw Mullins walk away. He walked one way and I walked the other.

19810. Where did you go to?—I went to the top of the street—Waterloo Road end.

19811-12 That is the opposite way to which Mullins went towards his home?—Yes.

19813. Did you see anything more of Mullins or of the constable that night?—Yes.

19814. Had you seen anything of Mullins in the Duke of Sussex?—Never noticed him.

19815. Was the house full—were there a lot of people there?—I could not say it was full; there were a few people in there.

19816. At the time you heard Mullins make this observation to the constable was the Duke of Sussex closed?—Yes, I think they had just closed.

19817. Are you sure about that?—I think they were closed then.

19818. Were there a good many people standing about at the time?—There were a few people standing about.

19819. So far as you could see the constable paid no attention at all to anything that Mullins said?—No.

19820. I mean he gave no indication to you that he had heard anything?—No.

19821. Were the people who were standing about all talking rather loudly? Was there a good deal of noise?—There was not much noise there.

19822. Was there any noise? Were the people talking loudly?—Some of them that came out of the public-house were talking.

19823. (*Earl Russell.*) You have known Mullins some little time, have you not?—Yes.

19824. And your uncle knows him too?—Yes.

19825. And you know Mullins' daughter, I suppose?—I cannot say I have ever seen his daughter.

19826. Have you ever set eyes on his daughter?—I have not taken that much notice; I was never in his company.

19827. Do you know Mrs. Mullins?—Yes, I know his wife.

19828. You do not think you know his daughter, Katie Mullins?—No.

19829. You were talking to your uncle at this time?—Yes.

19830. Had he come out of the Duke of Sussex, too?—Yes, with me.

19831. You had both been in there, but you had not noticed Mullins?—No.

19832. But you saw him very soon after you came out?—Yes.

19833. How long before closing-time did you come out of the Duke of Sussex?—I suppose it would be about five minutes or something like that. We came out as soon as they called "Time."

19834. That would be about five minutes to?—Yes.

19835. So that if Mullins had slipped in three or four minutes before closing-time he would not have been there at the same time as you?—No.

19836. You were not having a regular conversation with this constable?—No.

19837. Simply passing the time of day to him?—Yes.

19838. You have a good deal to do with the police in your business of marine store dealers, do you not?—Yes.

19839. Do not they bother you rather?—Sometimes we are loading a van, and the van has to wait till the stuff is ready, and they hurry us on a bit. That is all.

19840. They are apt to put questions as to where old metal comes from, and that sort of thing, are they not?—They are always entered in the book.

19841. I mean you are subject occasionally to having to prove where you get your things from, and that kind of thing. You get visited by the police sometimes, do you not?—Yes.

19842. Did you see a girl with Mullins on this occasion?—I never noticed her.

19843. She might have been there, do you think?—I could not say whether she was or whether she was not.

19844. You saw Mullins go up to the police-constable and tap him on the shoulder?—That is right.

19845. Would this be correct: "I touched the constable on the shoulder." You agree with that?—Yes.

19846. "And I said, what, at the ear-hole again!" You heard him say that?—Yes.

19847. He was, of course, within arm's-length of the constable, and you were three feet away?—About three feet away.

19848. As far as you are from me?—That would not be three feet, would it?

19849. As far as you are from that gentleman writing?—I suppose that would be about it.

19850. Not as close to the constable as Mullins was?—No.

19851. You are quite positive you heard those words?—Yes, I heard those words.

19852. Did you know what they meant?—I could not tell you.

19853. You never heard that expression before?—No.

19854. You have no idea what it means. You cannot say for certain whether the constable turned round or did not turn round when he was spoken to?—No, I did not take that much notice.

19855. Was there another man there with a straw hat, did you notice?—No.

19856. There might have been?—There might have been.

19857. You think at the time this happened the Duke of Sussex had just closed?—Yes, I think it would be closed then.

19858. At the time you saw Mullins come out he would be almost the last out of the house, you think?

19859. (*Mr. Eldon Bankes.*) He did not see Mullins come out?—I could not say whether he was the last one out.

19860. (*Earl Russell.*) Did you see him come out from the Duke of Sussex, or not?—I did not notice him come out.

19861. You did not see him actually come out?—No.

19862. The street was what you would call quiet for closing-time?—There were a few people knocking about.

19863. But before closing-time?—I could not say.

19864. You were not inside actually at closing-time, were you?—No.

19865. You came out of the Duke of Sussex just a few minutes before closing-time, and you went into your shop just a few minutes after closing-time?—I did not go into my shop at all.

19866. Where did you go?—Towards the top of Waterloo Road.

19867. Did you see Mullins fighting anywhere?—I never noticed.

19868. Not at all. Did you see any people fighting in the road at all?—I never noticed any.

19869. After Mullins had spoken to the constable did you watch Mullins till he walked away?—He left at the same time as me.

19870. He left the constable at the same time as you did?—Yes.

19871. You did not walk in the same direction?—No; he went one way, and I went the other.

19872. You saw him go away from the constable?—Yes.

19873. The constable did not try to stop him?—No.

19874. While you were watching the constable and Mullins would it be true to say that the constable stopped Mullins from fighting some man?—I was not watching at all.

19875. But you saw Mullins come up to the constable, and you saw him go away from the constable?—Yes.

19876. During any part of that time was Mullins fighting with anybody?—I did not see him.

19877. Was the policeman separating anybody who were fighting during any part of that time?—Not while I was there.

19878. No such thing as a fight was going on?—Not while I was there.

19879. (*Chairman.*) When Mullins tapped the policeman on the shoulder were you standing on the pavement or in the road?—On the pavement.

19880. Was the constable standing on the pavement or in the road?—On the pavement.

19881. Was he on the pavement nearer to your shop or nearer to the Duke of Sussex?—Nearer to the Duke of Sussex.

19882. The constable was?—Yes.

19883. Had you passed him on the way from the Duke of Sussex to your shop?—I never went to the shop from the Duke of Sussex.

19884. I know; you said you went to the top of the street. When you came out of the Duke of Sussex you turned towards your shop, I understood?—I might have turned a few feet towards there.

19885. It is also a matter of a few feet, I understand, but you did turn a few feet towards your shop. Was the police-constable when he was tapped on the shoulder nearer your shop or nearer the Duke of Sussex? Nearer the Duke of Sussex.

19886. In which direction did Mullins come?—He came from the Duke of Sussex way.

19887. Was there plenty of light there then?—They turned the lights out. There would not be a lot of light there then.

19888. I understand when Mullins came out of the public-house they were just closing. Do you think the lights were out then?—I would not say they were all out; I did not take that much notice.

19889. It was not so light as it had been?—No.

19890. Is there any lamp-post close by where the constable and you were standing?—No.

19891. Is it possible, do you think, that the police constable might have given Mullins a punch in the ribs without your noticing it?—He never did while I was there.

19892. You do not think he could have done it while you were there?—There was no rowing whatever while I was there. If there was any row it was after I went away.

G. Sims.
3 Dec. 1906.

19893. Then you went up the street, I understand? Yes, to Waterloo Road.

19894. Had Mullins gone when you went away, or did you both go away at the same time?—We went away at the same time.

19895. Did you look back?—No, I did not.

19896. Did you see anything of a man near the constable with a grey dust-coat, or something of that kind, on?—I never noticed him; I did not take that much notice.

19897. Immediately after you left the Duke of Sussex you say there was only the constable, Mullins, your uncle, and yourself there?—There were a few other people outside.

19898. Were they some feet away?—Yes.

19899. (*Mr. Dickinson.*) You say that you had known the police-constable from his being on duty there?—Yes.

19900. He has been there for some years. How long have you known him?—I did not take that much notice how long he has been there.

19901. For four or five years, or for three or four years, or what?—I never noticed; the last couple of years.

19902. You have spoken to him sometimes. Is that so or not?—Yes, when he has come and worried me about keeping the vans standing outside the shop.

19903. He has been to you about vans standing outside the shop?—Yes.

19904. Sent by the police to remonstrate with you?—No; when he has been on duty.

19905. He has been round to you to say, "You must not have that van so long outside the shop." Is that it?—That is it.

19906. Has that often happened?—Not very often.

19907. Is your van constantly in front of your shop?—No.

19908. Do you remember an Inspector coming to you and asking you about this?—Yes.

19909. Do you know the Inspector?—Not to speak to.

19910. You did not know him before then?—No.

19911. Can you tell me when that was—I could not tell you the date.

19912. The date of this occurrence was the 9th September. Can you tell me on what day he came?—I could not say.

19913. Do you remember signing a statement?—Yes, quite well.

19914. That statement is dated 10th September?—I could not tell you the date.

19915. Just cast your memory back. You did sign a statement?—Yes.

19916. Was not that the day after the occurrence?—I could not say whether it was the day after or a couple of days after. It is some time ago now.

19917. Do you remember a police inspector coming to you—Yes.

19918. In that statement you said, "Good night, and we all separated." What did you mean by saying "We all separated"?—All separated? Not all separated. We never all separated. I went away with my uncle to the top of the street.

19919. I wish you would tell me what you did mean by saying you all separated?—I suppose that means when we left we went away from the Duke of Sussex. I went to the top of the street with my uncle and his wife and my young woman, and then we separated at the top of the street.

19920. You went to the top of the street with your uncle after Mullins had spoken to the policeman?—Yes, and after he had gone away.

19921. Did the policeman go with you then?—No.

19922. What did this Inspector ask you? Try and remember. He came to you. I suppose you did not know him before that moment. What did he say?—He asked me if I knew anything about it.

19923. About what?—As regards any blow struck, or anything of that, and I said, "No, I did not see any blow being struck."

19924. Was that the first he said, "Do you remember anything about a blow being struck"?—I could not say it was the first thing now. I have had a lot of other things to think about, and not only to think of a thing like that. I did not think it concerned me at the time.

19925. Try and cast your memory back?—I could not say.

19926. You remember that he asked you whether you remembered anything about a blow being struck?—Yes.

19927. What was your answer?—I told him no.

19928. Did he mention the names of the people concerned?—I could not exactly say whether he mentioned the names or not.

19929. Try and remember. An inspector comes and asks you about some occurrence in the street?—It is no use my saying anything when I do not remember, is it.

19930. Certainly not, but I want you to try and remember?—I could not say.

19931. Did he mention the name of the constable concerned, or the name of the man who had brought the charge—I think he did, but I would not be sure.

19932. Then I suppose he asked you to make a statement in writing?—That is right.

19933. How was this statement made? Did you write it yourself—No. He asked me some questions and he wrote it down, and I signed it.

19934. Did he ask you whether you saw the constable strike Mullins?—Yes, I think he did.

19935. And you said no?—I said no, there was no blow struck while I was there.

19936. Do you remember a little girl crying?—No, I do not. I never noticed a little girl there. There might have been one there, but I never noticed her.

19937. (*Chairman.*) I should like the original statement, please. (*The statement was handed to the learned Commissioner.*) I think you said, in answer to Mr. Dickinson, something about your aunt and a young lady. Where did they join you?—They were standing further up.

19938. They were standing also in the road?—Not in the road.

19939. On the pavement?—On the pavement.

19940. Nearer to the top of the road?—Nearer to the other end, to the Duke of Sussex.

19941. Had you arranged to meet them there, or had you just parted from them—They were waiting for us—for me and my uncle.

19942. Did you know Mullins well enough to call him by his Christian name?—Yes.

19943. My reason for asking that is that before you used the words to which Mr. Dickinson referred, "We all separated," you said in your statement, "I passed on, saying 'Good-night, Copper; good-night, Fred; good-night, George'"?—I never said that.

(*Mr. R. D. Muir.*) That is not how it is written. "Mullins came up and said something I did not hear, and then passed on, saying, 'Good-night, Copper; good-night, Fred; good-night, George!'"

19944. (*Chairman.*) Quite right—it was my misreading. "Mullins came up and said something I did not hear, and then passed on, saying, 'Good-night, Copper; good-night, Fred; good-night, George?'" You heard Mullins say that?—Yes, I think he did say that.

19945. (*Mr. Dickinson.*) He called you George?—Yes.

19946. (*Chairman.*) Mullins called you George?—Yes.

19947. Had he done that before?—Yes, I think so.

19948. Taking it in that way, what do you mean by saying "We all separated"?—We all separated.

19949. I may be wrong, but, reading this over, I should certainly think that you had been talking together. When a man says that and you do not complain of it, and you say "We all separated," I should infer that you had been all talking together?—No; only saying good-night.

19950. That is your recollection?—Yes.

(*Mr. R. D. Muir.*) The other Sims is here.

(*Chairman.*) You had better put him in the box.

(*Mr. R. D. Muir.*) If you please.

FREDERICK SIMS, sworn.

19951. (*Mr. R. D. Muir.*) Are you a marine store dealer?—No; I am manager for my nephew.

19952. You manage a marine store at 29, Oakley-street?—Yes.

19953. You have heard George Sims, who appears to be your nephew, give an account of what occurred on the night f the 9th September?—Yes.

19954. Is that correct, according to your recollection?—I could not tell the date.

19955. Is the account he has given of what took place correct according to your recollection?—Quite right.

19956. (*Earl Russell.*) Can you remember anything more than he told us?—No; nothing whatever.

19957. You do not remember seeing a little girl there?—No.

19958. Do you know her as Mullins' daughter?—No.

19959. You do not know her by sight?—No; in fact, I do not think the child knows me.

19960. You cannot be sure of that? You are often in the shop, I suppose?—Yes; sometimes I serve 200 or 300 children a day in farthings and ha'porths.

19961. (*Chairman.*) Do you know the constable at all?—Only by occasionally coming by. I could not say more than what my nephew said.

19962. Did you have a talk with the constable after coming out of the Duke of Sussex that night?—No.

19963. You heard what Mullins said to him?—Quite right.

19964. And are you positive that nothing more passed than that?—Nothing whatever—not in my presence.

19965. (*Mr. Dickinson.*) I should like to know what your version of the story is. Just tell us, in a very few words?—I cannot tell you any more.

19966. Tell us in your own words?—I think it must have been about two or five minutes to 11 when we came out of the Duke of Sussex. Me and my nephew stood talking together. I did not notice which way the constable came. He might have come on my right or on the left—it happened to be a surprise to me. I think it must have been about a minute to 11 when Mullins came and tapped the constable on the shoulder, and said: "What, at the ear-hole again!" I looked at him, and I said to my nephew, "We had better make a move." He said, "All right." Mr. Mullins said, "Good-night Fred, good-night George, good-night Copper!" Mullins went *that* way, and we went *that* way. When we got down to the bottom of the street, me and my nephew parted. I went home with my missis, and he went home with his young woman.

19967. Why did you say to your nephew "We had better make a move"?—There was no occasion for it whatever. I could have stopped for a month, if I had liked.

19968. But why did you say that?—I do not like hanging about the streets as a rule.

19969. This was after you had heard this man, Mullins, say to the constable, "At the ear-hole again"?—Almost at the time it happened.

19970. Are you quite sure you heard that?—Yes.

19971. You heard it?—I am a bit deaf, but I can catch things when I want to.

19972. Did you think the policeman resented it?—No.

19973. You knew what it meant, did you not?—You know, I can think. There are three or four ways of putting it. Some people say "At the tap." There are not many people who do know what it means.

19974. You knew what it meant?—Of course I did, at the time; but I did not take much notice of it. If I had been talking to someone, or to you, and I came and spoke to you two or three times, somebody might come and say: "Pulling his lugs down?"

19975. I suppose it is rather offensive, is it not?—Quite right.

19976. You knew it was offensive?—I should not like a man to say that to me. I should feel inclined to punch him on the nose, if I thought I had any chance of doing it.

19977. But the constable did not do that?—He could not have done, or else he could not have been my temper.

19978. He did not punch him?—Perhaps the constable did not hear him.

19979. You say perhaps the constable did not hear him?—I do not know whether he did or not.

19980. You heard it, although you are rather deaf?—Yes.

19981. Have you any doubt that he must have heard it?—No, I have not.

19982. Of course, you understand what I ask you?—Yes.

19983. When this Inspector came to ask for your statement, does your memory enable you to say on what day it was?—Was it the day after this happened?—It might have been the second or third day; I could not say exactly.

19984. Did he come to your house? Where did this happen?—He came to my house and then he came to the shop, 29, Oakley Street.

19985. Did he find you both there?—No, I was in the shop first, then I went for my nephew.

19986. What happened then?—The Inspector asked me what I knew about the affair that occurred outside the "Duke of Sussex" the other night. I did not understand what he meant at the time. Of course, I gave a statement to the Inspector. He put it down on a piece of paper and I signed my name to it, just like the statement I give to you now.

19987. Did he sit down at your desk and write it?—No, we have not a desk; we have only a scale.

19988. Where was this particular piece of paper written out?—On the left hand of the shop, on a flat scale.

19989. What you said was written down by the Inspector?—Yes.

19990. Did he ask you questions?—No. He asked me one or two questions—what I knew about it—and I told him what I have just told you.

19991. Did he ask you whether you saw Mullins fight with anybody?—Yes, he asked me if I saw any blow struck, and I said no.

19992. Did he ask you whether you saw Mullins fighting anybody?—Yes.

19993. What did you say to that?—No.

19994. You never saw Mullins fighting at all?—No.

19995. (*Mr. R. D. Muir.*) Mr. Cole was the landlord of the "Duke of Sussex" public-house, and you will find his statement on page 13A. The only point of it is that he shook hands with Mullins and his wife.

(*Earl Russell.*) I talked to George Mullins about that the other day, and he tells me the landlord has reminded him that he did shake hands with him and his wife.

(*Chairman.*) I do not think it has any important bearing on this case at all.

(*Mr. R. D. Muir.*) With regard to Cameron, he is a witness we should have liked to call, and we have tried to find him, but he has left his address, and the only address we have of him at present is that he is at a stone quarry in Wales. I believe there are several. We are not able to find him at present. That is all the evidence we have to call.

(*Mr. Whitmore.*) Who was Cameron?

(*Mr. R. D. Muir.*) He was the man who accompanied the constable on the way to the station.

(*Chairman.*) Police-constable Morgan told us that a man did come up and offer his assistance, and that he walked part of the way to the station with him.

(*Mr. Dickinson.*) I should like to know what steps have been taken to find him, because I understood from the statement that he was found by reason of the fact that he seemed to officiate a second time in the same capacity.

(*Mr. R. D. Muir.*) On the same night?

(*Mr. Dickinson.*) Yes.

Sub-divisional Inspector FREDERICK SPENCER, sworn.

Sub-Divisional Inspector F. Spencer.
3 Dec. 1906.

19996. (*Mr. R. D. Muir.*) You are Sub-divisional Inspector of the L Division?—Yes.

19997. Did you take a statement from James Cameron, stonemason, of 400, Wandsworth Road, Clapham, on the 11th September last?—I did.

19998. Did he sign it in your presence?—He did.

19999. Last Thursday did you endeavour to find him by means of a police telegram at his address?—I did.

20000. You have there the reply which you got from the police station in answer to your inquiry?—Yes.

20001. The short effect of it is that he has left his address and has now gone to work, it is believed, at a stone quarry in South Wales?—Yes, but the district cannot be ascertained.

20002. The exact address has not been ascertained?—No.

20003. Have you been able to find it?—No, I have not.

(*Mr. Dickinson.*) I want to ask Inspector Spencer about another thing. You are not going to call him at all about anything else, I suppose?

(*Mr. R. D. Muir.*) No, his evidence is all hearsay.

20004. (*Mr. Dickinson.*) You took the statement of the two Sims?—Yes.

20005. What was it made you go to the Sims?—I went in consequence of being in charge of the L Division—Constable Morgan could not leave. I went to the two Sims to ascertain, if possible, what was their view and to get their reports.

20006. I want to know about a little bit earlier than that. How did you know Sims had anything to do with it?—The reports were left to be countersigned after the occurrence in the station.

20007. That is to say, the report of Inspector Wheeler, which is dated 10th September. That you saw at the station on the 10th September after the police court proceedings?—No, before they were left with me in the early morning.

(*Mr. R. D. Muir.*) There were two reports of Inspector Wheeler.

(*Mr. Dickinson.*) I have here a report signed by Inspector Wheeler, and dated 10th September, 1906. That is the second one.

(*Mr. R. D. Muir.*) There was one of the 9th.

20008. (*Mr. Dickinson.*) Yes, but the one of the 9th has not got Inspector Spencer's name on it.

20009. The report with your name on it is dated the 10th September, and that gives an account of what had taken place at the police court, and also an account of the case. This is the report. It is signed by Inspector Wheeler and submitted by you: "I have taken the statements of the two Mr. Sims, who are marine store dealers, at 29, Oakley Street, and they say no fight occurred while they were present. Statements attached." When did you first have anything to do with this case?—I should think now it would be after the police court proceedings.

20010. That is to say, on the day of the police court proceedings?—Yes, I should start making inquiries at once.

20011. Would your attention be called to it by this report?—Yes.

20012. How would this report be the first thing you knew of it?—By the fact of something having occurred at the station by which the conduct of a constable had been called in question.

20013. Would you have had that information before the police court proceedings, or afterwards?—I should have the information that such a thing happened at the station.

20014. And you being responsible would inquire into it?—Yes.

20015. (*Chairman.*) At what time do you get to the station?—Usually at half-past eight in the morning.

20016. (*Mr. Dickinson.*) That would be on the morning of the police court proceedings?—Yes, on the Monday morning.

20017. Then on that Monday morning you would have been told all about this?—I expect so. I cannot quite remember now; but I did know all about it.

20018. You knew all about it before it went to the police court?—Yes.

20019. You were not at the police court?—No.

20020. Did you know of it by conversation with Inspector Wheeler?—Probably that would be it. I cannot quite recollect.

20021. Did you see the police-constable at all?—No, not then.

20022. When did you first see him with reference to this matter?—After the police court proceedings.

20023. Was that the first time you heard anything about Sims knowing anything of this case?—Yes.

20024. How did you hear that. Who told you that?—I think it came to my knowledge because of the evidence given at the court.

20025. Then it was not because the police-constable told you of it?—No.

20026. He did not tell you about it?—No.

(*Chairman.*) Mullins told the story at the police court.

20027. (*Mr. Dickinson.*) Mullins in his story at the police court had mentioned Sims' name, and so you thought it would be well to make inquiries?—Yes.

20028. Was it your duty to put Morgan under any sort of examination?—My duty was to get from him a full report of all that happened.

20029. Did you get a full report from him?—Only after the police court proceedings. In the first instance he would make a report on the complaint of Mullins by direction of Inspector Wheeler, and then something happened at the police court by which he was further involved, and I should have a further report on that.

20030. Had you seen Morgan's report?—No.

20031. Why not. Surely that was a very important part of your business?—Yes, but in all probability it was so important that it was sent to the Superintendent direct before I got it. I mean the Superintendent was on night duty, and he would probably send it away at six o'clock, when he came. I do not know that he did so, but he may have done.

20032. Let me understand what your position is. You undertook these further inquiries on your own responsibility?—By direction of the Superintendent.

20033. But you went and made these inquiries the very day of the police court hearing?—Yes, the same night.

20034. You went on the evening of the same day?—Yes.

20035. Had you instructions from the Superintendent to do that?—Yes.

20036. By that time were you not aware of any particulars of this case?—Only from what I had seen in the report which had been made in the first instance.

20037. But what reports had been submitted to you?—None whatever.

20038. Then you did it without knowing anything about the matter?—Except what had been said at the police court.

20039. You were not there?—But I was told.

20040. Who told you?—Inspector Wheeler.

20041. Then you had a conversation with Inspector Wheeler?—Yes, after he came back.

20042. Upon that conversation you went to see Sims?—Yes.

20043. Did you discuss with Inspector Wheeler whether you should go and see Sims or not?—No. I was to prove it as far as I possibly could.

20044. In this conversation what was your idea of this case. What was the principal point you had in your mind?—What I wanted to clear up was whether Mullins was struck as alleged by the constable, and in order to do that I thought I ought to see somebody, if I could, who was there and could say anything about it.

20045. Whether Mullins was struck by Morgan as alleged?—Yes, in the street.

20046. Did you know anything from Morgan about there having been a fight in the street?—I heard about it from the report and from the evidence which had been given, that is all.

20047. But you had not heard the evidence?—I heard from Inspector Wheeler.

20048. Then Inspector Wheeler did tell you that part of the case was that Morgan said there had been a fight in the street?—He told me they all saw it.

20049. Did you know then that the story was what we have heard that there was a regular fight—that there were 10 or a dozen people fighting in the street?—Yes, I heard that.

20050. You knew that at the station?—Yes.

20051. Was that the reason why you asked the Sims whether they saw Mullins fighting with anyone?—Yes, I wanted to know whether any fighting at all took place.

20052. You say in this report: "I have taken the statements of the two Mr. Sims, who are marine store dealers at 29, Oakley Street, and they say no fight occurred while they were present." You attached importance to that statement?—Yes.

20053. Why did you attach importance to that statement?—They were the only two persons I could find who had witnessed anything at all, and it was only to them that I had to look to get any information I wanted to get.

20054. They told you there had been no fighting in the street?—They did.

20055. Did not that have a very great effect upon your mind with regard to Morgan's statement? I understood you to say that you understood part of the case was that there had been a regular fight in the street?—Yes.

20056. Quite apart from Mullins?—I think that is further explained by the fact that they went away and that it might have happened after they left.

20057. You say nothing more?—Perhaps it is in their Statements.

20058. In their Statements they said they went away?—Yes.

20059. I am not quite sure that you understand what I want to get from you. You found out from them that there had been no fight in the street of any kind?—So far as they knew, but they impressed me with the idea that they went away, and that something must have happened, and did happen, either after they went away or before they came out of the public-house, if it did happen at all.

20060. Your view was that if it happened at all, it might have happened afterwards?—Yes, or before.

20061. Did you try to get any further evidence about it?—I did. I inquired of the licencee of the public-house, but no one seemed to know who was there.

20062. They could not tell you?—No.

20063. Did you take any steps to ask people in the houses immediately adjoining whether there had been any fight?—Yes. I asked several women living in the neighbourhood, but I could not find anybody who knew anything about it at all.

20064. Their evidence looked as if there had been no fight?—Yes.

20065. When this is sent up to your Superintendent your Superintendent submits something, too, at the end of this report?—Yes.

20066. He submits: "I am unable to complete this inquiry at present, but as far as I can gather there appears little blame, if any, to the constable." Did you say anything about that?—I reported the particulars I obtained, and I was told that Mr. Cameron might know something about it, but when I did see him I found he only arrived on the scene when the man was in custody.

20067. When you sent in this report it goes to the Superintendent?—Yes.

20068. The Superintendent makes some observations upon it. When he did that had he any further information than what you had given to him?—Yes. We had talked it over.

20069. He says, "As far as I can gather, there appears little blame, if any, to the constable"?—Yes.

Sub-Divisional Inspector F. Spencer.
3 Dec. 1906.

20070. (*Mr. Whitmore.*) What was your view of the whole transaction?—My view was that there had been a fight previous to the alleged assault upon Mullins, but that they had been separated by the constable, and that Mullins came back and tried to renew the fight, that he was then told by the constable to go away, and refused to do so, and furthermore used obscene language; so I gathered.

20071. (*Mr. Dickinson.*) Where did you get that account from—the account we have now heard?—I got it from the constable's report, and from the evidence at the police court.

(*Chairman.*) That is Morgan's story.

20072. (*Mr. Dickinson.*) But I understood you had never had Morgan's story put before you when you went to make these inquiries?—Yes. I understood you to say the first thing in the morning.

20073. You had had the whole story from Morgan after the police court proceedings in the afternoon?—Yes.

20074. And that was the time when he told you about Mullins going away and coming back?—Yes.

20075. (*Chairman.*) Where was the blame to be attached to the constable, according to your view?—There seemed to be none.

20076. You could find no evidence at all in the neighbourhood that any such fight such as the constable alleged had taken place?—It does not follow from that that it did not take place.

20077. It does not follow, and therefore I should have thought the report would have been this: "I cannot form an opinion about it." Superintendent Noviss says: "As far as I can gather there appears little blame, if any, to the constable." Was there any blame at all, if his story was true?—We could not say positively. He was not to blame then, because we had not seen a witness who apparently was there, but whom we did not discover until afterwards. I had not seen this man Cameron at this time.

20078. Does it not strike you that it was rather premature for Superintendent Noviss or anybody else to form a judgment on the case at that time?—It is usual to send reports forward.

20079. But up to the time you were reporting there had been absolutely no evidence obtained confirming Morgan's statement?—No.

20080. None at all?—No.

20081. So the matter remained at that time exactly where it was left in the police court?—It did.

20082-3. Do you not think it a little premature to come to any conclusion as to the amount of blame to be attached to the constable, or, indeed, whether there was any blame at all to be attached to him?—The facts have to be brought to the notice of the chief constable, and if they are not completed then he sends the case back for them to be completed.

20084. I want to know what can be the meaning of the words: "There appears little blame if any to the constable." If the constable's story is true he was not to blame at all?—No.

20085. He had to prove it to the magistrate. That is how the matter stood. I do not see how you were in a position to pass any judgment on the matter that afternoon?—They are not my words.

20086. You told Mr. Dickinson that it was you who told Superintendent Noviss, and I understood you to say you agreed with the superintendent's expression?—As far as I had gone I thought no blame was attached to him.

(*Mr. Whitmore.*) I thought you said you agreed with him.

20087. (*Chairman.*) That is what I am suggesting?—I did not know what Mr. Cameron had said.

20088. Your view was that if Morgan was speaking the truth there was no blame to be attached to him?—That is so.

20089. You had made inquiries, but you could not get any evidence to confirm his account?—Only Sims's evidence, and they were the only people I could find that were there at all.

20090. That did not confirm it all as regards the fight, which, according to Morgan's statement was the

Sub-Divisional Inspector F. Spencer.
3 Dec. 1906.

crucial thing?—Yes. They told me that this fight might have taken place, although they did not see it.

20091. Of course it might.

20092. (*Mr. Dickinson.*) Mullins says that this difficulty arose by reason of his having passed the expression "At the ear-hole." You knew that?—Yes.

20093. Do you also know that the police constable said it had arisen through the fact that Mullins was fighting with a man in the crowd?—Yes.

20094. Those two points were totally inconsistent?—They were.

20095. One was true and the other was false. The decision of the magistrate, so far as it went, went to show that the police constable's version was false?—I think the magistrate was guided by the doctor's certificate; that is my impression.

20096. (*Chairman.*) It was not a case of drunkenness, but of disorderly conduct and obscene language as well on the charge sheet?—Yes.

20097. That did not dispose of the case I should have thought.

20098. (*Mr. Dickinson.*) The magistrate said this: He asked Morgan if he desired to ask Mullins any questions, and the constable said, "No, Sir, only I absolutely deny having in any way assaulted him." The magistrate makes a very serious accusation, because he says his story is rather circumstantial as to what took place in the street. The magistrate, with regard to what took place in the street was more inclined, I should gather, to believe Mullins than Morgan?—I think it was unfortunate that the constable did not cross-examine Mullins. That would have altered the appearance of the thing altogether.

(*Chairman.*) You are now going back to consider whether the proceedings in the police court were conducted as they should have been. That is quite irrelevant to what Mr. Dickinson and I have been asking you now.

20099. (*Mr. Dickinson.*) If what Morgan was saying was untrue then surely you would not have suggested that he was not to blame. The question is which story was true. If Morgan's story was untrue he would have been to blame?—Quite so.

20100. Then do you not think it wanted more investigation on the part of the police to find out whether it was true or not?—The difficulty was to find out the facts, and the only witnesses we could find were the two Sims's and this man Cameron.

(*Chairman.*) I cannot see why Superintendent Noviss suggests that there is but little blame, or that the constable is not to blame at all. He cannot have meant that there was but little blame to the constable if the story was untrue.

20101. (*Mr. Dickinson.*) What are the instructions as regard cases in which a charge is dismissed at the police court? Is there any recognised system by which you inquire into the case at once?—If there is any reflection on a police-constable the case is reported by the inspector on duty at the court, and it is then transmitted to the superintendent concerned who institutes inquiries.

20102. The Superintendent is the person who has to make the inquiry?—Yes, and the Sub-Divisional Inspector is the officer who makes those enquiries.

20103. But in most cases I suppose it would follow the order. The Superintendent and the Sub-Divisional Inspector discuss the matter, and come to a conclusion on whatever information they have got, and send on a report?—Yes.

20104. You made no further attempt to examine Morgan about it at all?—No, I directed him to make a full report of all that took place.

TWENTIETH DAY.

Tuesday, 4th December 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).
Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-law).
Charles Algernon Whitmore, Esq. (Barrister-at-law).
J. W. St. Lawrance Leslie, Esq. (Barrister-at-law), (*Secretary.*)

Detective-Sergeant William Burrell, sworn.

Detective-Sergeant W. Burrell.
4 Dec. 1906.

20105. (*Mr. Muir.*) Are you a detective-sergeant of the X Division?—Yes.

20106. You were called as a witness, I think, in the case of Wilson *v.* Worsley, before his Honor Judge Stonor?—Yes.

20107. For the purpose of proving the number of convictions against the plaintiff?—Yes.

20108. Did you produce a list of such convictions?—Yes.

20109. Which you had compiled by making inquiries from your fellow-officers and getting extracts from police-court books?—Yes.

20110. Have you since endeavoured as far as possible to verify those convictions?—I have.

20111. And also to find out whether there were any others against the same person?—Yes.

20112. Have you compiled that list (*handing document to witness*)?—Yes.

20113. That list goes back to the year 1882?—To the 24th December, 1882.

20114. What were the first three convictions?—24th December, 1882, 21st February, 1883, 13th May, 1884.

20115. With regard to those, are the police-court books destroyed?—They are, and the registers as well.

20116. How long are they kept?—Twenty years.

20117. So you cannot get any further information with regard to those?—No, I cannot.

20118. Are you able to trace the officers who were concerned in those?—No.

20119. And with regard to those three, the second one is the one of twenty-one days' imprisonment which Wilson disputes?—Yes.

20120. With regard to the others in that list, have you verified them as far as you can?—Yes, I have satisfied myself that the Wilson was identical.

20121. He has got some nickname by which he is known?—Yes; "Chinaman" Wilson.

20122. What is the earliest date of the convictions that you have verified?—Up to just recently, do you mean?

20123. The earliest date?—The 24th December, 1882.

20124. Excluding those first three?—The 28th May, 1890.

20125. From that date down to what date?—The 22nd October this year.

20126. You have verified those convictions as relating to "Chinaman" Wilson, who is the person who was the plaintiff in that action of Wilson *v.* Worsley?—Yes.

20127. Excluding the first three there is the 28th May, 1890, assaulting P.C. Mason, 10s. or seven days; 25th May, 1893, assaulting Alfred Fontano, 40s. or a month?—That was a private individual.

20128. The 10th October, 1893, 2s. 6d. or three days, for drunkenness; 11th March, 1896, assaulting P.C. Sellers, 20s. or fourteen days. Then there was a charge of assaulting a woman which was dismissed, on the 31st August, 1898. Then the 23rd December, 1902, drunk and disorderly, 4s. or four days; 14th July, 1904, assaulting P.C. Cornish, 20s. or fourteen days. Then the 3rd August, 1904, that was the charge that was dismissed and was the subject of the action?—That is so.

20129. Then the 22nd October, 1906, drunk and using obscene language, 10s. or seven days?—Yes.

(*Mr. Eldon Bankes.*) I think I ought to mention, Sir, that this witness is only called because we understood you wanted to investigate the circumstances under which the evidence was given in order to see whether or not this man had justification for bringing forward the list of convictions. We understood that that was the reason, otherwise we do not propose to give any evidence in this particular case.

(*Chairman.*) It was a matter of very great importance, of course, in the trial of the county court action, and the question whether the plaintiff had been previously guilty of assaults and so forth was distinctly relevant to the issue which the learned Judge was trying. The Judge in that case has given his judgment, and this is quite secondary from our point of view, but still we are very glad to have the evidence.

(*Mr. Eldon Bankes.*) I only want to make plain the reason we have called this witness.

(*Chairman.*) I am glad the detective-sergeant has been called, because it has made the matter plain to us. There is a statute, is there not, about proving previous convictions?

Detective-Sergeant W. Burrell.

4 Dec. 1906.

(*Mr. Muir.*) Yes.

(*Chairman.*) Can you give me a reference to it?

(*Mr. Muir.*) I will endeavour to give it to you, Sir, in the course of the morning.

20130. (*Mr. Dickinson.*) None of these convictions were convictions on which terms of imprisonment were given, were they?—No.

(*Mr. Muir.*) Except the second in the list, which we cannot prove.

(*Mr. Dickinson.*) That was what the point was in the case. Wilson declared he was accused before the county-court Judge of having been imprisoned, and he said he had never done a day's imprisonment in his life.

(*Mr. Eldon Bankes.*) He was charged with having been convicted, and, in his mind, there was a distinction between being convicted and being imprisoned, and he was very indignant that anybody should say he had been convicted when he had not been imprisoned. That was his point here, but at the county court he complained that one of those convictions did not refer to him, and we are unable to say it does refer to him, because we are unable to trace from the records the exact particulars of that case, and therefore it must be taken for any material purpose here that it does not refer to him. We are not able to prove it.

(*Mr. Dickinson.*) We are under a misapprehension I suppose, because I see Mr. Rufus Isaacs asked Wilson this question: "The Wilson who was not you had been convicted several times and had been sentenced to several terms of imprisonment," and Wilson answered, "It was not me." We were under a misapprehension as to what these convictions were.

(*Mr. Eldon Bankes.*) It was cleared up a little later on which I pointed out that what the man was endeavouring to make clear was that he had never been to prison. That was the point. Now, Sir, if it is convenient to you, I propose to call the witnesses in Baker's case.

(*Chairman.*) If you please.

(*Earl Russell.*) I am told that Baker's landlord is here. It was suggested last time that he might be called to speak to Baker's condition as to drunkenness when he came out. He was the man who bailed him.

(*Chairman.*) We can call him later.

P.C. William Pittuck, 312 F, sworn.

20131. (*Mr. Eldon Bankes.*) You are a constable, stationed at what station?—Notting Hill.

P.C. W. Pittuck.

20132. Were you on duty on the night of Sunday, the 30th September, in Campden Hill Road, Kensington?—Yes.

20133. Did you notice the man Baker?—Yes.

20134. What time was it when you first saw him?—Just after 11 o'clock—just about 11, when they were turning out of the Windsor Castle.

20135. Where was he when you first saw him?—Coming out of the door.

20136. We have had a plan prepared which may assist the Commissioners. Does that show the position of the Windsor Castle. (*Handing a plan to the witness*)? Yes.

20137. You have marked there the point where he stood up against the wall and the lamp-post?—Yes.

20138. You told me it was about 11 o'clock. Where was he when you first saw him?—Coming out of the public-house.

20139. Where were you standing then?—On the corner.

20140. That is on the corner of which street?—Peel Street.

20141. After he came out of the public-house what did he do?—Walked along Campden Hill Road, towards Kensington Place.

20142. And then?—Turned the corner, went up against the wall, and started to urinate opposite the lamp-post.

20143. How far would you be from him then?—I followed him close along a few yards behind.

20144. Was there any reason for your following him, or was it just in the ordinary course of your beat?—Just in the ordinary work of my beat.

20145. You walked behind him rather than followed him?—Yes.

20146. Was the place where he went and made water, as you say, close to the lamp?—Quite opposite the lamp-post.

20147. Could people see him and see what he was doing?—Quite easily.

20148. Were there any people about at the time?—Two women and two men standing under the lamp-post and three or four passing by at the top of the road.

20149. When you saw him in this position what did you do?—I walked across the road to him and told him he ought to know better, as there were people about, and he said "What harm am I doing?" I said "Give me your name and address, I shall report you for a summons under the London County Council bye-laws."

20150. Is there a bye-law applicable to this offence?—Yes.

20151. What did he say to that?—He said "I will give you my name and address, what do you want it for?" I said "I have told you what I want it for."

P.C. W. Pittuck.
4 Dec. 1906.

He continued to shout "I will give you my name and address, what do you want it for," and I took him into custody, as several people stopped at the top of the road.

20152. When he shouted in this way "I will give you my name and address, what do you want it for?" did he speak loudly?—Yes, shouted.

20153. Did you notice people stopping?—Yes.

20154. Looking to see what was the matter?—Yes.

20155. Then what did you say to him?—I took him into custody then.

20156. Did you tell him he would have to go to the station?—Yes.

20157. You took him to the station, and you took him into the charge room, I suppose?—Yes.

20158. Who was the Inspector in charge?—Inspector Mason.

20159. Did you tell Inspector Mason what had happened?—Yes.

20160. Did you tell him in substance what you have told the Commissioners now?—Yes.

20161. What charge did you make?—Drunk and disorderly.

20162. Was that the charge entered on the charge sheet?—Yes.

20163. Was it read over to him?—Yes.

20164. What did he say to that?—I do not remember him saying anything.

20165. Did you stay in the charge room after that?—No.

20166. Did you hear anything that took place between him and the Inspector, or did you leave the charge room?—I left the station.

20167. Leaving him with the Inspector?—Yes.

20168. I think you were not the constable who was sent for the doctor?—No.

20169. You had nothing more to do with it until you went to the police court the next day?—That is right.

20170. (*Earl Russell.*) When you first saw Baker come out of the public-house was there anything in his conduct to attract your attention?—Nothing at all.

20171. He was walking quietly?—He was walking quietly.

20172. You saw this other young man Porter with him, did you?—Yes.

20173. Was he walking quietly too?—Yes.

20174. Were there any signs of drunkenness about him at that time?—Yes, he was staggering all over the path.

21075. Why did you tell me he was walking quietly?—He was walking quietly; he was not making any noise.

20176. But staggering from side to side?—Yes.

20177. Both of them?—No, only one.

20178. Baker?—Yes.

20179. Did he pass you before he came to this wall?—No.

20180. Did you think he was so drunk as scarcely to be able to look after himself?—Not at all.

20181. You did not think that?—No.

20182. Although he was staggering from side to side?—Yes.

20183. You did not think he was likely to want any assistance or cause any disturbance?—He had a friend with him if he wanted any assistance.

20184. You thought Porter would see him home?—Yes.

20185. Was he on the pavement when you saw him or in the roadway?—On the pavement.

20186. Were there many people on the pavement?—No, I do not think there was anyone at all. I do not remember anyone.

20187. No one at all?—Not at all.

20188. How far were you from him when you saw him first?—Four or five yards, I suppose.

20189. As close as that?—Yes.

20190. Then you followed steadily after him?—Yes.

20191. Walking about the same pace?—He may have been going a little quicker than me.

20192. How far from where you saw him first was it to the place where he came to the wall?—Just over 100 yards.

20193. He had to cross the street to get to the wall, did he?—No.

20194. Was it the same side as the pavement?—The same side as the pavement.

20195. When he came to the wall he simply turned his back to the street and faced the wall?—That is right.

20196. Opposite the lamp post on the other side of the road?—Yes.

20197. Might I look at that plan that was handed in, because it may help me to uderstand the position? (*Plan handed to learned Counsel.*) That is the place where you have put the red cross?—Yes.

20198. The public-house is at the corner of Peel Street, Campden Hill Road?—Yes.

20199. When he came to Kensington Place he turned to his right to turn down Kensington Place?—That is right.

20200. And you turned to your right too?—Yes.

20201. Before you saw him turn to the wall?—No.

20202. Not before that?—No, not before that.

20203. Did you stand at the corner and watch him after he had turned into Kensington Place?—No.

20204. Had he reached the wall and already turned to it and begun operations before you saw him?—Yes.

20205. He was that much in front of you at that corner?—Yes.

20206. Had he been there a minute or two or a minute before you saw him?—I should say he had only just got there.

20207. He gained a bit on you since he left the public-house?—Yes.

20208. Is that a dead wall against which people frequently commit a nuisance at night or not?—I could not say. I have not noticed anyone before.

20209. That was the reason that made you follow him?—I did not follow him.

20210. But when you got to the corner?—I went across to him then.

20211. That is what I am putting to you. The reason that when you got to the corner of Kensington Place you turned down Kensington Place instead of going straight along Campden Hill Road, was what?—That is the end of my beat.

20212. You mean you would have turned down Kensington Place anyhow?—Yes.

20213. It was not anything you saw him doing that made you turn down?—I went straight down to him, but still I should have gone down if he had not been there.

20214. You went straight to him, but you would have gone down anyhow. That is what you say?—Yes.

20215. Did you quicken your pace at all?—No, not at all.

20216. Had he finished by the time you reached him?—I could not say that. He stopped.

20217. Was he filling his pipe when you got to him?—No.

20218. Was he lighting his pipe?—No.

20219. Did he have a pipe in his hand?—Yes, I believe he had.

20220. Are you quite sure he was not filling it?—I did not see him filling it. I saw the pipe in his hand.

20221. Are you quite sure he had not just finished filling it?—I could not say.

20222. You cannot be sure of that?—No.

20223. Did you see him strike a match just before you reached him?—No.

20224. Might he have struck a match?—No.

20225. Are you certain he did not?—Certain.

20226. What was he doing with the pipe in his hand?—I could not say.

20227. Just holding it?—Just holding it in his hand, that is all.

20228. No sign of his being about to light it?—No.

20229. Are you perfectly certain there was not a match-box in his hand?—I could not say.

20230. Where were these people standing that you have told us about?—Four under the lamp-post.

20231. Two women and two men standing under the lamp-post?—Yes.

20232. On the opposite side of Kensington Place?—Yes.

20233. Were they people you had ever seen before—any of them?—There are very often four standing there.

20234. Do you know the two men, for instance, by sight?—I have seen them there before.

20235. Could you find them there again?—I could not say that I could.

20236. Do you know their names?—No, I do not know their names.

20237. But you know them by sight?—I have seen them there before.

20238. If you knew them by sight you would know them if you saw them again?—Yes, I daresay I should.

20239. Where were the three or four that were passing by?—Going up Campden Hill Road.

20240. Not down Kensington Place at all?—Not down Kensington Place.

20241. They were 30 yards from where he was, were they?—No, not so much as that—just going straight across the top of the road.

20242. Your intention when you walked up to him was to summon him for committing a nuisance, I suppose, was it not?—Yes.

20243. That is not an offence which you would arrest for—you would take the name and address and issue a summons?—That is right.

20244. What was the very first thing you said to him?—I told him he ought to know better, with people standing about in the road.

20245. Did you say anything to him about people standing about in the road?—No, I do not know that I did. I said, "You ought to know better."

20246. You said just now you said, "You ought to know better with people standing about in the road." Did you say that to him about people standing about in the road?—No. I said, "You ought to know better."

20247. You were feeling quite friendly to him when you first came up?—Yes, I suppose I was.

20248. No ill-feeling?—Not at all.

20249. He had not given you any trouble or spoken to you or done anything?—No, he was a stranger to me.

20250. And you thought it was part of your duty to ask for his name and address with a view of issuing a summons?—That is right.

20251. Are you quite sure that you did not come up to him and say in a friendly way, "I want your name and address, old cock"?—Quite sure.

20252. Why not?—I am quite sure of that.

20253. Why not? Why should you not have said it?—It is not very proper, for one thing, for a policeman to speak to anyone in the street like that.

20254. Rather free and familiar, but there is no great harm in it, is there?—No, no harm at all.

20255. You are quite sure you did not say that?—Quite sure.

20256. Did you hear him say at the police court that you had said it?—Yes.

20257. Are you sure that he heard you tell him that he ought to know better?—He heard me ask for his name and address, and he ought to have heard the other.

20258. I agree he heard you ask for his name and address, but you are not quite sure that he heard you tell him that he ought to know better?—He must have done.

20259. Are you perfectly certain that he heard you say that at all?—Yes.

20260. Positive?—Yes.

P.C. W. Pittuck. 4 Dec. 1906.

20261. Why are you certain?—Because when I said, "You ought to know better," he said "What harm am I doing?"

20262. Because he answered you?—Yes.

20263. Are you sure he did not say that when you asked for his name and address?—No.

20264. He said, "I will give you my name and address. What do you want it for"?—Yes, I tried to persuade him to give me his name.

20265. From first to last you were talking for a minute or so, or perhaps more?—Yes, I daresay I was.

20266. You could say a good deal in that time?—Yes.

20267. Are you quite sure his saying he had not done any harm did not come later in the conversation?—Yes.

20268. What was the very next thing you said after he said he was doing no harm?—I said, "Give me your name and address; I shall report you."

20269. Did he ask you what you wanted his name and address for?—I told him I should report him for a summons under the London County Council bye-law.

20270. Do you mean you said all that in one single long sentence?—I did.

20271. What—"If you do not give me your name and address, I intend to report you for a summons under the London County Council bye-law"?—That is right.

20272. For making water against the wall?—Yes, that is right.

20273. You said all that straight on end?—I did.

20274. You say he said he would give you his name and address at first?—Yes.

20275. What were his exact words?—He said, "I will give you my name and address; what do you want it for?"

20276. After you had explained to him all about the London County Council bye-law, he asked you what you wanted it for?—Yes, that is right.

20277. Did you tell him then what you wanted it for?—I told him I had already told him.

20278. Did you say, "Never mind what for"?—No.

20279. Nothing of the sort?—I said, "I have already told you what I want it for."

20280. Did you say, "Never mind that now; I want your name and address"?—No.

20281. Did you repeat that you wanted his name and address?—No.

20282. You only said it once?—That is all.

20283. You never asked him for his name and address more than once?—I said, "Are you going to give it to me?" when he shouted, "I will give it to you." I said, "Are you going to give it to me?"

20284. What did he say to that?—"Yes," he said, "I will give it to you; what do you want it for?"

20285. A second time he said that?—He shouted it several times.

20286. Did you each time say to him you wanted his name and address, and repeat it?—No; I asked him what he was going to do.

20287. And what did he do?—He continued the shouting, and I took him into custody.

20288. He continued shouting?—He continued shouting.

20289. What did he continue to shout?—"I will give you my name and address; what do you want it for."

20290. He kept on saying that over and over again?—That is what he said.

20291. And each time he said "What do you want it for," you did not answer him?—Yes, I told him to give it to me if he was going to.

20292. That was your answer, "You can give it to me if you are going to"?—Yes.

20293. He said several times over, "What do you want it for"?—Yes.

20294. Each time he said that you did not answer

P.C. W. Pittuck.

4 Dec. 1906.

him what you wanted it for?—No, I did not. I had told him once.

20295. Did he not tell you he would rather give it to you at the station?—No.

20296. Did you not at the end of a good deal of this conversation say, "Well, if you won't give it to me you will have to come to the station with me"?—Yes, I said, "You will have to come with me."

20297. "If you won't give me your name and address you will have to come with me." Is that what you said?—No.

20298. What are the exact words you said?—I asked him three or four times, and he continued to shout, "I will give it to you;" and I said, "Well, you will have to come with me then."

20299. You meant by "then" "if you do not give me your name and address I shall have to take you to the station." Is that what you meant?—Yes, I took him at the same time as I said that "If you won't give me your name and address, then you will have to come with me."

20300. (*Chairman.*) You say three or four times now, but you told the learned counsel you only asked him once for his name and address? I asked him several times for it, and I said, "Are you going to give it to me."

20301. (*Earl Russell.*) What you did say to me a little time ago was that you only once asked him for his name and address in those words?—Yes, actually asked him for his name and address—only once.

20302. Is that what you mean now?—Yes.

20303. But you told the learned Chairman just now you asked him several times for it?—I said, "Are you going to give it to me."

20304. That is what you kept on saying, "Are you going to give it to me"?—"Are you going to give it to me."

20305. Did he at any time refuse to give it to you?—No, he did not refuse to.

20306. You mean he did not refuse in words to give it to you?—No.

20307. He did refuse in fact?—He did.

20308. He did not give it to you?—No.

20309. Although he kept on saying he would?—Yes.

20310. Are you quite sure he never said to you he would give it to you at the station?—No.

20311. Who was the person who first suggested going to the station—you or him?—I did. I took him to the station.

20312. I know you took him there, there is no dispute about that, but I asked you who first suggested going there?—I did.

20313. Because he refused his name and address?—No, because he was shouting.

20314. Because he was shouting "I will give you my name and address"?—Yes.

20315. But after he had done that shouting, if he had given you his name and address would you still have taken him to the station?—He had not finished shouting when I caught hold of him to take him there.

20316. But supposing after he shouted this two or three times, he had then given you his name and address, would you have arrested him?—Not if he had given it to me, no.

20317. Am I not right in saying you ultimately took him to the station because he refused his name and address. That was the real reason?—No, because he was shouting.

20318. Would you have taken him anyhow, even if he had given his name and address?—If he had given it to me he would not have shouted, or would not have continued to shout.

20319. But supposing after he had shouted two or three times he had then given it to you?—I should not have taken him then.

20320. You would not?—No.

20321. Is it not true to say that the real reason you took him to the station ultimately was because he refused his name and address?—No. Because he continued to make the noise; that was the reason I took him.

20322. Did he not tell you he would give it to you at the station?—He never told me so—no.

20323. Did he not say he should prefer giving it to the Inspector at the station?—No; he never said anything to me after I took him into custody.

20324. I did not say after you took him into custody, before you took him into custody?—No.

20325. Did he not say he would rather give it to the Inspector at the station?—No.

20326. Did he tell you that he was perfectly willing to give it to the Inspector at the station?—No.

20327. Did he say anything at all about giving it to the Inspector at the station?—In my hearing he did not.

20328. Not a word?—No.

20329. He never said a word about giving it at the station—not to you?—Not to me; no, Sir.

20330. What was his friend doing all this time?—Standing by the side of me.

20331. Doing nothing?—Doing nothing at all.

20332. Saying nothing?—Saying nothing.

20333. Was he drunk?—No.

20334. Did Baker himself show any signs of drunkenness beyond the shouting while you were there?—Staggering about.

20335. Still staggering?—Yes, still staggering about.

20336. Anything else?—No; only I could smell that he had been drinking.

20337. I did not ask you whether he had been drinking, because it is admitted he had been drinking. I asked you whether he showed any signs of being drunk?—He was staggering about and his breath smelt. He was excited.

20338. Anyone's breath may smell without their being drunk. You say the signs were that he was excited and staggering about?—Yes.

20339. And shouting?—Yes.

20340. Were there any other signs of the excitement beyond the shouting?—No.

20341. Was what he was saying making quite a noise in the street?—Yes.

20342. How many people came round you?—No one actually came round, but people stopped at the top of the road.

20343. People stopped at the top of Kensington Place and looked down?—Yes.

20344. That was 20 or 30 yards away, was it, or more?—Just over 10 yards, I suppose—10 or 15 yards; it may be 20; I will not say for certain.

20345. I think, according to the distance you have given here on this plan, it is 108 yards. Have you measured that, or has someone else measured that?—Someone else has measured that.

20346. You think it is about 20?—I think it is about 20

20347. They did not come nearer than that?—They did not come any nearer.

20348. Did they make any complaint?—No; no one made any complaint to me.

20349. How many people stopped at the top of Kensington Place to look down?—About half a dozen I should think.

20350. Did you know any of them at all?—Not at all.

20351. No one you had ever seen before, to your knowledge?—No; not to my knowledge I had not.

20352. I do not know whether I can really get you to tell me exactly what you took Baker into custody for?—Being drunk and disorderly.

20353. I know what the charge was; but what was the final thing he did in the street that made you decide that you must arrest him?—Shouting.

20354. He had shouted several times before that?—Yes; I asked him to keep quiet, and give me his name and address.

20355. You asked him to keep quiet?—Yes.

20356. You did not tell us that before. When did you ask him to keep quiet?—After he had shouted two or three times.

20357. After you had been with him two or three minutes—about how long before the conversation began?—I could not say. Not many minutes; I suppose it may have been two.

20358. Then you asked him to be quiet?—I told him to be quiet.

20359. What were the exact words you used?—I believe I told him not to get excited. "Don't get excited, and give it to me"—that was it.

20360. Did he say again, "What for"?—He said, "I will give it to you. What do you want it for?" He started to shout again, and I took him into custody.

20361. When you would not tell him again what for?—There was no necessity. He heard the first time.

20362. You would not, as a fact, tell him again what for?—No.

20363. It was because after you told him to be quiet and he shouted again that you took him into custody. Is that the reason?—Yes.

20364. The first time he shouted after you told him to be quiet?—No; I cannot say that was the first time.

20365. He shouted two or three times more?—Yes.

20366. You had not thought of taking him into custody for being drunk before that moment, had you?—No.

20367. Not for being disorderly until he went on shouting?—Not until he made it so that I could.

20368. Did you put your hand on him?—Not previous to taking him into custody I did not.

20369. That is what I mean?—When I took him into custody I did.

20370. What did you say to him when you put your hand on him as you arrested him?—"You will come to the station with me now."

20371. You said "You will come to the station with me now"?—Yes.

20372. You did not tell him then that you were going to charge him with being drunk and disorderly?—No.

20373. The only conversation you had with him up to the time you put your hand on him was about his name and address, was it not?—That is right.

20374. Did you have any conversation with him on the way to the station?—No.

20375. Not a word?—I think I told him to put his pipe out. He had his pipe in his mouth, and I told him to take it out of his mouth. He wanted to light it if I remember rightly.

20376. Was it not alight?—I do not think it was.

20377. He had it in his mouth?—He had it in his mouth.

20378. And he wanted to light it?—I think that was it. I would not say for certain.

20379. You would not let him do that because he was in custody?—That is right.

20380. There was no other conversation between you on the way to the station?—No.

20381. When you got to the station you found the inspector there did not you—Inspector Mason?—Yes.

20382. Did Porter come to the station door with you?—He may have been behind me, I could not say, I did not see him.

20383. You took no notice of Porter?—No.

20384. You have no complaint to make of his conduct?—No.

20385. You took him straight into the charge room?—Yes.

20386. And put him in the dock?—Yes.

20387. Where was the Inspector?—I could not say exactly where he was. He was in the charge room at the time; I think he had just come up out of the cell passage, if I remember rightly.

20388. So you put your man straight in the dock without waiting?—Yes.

20389. Did the Inspector come up to the charge desk?—Yes.

20390. You told him what was the matter?—Yes.

20391. What did you tell him?—I told him the facts of the case, what I had seen this man do, and that I had asked him for his name and address, and he was shouting, and I took him into custody.

20392. You told him that you thought it was a proper case for a summons, and you wanted to get his name and address with a view to a summons. Did you tell him that?—I told him I asked Baker for his name and address.

20393. With a view to a summons. He understood that, I suppose?—Yes, he understood that certainly.

20394. Then what did you tell him happened?—I told him that he shouted and I took him into custody.

20395. Is that all you told the Inspector?—I charged him with being drunk and disorderly to the Inspector, and then I told him what had happened previous, and what he had done.

20396. You told him what first attracted your attention to him?—Yes.

20397. I understand that. There is no dispute about that, and you told him you charged him with being drunk and disorderly?—Yes.

20398. But the usual rule is for you to give the Inspector an account of what shows the disorder?—Yes, that is right.

20399. What account did you give him. You simply said he shouted?—I told him what he was doing, and he shouted when I asked him for his name.

20400. Did you tell him what he shouted?—Yes.

20401. What words did you tell the Inspector he used?—"I will give you my name and address—what do you want it for?"

20402. Did you tell the Inspector that you told him when you first went up what you wanted it for?—Yes.

20403. You told him that you said that long sentence about the bye-law?—Yes, that is right.

20404. Did you tell him that when he kept on saying "What for?" afterwards, you refused to tell him again?—No, I don't know that I did.

20405. You did not tell the Inspector that?—No.

20406. What did you tell the Inspector about his being drunk?—I told him that I had seen him coming along the road staggering about.

20407. You told him you had seen him staggering about before you walked up to him?—Yes.

(*Chairman.*) This is the first time I have heard of that.

(*Earl Russell.*) I think this witness said when he came out of the public-house at the corner he noticed him staggering.

(*Chairman.*) "He turned the corner to Kensington Place."

(*Mr. Eldon Bankes.*) He said that, I am sure.

(*Mr. Dickinson.*) Not before he came out—he did not say he had been staggering before he came up to him.

(*Witness.*) On leaving the public-house.

(*Mr. Dickinson.*) That is the first time he has said that on leaving the public-house Baker was staggering.

(*Chairman.*) He used the words "I saw nothing particular about him."

(*Mr. Dickinson.*) He said he was staggering when he went with him after he had taken him into custody. He said he was staggering all the way, but now he says when he saw him leave the public-house he was staggering.

(*Earl Russell.*) I asked him whether he noticed anything when Baker left the public-house, and he said he noticed him staggering then.

(*Mr. Eldon Bankes.*) We are agreed about that, I think.

(*Mr. Whitmore.*) You had better put the question to him again.

20408. (*Earl Russell.*) The Commissioners want to know when you first noticed that Baker was staggering?—When he started walking away from the public-house.

20409. What is the name of the public-house?—The Windsor Castle.

20410. That was when you first noticed he was staggering?—Yes.

20411. Did you tell that to the Inspector was what I was asking you?—I don't know whether I did or not.

P.C. W. Pittuck. 4 Dec. 1906.

(*Mr. Dickinson.*) I understood you to say "Yes," just now.

(*Earl Russell.*) He said he did mention this when I asked him what he told the Inspector.

(*Mr. Dickinson.*) I think he said he told the Inspector.

(*Earl Russell.*) Yes, he did say so.

20412. (*Mr. Dickinson.*) What is the truth—did you or did you not?—Yes, I told the Inspector when I first saw him and the facts of the case right through.

20413. (*Earl Russell.*) That is not quite the question, when you first saw him. What I asked you was whether you had told the Inspector that when you saw him first as he came out of the public-house he was staggering?—Yes.

20414. You did tell the Inspector that?—Yes.

20415. Did you tell the Inspector he was staggering during the time you were talking to him in Kensington Place?—Yes.

20416. Are you sure?—Yes.

20417. Did you tell the Inspector that a crowd assembled?—No.

20418. Did you tell him anything at all about other people in the street?—I told him the people crossing the top of the road stopped, and that the four were there.

20419. The four under the lamp-post?—Yes.

20420. But that was not what you took him into custody for?—No.

20421. That would have been very proper evidence on a prosecution under the bye-laws?—Yes.

20422. All that had passed before you came up to him had nothing to do with your taking him into custody according to you?—No, not at all.

20423. Did you tell the Inspector about the people standing at the top of Kensington Place?—Yes.

20424. What did you tell him about that?—I told him about half a dozen stopped along the top of Kensington Place.

20425. Did you say anything at all to the Inspector about his giving his name and address at the station or anything of that sort?—No.

(*Chairman.*) I do not quite follow this cross-examination, because I understood Baker to say that the constable simply charged him with being drunk and disorderly. That is what he said in his examination-in-chief to you?

(*Earl Russell.*) Yes.

(*Chairman.*) You are putting a series of questions to the police-constable suggesting that all these things were said to the Inspector in charge, and that a complete statement was made by the police-constable to the Inspector in charge.

(*Earl Russell.*) I am asking the constable what he said to the Inspector in charge in order to test that by what the Inspector's account is of what was said to him.

(*Chairman.*) It seems to me you have succeeded in showing that your witness Baker has given a different account entirely, and you are rather discrediting his statement.

(*Earl Russell.*) I have not got the print of what he said before me, but I think he agrees that what he said was that Baker was taken up and charged with being drunk and disorderly.

(*Chairman.*) I do not want to stop you, I only want to be able to follow your line of cross-examination.

(*Earl Russell.*) I am trying to get this man's recollection of what occurred in the station so as to compare it with what the Inspector says when he is called.

(*Chairman.*) He has given a very different account of it to that which Baker gave.

(*Earl Russell.*) On the whole incident do you mean or of what took place in the station?

(*Chairman.*) Of what took place in the station. Are you suggesting that Baker wishes to amend his statement?

20426. (*Earl Russell.*) No, but I hardly expected the constable to give the same account as Baker. I am simply trying to follow these details. (*To the Witness.*) Then the Inspector reduced the charge to writing?—Yes.

20427. And read it over to Baker?—Yes, that is so.

20428. Who else was in the charge room at the time?—The reserve man and one police-constable in plain clothes.

20429. How many men altogether?—Five.

20430. Altogether?—Yes.

20431. (*Mr. Eldon Bankes.*) Including Baker?—No, without Baker.

20432. (*Earl Russell.*) How many besides Baker and the Inspector and you? That is what I want to get at?—Two others. There was the reserve man and a police-constable in plain clothes.

20433. What were their names?—Hillier and Price.

20434. They were in the charge-room at the time?—Yes.

20435. Were they close to the charging desk, or did they take any part in the charging at all?—They were not taking any part in it. Price had put a prisoner in the cells, and I think P.C. 139 Hillier assisted him with the charge previous.

20436. Had they come back from the charge-room to their duty?—Yes.

20437. Just got back?—Just got back.

20438. And they were not attending to the charging that was going on?—No.

20439. Before the charge was read over to Baker you had to sign the book, had you not?—No—after.

20440. What did Baker say when the charge was read over to him?—Nothing.

20441. Nothing at all?—Nothing at all.

20442. Did he not say to the Inspector, "Are you going to take a charge like that—the constable has brought me here so that I should leave my name and address"?—No.

20443. Nothing of the sort?—Nothing of the sort.

20444. Did he say anything at all about being willing to give his name and address at the station?—I don't remember that he did.

20445. You do not remember that he did not?—No. I don't remember him saying anything at all.

20446. He made no answer to the charge?—He made no answer to the charge—that I am certain of.

20447. You mean by that he said nothing when it was read over to him?—Yes.

20448. That you are quite sure of?—Yes.

20449. Nothing at all?—Nothing at all.

20450. Did he say anything when he was brought into the charge room and before the charge was read over to him?—He did say something, but I could not tell you what it was.

20451. Who did he say it to?—The Inspector, I believe.

20452. I suggest to you that what he said was: "Are you going to take this charge? This constable has brought me here so that I may leave my name and address"?—I could not say what it was; I don't remember it.

20453. Did you hear him tell the Inspector that he was not drunk and he was not disorderly?—No.

20454. He never denied the charge at all?—He did not deny the charge.

20455. You heard him say nothing except this one thing to the Inspector which you could not catch?—That is right.

20456. That is your idea?—Yes.

20457. I want to be quite clear about that. From the time you brought him into the police station up to the time you saw the last of him, he did not say anything that you heard?—Not that I heard.

20458. You are quite sure?—Quite sure.

20459. Did you go on duty again at once?—Yes.

20460. You know nothing about what happened afterwards in the station?—No.

20461. Was it the next day that he was charged before Mr. Garrett?—Yes.

20462. And you gave evidence there?—Yes.

20463. Did you tell the Magistrate then what you have told us?—Yes.

20464. Did you tell him about his shouting?—Yes.

20465. And about the people being at the top of the street?—Yes.

20466. Did you tell the Magistrate he caused a crowd to assemble?—No.

20467. What did you tell him about people coming round when he shouted?—There was no one came round at all.

20468. About the people coming?—Stopping at the top of the road. There was no one came down Kensington Place at all.

20469. Did you tell the Magistrate that perhaps half a dozen people stopped 20 yards away at the top of the road?—Yes.

20470. That was what you told him?—Yes.

20471. Did you tell him that Baker was making a disturbance?—Yes.

20472. By shouting or in any other way?—By shouting.

20473. Did you tell the Magistrate you had noticed him staggering?—I cannot say that I did. I told him he was drunk.

20474. You just simply told him he was drunk and nothing else?—Yes.

20475. You did not tell the Magistrate anything about his staggering?—No, I said he was drunk and shouting.

20476. Did you tell the Magistrate that he kept on saying he would give his name and address, but did not do it?—No.

20477. Did you tell him he ever refused his name and address?—No.

20478. Just tell me what this means, which is in the clerk's notes at the police court. This is what you say in cross-examination: "Defendant had a friend with him. I asked him for his name and address, and he refused to give it"?—He shouted several times that he would give it.

(*Mr. Eldon Bankes.*) He said that too about the shouting.

(*Earl Russell.*) Yes, that is later.

(*Witness.*) He did practically refuse. He did not say he would not give it, but he did refuse to a certain extent.

20479. (*Earl Russell.*) Did you tell the Magistrate, in answer to that question, that he did refuse to give his name and address?—No.

20480. Then you cannot explain hod that gets upon the notes?—No.

(*Mr. Eldon Bankes.*) Surely he did refuse it, because it is Baker's own case that he refused.

(*Earl Russell.*) And the constable has told us that he did not.

(*Witness.*) He did not refuse. He kept saying he would give it.

20481. I was simply asking you to explain this—"and he refused to give it." You cannot give us any further explanation?—No.

20482. Did you tell the Magistrate you arrested him because of the disturbance, and not because he refused to give his name and address?—Certainly.

20483. Did you say you would not have arrested him if he had given his name and address?—Certainly I did.

20484. You told him that?—Yes.

20485. Is this correct, then—"I asked him for his name and address, and he refused to give it. If he had, there would have been no occasion to arrest him"?—That is quite right.

20486. That is perfectly true?—Yes.

20487. (*Chairman.*) Just think. He had been drunk and disorderly according to your statement, and if so you were bound to arrest him?—If he had given his name and address he would not have been disorderly. It was the shouting.

20488. (*Earl Russell.*) Did you make any report on this case?—No.

20489. No report at all?—No report at all.

20490. The Magistrate, Mr. Garrett, heard everything you had to say, did not he?—Yes.

20491. Did he say at the end of the case that there was no evidence that Baker was drunk and disorderly?—No.

20492. He did not say that?—No, he discharged the case—that was all.

20493. He made no observation at all?—No.

20494. But he did, in fact, discharge him?—He did discharge him, yes.

20495. You are sometimes a little unfortunate in your prosecutions, are not you?—No.

20496. Did you not give very important evidence in a prosecution against a public-house, the Hereford Hotel, in Gloucester Road, Kensington?—Yes.

20497. Evidence about betting?—Yes.

20498. That case was dismissed in the end, was it not?—Yes.

20499. You were the principal witness, were not you?—No.

20500. You were not the principal witness?—No. I was one of the two.

20501. Will you tell me if this is the case or not—you were a little behind Baker and his friends when they came out of the Windsor Castle?—All the way, yes.

20502. Is it not the fact that before they reached Kensington Place you passed them?—No.

20503. And turned down Kensington Place first as far as the corner and then came back again?—No.

20504. You never did pass them?—No.

20505. Did you cross over the road to come up to Baker?—Yes.

20506. From where the lamp post is?—Yes.

20507. Which way had you been walking down Kensington Place?—Down to the right.

20508. Away from Campden Hill Road?—Yes, on the left hand side of the road. I was on the top.

20509. Look at that plan. To get on to the pavement where the lamp post is in Kensington Place you would have to walk over the top of Kensington Place going down there?—That is right.

20510. I want to know why, if directly you turned the corner you saw this going on with Baker, and the dead wall, why you did not walk down the same pavement he was on?—There is no pavement that side of the road. We cross the road and walk down the pavement.

20511. I asked you that question at the beginning, and you told me there was a pavement alongside the dead wall?—Along the top, but not down this side. Along the Campden Hill Road there is a pavement, but not down here.

20512. I asked you particularly whether there was a pavement at the place where Baker was standing at this dead wall?—No.

20513. You now say there was no pavement there?—There is no pavement there. There is only the kerbstone.

20514. So that Baker was on the side of the road opposite to the pavement?—Yes.

20515. And you say that you saw him directly you turned the corner from Campden Hill Road?—Yes.

20516. Why did you not walk straight down the road to him? Why did you cross over to the pavement where the lamp post is and then cross back again?—I could not say at all.

20517. You cannot explain that?—No.

20518. (*Mr. Eldon Bankes.*) I do not know what the particulars are about this public-house case that has been spoken about, but until Earl Russell asked you the question has anybody complained of your conduct in that case up to this moment?—No, Sir.

20519. Was that a case in which you had to keep observation on a public-house or something of that kind?—Yes.

20520. Were you doing it by instructions of your superior officer?—Yes.

20521. You said that if Baker had given his name and address there would have been no disorder?—Yes.

20522. Just explain what you mean about that. In

P.C. W. Pittuck. 4 Dec. 1906.

your opinion what did the disorder consist of?—The shouting.

20523. And if he had given his name and address in the first instance there would have been no shouting?—No.

20524. Because if he had given his name and address there would have been an end of the matter?—Yes.

20525. So that when you say if he had given his name and address in the first instance there would have been no disorder you mean if he had given his name and address in the first instance, there would have been no shouting, and the matter would have ended?—That is right, Sir.

20526. (*Chairman.*) As I understand this case, whether the man Baker was staggering or not after leaving the public-house, his condition was not such that you would have interfered with him if nothing further had happened in your sight?—Yes.

20527. Then you, going along your beat in the ordinary and proper way, turned into Kensington Place?—Yes.

20528. And there you saw Baker making water against the wall?—That is right.

20529. Up to that time he had done nothing, except that, which justified your touching him?—No.

20530. I understand that you thought you were justified in taking his name and address because he had committed an offence against a bye-law of the County Council?—Yes.

20531. Had you been instructed that you had power to ask the name and address of people who in your opinion are infringing the bye-law of the County Council?—Yes.

20532. Where did you get that instruction?—In the Police Orders.

20533. Which Police Orders? Perhaps you can assist me, Mr. Bankes?

(*Mr. Eldon Bankes.*) I will try to do so, Sir.

(*Chairman.*) The general law, as I understand it, is this, that where offences against the Police Acts are committed in view of a constable the constable has the right to ask for the name and address.

(*Mr. Eldon Bankes.*) I will find that out, Sir.

(*Chairman.*) That is offences against the Police Acts.

(*Mr. Eldon Bankes.*) I assume there are some means of enforcing a County Council bye-law, and if you could not ask for the man's name and address you could not enforce it.

20534. (*Chairman.*) The constable refers to his instructions. (*To the witness.*) Where are those instructions?—In the Police Orders.

20535. Do you mean by the Police Orders this white book?—No, not that.

(*Mr. Eldon Bankes.*) We will send for a copy if there are any, but it may be verbal. The Inspector will tell you about it, because he would know more about it than this witness. This is an extract from the Police Orders: "London County Council bye-law, No. 9, dated 20/3/00, made under the provision of the Act 51 and 52 Victoria, Chapter 41, Public Decency." I need not read the bye-law. Then "General Orders, page 593, and instruction book pages—so and so—"There is no power of arrest without warrant under the bye-laws, but any breach of the same is to be observed by police, the names and addresses of offenders obtained, and, where necessary, application made for authority to proceed by summons, care being exercised that police have satisfactory evidence in all those cases in which it is requisite to prove serious nuisance, or the annoyance or disturbance of any person."

(*Chairman.*) That does not carry it much further.

(*Mr. Eldon Bankes.*) It is in the white book, pages 425 and 426: County Council and Municipal Bye-laws: "There is no power of arrest without warrant under the bye-laws, but any breach of the same is to be observed by police, the names and addresses of offenders obtained, and, where necessary, application made for authority to proceed by summons," and so on. That is a correct copy that I read you a moment ago from this Regulation No. 102.

(*Chairman.*) The names and addresses of offenders are to be obtained. What I want to know is where is the statutory duty cast on the person who is accused of having committed an offence against a bye-law to give his name and address?

(*Mr. Eldon Bankes.*) You asked me for the Police Instructions.

(*Chairman.*) I said I was satisfied as far as the police constable was concerned with the police instructions, but I said that would not carry it far enough.

(*Mr. Eldon Bankes.*) I do not know whether there is statutory authority to ask a man for his name and address in the street, but I will see if I can find anything. As far as the policeman is concerned that is his justification.

20536. (*Chairman.*) Then you thought that under what Mr. Bankes has read from those Police Instructions you were authorised and justified in asking Baker for his name and address?—Yes.

20537. Then I take it that if he had given his name and address right off there would have been no arrest, and none of this bother would have arisen?—Not at all.

20538. And I also take the effect of your evidence to be that beyond shouting there was nothing disorderly in Baker's conduct?—No.

20539. He did not try to strike you?—Not at all.

20540. Or to strike anybody else?—No.

20541. He came quietly to the police station?—Yes.

20542. Did you tell the Inspector in charge the story that you have told us this morning in substance?—Yes.

20543. And did you tell the story in the same way to the Police Magistrate?—Yes.

20544. Are you certain about that?—Yes.

20545. Observe what I say—did you tell the Magistrate the same story as you have told us to-day?—Yes.

20546. Did you tell it in as much detail?—No.

20547. What did you tell the Magistrate? How did you begin your evidence?—I told him I was on duty when I saw the prisoner urinating in Kensington Place—the prisoner, who was drunk, I should have said. I asked him for his name and address, and he shouted several times, "Yes, I will give you my name and address—what do you want it for?" and I took him into custody.

20548. Then you accept the account which the clerk wrote down at the police court: "About 11.15 p.m., on the 30th September, I was on duty in Kensington Place. The defendant was drunk, and urinating in the road"?—That is right.

20549. You said that?—Yes.

20550. You told me a moment ago he was urinating in Kensington Place?—In the road in Kensington Place.

20551. You are certain you said in the road?—Yes.

20552. Do not you think that was calculated to produce a false impression when you put the word "drunk" before it—drunk and urinating in the road?—No.

20553. Do you think that is a fair way of stating the effect of what took place?—Yes.

20554. Do not you think that if you said that to almost anybody, apart from his being a Magistrate, that he would have thought the case was one of Mr. Baker staggering about in the centre of the road, not on the side or on the pavement, and making water?—No.

20555. You do not think so?—No.

20556. Baker went up to this dead wall, did he not, and turned his back upon the people?—Yes.

20557. If there were any people?—Yes.

20558. And did he not light his pipe before you came up to him?—No, I did not see him.

20559. Are you prepared to contradict him upon oath upon that?—Yes.

20560. I suggest to you that the way you told the story to the Magistrate was not at all fair to Baker. You still think it was?—Yes, just the facts of the case—that is all.

20561. No, because you have not told the detailed facts. This is a very general statement that you made to the Magistrate. Did the Magistrate ask you any further questions?—I don't remember that he did.

20562. What did you say to the Inspector? Did you tell the Inspector all the details of the case?—I cannot say that I said as much as I said this morning, but still I told him the facts of the case.

20563. You told the Inspector that the first thing you had said to Baker was not "You are behaving in a drunk and disorderly way," but "I want your name and address"?—That is right.

20564. And you wanted his name and address because you thought he had been guilty of an offence against the County Council bye-law?—That is quite right.

20565. You are certain you told the Inspector that?—Yes.

20566. (*Mr. Dickinson.*) When did you first think he was drunk?—I thought he was drunk when he began to walk.

20567. You concluded that you had a drunken man in front of you?—He was staggering all over the path. I did not take much notice of him in the first instance, as he was going quietly.

20568. He staggered when he went with you. How long did that staggering last?—All the way.

20569. I suppose in your mind it is essential to make good a charge like this that a man is drunk?—I do not know.

20570. The fact that he is drunk and disorderly?—Yes.

20571. If you had not thought he was drunk, and he had only shouted, and had refused to give you his name and address, would you have taken him up?—Yes.

20572. You would?—Yes.

(*Mr. Dickinson.*) Mr. Eldon Bankes, there is no offence of disorderly apart from drunk, is there?

(*Mr. Eldon Bankes.*) Yes, of disorderly conduct in the streets—in a public place.

(*Mr. Dickinson.*) Where is that?

(*Mr. Eldon Bankes.*) I will find that for you. Of course it is not in the police orders. It is a statutory authority for doing that. This man was purporting to deal with this case as a case of drunkenness.

20573. (*Mr. Dickinson.*) That I quite understand. When you saw him making water you thought he was not then drunk, I suppose?—Yes.

20574. Did you see any other drunken people coming out of the public-house?—No.

20575. You have said that if he had not refused his name and address you would not have taken him up?—No.

20576. Because he would not have been disorderly?—Quite right.

20577. His drunkenness on that occasion was not sufficient for you to have taken him up?—He was not drunk and incapable.

20578. Apart from disorderly?—No.

20579. You say there were four people standing by the lamp?—Yes.

20580. And other people in the road?—Yes. When the people standing under the lamp-post saw what he was doing they walked away to the top of the road as I walked down.

20581. As you walked from Campden Hill Road down this road they walked away. Did they pass you?—Yes; as I got to the lamp-post they looked across at him and looked to me and walked away.

20582. I understand at that moment, when he was actually making water, there was nobody by the lamp-post?—Yes.

20583. I thought you said as you walked up they walked away?—Yes. As I walked down they looked at me, and looked across the road at me, and walked away.

20584. None of these people who saw this disorder came up to you?—No.

20585. They did not crowd round you at all?—Not at all.

20586. It is rather an exception when you are taking up a drunken man not to have a crowd round you?—It is a very quiet place, and there were very few people about.

(*Mr. Eldon Bankes.*) Section 7 of the Metropolitan Police Act, 1829, says: "It shall be lawful for any man belonging to the said Police Force during the time of his being on duty to apprehend all loose, idle, and disorderly persons whom he shall find disturbing the public peace." Then there is Sub-section 13 of Section 54 of the Metropolitan Police Act, 1839, which says: "Every person who shall use any threatening, abusive, or insulting words or behaviour with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, may be arrested." Then there is Section 64 of the same Act, which says: "It shall be lawful for any constable belonging to the Metropolitan Police to take into custody without warrant all loose, idle, and disorderly persons whom he shall find disturbing the public peace."

(*Chairman.*) Those sections do not apply to this case. The drunk and disorderly charge must have been made, I think, from the form of it, under the Licensing Act and other sections.

(*Mr. Eldon Bankes.*) Yes. I was only referring to that because Mr. Dickinson asked for the reference.

(*Chairman.*) There are some Sections in this Act of Parliament which justify a constable taking into custody a man who refuses to give his name and address. I think it is when committing an offence against the Police Act.

(*Mr. Eldon Bankes.*) I know there are provisions of that kind justifying an arrest for refusing to give his name and address.

(*Chairman.*) If the constable is also prepared to prove that there was some offence against the Police Act.

(*Mr. Eldon Bankes.*) Yes; but the question you put to me just now is rather different, because you asked me whether there was statutory authority to ask a man for his name and address. What a constable does is this: He is told to obtain his name and address. He is not told to arrest the man if he does not give it. Whether it is under statutory authority to ask a man for his name and address any more than you pass the time of day in the street I do not know.

(*Chairman.*) Supposing I am walking up St. James's Street; no constable has a right to come up and say to me, "Give me your name and address, Sir." I should say, "I will not give it."

(*Mr. Eldon Bankes.*) Then there would be an end of it.

(*Chairman.*) Then there would be an end of it, except that I might possibly bring an action against him for something or other in that case. It seems that the refusal to give the name and address to a constable is an offence in some cases.

(*Mr. Eldon Bankes.*) Yes.

(*Mr. Dickinson.*) I do not quite understand Regulations 186 and 187 on page 249 of the White Book. What does Regulation 186 refer to? It says: "Every person taken into custody by any constable without warrant, except persons detained for the mere purpose of ascertaining their name or residence." Section 187 says: "The exception of persons detained for the mere purpose of ascertaining their name and residence refers to the power to take persons into custody who commit offences against the Police Act within view of the constable, and whose name and residence are unknown to such constable."

(*Mr. Eldon Bankes.*) You will find very useful references at the end of those Directions. You will see the first regulation you read refers to Section 69. Section 69 says this: "Every person taken into custody by any constable belonging to the Metropolitan Police without warrant, except persons detained for the mere purpose of ascertaining their name or residence, shall be forthwith delivered into the custody of the constable," and so forth. I must look for the case in which a person may be detained for the purpose of ascertaining his name and address.

(*Mr. Dickinson.*) Regulation 187 goes on to say: "It is important to bear this in mind, as there is no general power to arrest or detain for the purpose of compelling names and addresses to be given. There must be express authority for the purpose."

(*Chairman.*) The point in my mind is that the defendant Baker, apart from the question of drunkenness, was not committing any offence against the police. He was committing an offence against the County Council's bye-laws, if it be an offence. I do not know

P.C. W. Pittuck. 4 Dec. 1906.

(*Mr. Eldon Bankes.*) My attention is called to the Licensing Act, 1872. That will give you an instance. Section 25 of that Act provides that "Any constable may demand the name and address of any person found on any premises during the period which they are required by the provisions of this Act to be closed, and if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address, and may, if such person fail upon such demand to give his name or address or such evidence, apprehend him without warrant."

(*Chairman.*) Quite. That is a very well-known instance of the power, but I cannot recollect any general power, except some power to ask for the name and address where an offence against the Police Act is being committed. That is rather a matter of law. We will thrash it out.

(*Earl Russell.*) You were good enough to say that I might interpose Baker's landlord, who is anxious to be released.

(*Chairman.*) Very well.

Mr. JOHN WALTON, sworn.

Mr. J Walton.

20587. (*Earl Russell.*) What is your address?—53, Dartmoor Street.

20588. Is Mr. Baker a tenant of yours?—Yes.

20589. On this particular night were you sent for to bail him out at the police station?—Yes.

20590. You went?—Yes.

20591. At what time did you bail him out?—I think I got there about a quarter to 12.

20592. He went back home with you?—Afterwards, yes.

20593. You went first to see a doctor, did you, or something?—I had to wait some time while they were seeing about the doctor coming.

20594. When did you first see Mr. Baker that night?—Previously?

20595. No, when you went to bail him out. Did you see him before 12?—Yes, I saw him when he came up with the Inspector.

20596. What was his condition then as to sobriety?—Sober.

20597. Do you know of your own knowledge when he left your house that day?—Yes, I think about quarter to 10 when he went out the same evening.

20598. Was there any special reason that you know of for his staying in that night instead of going out?—He looked in the door to say he was going to the doctor's about one of his children being ill.

20599. Are you able to say yourself what he had to drink in the house? Do you know that at all?—Nothing at all to my knowledge. He does not live with me; he is in apartments.

20600. (*Mr. Eldon Bankes.*) Do you know him quite well?—Yes.

20601. I think your name is Walton, is it not?—Yes.

20602. Can you tell me about the time when you got to the police station?—About quarter to 12, I should think.

20603. Was it a little time before you saw Baker?—Yes, five or six minutes.

20604. You were asked to wait a little time?—Yes.

20605. Because there was some question about the doctor coming?—Yes.

20606. So you sat down and waited?—I stood up, I think.

20607. Then after a few minutes Baker came into the room, did he not, with the Inspector?—Yes.

20608. Then did Baker seem rather excited?—I did not notice it. He seemed annoyed at being locked up.

20609. Did he say he refused to be bailed when he saw you?—He told me he should like to see his own doctor.

20610. Did he say he would not go out on bail?—He would have to see his own doctor.

20611. Did he say he would not go until the doctor came?—I cannot say.

20612. I will try and remind you. Did you then try and reason with him, and did you say, "Don't be silly, accept my bail, and come home"? Did you say that to him?—I told him to go away and not to have an altercation with the Inspector, because the constable had already given in the charge. I said, "You are doing no good talking to him."

20613. Did you not tell him not to be silly?—I cannot say I did.

20614. And I suppose you cannot say you did not?—I cannot say.

20615. You tried to reason with him, and to persuade him to go away with you?—I told him he had better come away; it was no good talking there because the constable had already given him the charge.

20616. You could not persuade him, could you, to come with you?—I did not try to persuade him.

20617. Did he say "If you bail me out I shall not go to the police court"?—I do not remember.

20618. Then did the Inspector say, "Well, if you do not intend to turn up you ought not to ask this gentleman to be bail for you"?—It is some time ago. I do not remember that.

20619. You did not persuade Baker to come with you? Did you wait at the police station?—I went outside and waited, expecting the doctor would see him, and that he would come away.

20620. How long did you wait?—I cannot say, but over half an hour, I think.

20621. Then did you go in again?—I went to inquire whether he was there or not.

20622. What did they tell you?—I do not know what it was.

20623. Had he then gone?—I asked if he had gone. They said no.

20624. Then did you go out again?—Yes, I went out.

20625. What did you do then?—I walked about to keep myself warm.

20626. Then did you go in a second time?—I waited at the door till he came out.

20627. You waited at the door, and ultimately he came out?—Yes.

Inspector ARTHUR MASON, sworn.

Inspector A. Mason.

20628. (*Mr. Eldon Bankes.*) Are you an Inspector attached to the Notting Hill Police Station?—Yes.

20629. Were you in charge of the station on that Sunday night when Pittuck brought in Baker?—Yes.

20630. I think he brought him in and put him straight into the dock?—No, I think not—not straight into the dock. I believe at the time there was another prisoner about to be removed. A charge was brought in about ten minutes earlier, and I think that prisoner had not been quite finished with, but it was only for a minute or so.

20631. Mr. Baker went into the dock very shortly after?—Very shortly.

20632. What did the constable say to you when giving the charge?—I asked him the nature of the charge. He said drunk and disorderly in Kensington Place. I said, "What was the disorder?"

20633. You said that to the constable?—Yes.

20634. What did he say?—He said, "I saw him urinating by the wall near a lamp-post. Two females were passing at the time; there were some more standing there. I crossed the road and asked for his name and address to report him for a summons. He commenced shouting, 'My name and address? Oh, yes. I will give you my name and address. What do you want it for?' This he repeated several times, and

as he would not be quiet and give me his name and address I took him into custody."

20635. (*Chairman.*) That is a full account of what the constable said to you, is it?—That is so, as far as I can remember.

20636. (*Mr. Eldon Bankes.*) What was the next thing that happened?—I said to Mr. Baker, "Do you hear what the constable says?" He replied, "Yes, I know I was urinating against the wall, but I refused to give him my name and address because I did not consider I was doing any harm."

20637. What did you say then?—I said, "He also alleges you are drunk. I am of the same opinion. Would you like to see a doctor?"

20638. What did he say to that?—He replied, "I am not drunk. I do not want to see any doctor."

20639. Then did you enter the charge?—Yes, I then entered the charge.

20640. Did you read it over to him in the usual way?—Yes, and he made no reply.

20641. He made no reply at that time?—No.

20642. But he had told you he was not drunk?—Yes, he had previously stated it so.

20643. What opinion did you form with regard to his condition?—The opinion that I formed then was that he was drunk, and I am still of the same opinion.

20644. What made you think so?—By the look of his eyes, he could not walk straight, and he talked thick.

20645. After you have entered the charge did you accompany him down to the cells?—Yes.

20646. Or did you take him down yourself?—I accompanied him down. Police-constable Price took him down, and I accompanied him. When he had been placed in the cell I spoke to him on the question of bail, and asked him if he would like to be bailed out, and if he had anyone to send to. He referred me to his landlord, Mr. Walton the last witness.

20647. Did he say anything at that time in the cell about a doctor?—No, nothing whatever at that time.

20648. Then I think you left him in the cell?—Yes.

20649. And you sent for Mr. Walton?—Yes.

20650. Shortly after did Mr. Walton come round?—Yes. About quarter past 12 he arrived.

20651. Then was Baker sent for?—Yes. I filled up the form in the bail-book, and sent the constable down to the cell to fetch Mr. Baker up.

20652. Who fetched him up, do you remember?—Police-constable Price.

20653. When Baker came up, was he brought into the charge room?—Into the Inspector's office, where I had the book.

20654. Was Mr. Walton in there?—Yes.

20655. Just tell us what took place there?—When he came in, and I told him Mr. Walton was about to bail him, he said, "I am not going to be bailed until I have seen a doctor." I told him he could see a doctor if he wished. Mr. Walton argued with him a bit, and he suggested that he should accept the bail then, and go out, but he still replied "No, I am not going until I have seen a doctor," and he said "I want to see a doctor of my own." I informed him that he could do so, but I should also call in the Divisional Surgeon in the interests of the police.

20656. Did Baker give you the name of the doctor he wanted?—Yes, he gave me the name of Dr. Barrett, of 5, Bedford Gardens. I explained to Mr. Baker that only one fee was allowed for calling in doctors, and that if he called in a private doctor he would have to pay his fee. He replied that he was willing to do so.

20657. Is that all that took place then?—Yes. He was then placed back in the cell again.

20658. And Mr. Walton went out, did he?—Yes, Mr. Walton left the station.

20659. Did you send for Dr. Barrett?—Yes, I sent Police-constable Hillier 139, a man who was off duty in the section house, as there was no one else available. I wrote on a piece of paper the name of Mr. Baker, that he was charged with being drunk and disorderly, and that he wished to see him. I told the constable to explain that the police could not pay his fee. When doctors are called in they look to the police to pay them.

Inspector A. Mason.

4 Dec. 1906.

20660. It is the ordinary practice, is it, if you are not going to pay the doctor's fee, to tell him so before he comes?—Yes.

20661. How long was Hillier away?—I should think he would be about half an hour; it is three-quarters of a mile from the station.

20662. Did he come back and report that Dr. Barrett was not at home?—That is so.

20663. Did you immediately tell Baker?—Yes, I told Baker that Dr. Barrett was not in. He then asked that Dr. Bagram, of 1, Pembridge Gardens, should be sent for.

20664. And did you at once send Hillier for him?—Yes, I sent the same constable with the same message.

20665. Had he still the same piece of paper with him, or did you write a fresh one?—No, he had the same piece of paper.

20666. How long was he away on that occasion?—I should think about twenty minutes.

20667. What report did he bring back?—That Dr. Bagram refused to come.

20668. Did you at once inform Baker of that?—Yes, I informed him of that, and he then asked that Dr. Lee, of Holland Park Avenue, should be sent for.

20669. What did you say to that?—I said it would be better if he accepted Mr. Walton's bail, and go out and see a doctor himself, and to this he agreed.

20670. In the meanwhile had the Divisional Surgeon been?—Yes, another officer came to the station, and I sent him for the Divisional Surgeon.

20671. When did he arrive?—He arrived about a quarter to one.

20672. That was Dr. Jackson?—Dr. Jackson.

20673. At what point was that—whilst Hillier was out for the second doctor?—No, for the first one.

20674. Had Dr. Jackson examined Baker?—Yes, he had examined him. He asked that he might examine him at the station when he got there.

20675. I ought to have taken it in chronological order. You sent Hillier for the first doctor?—Yes.

20676. Whilst he was out, Dr. Jackson, whom you had sent for, came?—Yes.

20677. Just tell us what happened with regard to Dr. Jackson. Did he go and see Baker at once?—Yes, Baker was brought into the charge room, and the doctor there examined him.

20678. Was that done with Baker's assent? Did Baker assent to being examined?—He did not object to it; he did not raise any objection.

20679. He knew who the gentleman was?—I believe so. I heard him later on call him Mr. Jackson.

20680. I mean he told us he knew him at any rate by sight and by reputation. Dr. Jackson examined him in the charge room?—Yes.

20681. Did Dr. Jackson give a certificate?—He entered it in the occurrence book.

20682. Here it is: "James Baker; recovering from drink, 12.30.—Jackson."

(*Earl Russell.*) Dr. Jackson is going to be called, I suppose.

(*Mr. Eldon Bankes.*) No, because I have a certificate that he cannot come, as he is ill. I have the doctor's certificate.

(*Chairman.*) If necessary we can summon him. We quite accept that statement.

(*Mr. Eldon Bankes.*) I have the doctor's certificate here, and I will tender it if necessary. I would not have read it if I had thought Earl Russell would have objected.

(*Chairman.*) We should have asked for it on another ground. That is entered in the occurrence book in accordance with instructions, you say?

20683. (*Mr. Eldon Bankes.*) Yes, this was entered in the doctor's handwriting—"Recovering from drink." Was Baker told what the doctor had said?—No, I think not, not at that time. The doctor did not say anything to him. He said to me, "Very well, he can go back again."

Inspector A. Mason.

4 Dec. 1906.

20684. Baker's attitude was that he wanted his own man?—Yes.

20685. Was he sent back to wait till his own man came?—Yes.

20686. Now we can go back to the point when you said the second doctor said he could not come, and that the best thing he could do would be to accept the bail and see a doctor when he went out. Did he agree to do that?—Yes.

20687. He was bailed out at 1.20?—Yes, and Mr. Walton was the surety.

20688. Then he left the station and went away?—That is so.

20689. Baker said that when he got into the station he said to you, "Are you going to take a charge like that?" Did he say that?—No.

20690. Did he tell you that the constable brought him there with the intention of his giving his name and address?—No.

20691. Did he keep knocking at the door?—No; there was a bell in the cell.

20692. He does not suggest that he rang the bell. Would it be possible for anyone to hear if he knocked at the door?—Quite.

20693. At any rate, nobody in the station heard any knocking?—No.

20694. And the bell was not rung?—No.

20695. He said this: "I kept knocking at the door, as I could not make anybody hear. In a few minutes he came and said, 'Your bail is here.' Then I was brought out into the charge room. When I knew the charge, I said 'I will see a doctor before I go.' The Inspector said, 'You can see one outside.' I said, 'I will have one fetched here.' They put me back in the cell. (Q.) Although your bail was there you said that? (A.) Yes, my bail was there then." Did you say anything about his seeing a doctor outside until the last occasion after you had failed to get the two doctors?—I think not; I am almost sure I did not, but I will not swear to it.

20696. (*Earl Russell.*) There was a great deal of difficulty about these doctors, was there not?—Yes, there was some difficulty.

20697. It did happen that by a series of unfortunate incidents the only doctor he saw was the police doctor?—Yes, that is so. The police made every endeavour for him to see a private doctor.

20698. On the piece of paper that you gave Hillier in order to give these messages was his name written down correctly?—Yes.

20699. You wrote it down yourself, did you?—Yes.

20700. It is correct on the charge sheet?—Yes.

20701. Do you understand how it came to be given incorrectly to Dr. Bagram?—No; I cannot say at all.

20702. You know that is the reason he did not come?—I have heard so, but I cannot say that it is correct.

20703. I understood you to say almost in the last answer you gave my learned friend that you do not think you said anything about going out himself to see a private doctor until after you had sent for these two?—I think not. I will not swear to it. I do not remember. Several weeks have now elapsed.

20704. Just think of your account of what happened. Walton comes there ready to bail him?—Yes.

20705. You do not want to keep the man, but you want to get rid of him?—Exactly.

20706. He says he wants to see a private doctor. It is a certain amount of trouble for you to send for a private doctor?—It is no trouble; it is my duty.

20707. Would it not have been the simplest thing to say "Go out on bail and see a doctor if you wish it"?—If he wished to be examined at the station by a private doctor we could make arrangements, which I did.

20708. Would it not have been the simplest thing to say at once: "If you want to see a private doctor go out on bail and see any doctor you like"?—I do not think I said so then. I may have said so.

20709. I understand you also said to him: "If you are going to see a private doctor then I shall also call in the Divisional Surgeon in the interests of the police." Is that right?—Yes.

20710. Had you up to that moment intended to call in the Divisional Surgeon?—No; he said he did not want to see a doctor.

20711. Then what exactly did you mean by saying that?—Because he asked for a private doctor himself. I explained to him that if he had a private doctor on his own behalf the Divisional Surgeon would also come on behalf of the police.

20712. You were afraid of what the private doctor might say?—No. It is according to the regulations; it is according to the code.

20713. (*Mr. Dickinson.*) Where is that?—It is in the general orders.

20714. (*Earl Russell.*) If a man wants to see a private doctor the police doctor must come too?—Yes.

20715. You agree he said he did not want to see the police doctor?—No, I did not hear him say he did not want to see the police doctor. He said he wanted to see a doctor of his own, or a private doctor, or words to that effect.

20716. You offered him the police doctor, and he said, "That is not what I want"?—When he said he wanted to see a private doctor I told him he could. In reply to that he said he wanted to see a private doctor of his own.

20717. Were you there when the Divisional Surgeon examined him?—Yes.

20718. You told my learned friend, Mr. Bankes, that he consented, but it would not have made any difference whether he had consented or not?—If he had objected he would not have been examined.

20719. Is that so?—Yes, that is so.

20720. In spite of your regulations?—If he had objected to be examined by the Divisional Surgeon he would not have examined him. It would amount to an assault to examine a man against his will.

20721. Did not Baker when the Divisional Surgeon caught hold of his wrist say: "I do not want to see you, Mr. Jackson; I will wait till my own private doctor comes"?—No.

20722. Nothing of the sort?—No; he did not say so.

20723. Did he not pull himself away from Dr. Jackson?—Not at all. I did not see the slightest sign that he had any objection to being examined by the Divisional Surgeon.

20724. What was the hour at which Dr. Jackson did actually examine him?—At 12.50 it is in the occurrence book.

20725. But the actual examination took place about twelve, did it not?—No, it was much later than twelve.

20726. When did you send the message for him?—At a quarter past twelve. I did not send the message until after Mr. Walton arrived at the station, and that was a quarter past twelve when he came to bail him, and Baker said he wished to be seen by a doctor.

20727. Are you quite certain it was at a quarter past twelve?—The man could not have been charged at the station and have had his bail sent for half a mile away from the station, and for him to be back in a quarter of an hour.

20728. What time is the charge-sheet marked?—11.30.

20729. Did the doctor come directly you sent for him?—No I sent a constable for him, and he arrived there shortly afterwards.

20730. You did not send a telephone message?—No, I sent a constable.

20731. You say you told Hillier to explain to Dr. Barrett that the police could not pay his fee?—Yes.

20732. I make no objection to that. Did you also tell him to tell Dr. Barrett that the prisoner said he was willing to pay the fee?—I cannot say whether I did or not; I may or may not. Dr. Barrett appeared to be well known to the man. He regarded him as his doctor, from what I understood.

20733. It was the same message that was sent to Dr Bagram?—Yes.

20734. You are certain you told him the police could not pay the fee?—That is so.

20735. And you are not sure whether you told him to say that the prisoner was willing to pay the fee?—I am not sure.

20736. Finally, when it came to the third doctor, Dr.

Lee, you had had enough of sending for doctors, and you told Baker he had better go out and look for one?—I thought that was the best plan. If he had sent for Dr. Lee perhaps it would have been the same thing. He would have been longer in the cells.

20737. That is why I suggest that it would have been simpler to have said that at the beginning?—He wished to be examined at the station.

20738. Who went for his bail?—P.C. Pittuck, the last witness. He was on the beat on which Mr. Walton lives.

20739. Now I want to come back to what happened when Baker came in. Did you hear Pittuck's evidence this morning?—Yes.

20740. Did he tell you practically all that he told us?—I think not. I think I have repeated all that he told me.

20741. Of course, it was perfectly clear, and you understood that when he went up to the man he went up to him to get his name and address with a view to a summons?—That is so.

20742. Did he tell you that he told the man Baker what he wanted his name and address for when he first asked for it?—Yes, that he was going to summon him—that he wanted his name and address to summon him.

20743. Did he tell you what he said he was going to summon him for?—No.

(*Mr. Eldon Bankes.*) The regulation with regard to a Divisional Surgeon being present when an examination is made by a private medical man is at page 100.

20744. (*Earl Russell.*) I was asking you whether Pittuck had told you that he told Baker what he was going to summon him for?—No, I think not, as far a my memory serves me. I think he told me he asked for his name and address, as he wished to summon him.

20745. Leaving it to the man himself to guess what for?—Yes. He had previously explained to me that he had been urinating against a wall.

20746. Did he say that the man refused his name and address?—He did not say he refused it. He said he kept shouting, "Oh, yes, I will give you my name and address. What do you want it for?"

20747. You did not ask him whether, when he asked him what he wanted it for, he told him again?—No, I do not at all remember that.

20745. According to your recollection of what he told you, he left Baker to guess what he wanted it for, except that it was for the purpose of a summons?—Yes, I should take it for granted the man would know he was committing an offence against the bye-laws.

20749. Probably the man did not know about the bye-laws. But it would be the right thing for a constable to tell a man what he wanted to know his name and address for, would it not?—Certainly.

20750. Supposing a man did not hear him, or would not hear him, the constable ought to tell him again what he wanted it for?—He should repeat it.

20751. Did you ask any question of Pittuck why he did not tell Baker again, and distinctly, why he wanted his name and address?—I could not say.

20752. Was anything said at all by Pittuck about Baker saying that he would give his name and address at the station?—No.

20753. Did Baker say that he was quite willing to give his name and address to the officials at the station?—No.

20754. He never mentioned that?—No.

20755. You have told us that he did keep saying, "I will give you my name and address. What do you want it for"?—Yes.

20756. Did neither of them at any time say anything at all about his being willing to give it at the station?—No, neither of them.

20757. When Baker was at the station, and before you, did he not at any time say anything about—"I thought I came here to give my name and address?—No, not in my hearing.

20758. Did he not say to you, "I only came here to give my name and address"?—No.

20759. Nothing of the kind?—No.

20760. Did he not say to you, "Are you going to take a charge like that"?—No.

20761. Did he express no surprise at all at being charged?—No.

20762. Not the least surprise?—No.

20763. He made no expression of surprise either to you or to the constable?—No.

20764. You did not give evidence at the police court, did you?—No, I did not attend.

20765. Have you made any report on this case?—No.

20766. Did you make any note in your book at the time of anything the prisoner said?—No.

20767. You formed the opinion yourself at 11.30 that he was drunk?—Yes, and I am still of the same opinion.

20768. Very drunk?—Not very.

20769. You say he did not deny being drunk?—He denied it when being charged.

20770. This is your account, is it not. You said to him, "The constable alleges you are drunk, and I am of the same opinion"?—That is so.

20771. He denied it, and said he would like to see a doctor?—No, I said, "Would you like to see a doctor?" and he said he did not want to see a doctor.

20772. Quite right. He said, "I am not drunk; I do not want a doctor"?—That is right.

20773. You agree that he denied the charge of being drunk, do you?—Yes.

20774. If a prisoner is charged with being drunk, and denies the charge, is it your duty to send for the Divisional Surgeon at once?—No.

20775. Not necessarily?—Not necessarily.

20776. Although he is charged with being drunk, and he says he is not?—Yes. He said he did not wish to see a doctor. If he had asked to see one, whatever the state of drunkenness, I should have sent for a doctor; but as I was satisfied he was drunk, and he did not say he wanted to see a doctor, I did not think it necessary, in my discretion, to send for a doctor.

20777. Although he denied he was drunk?—He did.

20778. Did he say that in the presence of Pittuck?—Pittuck was there.

20779. This was during the process of charging him, was it?—Yes.

20780. What you noticed you told us was the condition of his eyes?—That is so.

20781. And that he did not walk straight?—Yes.

20782. And talked thick?—Yes.

20783. Is that consistent with having taken very little drink and being excited?—No, not exactly. It is consistent with the man being drunk, but not very drunk.

20784. Did Pittuck, when he told you about seeing Baker in the street, tell you he had seen him staggering?—No, not to my remembrance. I do not believe that he said so.

20785. Did you not ask Pittuck for the evidence on which he based his idea that the man was drunk, or were you satisfied?—I was satisfied myself that he was drunk.

20786. Then Pittuck never told you that he saw Baker staggering while he was talking to him about giving his name and address?—No. I was satisfied about the drunkenness, and I asked him about the charge of disorder. I did not know anything about that, as I was not there.

20787. Pittuck never told you about seeing Baker staggering when he came out of the public-house?—I do not remember him saying so.

20788. Where did Pittuck begin his account of the story—when he saw him against the wall and walked up to him?—Yes, when he saw him urinating by the wall.

20789. He did not tell you what happened before that about his walking down Campden Hill Road?—I do not remember him saying anything about it.

20790. With regard to the "Windsor Castle" public-house, if a man is seen leaving a public-house drunk, would not the licensee be committing an offence in permitting drunkenness on the premises?—There was no

Inspector A. Mason

4 Dec. 1906.

evidence that he had permitted the offence of drunkenness on the premises?—There might be no evidence that the man was served at the "Windsor Castle." There was no evidence before the police that he permitted any drunkenness there.

20791. If you saw a drunken man coming out of a public-house you would think it your duty to make inquiry, would you not?—No, I do not know that I should. I have frequently seen a man go into a public-house and leave again within a minute.

20792. But suppose you do not see him go in. Suppose you only see a man come out of a public-house, and he is drunk, is it not the business of the police on the beat to report that to their superiors?—They would do so, no doubt

20793. (*Chairman.*) Do you mean that it is a statutory duty?

(*Earl Russell.*) No. I mean it is a disciplinary duty, because it is an offence on the part of the landlord either to permit drunkenness on his premises or to serve drunken people.

20794. If it is noticed that habitually people come out of a public-house drunk it is an offence, is it not?—Yes.

20795. Did not Baker write his own name and address?—I believe he did for the doctor.

20796. Not the one you sent to the doctor's?—No.

20797. (*Mr. Dickinson.*) Baker himself said that when the divisional surgeon came he asked him to write his name and address on a piece of paper. That is what you are referring to?—Yes.

20798. (*Earl Russell.*) Not for you, but for Dr. Jackson?—Yes.

20799. That piece of paper is not attached to the certificate?—No, Dr. Jackson keeps all those.

20800. Do you think he has it?—I think so.

20801. That he has it now?—I think it is very probable.

20802. Did Baker show any excitement in the police station?—He was excited, but he endeavoured to suppress it. I could see that he was excited.

20803. Was not his chief complaint that he had been brought there at all and that he was kept there?—No.

20804. He did not make any offer to give you his name and address when he got there?—I asked him for his name and address for the purpose of the charge. He gave it then.

20805. He never said he had been asked for it at all?—He told me why he refused to give it, but he did not say anything about being asked for it.

20806. Because he thought he had not done anything wrong?—He did not consider he had done any harm.

20807. He did not give any additional reason that he preferred to give it at the station?—No.

20808. You are quite clear that there was no suggestion of that?—No.

20809. At the time when you suggested that he had better take his bail and go out he had been seen by the divisional surgeon, of course?—Yes.

20810. And you had seen the divisional surgeon's report?—I saw the entry in the Occurrence Book.

20811. There was no charge at any time, I think, of using bad language in the streets, was there?—No, there was nothing of that.

20812. You did not regard making water against the wall as being part of the charge of disorder, did you?—No. That had not been dealt with. He was disorderly shouting about the neighbourhood. Shouting there at that hour of the night when people are in bed would cause disorder.

20813. I think you have told us that the constable when he told you what had happened explained to you that there were two females and two other people under a lamppost. That was in connection with making water against the wall. He told me there were two females passing the top, and there were others standing close by.

20814. I took it down as you said it. "He said near the lamppost there were two females." Is not that right?

20815. (*Mr. Eldon Bankes.*) I think he said there were two females near the lamppost, and others standing near?—Yes, and others standing near.

20816. (*Earl Russell.*) He did not tell you that two females were under the lamppost?—No.

20817. But all that you agree was no part of the charge of disorder?—No.

20818. That is only what led up to it?—Yes.

20819. I did not notice that you said anything about what he said about the people when he shouted. Did he tell you anything about people collecting?—Yes. That was an oversight on my part. He said several people stopped at Campden Hill Road.

20820. He told you where they stopped?—Yes, at Campden Hill Road, at the top of Kensington Place.

20821. He did not use the expression that a crowd assembled?—No.

20822. Or that people surrounded them?—No.

20823. Did he tell you that the place where they stopped was 20 yards away?—No, he did not say the distance. He said it was at the top of Kensington Place.

20824. Are you able to recall what impression you got from that—that there were people standing around, or standing a little distance away?—People standing a little distance away to hear what the shouting was about, was the impression I formed.

20825. You would not suggest that he was creating a crowd in the street when people were standing 20 yards away?—No.

(*Mr. Eldon Bankes.*) With regard to the reference I gave to you about the regulations, I ought to point out that those regulations clearly only refer to a very serious class of offence.

(*Mr. Dickinson.*) The regulations about the doctor?

(*Mr. Eldon Bankes.*) Yes.

(*Mr. Dickinson.*) I noticed that just now.

(*Mr. Eldon Bankes.*) But I ought to say I am told the practice is to treat this regulation as applying to every case in which a prisoner asks for a private doctor.

(*Mr. Dickinson.*) Under the words, "In all cases in which the examination seems likely to furnish evidence as to prisoner's guilt or innocence." These are the words under which they bring in a doctor in the case of drunkenness.

(*Mr. Eldon Bankes.*) I think that these regulations clearly apply only to the more serious cases, but the regulations to which the Inspector was referring were no doubt 10 and 11, because 10 says: "Every prisoner to whom this Order applies must be clearly told by the Inspector on duty at the station that it is proposed to examine him, and that he has the right to object if he so desires; for, in the absence of consent, any examination would be an assault." That was the expression that the Inspector used. Then 11: "If a prisoner consents to such examination, he is to be told that if he desires the attendance of a qualified medical man on his behalf an opportunity for such attendance with the Divisional Surgeon will be given, and arrangements are to be made accordingly." So that those Regulations clearly indicate that if the prisoner desires his own independent man he is to have him, but with the Divisional Surgeon.

(*Mr. Dickinson.*) That seems to be the practice in connection with cases of drunkenness.

(*Mr. Eldon Bankes.*) Yes.

(*Mr. Dickinson.*) It is the first time we have heard of that in cases of drunkeness.

(*Mr. Eldon Bankes.*) In practice the Inspector tells me he applies this Regulation to these cases, and believes it is so generally regarded, but there is no special regulation dealing with drunkenness I am told.

Inspector ARTHUR MASON, recalled.

20826. (*Chairman.*) How long have you been Inspector?—Three years.

20827. How long at this particular station?—Two years and nine months.

20828. Mr. Eldon Bankes asked you what the constable said when he came with his prisoner to the police station, and you told him?—Yes.

20829. You remember my asking you whether that was all that he had said?—Yes, I remember you did.

20830. I will just read it to you again. You put a question to the constable first?—Yes, I asked him the nature of the charge.

20831. He replied, "Drunk and disorderly in Kensington Place." I said, "What was the disorder?" His answer was, 'I saw him urinating by the wall near a lamp post; two females were passing at the time; there were some more standing there. I crossed the road and asked him for his name and address to report him for a summons. He commenced shouting, 'My name and address. Yes, I will give you my name and address.' This he repeated several times, and as he would not be quiet and give his name and address, I took him into custody." That is what you said to Mr. Eldon Bankes?—Yes.

20832. And that is all that the constable told you, I understand?—That is all that I should remember at the time, but I remembered a little more later on.

20833. Do you mean all you could remember at the time you were answering Mr. Eldon Bankes?—Yes.

20834. What else did he say?—About the persons standing at the top of the street. I think I replied to that a little later on near the end.

20835. "The constable also said"—what?—Several persons stopped at the end of the streets in Campden Hill Road.

20836. Then you had the conversation with Baker that you have mentioned?—Yes.

20837. And you looked at Baker?—Yes.

20838. And came to the conclusion that he was drunk?—Yes.

20839. Now will you tell me what led you to think that Baker was drunk?—He staggered as he was being taken to the dock. He was not able to walk straight. His voice was thick and rather husky like a drunken man's would be, and he had the look in the eye of a drunken man—a kind of a hazy look.

20840. Did he give you his name and address?—Yes, when I asked him for it.

20841. At once?—When I asked him for it to put it on the charge sheet.

20842. When you commenced to fill in the charge sheet?—Yes, he gave it to me willingly enough.

20843. This was a Sunday evening?—Yes.

20844. It is a quiet part of London, is it not?—Yes, it is.

20845. And the prisoner was fairly well dressed, I suppose?—About the same as he is to-day—very similarly.

20846. Then I should say he was well dressed?—Yes.

20847. When he gave his name and address you found he was an ironmonger's assistant according to his statement?—Yes, so he informed me.

20848. And the place at which he lived, according to the address he gave, is quite a respectable place, is it not?—A respectable working class.

20849. Did you reflect in taking the charge of being drunk and disorderly you were taking a very serious step?—Only that I knew the charge was correct.

20850. You could not have known the charge was correct in so far as disorder was concerned?—No, just so.

20851. The question I put to you was this, Did you at the time reflect that the charge was a very serious one so far as Baker was concerned?—Oh, yes.

20852. It might affect his employment?—Just so.

20853. It might affect his whole life?—Just so.

20854. And did you then, reflecting upon that, think that the materials before you were such as to justify you in taking the charge of drunk and disorderly?—Oh, yes, Sir.

20855. Simply on the statement that the constable made, and which I have read to you together with what you observed as to the condition of the prisoner?—Yes, I had no reason to believe that the constable would tell me falsehoods as to what took place in the street.

20856. Just think. The only evidence of disorder before you was, "I crossed the road and asked for his name," and so on—he commenced shouting?—Yes.

20857. Do you mean to say that a man shouting would be sufficient disorder in your opinion to justify your taking the charge?—Yes, in that neighbourhood, in a neighbourhood where there are persons residing and in bed at that hour of the night.

20858. Residing and in bed. This conversation between Baker and the police-constable was taking place in Kensington Place, as I understand it, on the side of the road on which there were no houses?—Yes, but there are houses very close to—on the opposite side there are houses occupied by working-class people.

20859. Did it not occur to you that perhaps Baker might be resenting and justly resenting being asked his name and address?—No.

29860. It did not occur to you?—No.

20861. Do you say that the police-constable had any right to ask for his name and address under those circumstances that the police-constable had explained to you?—Yes.

20862. Show how and why?—The man was committing an offence against the bye-laws.

20863. Show me the bye-laws. I doubt it very much. No lawyer, and I am one, can carry all the statutes and bye-laws in his head, and nobody need blush to say that he does not remember them, and I certainly do not. I have never seen this bye-law.

(*Mr. Eldon Bankes.*) This is a copy of it, Sir, and I believe the bye-law is in the White Book. I will find the reference directly.

20864. (*Chairman.*) This bye-law that Mr. Bankes is good enough to hand up to me is to the following effect: "Every person who in any street or in any open space to which the public have access for the time being shall commit or attempt to commit any act of indecency with any other person"—that does not apply to this case?—No.

20865. "Or shall to the annoyance of residents or passengers commit any act of indecency which is not already punishable in a summary manner by virtue of any Act of Parliament in force throughout the County of London shall be liable to a fine," and so on. Do you say that merely making water against a blank wall at night time, even if a lamppost be near by, comes within this bye-law?—In my opinion, yes, Sir, if there are females about.

20866. "To the annoyance of residents or passengers"—it must be?—Yes.

20867. At any date that is your view?—Yes, that is the view that I take of it

20868. It is not punishable so far as you know in a summary manner by virtue of any Act of Parliament?—No, I know nothing else that deals with it except that bye-law.

20869. It seems to me a somewhat odd way of extending the law—"shall to the annoyance of residents or passengers commit any act of indecency which is not already punishable." However, I will take it that your view is right, although I will look into the matter. Where does this constable get the right to ask for the name and address?—From the instruction book and the general orders.

20870. I do not quite see that. Where is the general order. I am not asking you these questions in any hostile spirit at present.

(*Mr. Eldon Bankes.*) You will find it in the paper that I have handed in. The general order follows on the bye-law. I cannot find the reference in the White Book yet.

Inspector A. Mason.

4 Dec. 1906.

(*Mr. Dickinson.*) It does not seem to me that it is in the White Book as far as the County of London is concerned. I find a similar bye-law for the County of Middlesex in the White Book, but, however, this book is dated 1900, and possibly it is subsequent to that.

(*Mr. Eldon Bankes.*) It is probably in a later edition.

(*Chairman.*) I am not questioning the existence of the bye-law.

(*Mr. Eldon Bankes.*) The direction is No. 102.

20871. (*Chairman.*) Is this what you are referring to? "The following bye-laws have been made by the county councils of the undermentioned counties and municipal boroughs under the provisions of the Act 51 and 52 Victoria, chapter 41, section 16, in the case of counties, and under 45 and 46 Victoria, chapter 50, section 23, in the case of municipal boroughs. There is no power of arrest without warrant under the bye-laws, but any breach of the same is to be observed by police, the names and addresses of offenders obtained, and, where necessary, application made for authority to proceed by summons, care being exercised that police have satisfactory evidence in all those cases in which it is requisite to prove serious nuisance, or the annoyance or disturbance of any person." All it says is, that the police are to obtain the names and addresses of offenders?—Yes.

20872. Do you say that gives a policeman the right to ask a person for his name and address?—In my opinion, yes.

20873. But supposing the person refuses?—The Police have no power to arrest him.

20874. No power to arrest him even then?—No.

20875. That was your view at this time?—That is so.

20876. You will remember that this was your state of mind when you took this charge?—Yes.

20877. It did not seem to you very likely the true explanation of the case was that Baker had got annoyed at being asked for his name and address, and the constable was too insistent in asking for it?—No, I think not.

20878. Drunk and disorderly is a serious charge?—Yes.

20879. This offence, even if it be an offence within the bye-laws, was obviously a very slight infraction of any law against decency?—Yes

20880. Do you think now, remembering what has taken place before the police court, that you exercised a wise judgment in taking this charge?—Yes.

20881. The only disorder was shouting?—That is so.

20882. You think you exercised a right judgment?—Yes, I think so.

20883. But not a right judgment in case you were mistaken as to Baker being drunk?—But I was satisfied on that point.

20884. But supposing you made a mistake as to his being drunk, you do not think you ought to have taken the charge in any form, as I understand?—I think so—the disorderly conduct.

20885. Even then?—Yes.

20886. Quite apart from the charge of drunkenness?—Yes.

20887. Did you tell Baker that you thought he was drunk?—I told him I was of the same opinion—those were the words I used.

20888. Did you not ask Baker any questions as to how he had been spending the day?—No.

20889. It is not your custom to question the prisoners?—No.

20890. And he volunteered no statement as to being in the Windsor Castle, or anything of that kind?—No.

20891. I suppose you will agree with me that drunkenness is a matter of degree?—Yes.

20892. We know that even if a man only takes one small portion of whisky, physically speaking that does affect him, and from the very first drop of alcohol you take you do become affected?—Yes.

20893. And the more you take the more noticeable the physical signs of the effects of alcohol become?—No doubt.

20894. At what period in the process of completion do you say a man becomes drunk? If a man goes on drinking enough alcohol he becomes insensible and completely intoxicated?—Undoubtedly he would.

20895. At what point in the process of becoming completely intoxicated do you say a man becomes drunk?—When he has not the full control of his limbs, for one thing.

20896. And that is what you rely on in this case, the staggering?—Yes, that is one of the things.

20897. Does it occur to you that staggering might be caused by mere mental excitement due to passion?—I think not. I have never seen such a case.

20898. That may be because you rather assume if a man behaves out of his ordinary course that he has been drinking, I suppose?—Yes; taking the staggering with the other things.

(*Mr. Whitmore.*) I do not want to ask any questions, but I do wish to have my mind made quite clear as to what is the recognised duty of the Inspector in charge when a policeman comes in with a prisoner in a case of this kind. Has he to satisfy himself by interrogation?

20899. (*Chairman.*) That is in Rule 199. "The officer on duty, before receiving a charge, is to ascertain that there is reasonable ground for preferring the complaint against the accused; and unless the circumstances be such as to entitle the accuser to be believed, a charge is not to be taken." And then 200: "The greatest care is to be exercised in the investigation of charges, as it has occasionally been noticed that, even where there have been suspicious circumstances, the officer on duty has shown great readiness in accepting the statement of the constable making the charge without giving the case that close personal attention which is imperatively demanded." That was in my mind when I was asking you these questions, and you said you did comply with those regulations in this case?—Yes, I did.

20900. And forming the best judgment you could, you took the charge?—Yes.

20901. (*Mr. Whitmore.*) As a rule, unless there is some reason against it, you give credit to the statement made by a police-constable who you believe to be a man of good conduct?—Yes; I look at it in this way: I see no reason why a constable should improperly bring a prisoner to the station on a false charge and with a desire to get a man punished by telling a lot of falsehoods against him. In so doing the constable risks having the charge made against him of bringing forward a false charge against the prisoner.

20902. In this case was the police-constable a man who you were entitled to rely upon?—A very reliable man.

20903. You would be inclined to give implicit credit to anything he said?—Yes, entirely.

20904. And you did so?—Yes.

20905. (*Mr. Dickinson.*) I noticed that you said, in answer to one question, that Baker was excited when he came into the police station, and that he tried to suppress it?—Yes, I did say so.

20906. In what way did he try to suppress his excitement?—He seemed as though he did want to shout, but he managed to control himself.

20907. Then would you think in the case of a man who is suppressing, and successfully suppressing, his excitement that that was not evidence that he was not drunk—a drunken man trying to suppress his excitement?—Not if he is very drunk.

20908. I am trying to get at what you thought was the condition of this man. You did not think he was very drunk?—No.

20909. Did you think he was so drunk as he had not got control of himself?—No, he was not in that condition.

20910. At the same time you saw by his eyes and you smelt by his breath?—No, I did not.

20911. Did you not say his breath smelt?—No, I did not go near enough to do any smelling.

20912. You said something about his eyes?—Yes.

20913. You said the appearance of his eyes looked like drink, and his speech was thick?—Yes.

20914. And he was staggering?—Yes, he was not able to walk steadily.

20915. When a man is like that he must be pretty far gone?—No, not necessarily. Of course, drink has a great deal more effect on some people than on others. I have in the course of my experience of 19 years met people who cannot move at all, but their heads are as clear as possible. On the other hand, I have met people who can walk all right, but if you spoke to them they would not know what you were talking about; it has gone to their heads.

20916. I suppose you have also met people who have been excited and not drunk?—Yes, I have.

20917. You can make a mistake?—Yes, it is possible; but I do not think I did in this case.

20918. I want to know exactly what you meant when you said you would also call the Divisional Surgeon in the interests of the police. What was in your mind in saying that you would call the Divisional Surgeon in the interests of the police?—If a prisoner had his own doctor, the man might be very drunk, and unless the doctor is very conscientious—I do not suggest for one moment that either of these gentlemen is not very conscientious—but he might say the man was entirely sober, and, on the other hand, independent evidence for the police—possibly the Divisional Surgeon—would say he was not sober. We should have evidence on each side, both for the police and for the prisoner.

20919. You rather regard the duty of a Divisional Surgeon to be to protect the police?—Not necessarily.

20920. To get an independent opinion, not biassed by acquaintance with the accused?—That is so.

20921. I suppose that idea you get from Regulations 10 and 11, which we have read, which say that when a serious case arises, under which a prisoner has to be examined by a qualified medical man, there should also be an opportunity for the Divisional Surgeon to be in attendance?—Yes.

20922. In No. 10, as Mr. Bankes has read it, when it is proposed to examine him the prisoner must be clearly told by the Inspector that he has a right to object if he so desires. Did you on this occasion tell Baker that he had a right to object to Dr. Jackson being called?—No; I do not take it that that paragraph refers to such a case as drunkenness. It is more a case of rape, and such cases as that.

20923. It does undoubtedly, but I understand it was rather the practice to extend the principles laid down in these cases to an ordinary case of drunkenness?—Yes. I did not tell him so. Of course, I had previously told him I should send for Dr. Jackson, and he made no objection to that.

20924. You are sure he made no objection?—Yes.

20925. You know he has told us that he did object?—I believe so, but not in my hearing. I am certain he made no objection to me. I am positive of it.

20926. But still, according to your story, he was asking to have other doctors brought?—Yes.

20927. Surely you must have understood he did not wish to be examined by Dr. Jackson? He did not, at any rate, assent to it?—He did not say anything either way, either for or against it. When I told him I should send for the divisional surgeon he did not say he approved or objected.

20928. You are perfectly sure of that, because it is not in accordance with his story?—Yes, I am quite clear on that.

20929. Were you present when Dr. Jackson did examine him?—Yes.

20930. Did Dr. Jackson take hold of his wrist and feel his pulse?—I think he did, I am not sure. I remember he got him to write his name on a piece of paper. He looked at his eyes, and I believe he looked at his tongue, but what else he did I could not swear to.

20931. After that had happened did you hear him ask Dr. Jackson what paper he had made out?—No.

20932. He did not ask Dr. Jackson what opinion he had of his condition?—Not at that time.

20933. Did he at any time?—Yes, when he was bailed out Dr. Jackson remained there expecting that another doctor would arrive.

20934. Expecting his own doctor to come?—Yes, expecting a private doctor would attend on behalf of Mr. Baker.

20935. Then, it is inaccurate, I suppose, for him to say that Dr. Jackson said, in answer to that, "The inspector has got the particulars"?—Yes.

20936. You are sure Dr. Jackson did not say that?—Not at any time, Sir.

20937. At any time? You may not be talking of exactly the same moment?—He asked Dr. Jackson a question—either that or something very similar to it—at the time he was bailed.

20938. Probably at the same time, but he did ask Dr. Jackson what his opinion was?—Yes.

20939. And did Dr. Jackson say that the inspector had got the particulars?—He said something like that, and I read to him what Dr. Jackson had written in the Occurrence Book.

20940. Then he said, "And then the inspector said, 'Dr. Jackson certifies that you are recovering from drink'"?—Yes, that would be correct.

20941. That account he has given us is correct?—Yes.

20942. You did not attend before the police magistrate?—No.

20943. Why did not you?—I regarded it as simply an ordinary case, and that there was no necessity for the officer taking the charge to attend.

20944. One moment. Did you regard this as an ordinary case? You knew perfectly well he had protested he was not drunk?—Yes. I have seen men so drunk that they are lying on the floor, and they protest that they are not drunk.

20945. You knew he was a man in respectable circumstances?—Yes.

20946. Did you know he was going to be defended by a solicitor?—No.

20947. Do you find that it is sufficient in a case where the drunkenness is denied that there should be nothing but the evidence of the one policeman?—I think so, and the doctor's certificate.

20948. Was the doctor's certificate handed in?—Yes, it was attached to the charge-sheet, but that, I believe, became detached at the court. The exact wording of what the doctor had said was put on the sheet.

20949. So the magistrate knew he had been drinking?—Yes.

20950. Did not you realise that the question of whether he was drunk or not was of importance?—No.

20951. I suppose you were in charge of the proceedings before the police court?—At the police station.

20952. Ought the inspector not to be there when proceedings are taken?—No. If so, he would have to attend every day in all these cases.

20953. The inspector leaves it to the constable?—Yes, and if any query is raised or the magistrate wishes to see the officer on duty the case is adjourned till the afternoon and the officer is sent for.

20954. (*Chairman.*) But I rather gathered from what you said to Lord Russell and to myself and to Mr. Dickinson that it was rather a weak case as far as the disorder was concerned?—No, I do not think there was any weakness in it. I was satisfied on the disorder. Shouting out and waking people up at night was sufficient disorder.

(*Chairman.*) What the constable told the magistrate was a good deal stronger than what he told you.

(*Mr. Eldon Bankes.*) It was uncorroborated, because, unfortunately, the inspector did not go to the police-court.

20955. (*Chairman.*) I did not want to make any suggestion, and my questions are not directed to the question of the propriety of the magistrate's decision, but to see whether these proceedings were properly conducted at the police-station. What the constable told the magistrate was he began to shout and made a great disturbance. The use of those words is stronger evidence than anything he had told you?—Yes.

20956. But, then, that did not satisfy the magistrate, did it?—No.

20957. (*Mr. Dickinson.*) Do I understand you thought that the oath of the constable that he was drunk, plus the certificate that he had been drinking—because that was all it said—was sufficient to obtain a conviction?—I think so.

Inspector A. Mason.
4 Dec 1906.

20958. Therefore your knowledge, which you have told us for the first time you had, that this man was drunk in your opinion, for the reasons which you have given expression to, was not necessary at all in order to obtain a conviction?—No, I think not.

20959. What do you take a doctor's certificate, saying the man has been drinking, to mean. Does it mean he was under the influence of drink or not?—In this particular instance, an hour and a half had elapsed between the time the man was arrested and the time the doctor was seeing him, and the doctor remarked to me that he was not able to say what the condition of the man was at the time he was brought in, but he could not certify that he was actually drunk.

20960. (*Chairman.*) He went as far as he could?—He went as far as his conscience allowed him.

20951. (*Mr. Whitmore.*) Why do you say that? Did he not go as far as he thought his observation justified him in going, and as far as an actual examination of the prisoner led him to form an opinion?—I think so.

20962. (*Mr. Dickinson.*) Then his certificate—"Had been drinking," to your mind means that the man had been under the influence of drink?—Yes.

20963. These are the words that are very often used, are they not?—Yes, or "Recovering from drink."

20964. That means recovering from a condition in which he had been probably drunk?—Yes.

20965. So much drinking that he had been under the influence of drink?—Yes, that is what I think the doctor meant.

20966. (*Mr. Eldon Bankes.*) May I just ask this question? If the man had thought that any further information could be given, is it the practice for him to send for the Inspector who took the charge?—Yes, it is.

20967. But in this case you were not sent for, and did not hear anything about it till it was all over?—No.

(*Mr. Eldon Bankes.*) I do not know, Sir, what further witnesses you wish to have, but I can tell you who are here. Constable Hillier is here, the man who was sent for the doctor, and if you want to hear him I will call him. The constable Price is also here, the man who went down to the cells with Baker. I do not know whether Earl Russell wants either of those men called?

(*Chairman.*) Was Price in the charge room at the time the charge was taken?

(*Mr. Eldon Bankes.*) I am not sure whether he was or not.

(*Chairman.*) If he or P.C. Hillier were in the charge room they are certainly worth calling.

(*Mr. Eldon Bankes.*) I do not think they can tell you anything that happened, because I think they were just coming up, but they are here and I can call them.

(*Mr. Whitmore.*) I should like to hear something from Hillier as to what name he gave the doctor.

(*Earl Russell.*) The real thing with regard to Hillier that I can attach importance to is that he gave the wrong name. We have already had that.

(*Mr. Eldon Bankes.*) We can ask him about that.

P.C. JOHN HILLIER, 139 F, sworn

P.C. J Hillier.

20968. (*Mr. Eldon Bankes.*) Are you a constable attached to the Notting Hill police station?—Yes.

20969. You are the man who was sent for these two doctors?—Yes.

20970. Were you given a piece of paper?—I was, by Inspector Mason.

20971. Was the man's name written upon it?—Yes.

20972. What name?—James Baker.

20973. The only point is about the second doctor. When you went to the second doctor, did you see him personally?—I did.

20974. Did you show him the piece of paper, or did you read it?—I read the name off the paper.

20975. We are told that he thinks you told him the name was Barker?—No, I gave him the right name.

20976. Next day you went to the police court?—I did.

20977. You were asked then what name you gave the doctor?—That was the cross-examination.

20978. What name did you say then?—For the moment I said "Barker."

20979. Then you made a mistake?—I did make a mistake there.

20980. And the mistake you made was not, according to you, at the doctor's house, but at the police court the next morning?—It was.

20981. And your belief is that you told him the name was Baker?—I am positive of it.

20982. What did the doctor say when you told him that name?—I told him the complainant's name, and told him he would also be seen by the Divisional Surgeon, and the police would not be responsible for his fees.

20983. What did the doctor say?—He said, "I shall not come."

20984. Did he say anything to you about not knowing the man? Did he say whether he knew him or whether he did not know him?—I believe he did.

20985. You believe he said what?—That he did not know the man.

20986. Where was it you saw the doctor?—At the door.

20987. At the door of his house?—Yes.

20988. Was he dressed then?—He was dressed.

20989. He had not gone to bed?—No, he had not gone to bed.

20990. Did the conversation take place at the front door of his house?—Yes.

20991. (*Earl Russell.*) What you said to the second doctor you went to when you saw him was, "There is a drunken man named Barker at the station"?—I told him there was a man named James Barker.

20992. At the station?—Yes.

20993. (*Chairman.*) You said "Barker" to the doctor?—Baker, I mean.

20994. But you just now said "Barker"?—I was mixed up. I said James Baker.

20995. (*Earl Russell.*) Barker or Baker—I am not at the moment on that point, but you said to him, "There is a drunken man at the station who wants you to see him"?—I said, "There is a man named James Baker charged at the station with being drunk, and he wishes to see you."

20996. He told you he did not know him?—Yes.

20997. When you went back to the station, you told the Inspector you had given the name of Barker?—I went back to the station and told the Inspector that the doctor would not come.

20998. Did you say anything about having given the name of Barker?—No, I did not.

20999. When you were in the police court, that was the very next day, was it not?—I was at the police court on another charge.

21000. The very next day?—Yes.

21001. And you did give evidence in this case?—Yes.

21002. And you said the doctor refused to come?—I did.

21003. There was a solicitor who appeared for Baker at the police court?—Yes.

21004. And he asked you more than one question?—Yes.

21005. When you said the doctor refused to come, did he not say that was simply because you gave him the wrong name. The solicitor put that to you in asking you questions, did not he?—He said something about the name.

21006. Then your attention was called at the police court to the fact that you had given the name of

Barker instead of Baker, was it not?—In front of the solicitor.

21007. That is what I say. When you were giving evidence at the police court your attention was called to the fact that you had given the name of Barker instead of Baker?—By the solicitor; but I told him positively that I gave the right name to the doctor.

(*Chairman.*) It seems to me, Earl Russell, that this witness has given you the answer that you were desiring. He said that the doctor said, "I do not know the man."

(*Earl Russell.*) That is quite true.

(*Chairman.*) Then, if the doctor did not know the man, that is sufficient reason for his not coming.

(*Earl Russell.*) I only want to make it clear that it was impressed upon the witness's mind at the hearing at the police court that it was a question of the wrong name.

(*Chairman.*) He made a blunder again, as he did in the very first answer he gave to you; he made the same blunder.

21008. (*Earl Russell.*) At the police court your attention was called to the fact that it was a question of your having given the right name or the wrong name?—Yes, in front of the solicitor; but I told the solicitor I was positive that the doctor that I went for—Dr. Bagram——

21009. Positive about what?—About giving the right name to the doctor, because I had it on the paper, and I read it off to him.

21010. (*Chairman.*) What became of the paper?—That is thrown away.

21011. (*Earl Russell.*) You told the solicitor at the police court you were positive you said Baker, and not Barker?—Yes.

21012. Do you know the note of your cross-examination is this: "I said to Dr. Bagram there was a man Barker at the station charged with drunkenness"?—No; Mr. Baker. I read it off the paper. I am positive of that.

P.C. J. Hillier.

4 Dec. 1906.

21013. And yet there was the question raised at the police court as to whether it was the right name or not?—Yes, by the solicitor.

21014. And you admitted then that you had given the name of Barker?—I admitted to the solicitor I told him Barker.

21015. I cannot understand it.

(*Chairman.*) What the witness says is perfectly clear. He admitted to the solicitor that the word "Barker" slipped out in answer to the solicitor's question.

(*Earl Russell.*) That is not the effect it had on the mind of the Clerk of the Court obviously.

(*Chairman.*) No. The note is: "I said to Dr. Bagram there was a man Barker at the station." Then the police-constable now explains that he did make that mistake in answer to a question in cross-examination by the solicitor.

(*Earl Russell.*) But he admits his attention was also called to the importance of the fact of his having given the wrong name.

(*Chairman.*) And he says he corrected it, as he corrected it when I pointed out he had made a blunder in his answer to you.

21016. (*Mr. Dickinson.*) Was the address on the paper, as well as the name?—Yes.

(*Mr. Muir.*) Police-constable Price seems to have been in the station at the time the man was brought in, and I do not know whether you would like him called.

(*Chairman.*) I must leave it to you. I do not know what he is going to say, but if you think it is worth while to call him, please do so.

(*Mr. Muir.*) It is only for you, Sir, to express an opinion; but perhaps I had better call him.

P.C. Henry Price, 148 F, sworn

(*Mr. Baker.*) I have never seen this man before.

21017. (*Mr. Muir.*) Is your name Henry Price, and are you a police-constable, 148 of the F Division?—Yes.

21018. Were you on reserve duty at Notting Hill Station on the night of the 30th September, when P.C. Piddock brought in a prisoner named Baker?—Yes.

21019. Did you see him there?—Yes—that is Baker. (*Pointing.*)

(*Mr. Baker.*) Of course, he knows me now.

21020. (*Mr. Muir.*) Did you hear the charge made?—Yes.

21021. What was it?—A charge of being drunk and disorderly.

21022. Were you present while the charge was being taken?—Yes.

21023. Did you take any part at all in what was going on?—No, I did not.

21024. Did you form any opinion as to what state the prisoner was in as to sobriety?—I formed the opinion when I was taking the man to the cells. The man smelt strongly of drink, he staggered, and I took him by the arm and led him to the cells.

P.C. H. Price.

21025. You were the officer who took him to the cells?—yes.

21026. (*Earl Russell.*) You are quite sure Pittuck did not take him into the cells himself?—Quite sure.

21027. Were you on regular gaoler's duty?—Yes.

21028. Did you know this case was heard and dismissed at the police court the next day?—Yes.

21029. Were you in the police court?—No.

21030. When did you hear of it?—I heard of it the next day—that the charge was dismissed.

21031. When did you first make a statement to anybody that you had been in the charge-room, and noticed he was drunk?—Last Wednesday week.

(*Mr. Muir.*) That is all the evidence in this case, Sir.

(*Chairman.*) Then we will sow take the case of Tresadern, otherwise Harding.

Arthur Tresadern, sworn.

21032. (*Earl Russell.*) You live at 10, Gibraltar Buildings, Bethnal Green Road?—Yes.

21033. What is your age now?—I was 20 last week.

21034. What is your occupation?—Cabinet maker.

21035. When you went to a Board school you were known as Harding, were you not?—Yes.

21036. What name are you known by now?—Harding.

21037. You are still known as Harding?—Yes.

21038. On leaving school you went to work for Mr. Butler, a cabinet maker, did you not?—Yes.

21039. You worked for him for about nine months?—Yes.

A. Tresadern.

21040. What happened then?—I was arrested one Saturday night for disorderly conduct.

21041. That would be about how long ago?—Six years ago.

21042. And the charge was dismissed when it came up?—Yes, on the Monday morning.

21043. Did you get into any trouble again soon afterwards?—Yes; I think it was during the next week.

21044. Let me try and identify these occurrences.

A. Tresadern.

4 Dec. 1906.

What police court did you come up at the first time you were arrested?—Worship Street.

21045. What name were you charged in?—The name of Harding, I think.

21046. And the second occasion you say was very soon after?—Yes.

21047. The second time what were you charged with?

(*Chairman.*) I think it would be more convenient, Earl Russell, if you would come at once to the witness's complaint as to the conduct of the police recently; and if the question of his character, and so on, becomes relevant, we can then inquire into the previous convictions or the previous dismissals of charges against him.

(*Earl Russell.*) With regard to these various arrests and dismissals it is not his character that is in question.

(*Chairman.*) We have looked at the statement made by Tresadern, and we have noticed, of course, that he admits that he has been previously convicted. We cannot go into the question of how far those convictions were just or unjust. We must presume that the convictions were just convictions, but the mere fact that he has been convicted of these offences does not disentitle him to come before us if he likes to complain of some wrong conduct on the part of the police.

(*Earl Russell.*) I quite appreciate that. It was rather the dismissals that I was taking him over more than the convictions. These are all dismissals that I am referring to.

(*Chairman.*) It would be more convenient if you would come first of all, at any rate, to the arrest of which he complains.

(*Earl Russell.*) That is the charge of assaulting P.C. 47 HR.

(*Chairman.*) I understand that case was dismissed. It is a recent case?

(*Earl Russell.*) Yes.

(*Chairman.*) It was on the 26th September this year. The Magistrate, I understand, dismissed the charge against Harding.

(*Mr. Muir.*) That is so. It was a summons.

21048. (*Earl Russell.*) That is the case in which you were arrested on the 18th September?—That was in between the alleged assault and the time when I should have appeared to the summons. It was six days after the alleged assault.

21049. (*Chairman.*) I understand that you were charged before Mr. Cluer on the 26th September with some offence?—Yes.

(*Mr. Muir.*) Technically he was summoned.

21050. (*Chairman.*) You were summoned?—Yes.

21051. What the police constable said was that while he was conveying a prisoner through Sclater Street on the 9th September you, Harding, came and assaulted him, the constable?—Yes.

21052. That is the case?—Yes, that is what he said.

21053. (*Earl Russell.*) What was the first that you knew of this case of assaulting the constable, P.C. 47 H R?—The first I knew of it was in the police station on a Tuesday night, when Inspector Wensley turned round to me and said, when I was up for identification for some robberies that had been committed in Bethnal Green, and several prosecutors had stood by and had failed to identify me. He turned round because I was kicking up a row over being detained in there so many hours, and said, "If we do not have you for this, we shall have you for something else," and the next morning a summons came to the door for an alleged assault on the constable, that being the first I had heard of it.

21054. Were you under arrest at the time you were put up for identification?—Yes, detained in the station.

21055. What were you detained for on that occasion?—On suspicion.

21056. And then you were let go?—Six detectives broke my door open at 6 o'clock in the morning, and took me out of bed, and put me in the station.

21057. And then did you come before the Magistrate at all?—No. After being kept in there about nine hours I was told I could go.

21058. What day was it that this happened? Was it the 16th September?—On a Tuesday morning.

21059. How long before the hearing before the magistrate—about a week or ten days?—Yes, about eight days.

21060. Did you know anything about having assaulted this constable while you were in the station beyond what you have told us?—No, there was nothing said to me, only what Inspector Wensley said to me, "If we do not get you for this we will have you for something else."

21061. When did you first hear about the assault on this police constable?—The next day.

21062. When was the summons served on you?—The next morning.

21063. That charged you with assaulting a police constable?—Yes.

21064. Do you say that that was the first time you heard about it?—Yes.

21065. When did you first appear before the Magistrate?—On the 25th September, or 26th, I would not be sure.

21066. There was only one hearing?—Yes. It was on the 25th I think. I think it was adjourned to the next day.

21067. The hearing was on the 26th?—Yes.

21068. That was before Mr. Cluer at Old Street Police Court?—Yes.

21069. What evidence was given against you?—A constable came in, got into the witness-box, and took the oath.

21070. Which one?—Constable 45.

21071. Do you mean the one you were charged with assaulting, or some other one?—The constable I was charged with assaulting.

21072. Was that Police-constable 47 H R?—Yes. He got into the witness-box, and said he was conveying a prisoner to the station, and I came behind him and hit him in the ear, and turned round and ran away again, something to that effect.

21073. (*Chairman.*) Did you keep the summons?—Yes.

21074. Have you got the summons?—Yes. (*Producing.*)

The summons was put in, and is as follows:—

"In the Metropolitan Police District.

"To Arthur Harding, of 10, Gibralter Gardens, Bethnal Green.

"Information has been laid this day by Michael Cann, P.C. 47 HR, for that you on the 12th day of September, in the year one thousand nine hundred and six, at Sclater Street, within the district aforesaid, did unlawfully assault and beat one Michael Cann, a constable of the Metropolitan Police Force, then and there in the execution of his duty as such constable.

"You are therefore summoned to appear before the Court of Summary Jurisdiction, sitting at the Old Street Police Court, on Tuesday, the 25th day of September, at the hour of two in the afternoon, to answer to the said information.

"Given under my hand and seal this 18th day of September, one thousand nine hundred and six.

"(Signed) H. C. Biron

"(One of the Magistrates of the Police Courts of the Metropolis)."

21075. (*Earl Russell.*) Did you know this constable before?—Yes, I have seen him about the streets, living in the neighbourhood.

21076. Had you interfered with him when he was taking a prisoner to the station?—No, I never moved out of the public-house I was in.

21077. Or struck him?—No, I never went near the crowd.

21078. Did he call out anything to you as he went to the station?—I would not be sure it was him, but it was one of the constables. They had about four or five constables there. One of them—I do not know which of them exactly called out, "All right, Harding, we will have you for this."

21079. One of the constables called that out?—Yes.

21080. You could not say which of them?—No, I could not say which of them.

21081. Two other constables gave evidence against

you, did they not?—Yes, and said they saw me fight the officer.

21082. They both did?—Yes.

21083. Was anything said as to why you were not arrested at the time?—I think I asked the constable the question, if I had assaulted him, why did they not come and take me out of bed as they did on other occasions, on suspicion, or anything like that, as they often do. I saw one of the constables the next morning, and he said, "Good morning" to me: he never mentioned the affair. In cases like that they generally arrest a man if they think they have assaulted a constable, or anything like that.

21084. On that occasion was evidence given against you by three constables?—Yes.

21085. Any other witnesses?—No.

21086. Then you went into the witness-box and gave evidence yourself?—Yes.

21087. You said you were in a public-house called the "King's Arms"?—Yes, in Sclater Street.

21088. Where the arrest took place?—Where the assault was alleged to have taken place.

21089. Did you see an arrest taking place in Sclater Street when you were there?—I saw them taking a man to the station.

21090. You saw a man in custody being taken to the station through Sclater Street?—Yes.

21091. Where were you when you saw that?—In the public-house doorway.

21092. On the premises of the public-house, or on the pavement?—On the premises—on the doorway.

21093. What did you say when you saw the man being taken along in custody?—I saw the way they were ill-treating the man, and I could not stop myself, so I shouted out, "Don't kill the man," or something to that effect. Then it was one of the constables turned round and said, "All right, Harding, we will have you for this."

21094. You called three other witnesses?—Yes, those that were playing "Dart" with me at the time.

21095. They gave evidence to the same effect?—Yes.

21096. Mr. Cluer dismissed the charge?—Yes.

21097. You tell the Commissioners now that you never assaulted that constable?—Yes, I tell them I never went near the crowd, knowing well that if they saw me near it I should have got a knock on the head, and been rendered insensible.

21098. The Police do know you very well, and you have very often been in custody?—Yes, and I have often received a hiding off them.

21099. Have you been arrested again since this charge was dealt with?—Yes.

21100. How many times?—Twice since then.

21101. What has happened to you on those occasions?—I have been detained in the station for a few hours, and, after being put up for identification, I have been told I can go.

21102. You have not been brought before a Magistrate on either occasion?—On neither occasion.

21103. Can you give the dates on which you were arrested?—The last one was last Saturday week. I was going into a public-house, and two constables came up to me and said, "We arrest you on suspicion of having stolen a 56 lbs. tub of butter, and also assaulting a man at the station." I asked the Inspector whether he would fetch the prosecutor, as I wanted to go home. The man came, I was placed amongst others for identification, and then I was told I could go, they were satisfied.

21104-5. There was no actual charge made against you. You were arrested on suspicion and released?

21106. (*Mr. R. D. Muir.*) The date of this assault, when the man was taken into custody, was the 12th September?—I believe so; I would not be sure.

21107. There were two men in custody?—Only one going along Sclater Street.

21108. Who was that?—A man named Callaghan, I heard afterwards.

21109. Do you know him at all?—By sight I know him.

21110. By name?—I certainly know him by name.

21111. Why did you say, "Callaghan, I heard afterwards," if you knew him by sight and name?—Because when I was walking through Brick Lane, about an hour after his arrest, somebody came up and said, "Do you know who that was they took along there?" They said, "It was young Charley Callaghan; they didn't half knock him about."

21112. Did you not know him when they were taking him into custody?—No.

21113. But he was a man you knew by sight quite well?—Quite well—never hardly to be in his company, or anything like that.

21114. How long had you known him by sight?—Twelve or fifteen months.

21115. You knew it was Callaghan?—I heard afterwards it was Callaghan.

21116. You saw the constable who had hold of him?—No, I saw a dense mass of people, about 300 people, and I saw some men with helmets on struggling in the midst of it, and I could see they were ill-treating the man, because from the public-house doorway I could see there were hundreds of people round, and in the centre, going towards that way, was the constables and the prisoner.

21117. Do you mean there was such a crowd round them that all you could see were the helmets?—The helmets. Sometimes a constable pushes the people back when they were getting in close behind.

21118. What were they doing to him?—Knocking him about, punching him in the back, and all that.

21119. You could see that, could you?—Yes, when the crowd opens, and the constable says, "Get out of it."

21120. When the crowd opened in that way, could you see who the constables were?—I saw two.

21121. When the crowd opened in that way could you see it was Callaghan they were holding?—No.

21122. Why was that?—Because the constables are quite big, and he is little.

21123. When the crowd opened could not you see Callaghan too?—No, they were taking him *that* way, and I was going *that* way.

21124. He was going in a direction away from you?—Yes.

21125. And his face was turned away from you?—Yes.

21126. The constables were going in the same direction?—They were taking him to the station.

21127. How was it you recognised the constables?—Because the constables turned round to get the people back.

21128. What became of Callaghan when they were doing that?—There were four or five other constables there.

21129. You did not see that it was Callaghan at all?—No.

21130. That was only what somebody told you afterwards?—Yes, that was what I heard afterwards.

21131. How far were you from this man whom you know now to be Callaghan?—From about where I am standing now, to the sergeant standing at the post *there*.

21132. About 15 or 20 feet?—It might have been more. I could not be exact. Now I come to think of it, this is not the width of the road.

21133. Now you come to think of it it was much further?—Yes.

21134. How much further was it now you come to think of it?—It might have been five or ten yards more.

21135. Or 15 yards more?—It may have been.

21136. Your memory is not very exact as to the distance you were away?—No.

21137. Were you near enough to shout to the constables?—Certainly I was near enough.

21138. So that they could hear you?—Yes.

21139. You were in such a position that they could see who it was who was shouting out?—I could not say.

21140. Have you no idea on the subject?—No.

A Tresadern.

4 Dec. 1906.

There being a lot of people present, they may have seen my face or they may not.

21141. Do you know if they saw you?—Standing in the doorway, with people in between, and the constables over there struggling with the prisoner, how do I know whether they saw my face or not? They may have heard my voice.

21142. They were near enough to recognise your voice, you think?—Yes.

21143. In all this crowd and commotion?—Yes.

21144. And only your voice?—Yes.

21145. They could not see your face?—No. They may have done.

21146. They may have been near enough to see your face?—They may have been near enough to see my face; I could not say.

21147. Certainly they were near enough to hear your voice?—They were near enough to hear my voice, certainly. One of them passed the remark—he heard it, because he hollaoed out what he did.

21148. What is it you say he holloaed out?—"All right, Harding, we will have you for this."

21149. Can you say what constable it was who said that?—Who holloaed out?

21150. Yes?—No, I could not say which one it was.

21151. Are you sure it was a constable at all?—Turning their head, I should have thought it was a constable—besides, nobody else had a reason for shouting that out.

21152. Are you sure it was a constable at all who shouted that out?—There may be a doubt, but I should not think so. Why should a private individual turn round and shout that out?

21153. Is that your sole reason for saying it was a constable—because no private individual would do it? Is that your only reason?—Yes.

21154. That is your only reason?—Yes.

21155. You said a moment ago that the constable turned his head. Which constable turned his head?—I could not exactly say which one did it. There were four or five there.

21156. One of them turned his head, did he?—Yes.

21157. Is that the one who shouted?—I could not say.

21158. Did it come from his direction?—Yes, it came from his direction.

21159. You did not recognise his voice?—No, it sounded more like one tall, fair fellow, but he is not here at the present time. He never gave evidence at the police court.

21160. Who is that?—I do not know his number. He is a tall, fair man.

21161. Do you not know his name or number?—I do not know his number, and I do not know his name.

21162. You know the Police in the district very well, do you not?—As much as they know me.

21163. That is very well?—That is very well.

21164. Cannot you tell me his name or number?—No. One of the other constables there may be able to tell you, but I did not exactly take notice of his number.

21165. There were hundreds of people there, I think you said?—Two or three hundred all round.

21166. And you were known, I suppose, to a good many people about there?—Yes.

21167. And anybody who heard that shouted out could have seen that you were standing 5, 10, 15, 20, or 50 yards off. Anybody could have seen that when that was shouted out?—Not anybody, because those at the back could not have seen where I was standing.

21168. But those round about you could?—Yes.

21169. They could see you were standing there having nothing at all to do with the matter?—Standing in the doorway, yes.

21170. And yet the policeman, before those hundreds of witnesses, shouts out to an innocent bystander, "I will have you for this." That is your statement?—My shouting, "Don't kill the man," you understand, he very likely meant—not in the exact words some people would take it—"We will give one when we get the opportunity."

21171. I am pointing out to you that the constable announced in the presence of hundreds of people that that was what he was going to do?—They are not frightened of hundreds of shopkeepers. A very respectable shopkeeper there heard a constable tell him he would bash his brains out in front of all of them.

21172. Can you name any respectable shopkeeper who has heard a constable say that?—Yes.

21173. What is his name and address?—A barber in Sclater Street.

21174. What is his name?—I do not know his name.

21175. What is the number in the street?—The inspector could tell you. It is next door to a draper's shop, just before you get to Brick Lane, and there is a Jewish shop opposite—they were all present when a constable came behind me, knocked me down, and when I got up I heard him pass the remark; and they all told me to go to the station, and the constable stopped me from going to the station when I got half way.

21176. The instance you gave was of a constable before a respectable tradesman offering to bash his brains out?—Yes.

21177. Who heard that, the barber?—The barber and the people in the opposite shop.

21178. What is the name?—Miss Jacobs, I think the name is.

21179. What is her occupation?—A shopkeeper.

21180. Of what kind?—A grocer's shop.

21181. Opposite the barber's shop?—Yes.

21182. Is there more than one grocer's shop opposite the barber?—No.

21183. Only one?—Only one.

21184. And you still say the constable in the presence of these hundreds of people shouted out that he was going to take you for something you did not do?—Yes.

21185. Did you recognise any of the constables who were present on this occasion on the 12th September?—No, only the tall fair policeman.

21186. Did you recognise any of the other constables?—No, not until I saw them in the police court. I did not know they were the men who were present at the time until I saw them in the police court.

21187. Did you recognise any of them as having been present?—No.

21188. You do not know the number of any of the constables who were present on that occasion?—Since then I know the numbers.

21189. By their saying they were there?—Yes.

21190. What I want to know is whether you saw and recognised any of them?—No.

21191. You are quite sure of that?—Yes.

21192. When you were before Mr. Cluer giving your evidence did you swear, "I saw Police-constables 47 and 164 there"?—I may have done, yes.

21193. Then that is untrue?—What do you mean by untrue?

21194. Is it untrue?—Certainly not.

21195. That you saw them there?—I saw them there—very likely I did—but I never knew them until I saw them at the police court.

21196. Was that what you meant when you swore before Mr. Cluer, "I saw Police-constables 47 and 164 there"?—I saw them there.

21197. That is what you said?—I did not say I saw them there—I did not know them personally until I saw at the police court that they were the men.

21198. Is that what you meant when you swore before Mr. Cluer, "I saw Constables 47 and 164 there"?—Yes.

21199. Is this what you said before Mr. Cluer: "I know Police-constable 47 H R by sight. I did not see him on the ground with Callaghan. I saw Police-constables 47 and 164 there." Do you mean to say you meant the magistrate to understand that you did not recognise those men at the time when you saw them?—(*No answer*).

21200. Have you any answer?—Will you read it again?

21201. I shall not read it again. Do you represent that you are a person of good character?—No; after

being convicted I do not think I am a man of good character. I am only what they have made me. That is all.

21202. What who have made you?—What they have made me.

21203. Who?—The police.

21204. Did you tell Lord Russell you were a cabinet-maker?—Yes.

21205. When were you last employed as a cabinet-maker?—For my father.

21206. When?—Nine months ago.

21207. How long were you in his employment as a cabinet-maker?—Only about three months.

21208. And that is nine months ago?—Yes.

21209. Since then have you been the constant companion of convicted thieves?—Not the constant companion. I might stop and talk now and again to a man I know.

21210. The constant companion of convicted thieves engaged in robberies from vans, and from foot passengers in the neighbourhood of Commercial Street, Globe Road, and Royston Street?—No.

21211. Do you know Mr. William Southey, a draper, of 123 and 190, Brick Lane?—Yes.

21212. Is that anywhere near the barber you have spoken of?—Yes.

21213. Is it next door?—Yes.

21214. Has he been at that address ever since you have known the place?—Yes, I have bought my shirts and things there; he knows me quite well.

21215. Would it be true if he said that he had never known you to do a day's work?—Certainly not. What does the man know what I do to earn my living?

21216. Would this be true: "From early morning till late at night he and his gang have been a great annoyance to me and other tradesmen, and our businesses have suffered by the conduct of this gang. I have seen Harding molest and rob people, and assist other thieves in committing thefts. On one occasion this gang, including Harding, robbed a man outside my shop, and then threw the man through my shop window. Would that be true?—No, certainly not true.

21217. "I have also seen Harding and his gang rob vans, take the goods into doorways, and send small boys to fetch them with barrows." Would that be true?—No.

21218. "And he and his gang are terrors to the inhabitants of this place"?—No.

21219. All that would be quite untrue?—Yes.

21220. There is no justification for it?—No.

21221. Do you know Joseph Fleming, a boot manufacturer, of 125 and 127, Brick Lane?—Yes.

21222. He is an Alderman of the Bethnal Green Borough Council?—Yes.

21223. Would it be true if he says, "I have known Harding five or six years"? Would that be true?—Yes, it may be.

21224. "He never works"?—How does he know I do not work?

21225. "But is a practical thief, and leader of a dangerous gang of thieves that infest this locality." Would that certainly be true?—Certainly not true. What do you mean—true?

21226. Do you know William Williams, a draper, of 194, Brick Lane?—No.

21227. Do you not?—No.

21228. He is head assistant in the employ of J. C. B. Richardson, drapers. Do you know Richardson's shops, 194, 196, and 198, Brick Lane?—Yes.

21229. You know that establishment?—Yes.

21230. Do you know the head assistant, Williams?—No, I do not.

21231. "I have known the man Harding about five years. He appears to be the head of a gang of thieves that frequent this Lane. I have never known of him having any employment. He is always about with other thieves, mixing in crowds during the busy hours of the market. Amongst his associates are Bob Wheeler." Do you know Bob Wheeler?—I do.

21232. Do you know Dido?—I do.

21233. A gentleman or a lady?—His name signifies that he is a gentleman.

21234. Do you know Emesly?—I know a man named Emesly.

21235. Is he a cooper?—Yes.

21236. Newman?—Yes.

21237. Are those all convicted thieves?—All convicted thieves.

21238. Are they all associates of yours?—What do you mean by "associates"? I talk to them when I see them. That is all.

21239. Do you know Arthur John Ruthe, a draper, of 186, Brick Lane?—Yes.

21240. "I have known the man Harding four or five years." Is that right?—Yes.

21241. "As a member of a gang of thieves who loiter about Brick Lane from morning to night, and their presence loitering about is detrimental to business. Respectable people are afraid to come in the Lane to do their trading." That is the description Mr. Ruthe gives of you. Is that true?—No.

21242. Mr. Enoch Power, a bird-dealer, of 91, Sclater Street, says this. You know Sclater Street. You are frequently there, are you not?—I may be.

21243. "I have lived in Sclater Street between 23 and 24 years. I have known Harding and his gang for two or three years as a thief, having seen him jump vans and take stuff off them more than once. Since Harding and his gang have used Sclater Street they have ruined business and ruined the street." Is that true?—No.

21244. Henry James Gellender, leather seller, of 191, Vallance Road, Bethnal Green, says this. Do you know Mr. Gellender, of Vallance Road?—I do not.

21245. Do you know a leather seller's shop at 191, Vallance Road?—No.

21246. Do you know Vallance Road?—I do.

21247. Do you know Mr. Hochfeld, of Vallance Road?—No.

21248. Would it be true that you have been continually seen in the neighbourhood of 162, Bethnal Green Road?—No.

21249. Do you know Bethnal Green Road?—Yes. I think you had better ask the Inspector who made the inquiries what part of Bethnal Green that may be.

21250. Would it be true if anyone in Bethnal Green said "I have continually seen Harding and his clique molest and rob people of their watches and handbags"?—Is it true?

21251. Yes?—Certainly not.

21252. "I have known Harding between five and six years. Never known him to work"?—No.

21253. Do you know Mr. Alfred William Witherick, the licensee of the "Rising Sun" public-house, 92, Sclater Street?—Yes, I do.

21254. "I have known Harding about six months." Would that be right?—Yes.

21255. "As an associate of bad characters who never, to my knowledge, do any work"?—That may be a bit true.

21256. That you are an associate of bad characters who never do any work?—That may be a bit true.

21257. Several people, if these statements are true in your neighbourhood, seem to have a very bad opinion of you?—Each one of them says there have been several robberies, and yet I have been free from prison for nearly three and a half years, and there are honest, straight people yet. I have never been convicted for one offence, and yet they saw me commit so many. That is a very funny thing.

21258. The police do not seem to be doing their duty, do they?—No; and they do not seem to be doing their duty if they say they saw me do it. Why did they not go to the station and have me arrested? They had nothing to fear.

21259. Although they say you and your gang are the terrors of the neighbourhood?—Yes. It is a funny thing they say they saw me commit numerous robberies, and yet they have never gone up and had me arrested, or been a witness against me.

21260. That seems to be so?—Why do they not get

A. Tresadern. Dec. 1906.

me taken to the court? I saw the Inspector deliberately go into a shop and point me out to a man in the shop. He cannot deny it.

21261. What do you say you have actually seen?—I have seen the Inspector telling them what to say—that I was the man.

21262. Pointing you out to see whether you were the man they were talking about?—Pointing—*that* man *there*.

21263. There is no mistake about it. You were the man they were talking about?—Yes; after the Inspector told them, certainly.

21264. I do not want to take you in too much detail, but you have on a great many occasions been arrested?—Yes.

21265. Sometimes the people have failed to identify you?—Yes.

21266. On a great many occasions?—Yes.

21267. When they have failed to identify you have you been wearing different clothes to what you were wearing on the day of the alleged robbery?—How do I know on what days the robberies were committed?

21268. Were you wearing different clothes when you were identified?—How do I know whether I was wearing different clothes?

21269. You say you do not remember.

21270. (*Chairman.*) He does not say that?—You asked me whether I was wearing different cloths at the time I was put up for identification.

21271. (*Mr. R. D. Muir.*) On any of those occasions?—At the time the robberies were committed, how do I know what clothes I was wearing if I did not commit the robberies?

21272. Do you mean you do not know whether at the time you were put up for identification on any of these occasions you were wearing different clothes from the clothes you were wearing on the day of the robbery?—I have only one suit at a time; I cannot afford any more. I have always only one suit.

21273. I will tell you what the suggestion is. It is that as soon as you have committed one of the street robberies you go home and change your clothes?—That is a mistake if they suggest such a thing. I am under the Prevention of Crimes Act. Why do they not give me twelve months for living dishonestly?

21274. That is another complaint against the police—that they ought to have proceeded against you under the Prevention of Crimes Act?—If they saw what they have been putting down against me they would have been justified in doing so. I could prove I have been getting an honest living.

21275. If I may respectfully say so, they ought to have proceeded against you under the Prevention of Crimes Act. You have been convicted also, in spite of the number of times you have been arrested and never charged. You have been arrested a good many times and taken to the police station, but there has been a failure to identify you, and then you were discharged?—Yes.

21276. There was another case, when you were arrested for carrying a bag of onions, on a charge of unlawful possession?—A sack of lemons. I was selling them at the time.

21277. Did a police-constable come up to you and ask you to account for the possession of that bag of lemons?—Yes. I told him where I got them from. He was not satisfied.

21278. Did you drop them on the ground, and tell him to find out where you got them?—I dropped them on the ground. I said: "I bought them in the market. If that will not satisfy you, I do not know what will satisfy you."

21279. When you got to the station, did you tell them that your mother had bought the lemons?—I did.

21280. And that was the fact?—Yes; she had bought them.

21281. Why did you not say so when the officer stopped you?—I did say so.

21282. The officer was Alfred Putt, was he not?—I do not know his name.

21283. Putt was his name. Is this a correct account of what took place? "On the 30th November, 1905, I was on duty in Hare Street, Bethnal Green, when I saw the above"—that is Tresadern, *alias* Harding—"carrying something in a sack on his shoulder." Is that right?—In Bethnal Green?

21284. Yes, in Hare Street, Bethnal Green. "I stopped him, and asked him where he got them from. He replied, 'You f——g well find out'"?—I never said anything of the kind. I said, "I have lemons there. I have bought them at the market."

21285. "He refused to give any information whatever as to how he had obtained what I could see was a bag of"—"onions" I have it in my copy—"lemons"?—Yes.

21286. "I told him I should have to take him to the police station. He replied, 'Do as you like. I shall not tell you where I got them from'"?—I said nothing of the kind.

21287. "I then took him to the station, where he told the officer on duty that the lemons had been purchased at Spitalfields Market by his mother. His mother attended at the station shortly afterwards, and produced receipts showing that the onions"—you say it ought to be "lemons"—"had been purchased a short time before at Spitalfields, and he was then allowed to go"?—Yes.

21288. That was rather a triumph over the police, was it not?—A triumph?

21289. You understand what I mean by a triumph?—I understand what you mean. It was rather a failure for them. That is all.

21290. That is the same thing.

TWENTY-FIRST DAY.

Wednesday, 5th December 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).

Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law).

Charles Algernon Whitmore, Esq. (Barrister-at-Law).

J. W. St. Lawrance Leslie, Esq. (Barrister-at-Law), (*Secretary*).

(*Chairman.*) Is Tresadern here?

(No. answer.)

(*Chairman.*) Have you any other witness, Lord Russell?

(*Earl Russell.*) Frederick Smith is here, Sir.

(*Chairman.*) Then he may be called.

FREDERICK SMITH, sworn.

F. Smith.
5 Dec. 1906.

21291. (*Earl Russell.*) Are you manager of the King's Arms public-house in Sclater Street?—Yes.

21292. Do you recollect on the 12th September being there with Tresadern and others?—It was about 12, I think—on a Wednesday.

21293. Do you remember Tresadern being there?—He stood on the doorstep.

21294. Do you mean all the time. What was he doing at first?—He had been playing dart at first.

21295. What took him to the doorstep?—There had been a row in the street.

(*Earl Russell.*) Tresadern is here now, Sir, if you would rather he continued his evidence.

(*Chairman.*) Yes, perhaps it will be better. We will recall Mr. Smith.

ARTHUR TRESADERN, recalled.

A. Tresadern.

21296. (*Mr. Muir.*) You mentioned yesterday the number of times that you had been acquitted. You have also been convicted a number of times?—Three times.

21297. How old were you at the date of your first conviction?—14.

21298. What was that for?—Gambling. I was fined 2s. 6d. or one day.

21299. Was that a conviction which took place on the 27th of March, 1901?—Yes, that may have been the one.

21300. Was the charge disorderly conduct?—Gambling, I think.

21301. What happened to you?—2s. 6d. or one day.

21302. The charge I am speaking of is before that. On the 27th March, 1901, were you charged with disorderly conduct and bound over in the sum of £5?—Yes, that is right.

21303. What was the disorderly conduct?—Running about or something to that effect.

21304. At that time you were thirteen years of age?—Yes.

21305. Do you remember who was the magistrate?—I do not remember the magistrate.

21306. Were you in April of the same year, the next month, again before a police magistrate charged with being a suspected person?—Yes.

21307. On that occasion you were discharged?—Yes.

21308. At that time you were only thirteen years of age?—Yes.

21309. Then in January of 1902 there is a sentence of one day?—That was for gambling, I think.

21310. It is called on the records being a suspected person?—No, I do not think so.

21311. That is a different thing from the 2s. 6d.?—Yes.

21312. Did you pay the 2s. 6d.?—Yes, I paid the 2s. 6d.

21313. Is there another conviction apart from the 2s. 6d. on the 16th January, 1902, of being a suspected person and a sentence of one day?—No, I do not recollect that.

21314. In March, 1902, you would then be 14 years of age?—Yes.

21315. In March, 1902, for larceny you were sentenced to twelve months' hard labour?—Yes.

21316. Was that at the Sessions?—The North London Sessions.

21317. A sentence of twelve months at the age of 14? Yes, 14 or 15, I would not be sure.

21318. Then in March of the following year, that would be after you had done your twelve months, were you up again for larceny from the person?—I was taken out of a coffee-shop for identification, and a boy said I had stolen his watch.

21319. Did the magistrate deal with it?—I was sent for trial to the North London Sessions, and I was found guilty and sentenced to 20 months' hard labour.

21320. No, before that—just a month before, in March, were you up before a magistrate charged with larceny from the person?—Yes.

21321. And discharged on that occasion?—Yes.

21322. Then in the April of 1903 came your conviction at the Sessions for larceny from the person?—Yes.

21323. For which you got 20 months?—Yes.

21324. At the age of 15?—Yes. I may have been a year older.

21325. 15 or 16?—Yes.

21326. Then you were twice had up before a magistrate in January and May, 1905, once for larceny from a van and once for larceny from the person?—I was taken out of bed one morning in 1905 on a charge of stealing three bales of cloth.

21327. From a van?—Yes. I was remanded for one week, but there was no evidence that the police could offer against me and I was discharged.

21328. That was in January?—Yes.

21329. In May of the same year there was another charge of larceny from the person?—It was just one Sunday night when a man gave me in charge, and said I had shot his brother the night before.

21330. I am not speaking of shooting?—That is shooting also. When I was taken to the station this man found out he had made a mistake, and he charged me with stealing a bag from a woman, and I was charged on his evidence. There was no prosecutor or anything, and I was brought in front of the magistrate the next morning, who discharged me.

21331. Then in April, 1906 (May, 1905, was the larceny from the person that I am speaking of), were you charged with shooting a woman with intent to do her grievous bodily harm?—I was charged with shooting a man, and a week after they brought forward a charge of shooting a woman or a young girl.

21332. The girl was, in fact, struck by a bullet?—So she says, but I do not know whether she was struck or not.

21333. There was medical evidence of it, was there not?—Yes, but the bullet never entered her chest.

21334. No, it did not, but she was struck by it?—Yes.

21335. You were committed for trial at the Central Criminal Court?—Yes.

21336. On a charge of shooting with intent to do grievous bodily harm?—Yes.

21337. And you were acquitted there?—Yes.

21338. In that same month of April, you having been acquitted on the 6th April, on the 13th were you arrested again on a charge of robbery?—A week after—Good Friday night.

21339. Was the charge robbery with violence?—Yes, that was the charge.

21340. How far did that get?—I was discharged the next morning by the Magistrate. There was no evidence against me.

21341. No evidence at all?—No.

21342. Nobody appeared?—The prosecutor told the Inspector at the station at the time that I was not the man who robbed him, and there were two witnesses who said I was there at the time, but I said I was walking on the other side with a girl at the time it happened. On that evidence the Inspector charged me, and the next morning the Magistrate said there was not a particle of evidence against me, and discharged me. It was something to that effect.

A. Tresadern.

5 Dec 1906.

21343. The prosecutor did not come forward?—He did come forward. He told the Inspector I was not the man who had robbed him, and I was not concerned in robbing him.

21344. There were two boys who came to the station?—Yes.

21345. What were their names—Jacobs?—Maurice Gotleib, and the other was Rosenblaum, or something like that.

21346. Two small boys?—Yes. They have since told me that the constable gave one of them 3d. to pick me out at the station.

21347. One of those boys told you that?—Yes.

21348. Those two boys live in your neighbourhood?—Yes.

21349. You knew them quite well by sight, did you?—I knew them by sight, but not quite well. I only knew them as living in the neighbourhood; that is all.

21350. On the 24th July in this year again were you charged with assault?—Yes.

21351. Where was that?—In Brick Lane.

21352. Where were you charged?—I was charged at Commercial Street, I think, but I am not sure.

21353. Were you convicted?—Yes.

21354. And fined £5 or a month?—Yes.

21355. Who was the person who complained of being assaulted on that occasion?—A stranger to me. A man insulted me, as witnesses came forward and proved. He called me a name, and I had a right to defend myself. He attacked me first.

21356. You assaulted him, did you?—I had a fair fight with him.

21357. A fair fight with him, but Mr. Cluer fined you £5 or a month?—Yes.

21358. Which did you elect to do?—I paid the £5.

21359. And then, on the 26th September, comes the assault that we are dealing with now?—Yes—the 12th September, I think.

21360. It was the 26th when you were before the Magistrate?—Yes. You have not dealt with all the cases in which I have been taken up for identification.

21361. I have dealt with those before where the charges were refused?—But there are more. You have not said how many times I have been taken out of bed, or how many times I have been taken out of music halls.

21362. There were a number of cases in which you were taken to the police station for the purpose of identification, and you were not identified?—Yes.

21363. The Inspector refused the charges?—He did not refuse the charges at all. I was taken there and detained in a cell, and then placed among other men and then had to wait until the prosecutors had a look at me to see if I was the man who had committed the robberies or not, and then I was sent away.

21364. You were sent away without being taken before the Magistrate?—Yes; there was absolutely nothing whatever for them to detain me there for.

21365. That is what we call refusing a charge. With regard to this public-house that you were standing outside of on this 12th September, that is the King's Arms?—Yes.

21366. Are you in the habit of using that public-house?—Not in the habit. I am a teetotaller. I do not generally go into public-houses.

21367. Are you in the habit of using that public-house for any purpose at all?—I may go in there once a week.

21368. Never oftener than once a week?—No, I should not think it was oftener.

21369. And do you meet your friends there?—My friends! I meet some respectable people in there when I do go in there.

21370. I ask you whether you meet your friends there?—No, not my friends. I meet respectable people there.

21371. You never meet any friends there?—If you put it in that way, yes, I do meet some friends there.

21372. And some of them are men who have been convicted?—One or two of them may have been convicted. I do not ask for their convictions before I speak to them. They are as good as me, some of them, and some are better.

21373. And some as bad?—Some may be bad. I do not know.

21374. How do you pass your time in this public-house when you go there?—Talking about different things. Sometimes we have a friendly game of darts or coddam, or some game like that.

21375. Is the game of coddam sometimes called shove-halfpenny?—No. You hold a farthing in your hands, and the other side has to find it, and the one who finds it has a chalk.

21376. They have to guess which hand it is in?—Yes.

21377. You shuffle it underneath the table, and bring your hands up, and that is called coddam?—Yes.

21378. What are the stakes at this game?—No stakes at all.

21379. A mere pastime?—A mere pastime. It is played in nearly every public-house, I believe, and in every coffee shop.

21380. So far as your experience goes?—Yes.

21381. How many hours do you spend in the public-house playing coddam or darts, or whatever the game may be?—I may be in there two hours, or I may be in there three hours—not much more.

21382. And your companions play with you, of course?—The people who come in the house for a glass of ale might be invited to have a game, that is all. They do not stop in there for the purpose of playing.

21383. Have you ever played before with Miller?—I may have played once or twice or three times before with him.

21384. Have you done it?—Yes.

21385. Not oftener than once or twice or three times?—I should not think much more.

21386. And Andrews. Have you played with him before?—I might have done. I would not be sure.

21387. Can you recollect whether you did or not?—No; I cannot recollect.

21388. Were there any others playing at the game on this 12th September besides you and Andrews and Miller?—I think there were two strangers, I believe so; and I believe the governor was playing the game, too. I am not sure.

21389. Who was?—The manager of the place, I believe, was playing.

21390. You mean Mr. Smith?—I mean the manager. I call him the governor.

21391. Do you mean Frederick Smith, who has been called?—Yes, Mr. Smith.

21392. You believe he was playing at this game?—I believe so; I won't be sure now.

21393. And on other occasions has he joined in the game also?—He might sit down to have a quiet game of coddam.

21394. I want to know whether he has done so?—I saw him playing one night in the house.

21395. Once?—Yes.

21396. Only once?—Yes.

21397. Never oftener than that one time?—I only go in there once a week, and he may have been out the other times. I only saw him in there one night playing.

21398. You only remember one occasion on which he joined in this game with you. Is that right?—He may have been playing on the night.

21399. You would not like to pledge yourself?—No, I would not. He may have been playing that night.

21400. Then on this particular night how long had you been playing before you went outside to see what was happening when the noise came along?—I think I had been there an hour and a half.

21401. What had you been drinking?—Ginger beer.

21402. And what had the others been drinking?—I do not generally take notice of what people drink, but I think some of them were drinking glasses of ale.

21403. Andrews, for example. What was he drinking?—Ale.

21404. And Miller?—I could not say what Miller was drinking.

21405. And the manager, Smith?—I could not say. He generally has a bottle of ale, or something like that. I do not look over people and hear what they order.

21406. As this procession was passing with the policeman that you have described—I do not want to go over the ground again—it was only a few steps from you as you stood at the door of the public-house?—When we came outside it was outside Morris's shop, about the same distance as I am from the door of this Court.

21407. Did it continue to get further away from you, or to come nearer to you?—Going away from me.

21408. So that you never saw anything except the backs of the people who were there?—No. I may have seen the constables' faces; I could not be sure.

21409. Did you go to the police court next day, when Callaghan was up before the magistrate?—I went there with his wife.

21410. With Callaghan's wife?—Yes.

21411. Were you in court?—No.

21412. Where were you?—I was in the public-house opposite.

21413. Did you not go into court and hear the thing at all?—No, because I should have been refused if I had attempted to get in. They generally refuse admittance into the police court to people they happen to know, unless they are taken there by force.

21414. Did you hear any of the officers give their evidence about Callaghan?—No.

21415. Your suggestion, as I understand it, is that, being in custody on the 18th September, you were not identified on that charge that you were in custody for?—When six detectives came up and broke my door open, and took me out of bed, you are alluding to?

21416. Yes, that is the 18th September?—Yes.

21417. You were in custody on suspicion of being concerned in some charge of robbery?—Yes.

21418. And Local Inspector Wensley was the officer who had charge of that case?—He was the man who took charge of the identification when we were standing in the room.

21419. You know Mr. Wensley, I suppose, quite well?—I only know his face. I do not know him to speak to.

21420. But you know his appearance quite well?—Yes.

21421. You know he is a local detective-inspector?—I do not know that. I know he is an inspector.

21422. An inspector, and a detective-inspector?—Yes, through seeing his name in the newspapers in connection with cases.

21423. Constantly in that district you have seen his name in the newspapers?—Once or twice; I do not say constantly.

21424. Your suggestion, as I understand it—tell me if I am wrong—is that, you not being identified, Inspector Wensley said he would have you for something else?—I asked the detectives to stand over that way, further away from the door, as I knew they would not be backward in telling the prosecutor to pick me or somebody else out, and I asked why an officer had gone out, and Mr. Wensley said, "You have got too much of it; if we do not have you for this we will have you for something else."

21425. And next morning you were summoned, or the next day?—Yes, the policeman brought the summons.

21426. What time of the day, do you remember, or was it the same day that you were summoned?—The next day.

21427. Do you remember about the time?—Half-past 10, it may be.

21428. In the morning?—Yes.

21429. It is your idea that that summons was issued because you had not been identified on the 18th, is it?—I would not say that, because they may have applied for the summons beforehand.

21430. Then what was your suggestion about the summons being served the next day? You have told the Commissioners that Inspector Wensley said this to you, "If we do not have you for this we will have you for something else," and next day the summons was served?—Yes.

21431. What was your suggestion? What did you mean to suggest to the Commission?—That I should be arrested for something else in connection with which they would be able to get me convicted, such as getting some man to pick me out in the station and say I was the man who stole his watch.

21432. Was it not your suggestion that that summons had been issued because the man had failed to identify you on the 18th?—I never said that at all.

21433. I know you did not say it, but is not that what you intended the Commission to infer?—No, it is not.

21434. Not at all?—No, I am only telling you the words he said to me.

21435. Why did you bring the two things together in that way if that was not your suggestion?—It is my manner of speaking. I have not been educated in any college, and I do not understand grammar, or anything of that sort; it is the way I talk.

21436. Then you do not make that suggestion that that summons was issued because you were not identified on the 18th?—No.

21437. What time was it you were put up for identification on the 18th?—Half-past 7.

21438. At night?—At night.

21439. You know, do not you, that magistrates do not issue summonses after 5 o'clock in the day? They cease to sit?—The summons was obtained next morning, while I was in the police station.

21440. We know it is dated the 18th, so that it must have been issued before you were put for identification?—While I was in the station it was issued—while I was in the cells they went and obtained that summons.

21441. What time were you put in the cells?—Directly I arrived there—about 7 in the morning.

21442. Then do you suggest that it was applied for because you were there in custody, in case you should be identified? Is that your suggestion?—It may have been the case. I do not know the way they work these things. It may have been the case, and I should have thought it was the case.

21443. Why do you suggest that?—Because I heard afterwards that they applied to the Commissioner of Police for a summons, and he told them to go and get a summons. I think that was the case.

21444. From whom did you hear that?—I heard something of it at the police court, before the magistrate.

21445. So that you know now, do you, that that summons was applied for before you were in custody on the 18th at all?—I think it was. I only think. I cannot answer definitely. I do not know the workings of the case.

21446. Besides Callaghan, a man called Williams was also in custody on that night of the 12th September, was he not?—So I heard afterwards.

21447. Do you know him?—Yes.

21448. Stephen Williams is his name, is it not?—I do not know him by that name.

21449. Williams—you know the man?—I know the man you mean, but I do not know him by the name of Williams.

21450. What name do you know him by?—Cooper.

21451. Do you know that both those men were convicted before Mr. Mead?—Yes.

21452. How long have you known Callaghan?—Twelve or fifteen months.

21453. And how long have you known Cooper?—Two years.

21454. Has he lived in the same house with you?—No.

21455. Never?—Never.

A. Tresadern

5 Dec. 1906.

21456. Both of those men had been previously convicted?—I think so.

21457. Several times?—I could not say. I do not know whether they have been convicted several times.

21458. (*Earl Russell.*) Let me ask you about all these previous convictions you have been asked about. Before the first one that Mr. Muir spoke about, I think you were arrested with six others for sleeping out, were you not?—Yes.

21459. Did you know that that was the charge against you when you were taken up? Were you told that?—I do not exactly know the charge. I know the next morning the Inspector came in to us and told us that we should also be charged with stealing a log of wood, valued 3s. 9d., or something like that—a plank of wood.

21460. That case was tried before Mr. Haden Corser?—Yes.

21461. And dismissed?—Yes.

21462. Do you remember an occasion soon afterwards when you were walking with a boy carrying firewood?—Yes.

21463. What happened on that occasion?—A constable went up to him, and the boy got frightened, and he dropped the sack and started running away. The constable ran after him and caught him, and started taking him to the station. I went up and said, "What is the matter, George?" He said, "He is going to take me up." I said, "Come on, I know you have not done anything. I will be a witness for you." The constable said, "All right; come on, then, boy." When I got into the police station they charged me as well as him, and put me in the dock by the side of him.

21464. For unlawful possession?—Unlawful possession of something, I do not know what the charge was. The next day I was bailed out by my father, or my father fetched a man to bail me out, and I went to the police court the next morning and the case was dismissed against me, and the boy was remanded till Wednesday, when he was dismissed as well.

21465. Did the Magistrate say anything when he dismissed the case against you?—I believe he said the boy should never have been charged.

21466. Did he say anything about you?—I believe he said the Inspector should not have taken the charge against me, and that I had only come up as a witness. It is so many years ago that I cannot remember everything that occurred.

21467. Do you remember an occasion when you had some trouble in Whitecross Street with two detectives?—Yes.

21468. What happened on that occasion?—That was dismissed also.

21469. What happened? What were you charged with?—I was walking through Whitecross Street, and a detective came up to me and punched me, so I got frightened, and I started running away, and another one came up and knocked me down, and people started shouting out, "You cowards," and calling them names, so they started taking me to the station and searched me, and then they charged me as a suspected person waiting about to commit a felony—picking pockets.

21470. Was that at Worship Street Police Court?—Yes. I was brought up before the Magistrate on the Thursday and remanded till Saturday, and then I was discharged.

21471. Do you know what you were remanded for? Did you hear anything said about it?—Attempting to pick pockets, I believe.

21472. Do you know the reason why it was not disposed of at once, and why it was put off?—No, I do not.

21473. Then you were charged with playing pitch-and-toss and fined 2s. 6d. or one day's imprisonment?—Yes.

21474. Then there is the next case Mr. Muir referred to at the North London Sessions on the 4th March, 1902, when you were charged with stealing a bale of rags with an ex-convict. Is not that so?—Yes.

21475. You do not dispute the justice of that conviction? You admit you had a hand in that?—Yes.

21476. When you were being sentenced were there previous convictions proved against you?—Four.

21477. Do you know the officer who proved them?—Constable 381. He said something about me being convicted for stealing some tobacco at Clerkenwell Police Court, and I contradicted it, and there were some photographs shown to the jury. I do not believe I said anything at that time when I was standing in the dock. I scarcely knew what they were saying, and I did not take any notice of the convictions or anything. I was sentenced to twelve months.

21478. When did you know and understand that four previous convictions had been proved against you?—When I was in Wormwood Scrubs Prison I saw on my card "Previously convicted—four convictions." People used to say to me—the old men in there—"You ought to be sent to Batford." They asked me if I had been in prison before. I said no. They said I ought to be in with the stars. When I looked at the card I saw four previous convictions.

21479. By the stars you mean in the starred class of prisoners?—Yes. I asked the Governor why was that, and he told me there were four convictions, and he told me to write to the Home Secretary, and I believe I did so.

21480. How many times had you been convicted, because it is not necessary that you should be imprisoned? You understand, when you were fined that is a conviction?—Only that one day, and I was bound over to keep the peace.

21481. Were those the only two previous convictions before that, or was there another?—I believe they were the only two previous convictions.

21482. You were bound over for disorderly conduct and fined 2s. 6d. or one day for the pitch-and-toss?—Yes, I believe they were the only two convictions.

21483. When did you learn that one of these convictions referred to stealing tobacco?—When I was again tried at the North London Sessions.

21484. Not until after you got out of prison that time?—No.

21485. You say you wrote a letter to the Home Office. Are you sure you wrote a letter?—Yes, I am sure.

21486. While you were in Wormwood Scrubs?—Yes.

21487. Did you get any answer to that?—No.

21488. What did you complain of in that letter?—The convictions.

21489. I have no doubt that letter can be produced. After you came out you were arrested for stealing a watch, were you not?—Yes.

21490. What police court were you brought up at that time?—Worship Street.

21491. What was the result?—I was discharged.

21492. On the 25th February, 1903, were you again arrested for stealing a watch?—Yes.

21493. With another young man?—I was taken out of a coffee-shop and put up for identification.

21494. With another young man?—Yes.

21495. Who arrested you?—Detective-Sergeants Smart and Cabin.

21496. Then you were taken to Commercial Street Station and put up for identification?—Yes.

21497. Were you identified by the prosecutor?—A little boy came in and said I was one of the men who was there at the time the watch was stolen.

21498. That was true, was it not?—I was there, but I had no hand in stealing his watch.

21499. On that occasion you were tried at North London Sessions on the 21st April, 1903, and you were found guilty?—Yes.

21500. Did you tell the judge what you tell us now, that you were there but you did not steal it?—Yes.

21501. Did the jury add anything to their verdict of guilty?—Yes, they recommended the two of us to mercy on account of being young.

21502. Did Detective-Sergeant Pearce state anything?—He got up and said I was the leader of a gang of thieves in Brick Lane for the last four years, and since we have been arrested there were no purses stolen and no reports of robberies, and absolutely nothing happened in the whole division since we had been in Brixton.

21503. That is what he told the Judge?—Yes.

21504. Two previous convictions were proved against you on that occasion?—Yes, this one of stealing this tobacco.

21505. Did you say anything about the conviction of stealing tobacco on that occasion?—Yes, I denied it. The photographs were shown to the jury.

21506. What photographs?—The photograph of this man who was convicted for stealing the tobacco and a photograph of myself taken while I was doing my 12 months.

21507. Who produced those photographs—do you know where they came from?—No.

21508. The jury said the photographs were identical when they saw them?—I believe so.

21509. Did you ask that the officer who had to do with the Harding who stole the tobacco should be present?—Yes.

21510. You asked that?—Yes.

21511. And you said that was not your conviction?—Yes.

21512. Was anything done in consequence of that?—No, I was sentenced to 20 months, that is all.

21513. It was 381 H who proved these previous convictions, was it?—I believe that was the constable.

21514. Did he say anything about your earning your living by working?—No, not a word was mentioned about me working. He said I had never done a day's work in my life, and I had the firms there to prove that I had been working for them.

21515. On the 7th December, 1904, you were arrested while you were in bed. Do you remember that occasion?—Yes, I was taken out of bed.

21516. Do you remember who it was who arrested you?—Detective-Sergeant Brogden and Detective-Sergeant Dassant.

21517. That was on the charge of stealing watches and chains?—Yes, in the neighbourhood.

21518. Were you put up for identification?—Yes, on the Saturday morning.

21519. How many people came in to try and identify you?—Five or six.

21520. Were you identified?—No.

21521. And then you were released again?—Yes.

21522. Then on an occasion in February, 1905, were you taken out of bed again?—Yes.

21523. By Detective-Sergeant Dassant?—Yes.

21524. What were you charged with that time?—Stealing three bales of cloth.

21525. That was out of a van, was it not?—Yes, out of a van.

21526. Did you tell the officer anything when he arrested you?—I told him I did not know what he was talking about, and while I was talking to him he was searching the rooms, turning everything over. First of all, he came up and said it was a bale of boots that was stolen, and he suspected I had them in the room. After he searched the room Sergeant Brogden came up, and said, "Come on, you have been so clever about it, come downstairs," and when I got right down in the basement there was some cloth covered over with some sacks, so he said, "What do you know about that?" I said, "I don't know anything about it." We argued the point for a quarter of an hour, and he told my sister if she did not get upstairs they would take her as well, and finally they decided to take me to the station. I was kept there until 7 o'clock at night, and then the carman came in and said the cloth was stolen off his van, and I was charged. The next morning Mr. Cluer—I won't be sure whether it was Mr. Cluer or not—said there was no evidence and he must discharge me, so they asked for a remand to see if they could obtain any witnesses. I sent him round to a coffee shop where I was in at the time the stuff was stolen.

21527. Who asked for a remand, you or the police?—The police. I was remanded for a week, and the next week I had a solicitor, but it was not needed. The magistrate said, "The police don't propose to offer any evidence, as other families were living in the same house as you, and you were not responsible for the cloth being down there. There are other convicted people in the house, and therefore you must be discharged."

21528. So that after a remand for a week the police offered no evidence?—No evidence.

21529. Then two months later, when you were going home to dinner, you were arrested again on suspicion of stealing a watch and chain?—Yes.

21530. Were you put up for identification as usual?—Yes.

21531. Were you identified on that occasion?—No.

21532. You were allowed to go?—Yes.

21533. About a month later do you remember being arrested in Brick Lane by Detective-Sergeants Pearce and Tyson?—Yes.

21534. Charged with stealing several watches and chains?—Yes.

21535. Were you put up for identification at Commercial Street Station that time?—Yes.

21536. Do you remember several men came in to identify you?—There were two or three came in.

21537. What about the first who came in? Do you remember anything happening?—No.

21538. Did any of them identify you?—No. Afterwards they said to the prosecutor——

21539. Who said?—Detective Pearce said, "This is the man who stole your watch and chain," or "chain," or something to that effect. The man said, "I don't think it is," and Detective Pearce said, "We know for sure it is.'

21540. You were allowed to go then?—Yes.

21541. At the end of July, 1905, do you remember being arrested by P.C. 213 for disorderly conduct—about 15 months ago?—Yes, I was taken to the station.

21542. Did you meet anyone on the way to the station?—Another constable.

21543. Do you remember who it was you met on your way to the station?—I don't think I have been arrested for disorderly conduct.

21544. You do not remember that occasion?—No. I was arrested for fighting one Saturday night, and taken to the station. The man said, "It was a fair fight, and I gave him as much as he gave me, so I don't want to charge the man." The Inspector told me I could go. He said, "You can consider yourself a lucky man." I think that was this year—not last year.

21545. Is this a different case to the case of shooting at a girl, the case in which you were arrested in Bethnal Green Road for shooting?—Yes, that is a different case.

21546. You were arrested, were you, in Bethnal Green Road?—Yes.

21547. What was the charge of shooting that time?—Shooting a man on a Saturday night.

21548. Who came up when you were arrested—A police-constable?—Yes.

21549. Anyone else?—The man who was giving me in charge.

21550. Who did he say you had shot?—His brother.

21551. Then you were taken to the station?—Yes.

21552. Did anything happen on your way there?—Another constable came up and he said to the man, "You have made a mistake, his name is not Brewer; his name is Harding." The man said, "I am very sorry I have accused you of it; you can go; I don't want to charge you." I said, "Oh, you came up and said I have shot your brother and now you will come to the station and see it out." When we got to the station the man had a talk to the Inspector, and suddenly he came back and said, "If I don't have you for that I will have you for stealing a bag a month ago, opposite where I live."

21553. Before I come to the bag incident this man thought your name was Brewer?—Yes.

21554. You did all go to the station?—Yes.

21555. But the Inspector took no charge against you for shooting?—No, he said that was a mistake.

21556. And the man himself said he had made a mistake?—Yes.

A. Tresadern.

5 Dec. 1906.

21557. That was at the station to the Inspector?—Yes.

21558. What do you say the Inspector said about a lady's bag?—The man accused me then of stealing a lady's bag.

21559. The same man who charged you with shooting his brother?—Yes. He said he saw me do it. They kept me in the station while they sent for this woman, but I do not think they could find any woman. Anyway, I was brought out of the cell after being kept there all night, and they charged me with stealing that bag on this man's evidence. I was taken to Worship Street through the street, two officers having hold of me, and taken up into the police court. The case was tried and the Magistrate dismissed it.

21560. Who gave evidence against you?—This man.

21561. Anyone else?—Only a constable. I do not think the constable got up and spoke.

21562. If he did it would be evidence of arrest?—Yes.

21563. The only evidence of stealing the bag was given by this man?—Yes.

21564. And the Magistrate dismissed that charge?—Yes.

21565. And then were you arrested at the Cambridge Music Hall last January?—Yes, five detectives came up and dragged me out. I was with a young woman, and they got hold of me by the neck and pulled me out of it. They took me over to the station and told me I should be detained on a charge of stealing a man's watch and chain, and there they made me take my coat and waistcoat off and they searched me all over.

21566. You were put up for identification the next day?—Yes.

21567. You were not identified?—No.

21568. Was anyone identified?—The man picked another man out as they did in most of the cases. He came and picked one of the men out that they brought in from outside to stand up.

(*Chairman.*) I do not want to stop you, Earl Russell, but you are going rather into details now, are you not, which are a little remote from the issue before us?

(*Earl Russell.*) I only wanted to re-examine the witness on the cross-examination as to character and what had happened to him.

(*Chairman.*) You are hardly improving matters, are you?

21568*. (*Earl Russell.*) That rather depends on the view the Commission take. However, I am not anxious to pursue the re-examination on those lines. (*To the witness.*) I should ask you this before I leave the question of your character. You told Mr. Muir yesterday that you had been getting your living honestly by working?—Yes.

21569. Will you tell the Commissioners how you get it and what you have done for a living?—I have been helping my father, and I also back horses, and sometimes I may lose one day and I may win twice as much the next day. Then I get a few shillings off my brother, who is well to do, and a few pounds that I drew a little way back for an accident that happened to me. I have been getting a living that way.

21570. (*Chairman.*) What is your father's name?—Henry Tresadern.

21571. Is that his real name as far as you know, and was that the name of his father before him and so on?—Yes.

21572. How do you come by the name of Harding?—My father's father was in business as a fur manufacturer and had a big factory, and the man with him was named Harding, and when he died they used to call my father's father by the name of Harding also, and the name stuck to us ever since. All the family go under the name of Harding also.

21573. What is you age now?—20 on the 27th of last month—November.

21574. So far as you know were you born in London?—Yes.

21575. In the part of London that you now live in?—Yes.

21576. Were you sent to school at all?—I was put into Dr. Barnardo's Homes, and I was in there three years.

21577. How old were you when you went into Dr. Barnardo's Homes?—9, I think.

21578. Had you not been to any school before that?—Yes, I had been to a Board School.

21579. How came you to be sent to Dr. Barnardo's Homes?—My mother was taken seriously ill and sent to St. Bartholomew's Hospital, and a friend of my father interested himself in the case and got me put into Dr. Barnardo's Homes.

21580. Have you brothers and sisters?—Yes, and step-brothers and step-sisters as well.

21581. How many?—About 8 step-brothers and sisters.

12582. Are you the eldest?—No, I am the youngest of the 8. I have got some at home younger than I am, but they are my own brothers and sisters.

21583. You are the youngest of 8, and there are still younger children?—Yes.

21584. Has you father been living in the same house since you remember?—He has been living in the neighbourhood nearly all his life.

21585. In the same neighbourhood, but not in the same house?—No, not in the same house.

21586. What is your father's business or trade?—He used to have a public-house.

21587. How long ago was that?—20 years ago, I think.

21588. Before you were born, you mean?—Yes.

21589. During the time that you remember what has been his trade?—A gilder and overmantel maker.

21590. Does he work for others?—No, he works for himself, and has a few in to work for him.

21591. How long were you at Dr. Barnardo's Homes?—3 years.

21592. When you left Dr. Barnardo's Homes did you go home to live?—Yes, my mother took me away from there.

21593. And you went back home?—Yes.

21594. Then you would be about 12 years old?—Yes

21595. Were you not sent to any other school?—Yes, I was sent to a Board School.

21596. Again?—Yes.

21597. When did you leave the Board School finally?—Just before I was 13.

21598. You told one of the learned Counsel that you had got no grammar or anything of that kind. Do you really mean that?—I don't understand it much.

21599. Can you read and write?—Yes.

21600. You had a reasonable opportunity up to the age of 13 seemingly of a good education, had you not?—Yes, Sir.

21601. Before you left the Board School at the age of 13 were you apprenticed to anybody?—No, I was employed in Mr. Butler's cabinet business in New Inn Yard.

21602. Were you regularly apprenticed?—No, not apprenticed.

21603. How long did you go to Mr. Butler's?—I was there about nine months.

21604. That would make you about 14?—Yes.

21605. How came you to leave Mr. Butler's?—Over being arrested on this Saturday night. I could not get there on the Monday morning, and I did not like to go in there any more. He sent round for me several times, but I got another situation in another place.

21606. That was the first arrest, was it?—Yes.

21607. What was that for?—Disorderly conduct.

21608. What became of that charge?—Discharged.

21609. Did you not go to Mr. Butler's after that?—No, I went to Mr. Atkins, in Church Row.

21610. Were you paid wages at Atkins'?—Yes.

21611. What wages?—Eight shillings a week.

21612. How long did you remain there?—About two months.

21613. How did you come to leave?—Over being

arrested again. They went round to him to see if I had been employed there, and the policeman pulled the foreman up one night, and said, "Is this the man who has been working here?" and he said, "Yes." I would not go back there any more.

21614. How long each day were you at Atkins'? What were your hours?—I started at 8 in the morning, till 8 at night.

21615. What did you do in the evening?—Played about. Sometimes I had to go out selling toys and that for my mother, as she is a tradeswoman.

21616. Am I to understand your father has a shop?—No. He is blind now, Sir.

21617. Has he got a whole house, or does he live in apartments?—He is not with us now. He has not been living with us for the last three years now. He is at his own apartments.

21618. You are 20, and when you were 17 your father went away?—Yes. I was doing my imprisonment.

21619. What does your mother do for a living now?—She is a cripple, and she goes out selling on a Saturday and the night time.

21620. Do you live with your mother?—Yes.

21621. Where?—No. 9 and 10, Gibraltar Buildings.

21622. What rooms have you got there?—Two.

21623. Two bedrooms?—Yes, that is all they are.

21624. How many of you are living there?—Me, my mother, and two sisters and a little brother—five of us.

21625. What employment were you last in—I think it was mentioned, but I have forgotten for the moment?—I was working for my father when he had a shop last.

21626. That was three years ago?—No, he comes upstairs now and again to see us. He does not live very far away from us, and he comes up to see how we are getting on, and I used to go down to his shop in Hollybush Gardens.

21627. Had your father a shop?—Yes.

21628. Up to what time did he keep the shop?—Up to about four or five months ago.

21629. Why was the shop given up?—He was coming over bad; his eyesight was getting worse and worse.

21630. Was it for your father that you worked last?—Yes.

21631. How long did you work for him?—I never used to work definitely, but only just go in and do a bit of work, such as planing up or fitting up some work afterwards.

21632. Quite casual work?—Yes, he used to give me a few shillings, that is all.

21633. No regular bargain?—No.

21634. Then from the time you left Atkins down to the present time you had never done anything except this casual work for your father?—No, except selling lemons for my mother.

21635. I notice that on one occasion you were fined £5?—Yes.

21636. And the fine was paid?—After I had done a week. I will tell you how it was paid. They made a collection up with the subscription list, and got the money together.

21637. (*Mr. Whitmore.*) Who did?—Some of my friends.

21638. ((*Chairman.*) That you have been told since, of course. You were in prison, I understand, at the time, and this you have subsequently heard?—Yes, they got a subscription up amongst them.

21639. Who did that?—The boys round where I knock about—round Brick Lane.

21640. They got up a subscription. Who was the man or the boy who collected the money?—A man named Emesly.

21641. Emesly's name was mentioned yesterday, was it not, by Mr. Muir?—Yes.

21642. Has he ever been convicted for larceny or anything of the kind?—Yes.

21643. Who were the others who contributed to the £5, according to what you have heard?—Different people—stall keepers in Brick Lane.

21644. What were their names?—I don't exactly know their names, because I was not out at the time they were getting it.

21645. But they seem to be very much interested in you if they subscribed this fund to get you out of gaol?—I know one man, Charles Leman, a fruiterer.

21646. Was he a friend of yours?—He knows me, and he respects me very much.

21647. What aged man is he?—Forty-five, I should think. Several of the people who are sitting in Court now, shopkeepers, gave something.

21648. Is Leman a friend of your family's—does he know your father?—He may do, yes.

21649. But do you not know that?—No, I would not be sure.

21650. Can you mention anybody else who contributed?—Mr. Rayner, who is sitting in Court now, gave 6d. towards it.

21651. But 6d. does not go very far towards £5?—No, but some people gave 2s. and some gave 3s.

21652. How many were the subscribers in number?—I could not tell you.

21653. Were they 20, 30, or more?—More than that.

21654. Fifty?—More than that.

21655. Were they mostly, as far as you can gather, friends of yours who lived in this neighbourhood, and who played about with you and so on?—People who knew me.

21656. And had played about with you?—No, I should not say played about with me.

21657. People a good deal older, you mean?—Yes.

21658. Why do you think that they were so interested in you in particular that they were willing to subscribe?—They know I never knock anybody about for nothing. I never insulted anybody who walked through Brick Lane. I never took a liberty with anybody down there. They know I don't come in and demand shillings off them like some people do.

21659. Am I to understand that this was mere charity on their part, and that they were interested in your case as a boy in the neighbourhood or something of that kind?—Yes.

21660. That is what you wish to represent to me?—Yes.

21661. But Emesly was the man who collected the money, I understand?—Yes.

21662. And he is a convicted thief?—Yes, but he gave it to my mother. It was mostly on my mother's behalf that he did it.

21663. Then with regard to the stallkeepers. Had you any business with the stallkeepers who subscribed?—No, I only spoke to them and talked to them about different affairs, that is all.

21664. What had you been doing on this Wednesday? Do you remember how you had spent the day—very much as usual, I suppose?—Which Wednesday?

21665. The Wednesday on which Callaghan was arrested and when the row took place near midnight?—Yes, I was upstairs gilding some brackets and making a pair of brackets. I had just come home from the composition makers, and I was putting the oil on them.

21666. At Gibraltar Buildings?—Yes.

21667. In your bedroom?—Yes.

21668. How long had you been working at that on this 12th September?—There was a lot to be done.

21669. Never mind that. How long had you been working at them?—About three hours.

21670. Was that in the morning or in the afternoon?—In the afternoon.

21671. What had you been doing in the morning? How do you spend your mornings, usually—let me put it in that way?—I get up and go down Brick Lane and have a sup at the coffee-shop, then have a cup of tea and look at the newspapers till about 12, and then come out and get talking to some fellows till about 1 o'clock, and then I go home and have some dinner if there is any.

A. Tresadern. 5 Dec. 1906.

21672. You have some dinner if there is any?—Yes.

21673. Then this afternoon you recollect that you did some work to some brackets?—Yes.

21674. Were you paid for that work?—No, I was doing it for myself to hang up in the room. They are upstairs now.

21675. The brackets were to adorn your room?—Yes.

21676. Then you had done no job at all on that Wednesday?—No.

21677. Had you any money in your pockets?—About 5d. or 6d., what I took off a man who owed it to me. There are several people about there who owe me a lot of money which I lent them last Christmas time.

21678. Do you mean you are able from time to time to lend friends sums of money?—Last Christmas time I did, because I drew some money out of the bank.

21679. What bank was that?—Not exactly out of the bank—out of the County Court. I had some money to come, and I asked the Judge if he would grant me £10.

21680. By the County Court, do you mean the Shoreditch County Court?—Yes.

21681. Is there money in the Shoreditch County Court in some matter or cause standing to your credit?—There was, but it is all drawn out now.

21682. Before you were 21?—Yes, it was drawn out before I was 21.

21683. You are only 20 now, you told me. Did that money come from some relative?—No, over an accident.

21684. And you were the plaintiff in an action?—Yes.

21685. When was the judgment given?—I was 7 years old at the time the accident occurred.

21686. What was the amount of the damages?—£60 or £100, I would not be sure.

21687. That has been paid out of court gradually?—Yes, with interest.

21688. And you received the last amount last Christmas?—Yes.

21689. £10?—Yes.

21690. How much money had you earned between Christmas and this 12th September?—About 6s. or 7s. a week, just enough to give my mother half-a-crown and something to get a bit of food with, that is all, and then there were those people who paid me a few shillings. I could not say exactly how much I got through that time.

21691. What is the rent of the two rooms at Gibraltar Buildings?—5s.

21692. Then you had the £10, which you got rid of apparently by lending, according to your account, and about 6s. a week, which is all you have had to live upon?—I have managed to scrape together, not out of the £10, but doing odd jobs, such as pulling a barrow of work home for a man, or something like that, I have managed to get about 6s. or 7s. a week in that way.

21693. You calculated that in the 6s. a week?—I don't say that comes out of the £10.

21694. You understand the suggestion against you is that you are an habitual criminal, and that you are in the habit of ekeing out your means, whatever they are, by larceny?—That is what they said 5 years ago when I was at work.

21695. Now, I want to know a little more about these games. What is the first game you mentioned?—Darts.

21696. How is that game played?—By a cork board, with wires round it marking out spaces such as 5, 10, 15, or 20, and the wires go round in the centre, and some are trebles and some are doubles. A man may get up to 400, and another man gets 300, and the man who gets the highest shot wins.

21697. It is a game of chance?—Yes.

21698. Were you playing that game in this public-house on the 12th September?—Yes.

21699. Were you playing for money?—No.

21700. Where is the amusement?—Playing the game.

21701. It is a mere game of chance?—It is a game of skill.

21702. Is it?—Yes.

21703. I asked you a moment ago whether you considered it a game of chance, and you said, "Yes." You say it is a game of mingled skill and chance?—A man may throw and hit the side, another man may throw and get into the centre.

(*Mr. Whitmore.*) Does the best man necessarily win?

21704. (*Chairman.*) Not necessarily. It is not purely a game of chance?—No, it is a game of skill as well.

21705. The other game you have explained. You said something about putting money on horses?—Only now and again.

21706. You have done so?—Yes.

21707. In what sums, about?—6d., a shilling, and so on.

21708. Where did you find an opportunity of making a bet?—With a bookmaker.

21709. A street bookmaker?—Yes.

21710. Do you know where to find a street bookmaker whenever you want to?—Yes.

21711. Not very far, I suppose, from Sclater Street?—About 20 yards.

21712. Do bookmakers come there on all race days?—They just live round the corner.

21713. So that you know where to find one?—Always standing there.

21714. I understand you to deny absolutely when near closing time you heard this row and went to the door, leaving the doorstep?—Yes, I went nowhere near the crowd.

21715. Why did you stop on the doorstep?—Knowing quite well if I had gone in the crowd I should have had something very nasty to take—a knocking about—and very likely I should have got a hit with one of their truncheons.

21716. It was just closing time, 12 o'clock?—The houses close at half-past 12.

21717. Did you, in fact, go back to the public-house again?—I never went away.

21718. I will put it in that way. You returned inside from the doorstep when the crowd had passed by?—Yes.

21719. Who was standing within there?—The manager, Mr. Smith, and Mr. Miller, and Mr. Andrews.

21720. And not one of you stirred from the doorstep?—No.

21721. Was there a good deal of disorder, or was the crowd going very much as usual in the case of an arrest of a man?—People were shouting and so forth—kicking up a row—"Don't kill the man, you scoundrels," and calling them various other names.

21722. How many constables did you see?—Four or five.

21723. Not more?—No.

21724. Was the prisoner that you saw struggling?—I could not see. He was moving about with the crowd all round, and the policemen at the back had to keep pushing the people away.

21725. You say you saw them because of the helmets, I think you told Mr. Muir yesterday?—Yes.

21726. You think there were four or five constables?—Yes.

21727. You could not say whether the man was struggling, from where you were?—No.

21728. Have you ever said that you could?—I do not think I did.

21729. According to the notes of the evidence in your case you said, "I went out, and saw five or six constables taking a man who was struggling"?—Yes, I may have said that.

21730. That was taken down by the Clerk. Do you dispute it?—I may have said that at the time; it is four months ago.

21731. Do you say that now?—I will not be exactly sure; I have not a very good memory of what happened then. What I said at the police court was the true account of what happened.

21732. Do you mean to say you have not a good memory as to what took place on the 12th September?

—Not exactly all the details of it. I know there was pushing, shoving, and struggling.

21733. (*Mr. Dickinson.*) I see you said at the police court that an officer not here shouted, "All right, Harding, we will have you for this." Have you any idea who that officer was?—Yes, I have an idea. He is a tall fair man.

21734. Do you know him?—Yes, if he is the same man I believe it is; I know the one I think it was.

21735. How far away were you when they shouted that out?—Fifteen yards.

21736. They had passed the public-house?—Yes, they had passed when I came out.

(*Mr. R. D. Muir.*) Would you allow me to ask him one question as to the officer?

(*Chairman.*) Certainly.

A Tresadern.

5 Dec. 1906.

(*Mr. R. D. Muir.*) Is that the tall, fair man, who is standing up?

(*Witness.*) No.

(*Mr. R. D. Muir.*) (*To the Constable.*) What is your name?

(*Constable.*) Filbee.

(*Mr. R. D. Muir.*) Harding says the tall, fair constable of whom he spoke is not Constable Filbee.

(*Chairman.*) I understand not. He says there were other constables there.

(*Mr. R. D. Muir.*) We will secure their attendance.

FREDERICK SMITH, recalled.

F. Smith.

21737. (*Earl Russell.*) You are the manager of the King's Arms public-house?—Yes.

21738. You were telling us that Harding or Tresadern was there, playing dart?—Yes.

21739. Were you joining in the game, or not?—Yes.

21740. You were playing dart with them?—Yes.

21741. There was some disturbance outside?—Yes, there was a row through a prisoner being taken into custody.

21742. You all went out? Is that so?—We went on to the doorstep.

21743. Harding went, and you went?—Yes.

21744. Were there any others outside?—There were several outside.

21745. What were their names?—I could not tell you.

21746. Did you notice what Harding did after you got outside?—No, he stood on the step as they went by.

21747. Did you see whether he left the doorstep or not?—He never left the doorstep.

21748. That you are quite certain about?—Yes.

21749. What exactly did you see of the disturbance when you first came out?—I never saw anything at all. I saw a lot of people, and I saw a man being taken into custody. They told me he was a man named Callaghan.

21750. How far was he from you when you first saw him?—About 20 yards, I expect.

21751. Going towards the public-house?—No, going away.

21752. He had already passed before you went out?—Yes.

21753. Did you know any of the constables with him?—I should not know them.

21754. Could you see them?—I could see there were some policemen, by their helmets.

21755. Could you see what they were doing at all?—They were taking a prisoner.

21756. Did anyone on the doorstep call out anything?—They might have done. I did not take much notice.

21757. Did you hear anything called out at all about the arrest?—There was a lot of shouting. There was something mentioned about "Arthur." Sometimes they call him "Arthur" and sometimes "Harding."

21758. There was something mentioned. What was it?—"Arthur," I think it was.

21759. Who said it?—I could not say.

21760. Did you hear Harding say anything?—Something about killing a man—something to that effect.

21761. You did not hear any answer to that?—No. There were a lot of people there; there were about 200 or 300 people shouting.

21762. What happened after this procession had passed, and it went further away?—I went inside.

21763. Did the others go inside?—Yes.

21764. Did Harding go inside?—Yes; and two more that were standing outside came inside.

21765. Two of them came inside?—Yes.

21766. Did you go on with your game of dart?—Yes.

21767. (*Mr. R. D. Muir.*) Do you often play dart in this public-house—the King's Arms?—Sometimes when a few friends come in at night—workmen.

21768. And coddem?—No, I hardly ever sit down to that—sometimes.

21769. It is played there?—Sometimes.

21770. Are you the person in charge?—Yes.

21771. Had you seen Harding play those games before?—Once, I think; once or twice.

21772. Do you know Emesly?—No, I do not know any of them by name. I do not know Arthur's name, only what they say it is now. I heard his name mentioned, but I do not know him.

21773. You do not know him by name?—No.

21774. Who was it who first asked you to give evidence on Harding's behalf?—I should not have come here to-day unless I had had a subpœna.

21775. Who was it who first asked you to give evidence on Harding's behalf?—Harding's mother.

21776. Was anybody with her at the time?—I do not think there was.

21777. When was it you were asked by Harding's mother to give evidence?—A month ago; something like that.

21778. How long before you gave evidence at the police court?—I do not know how long it is ago.

21779. How long before you gave evidence at the police court?—I never saw his mother then.

21780. Did you see his mother before you gave your evidence at the police court?—No.

21781. Who was it who asked you to go to the police court and give evidence?—Harding's relation—some chap—I do not know who he was; he represented he was a relation.

21782. Then it was not Harding's mother who first asked you to give evidence on his behalf?—No—to come here.

21783. I am asking you who it was who first asked you to give evidence on Harding's behalf at the police court. Do you understand the question?—Yes.

21784. Who was it?—It was Harding himself.

21785. What about the relation you mentioned a moment ago?—He had a relation as well.

21786. With him?—Yes; at any rate, I do not know his name.

21787. So that it was Harding himself who asked you to go to the police court and give evidence?—He said: "You know I never went away from the doorstep." I said: "That is quite right."

21788. He told you what you knew?—Yes.

21789. How long was that before you gave evidence before Mr. Cluer?—I could not tell you.

21790. Was it the day before?—No; it would be the date he had his summons, I think.

21791. How do you know that?—He said that he had got a summons that day; that is all I know.

21792. He came to your public-house, I suppose?—Yes.

F. Smith.
5 Dec. 1906.

21793. He told you he had a summons for assault. Did he tell you where the alleged assault took place? —I do not remember.

21794. What evidence could you give unless you knew where it was the assault was alleged to have taken place?—I only gave evidence that he was standing on the doorstep, and never left.

21795. Did he tell you at what hour it was alleged the assault had taken place?—No.

21796. He told you neither the place nor the hour? —Yes; he knew the time. He said when they took that little man Callaghan in.

21797. Then he did know?—Yes.

21798. And you knew from him what the hour was, and what the place was at which the alleged assault had taken place?—I knew it without that.

21799. How did you know?—Because I went to the door, and saw them going by.

21800. How did you know it was at this time and place that he was charged with committing an assault? —The summons says something about that.

21801. The summons says nothing about it. It says neither the hour nor the place. It says: "Unlawfully assault and beat one Michael Cann, a constable in the Metropolitan Police Force, then and there in the execution of his duty as such constable" (that is to say, "then and there" applies to the 12th September, 1906, at Sclater Street). How did you know it was at the time that this constable was passing with his prisoner that it was alleged the assault took place by the prisoner?—I do not know.

21802. How did he know?—I do not know.

21803. And yet you were asked by him to go and prove an alibi for that very moment?—I beg your pardon.

21804. You were asked to go and prove that he was standing on your doorstep at that very hour?—It was the night that that prisoner was taken in.

21805. That was what you were asked to go and prove, was it not?—Yes.

21806. Although the summons does not say a word about the hour, or anything nearer than "Sclater Street" as the place where the assault took place. Of course you know that if you permit gambling to take place in your house that would be a very serious offence from the point of view of the licence being lost? —It would.

21807. And if you were permitting gambling on this night you would be in very great danger of losing your job?—Yes.

21808. And if you were permitting this game of dart Harding knew it?—Yes.

21809. And he would be in a position to give information of it?—Yes.

21810. Have you already lost a licence for permitting gambling?—No; I won it before Mr. Loveland-Loveland on appeal.

21811. You tell me about what you are thinking of, and if it is not the same I will tell you what I am thinking of? What were you saying about Mr. Loveland-Loveland?—I appealed to Mr. Loveland-Loveland, and it was granted.

21812. You mean that you were prosecuted for permitting gambling?—I was never summoned in my life.

21813. What do you mean—that your licence was taken away?—It was not.

21814. By the Licensing Justices?—They refused it.

21815. They refused to renew it?—Yes.

21816. What house was that?—The Gardeners' Arms, Old Ford.

21817. On the ground that you had permitted gambling?—They said so, but they never convicted me of it.

21818. That was the ground on which the Justices refused to renew the licence?—Bagatelle, I think it was. Then I appealed to Mr. Loveland-Loveland, and he granted it.

21819. And you transferred the licence, I suppose? —Yes.

21820. Was that a condition of allowing the appeal? —No.

21821. When did you transfer the licence? Was it transferred before you went before Mr. Loveland-Loveland?—No.

21822. Immediately after?—No, I think not; about six or eight months, when I found a purchaser.

21823. Did you transfer it at the next Transfer Sessions?—No; I think it was the one after.

21824. Was it a condition of allowing your appeal that the licence should be transferred to some other person? Was not that a condition?—I do not think so.

21825-6. That is all you will say?—Yes.

21827. At any rate, you are no longer a licence-holder?—I never applied for one, but I have never been refused. I won the appeal before Mr. Loveland-Loveland.

(*Mr. Dickinson.*) The Gardeners' Arms is not the house we are speaking of.

(*Mr. R. D. Muir.*) No; it is a different house altogether.

(*Mr. Dickinson.*) He says he has not a licence.

21828. (*Mr. R. D. Muir.*) You are not the licensee here?—No.

21829. You are merely the manager?—Yes.

21830. You would be in a very awkward position if Harding were to say, however untruly, that you had permitted gambling upon this night of the 12th September?—Yes.

21831. Do you know Harding?—No, I do not know him.

21832. Do you know his gang?—No. I have not been there long; about nine months.

21833. (*Mr. Whitmore.*) How long?—About eight or nine months.

21834. (*Mr. R. D. Muir.*) Do you mean you did not know him during that time?—I did when the Inspector came and told me about Harding.

21835. How long ago?—About four months.

21836. Therefore it was before the 12th September? —Yes.

21837. Is it not a licensing offence to permit convicted thieves to use a public-house longer than necessary for ordinary refreshment?—I do not know which they are. I do not ask their names when they come in.

21838. You told me the Inspector told you about Harding about four months ago?—We had the burglars in once.

21839. This man Harding and others were playing this game of dart for how long?—I do not know; not long.

21840. But how long?—I could not tell you. I had been out; I had just come home.

21841. Could not you tell me?—It might have been half an hour or an hour.

21842. Or an hour and a half?—It might have been.

21843. Or two hours?—It might have been; I could not tell you. I did not take so much notice as that.

21844. Were you within speaking distance of the constables when they went by with their prisoner?— They were on the other side of the road. I suppose they would be about 20 or 15 yards when they went by.

21845. That is hardly speaking distance, is it?—No.

21846. Who went out of the public-house first, you or Harding?—I believe I went out first; I went out on the doorstep.

21847. How long after you went out did Harding come out?—He came out right behind me.

21848. You were there practically at the same time? —Yes.

21849. And 20 yards off was the nearest you saw of them?—I should think so; they kept going further away.

21850. With their backs towards you?—Yes.

21851. Were you able to recognise any one of them? —No; I could not recognise any one of them.

21852. Or their prisoner?—No.

21853. Could you see them?—I could not see the prisoner.

21854. You could not see him?—I could not see him.

21855. Did any more pass between the constables and Harding?—I heard somebody shouting. There were such a lot of people there that I could not say whether there was or not.

21856. Just tax your memory. Did any remark pass from one to the other as between Harding and any of the constables?—I did not hear it. There might have been; there was a lot of shouting.

21857. You gave evidence before the Magistrate?—Yes, that is right.

21858. What evidence did you give on that point as to whether anything passed between Harding and the constable? You remember what passed that night, do you not?—Yes; I saw the prisoner going by.

21859. You remember quite clearly what took place?—I saw them taking a man by.

21860. What was said, if anything, between Harding and the police?—There was some shouting; there was a lot of shouting.

21861. According to your recollection of what took place that night, what was said?—"All right, Arthur," or something of that—I could not remember what it was—"I will have you for that."

21862. Who said that?—I could not tell you. I could not tell whether it was the policeman at all or anybody else.

21863. Twenty yards off?—Yes.

21864. With their backs to you when you came out?—Yes.

21865. (*Chairman.*) You heard somebody say, "I will have you for that"?—Yes; I could not say who it was.

21866. "All right, Arthur, I will have you for that"?—Yes; I did not know who it was. There were such a lot of people there.

21867. (*Mr. R. D. Muir.*) At that time the police were 20 yards off, with their backs towards you?—Yes.

21868. Was it one of the police?—I could not say.

21869. Could you not say it was not one of the police?—I do not say it was a policeman, and I do not say it was not.

21870. The police were 20 yards off, with a struggling prisoner, and their backs to you at the time you came out, Harding being behind you as he came out. How on earth could the police see him?—I do not know.

21871. Cannot you say it was not the police?—I do not say either way; I could not say who it was.

21872. Cannot you say it was not the police in view of the facts?—I do not know that it was, and I do not know that it was not—I do not know who it was.

21873. Just think what the position is?—Yes. I do not say either way. I do not say it was not, and I do not say it was.

21874. In fairness to the police?—There were a lot of people there. I could not say who said it.

21875. If what you are telling us is true, could it possibly have been the police?—I would not say it was, and I would not say it was not. I do not know who it was.

21876. You never said so?—No.

21877. Did Harding call out anything?—He shouted something—I do not remember exactly what the words were—"Don't kill the man," or something, I think it was.

21878. To whom was that observation of Harding's, "Don't kill the man," addressed?—To the policeman; I could not say who it was.

21879. Twenty yards off?—15 to 20 yards. They kept going on further.

21880. How long had Harding been standing on the doorstep before he shouted, "Don't kill the man"?—It might have been a minute.

21881. During that time the police had been getting further off?—Yes, but they were struggling at the time—they had been struggling.

21882. And a shouting crowd?—Yes.

21883. A hostile crowd?—Yes, there were a lot of people.

21884. Very hostile to the police?—Yes.

21885. To whom did Harding address his remark, "Don't kill the man"?—I do not know who it was to, unless it was to the policemen. I do not know.

21886. Twenty yards off?—Yes, it was all that—15 to 20 yards.

21887. Do you think they heard it?—That I could not say.

21888. Could they have heard it? In the circumstance you have described, could the police possibly have heard it?—I should not think they could.

21889. Who replied, "All right, Arthur, I will have you for that"?—I could not tell you.

21890. For what? What were they going to have him for?—I do not know.

21891. For what?—I do not know what for.

21892. Are you quite clear as to the words used?—Yes; they were the words used.

21893. You are quite clear as to that?—I could not see who said it.

21894. No; but you are quite clear as to what the words were?—Yes. There were a lot of people there.

21895. Now, first of all, as to what Harding says. Did he say, "Don't kill the man"?—Yes.

21896. You are quite sure about that?—Something to that effect—"Don't kill the man," or something.

21897. Can you take away the "or something"? Was it "Don't kill the man"?—Yes.

21898. You are sure of that?—Yes.

21899. Did you tell the Magistrate——?—Yes.

21900. Wait and hear the question before you answer it. Did you tell the Magistrate that what he said was "Don't hurt the man, or something"?—"Don't kill the man."

21901. "Don't hurt the man, or something"; and did you tell the Magistrate that some man called back, "I will have my own back"?—I might have done.

21902. To-day you have said, "All right, Arthur."?—"All right, Arthur." That is the word.

21903. "All right, Arthur, I will have you for that"?—Yes, "for that."

21904. That is what Harding said in the box to-day, whereas what you said before the Magistrate was some man called back, "I will have my own back"?—Yes; I do not know what man it was.

21905. I am not talking about which man it was. I am talking about the words. Which is true, what you said before the Magistrate or what you have said to-day?—What I said before the Magistrate, I suppose.

21906. Then what the man said was, "I will have my own back"?—Yes.

21907. Do you swear that?—Yes.

21908. He did not say, "All right, Arthur, I will have you for that"?—Something to that effect. There were a lot of people there.

21909. Your recollection is quite clear?—Yes.

21910. (*Chairman.*) Do you know what that other game is?—Coddem?

21911. Yes?—Yes; it is a piece in the hand. When workmen leave off at night they generally play the game for half an hour. They have a glass of ale, and they amuse themselves before they go home to bed.

21912. Have you ever heard of any gambling going on?—I do not allow that.

21913. I do not quite follow Harding's description of the game of dart. I understand there is a board placed against the wall, and you throw darts at it?—Yes.

21914. The same answer applies to that—you would not permit any gambling?—No.

21915. Are you vigilant in the matter? You are the manager?—Yes.

21916. Are you vigilant in the matter if you are at the counter?—It is right in front of the bar; there is no taproom there; I can see it; it is in front of the counter; there is no taproom out of sight, so I have it all in front of me. There is no taproom there at all.

21917. I should like to ascertain exactly what the state of your recollection is about the words you heard in the crowd. You told Mr. Muir you are quite cer-

F. Smith.

5 Dec. 1906.

tain the words you used before the Magistrate, which were shouted out by someone, were, "I will have my own back"?—Yes.

21918. Do you wish me to understand that the words, "All right, Arthur, I will have you for that"——?—The one in front of the Magistrate is right.

21919. Wait a moment. I understood you to tell Mr. Muir that the words which you said were used before the Magistrate, "I will have my own back," were in fact words which you heard shouted on this occasion?—Yes.

21920. You also told Mr. Muir that somebody shouted out, "All right, Arthur, I will have you for that"?—That one is not right. It was something to that effect. I got mixed up. The one before the Magistrate is right.

21921. Then do you mean to say you are quite wrong in saying the words, "All right, Arthur, I will have you for that," were used?—Yes.

21922. How had it come into your mind?—It is mixing up, I suppose.

21923. The words, "I will have my own back," and "I will have you for that" are words which are very different in relation the one to the other. When you were asked a few moments ago what you heard shouted out, how did the words, "All right, Arthur, I will have you for that," come into your mind?—"I will have my own back."

21924. How did the other phrase come into your mind?—I do not know.

21925. Did you invent it?—No.

21926. Have you heard anybody else use it?—I have heard them use it.

21927. "All right, Arthur, I will have you for that"?—I do not know his other name.

21928. You were stating what you heard shouted out, and you told him the words were, "All right, Arthur, I will have you for that." How did those words come into your mind?—I do not know.

21929. Is it the truth?—No; I say the words were similar to that.

21930. That incident about Callaghan's arrest, and the crowd, took place late at night on the Wednesday?—Yes, about half-past 11 or a quarter to 12, I believe.

21931. How long after was it that Harding's relative came to you to speak to you about the police court proceedings?—It was after the summons, I think.

21932. The summons, we know, was on the 18th, and the case came on on the 26th. That would be six days after the Wednesday. It was after the 18th and before the 26th. How many days was it before you actually went to the police court?—About three days before I went to the police court.

21933. Probably. What time in the day was it he came to you?—About lunch-time.

21934. There was somebody with him?—Yes.

21935. You do not know whom, I understand?—No.

21936. Please be very careful. What were the first words that Harding said to you?—The first words were that he had got a summons for knocking a man, a policeman, about the very night, he said, when they took Callaghan, "When I stood by the side of you at the door." That would be about three days before I went to the police court. That was all that was said. He asked me to go up to the police court.

21937. Then he did add something?—Yes.

21938. Did you tell him anything?—No. He asked me if I would go up to the police court for him.

21939. And you said you would go?—If I did not he said he would subpœna me.

21940. He mentioned Callaghan's name?—Yes.

21941. Did that convey any meaning to you? Did you know Callaghan?—I had heard the name. I refused to serve him.

21942. The name was familiar, but the man was not?—Yes.

21943. Did you see Harding between that interview and the time when you gave evidence at the police court?—No.

21944. I see that there were other people who came to the door with you and Harding?—Yes.

21945. How many altogether?—There were two standing outside, near the house; there were a lot of people in the street—hundreds—about 200.

21946. How many people had been in your house that evening, and went out with you to the front to see what took place?—Some walked out, and some finished their drinks and walked away.

21947. How many people do you think happened to be in your house when they heard the noise in the street, and then left?—I do not think there were many—about eight or nine.

21948. You are certain you yourself did not leave the doorstep?—No, I did not.

21949. But some did?—Some went off.

21950. Did you know any of the men by name who were in the eight or nine, or were playing dart there, or perhaps were not playing dart? How many of them did you know?—About four, that work at cabinet works.

21951. You knew Harding, who had been there before?—Yes; I only knew him as "Arthur."

21952. At any rate, you had seen him before?—Yes, I had seen him before.

21953. Did you know the names of any of the other men?—No, I do not know their names. They work at cabinet works on the other side of the road.

21954. How many people do you think, when you went to the doorstep, went out into the crowd? There might have been four or five.

21955. Can you recollect the names of any one of them?—No. Some are strangers.

21956. How many stayed on the doorstep with you?—Me and Harding and another stranger—I do not know who he was—and there were a few more standing outside.

21957. What makes you recollect that Harding happened to stay by your side?—He came back again. I was playing a game of dart with him; we had not finished.

21958. Did he come back and finish the game?—Yes.

21959. Then the thing which fixes Harding as standing by your side on the doorstep is the unfinished game?—Yes.

21960. How does that fix it in your mind?—We were half way through it; he had the darts in his hand that belonged to the board.

21961. Very likely you might go into the road and take the darts with you, and then come back?—He was standing with me on the doorstep.

21962. You cannot tell me the names of the four or five other people; you cannot identify them?—There was a man named Miller—he is not a stranger—and another chap; I do not know his name.

21963. Miller went into the road and joined the crowd?—Yes; he was outside.

21964. You say Harding's continued presence is fixed in your mind by the unfinished game of dart?—Yes.

21965. That is the only circumstance?—I was standing on the step, and I never went off the doorstep either.

21966. Do you wish me to understand that you had no conversation except the one conversation with Harding between the time of this incident on the 12th and the time when you went to the police court?—I only saw him here yesterday.

21967. Had you heard any talk about the summons against Harding?—At the police court, or before that?

21968. Before the police court proceedings?—No.

21969. None of the customers talking about it?—No.

21970. (*Mr. Dickinson.*) Where is Bacon Street?—Just round the back of the house.

21971. Does it run into Sclater Street?—It runs down like *that* to Brick Lane and to Cygnet Street.

21972. The prisoner Callaghan was arrested in Bacon Street?—Yes.

21973. How did they come round in front of the public-house?—I cannot say, I do not know.

21974. *There* is your public-house, and *there* is Sclater Street?—Yes.

21975. Where were they going?—Along *here* on the other side of the road.

21976. They were going *that* way?—Yes, towards the police station.

21977. If they had come right along Bacon Street they would have come along Cygnet Street?—Yes.

21978. Where is the door of your public-house?—On the corner.

21979. It is on a level, I suppose, with the street?—Yes, bar a little step. *F. Smith.* 5 Dec. 1906.

21980. About 30 yards along *there*?—Yes.

21981. I suppose you had heard the noise some time before you went out?—Yes, that was the reason I went out.

21982. There was a good deal of noise?—Yes, and a lot of people there.

21983. How many police-constables did you see?—I should say there were four or five there. I could not recognise any of them though.

WILLIAM ANDREWS, sworn.

21984. (*Earl Russell.*) You are a glass beveller?—Yes. *W. Andrews.*

21985. Do you live at Walkley Street, Old Ford?—Yes.

21986. On the occasion when there was this disturbance you were in the King's Arms, were you not?—Yes.

21987. What were you doing there before the disturbance?—Nothing before the disturbance. I was playing at dart.

21988. With whom?—Four or five, or there might have been six of us.

21989. Can you tell us the names of any of them?—There was Tresadern. At that time I knew him to be Harding.

21990. Who else?—Miller, the other witness. The others I do not know their names. I have only ascertained since.

21991. You were not often at that public-house before?—No. Just passed it going home from work.

21992. What was the first you heard?—We were playing dart, and we heard a row outside—holloaing and shouting.

21993. What did you do then?—I said, "Hulloa, there is something up." I rushed to the door, and, of course, the others went to the door.

21994. You all went to the door?—Yes.

21995. Did you notice Harding in particular?—I was by the side of him when he came out.

21996. Where did Harding go to?—Nowhere.

21997. I thought you just told us he went to the door?—I thought you meant outside.

21998. I am asking you where he went to?—He came with me to the door.

21999. Did he go any further?—No.

22000. Did he not go into the street at all?—One of his feet may have been on the pavement just outside the door.

22001. Was there a biggish crowd in the street?—Yes, a great crowd.

22002. What did you see going on in the crowd?—I saw a number of constables; they had a prisoner between them, and I could see they were ill-using the man, something shocking, according to my idea. I should not like to have been the prisoner.

22003. Did you hear anything called out, or not?—Yes, I heard all the people shouting "Cowards," "Cowards."

22004. Did you hear Harding call out anything?—Yes. He stood by the side of me, and he turned round and said "Don't kill the man."

22005. How far off were the constables when he said that?—I cannot tell you the distance; I am not a judge of distance. It may have been 9 to 15 yards. I am no judge of distance.

22006. Did you hear any answer to that?—Yes.

22007. What did you hear?—I heard them turn round and say——.

22008. Who turned round?—A constable turned round.

22009. You saw him?—Yes. I did see a constable turn round, and I could see one of his hands. Two constables turned round altogether. Who they were at the time I did not know. I did not recognise them till they got to the court. They said: "All right, Harding, we will have you for this." I took that in. There are two different ways of taking it from the way they said it.

22010. Just tell us how you took it, taking it one way?—"All right, Harding, we will have you for this," as much as to say they would take him. Taking it the other way—"All right, Harding, we will have you for this," as much as to say, "We will make you suffer for interfering."

22011. You mean they might have him for the case in which the prisoner was arrested, or on a future occasion?—Yes.

22012. Were you close to Harding all the time you were in the street?—By the side of Harding.

22013. He did not go into the street?—No.

22014. Nor mix up with the crowd?—No.

22015. How far had this disturbance got when you got there?—It was passing down Sclater Street.

22016. How long did you look at it for?—It might have been a couple of minutes. Time is hard to judge.

22017. Then what did you do?—Went back and finished our game at dart.

22018. How far had the constables got with the prisoner when you went back. Were they still in sight?—They were passing.

22019. They were still passing when you went back?—You could see the crowd, but how far they were I do not know.

22020. Did Harding come in with you?—Yes.

22021. And you continued playing dart with Harding?—Yes. I had a bit of a lead with him, so I wanted him to come back.

22022. You meant to finish the game?—Certainly.

(*Mr. R. D. Muir.*) Before the examination of this witness is resumed, Sir, I desire to bring to your attention the fact that statements are made to me by those tradesmen whose names and addresses were mentioned by me last night that they have been threatened by Harding and that man Dido by both gesture and by words, and I should like you to hear what their statements are on that subject in order that you may take such action upon it as you think right.

WILLIAM WILLIAMS, sworn.

22023. (*Mr. R. D. Muir.*) Are you a draper?—Yes. *W. Williams.*

22024. Do you carry on your business at 194, Brick Lane?—Yes, I am in the employ of Messrs. J. C. B. Richardson and Sons, Limited.

22025. Did you on the 23rd of November give a statement to Inspector Wright?—I did.

22026. And sign it?—I did.

22027. Do you know a man called Dido?—Yes, the man in those photographs.

22028. You know him by sight?—Yes.

22029. And by that name?—Yes.

22030. Did you see him last night?—No, not last night—this morning.

W. Williams.

5 Dec. 1906.

22031. Was anyone with him this morning?—Yes, Harding.

22032. Where did you see them?—Standing immediately outside the shop, pointing in the shop.

22033-4. Did he say or do something?—Yes, he made a sign and said "This is the f——r who is going up against us to-day"—most obscene language.

22035. Anything else?—He made some other statements afterwards, which I cannot quite think of at the moment.

22036. So far as those men are concerned, do you go in fear of them, or not?—No, I am not in fear of any one of them.

22037. Not any one of them?—No, or the lot of them. I don't mind any one of them.

22038. But they did make that statement this morning?—Yes.

(*Mr. R. D. Muir.*) I can call other witnesses to speak to the same thing.

(*Chairman.*) That is sufficient, Mr. Muir. The Commission will take a certain action on Mr. Williams' statement with a view of affording such protection as we can.

22039. (*Earl Russell.*) Apart from the abusive language the statement was true?—Yes, the statement was quite true.

WILLIAM ANDREWS, recalled.

W. Andrews.

22040. (*Mr. R. D. Muir.*) How long have you been in the habit of using the King's Arms public-house?—Not long.

22041. About how long?—I may use it perhaps once a fortnight.

22042. For how long?—Very likely a long while. My trade lies down that way.

22043. Give us some idea. How long have you been in the habit of using that public-house?—Eighteen months—not using the house, but just having an occasional drink in there on my way to work.

22044. How long have you known Smith, the manager?—About a month—known him as manager.

22045. If you were using this house for 18 months, Mr. Smith has been manager for longer than a month, has not he?—I don't inquire who is manager, or who is potman, or anything else.

22046. Had you known him as a person in that house?—I have seen him in there, but never knew who he was.

22047. You have seen him serving?—Yes.

22048. How long have you known him as a person serving in that public-house?—It is impossible to say, because I never took notice when I go into the house.

22049. About?—I don't always see him when I go in. I may go in to have a drink, but very often I have not seen him in there.

22050. How long is it that you have known him as a person serving in the public-house?—Supposing I say the same time as I have been in there—about 18 months.

22051. Did you know his name?—No.

22052. Be careful. Did you know his name?—No, I did not.

22053. Were you quite sober on this night of the 12th September?—Certainly. I did not leave off before 7 o'clock, and it takes me half an hour to go home, and I am sure it takes me an hour to wash and have my supper and come back.

22054. You are quite certain?—Yes.

22055. You have been arrested for drunkenness?—Once.

22056. When was that?—A few weeks ago.

22057. Was it in September?—Yes.

22058. On that occasion did you send for Smith to bail you out?—I sent to the manager of the house.

22059. That is Smith?—It may have been Smith.

22060. You sent for Smith to bail you out on that occasion?—I might have done.

22061. How long have you known Harding?—I never knew him before the end of the occurrence.

22062. You did not know him at all?—No.

22063. Where are you living?—11, Wharncliffe Street, Queen's Street, Old Ford.

22064. At the time this happened?—The same address. I have always lived there, and I was born there.

22065. Are you still living there?—Yes.

22066. Have you seen a good deal of Harding since you appeared for him at the police court as a witness?—No, I saw him the Sunday following that he had the summons. I went down to buy a bird, and I happened to go in the same house, and he said to me "Mate, did you see me strike a constable that night?" I turned round and said "No." I said "I was with you, wasn't I?" He said "Go on." I said, "When it comes up at the court if I can manage to get the day off I will come up for you."

22067. Was this quite a casual meeting?—Quite a casual meeting.

22068. You did not know his name?—Not until this night afterwards when they mentioned the name.

22069. Who mentioned the name?—I put it down that the constables mentioned the name.

22070. So that until this night when the constables mentioned the name you did not even know Harding's name?—No, I did not.

22071. And you did not know, I suppose, who the constable meant?—No, I did not. I looked around to see who he meant.

22072. Who was meant by the name of Harding?—Decidedly.

22073. Did you find out?—He said "That is all right."

22074. Who said "That is all right"?—I heard one of them say "That is all right—that is you." When I saw them looking at him I turned round and said, "You had better grease inside."

22075. You said that to Harding?—Yes.

22076. You could tell who the constable was looking at?—Yes, certainly, when I saw him looking at him—two or three of them know him round there.

22077. There were four of you at least standing close together?—There were a lot more than four.

22078. At any rate there were four of you all standing close together round Harding?—Yes.

22079. You were able to tell which of you it was that the constable was looking at?—No, I could not tell at all. I did not know who he meant. I saw the others were looking round at Harding.

22080. Which of them did you see looking round at Harding?—Three or four.

22081. Which three or four?—I don't know their names.

22082. You knew no one there?—No, I knew nobody round there.

22083. You meant that you saw who the constable was looking at?—He might have been looking at me. We were all standing together.

22084. Now you say it was the others who looked at Harding?—The constable was looking at him, and when that name was mentioned the others stood aside and said, "That is all right," and looked towards Harding, and that is how I happened to know who Harding was.

22085. That is the first you knew of who Harding was?—Certainly.

22086. Did you say anything to him about it?—I said, "There you are—they have got you now"; and I said, "If I was you I would grease inside."

22087. What had Harding done?—Nothing.

22088. Why should you advise him to go inside?—Because they might have come back after they conducted the prisoner to the station and arrested him for it.

22089. What for?—What have others been arrested for—nothing.

22090. What could they have arrested him for on that night?—I don't know.

22091. Yet you advised him to go inside in case they should come back and arrest him?—Yes, certainly. I should advise anybody to get out of the way to avoid being arrested. If it had been me I should have run home.

22092. You heard what the policeman said?—Yes, I put it down to the policeman as having said it.

22093. Could you tell which policeman it was?—Now you are asking me a question. I could not answer that.

22094. You could give no description of him?—I never recognised any constables we saw there till I saw them in the court, and I don't believe I could tell them now. They may be in court now for all I know. I don't know them, and don't want to know them.

22095. How far off was the constable at the time he said that. It might have been nine or fifteen yards. I am no judge of distance.

22096. Tell us your idea of nine or fifteen yards in this court?—Just past *those* papers, or it may be towards the doorway.

22097. To the corner of what is usually known as the jury box?—It may have been a little bit further.

22098. It was as close as that?—I believe a little bit past there. I did not judge the distance.

22099. Had the constables passed you at that time?—They were passing me when we went out.

22100. They were actually passing?—Yes.

22101. And you saw their faces?—I saw two turn round.

22102. If they were actually passing you would see the side of their faces?—No.

22103. Why not?—I did not look at their faces.

22104. But you could, if you had looked, have seen the side of their faces?—If I had gone out with the intention of looking at the constables' faces I should have gone straight up and looked at them.

22105. They passed you as you got out?—We were standing *here*, and the crowd were just about *here*. We saw the back of them as they were passing. They were coming this way.

22106. You never saw their faces at all except when they turned round?—Not till the man who is called Harding turned round and shouted out.

22107. What was the closest that you were to the constables?—You just asked me the distance, and I said between nine and fifteen yards. I could not tell you.

22108. That was at the time the constable spoke?—That was at the same distance. I put it down that the prisoner would not go, and I suppose the people were shouting, and he threw himself on the ground, and the other constables were trying to keep the crowd back. That is what I put it down to, and through his shouting out they turned round.

22109. Were they standing stationary—not moving?—They were pushing the crowd that way and this way, and when he shouted out they turned this way. (*Describing.*) They were turning round both ways.

22110. How long were they there pushing the crowd about without going any further on their journey?—Time is a very hard thing to judge of, and I could not tell you.

22111. But to the best of your ability?—A minute, or it may have been two minutes or three minutes for all I know.

22112. What period was it that you heard the constable speaking?—The moment Harding shouted out.

22113. What period was that? Was that before the man threw himself on the ground, or after he threw himself on the ground?—Before that—through him hearing his voice, and all the people shouting out at the same time—that is what made him throw himself on the ground.

22114. Hearing Harding's voice?—It may have been his voice that did it, or it may have been the women shouting—there were women screaming all round there.

22115. You said it was through hearing the voice?—I do not know which voice. It may have been the women or it may have been Harding.

22116. Were you calling out anything?—No, I was glad to get inside.

22117. You stood outside, and sent Harding inside?—Certainly. I would have taken them all in if I had had the chance.

22118. The police would have taken them all in?—No, I would have taken them all in sooner than they got into trouble.

22119. Why did you not go in yourself?—I did go in, and took Harding in with me.

22120. Why did you advise him to go in? Why should he go in any more than you?—I should not like to see anybody get into trouble.

22121. But if the police were going to arrest an innocent man, why should not they have selected you?—They might have done, and that was why I was glad to get inside.

22122. Why did you advise Harding to get in?—I should have advised anybody. If you had been there I should have advised you.

22123. There were lots of other innocent people out there besides Hrding?—They might have taken them.

22124. Why select Harding as the person to go inside?—Because I heard them mention his name, and I knew nobody else there, and, mentioning his name, I thought I would try to get him out of it.

22125. A name you never heard until that night?—No.

22126. Did you know him by the name of Arthur?—Arthur was never mentioned.

22127. Did you know him by the name of Arthur?—I never knew his name. I had not seen him—at least I had seen him, but never knew whether his name was Arthur, Bill, Jack, or anything else. All I know is that the constable turned round and shouted out to Harding.

22128. Had you ever seen him before at all?—I may have seen him.

22129. Do you know a man named Emesly?—No.

22130. You do not know him at all?—No.

22131. Do you know a man called Webb?—I know one man of the name of Webb.

22132. Doing eighteen months?—No, I do not know anybody who is inside. I know nobody who is in prison.

22133. Who has been in prison?—No, or who has been in prison. I know one Thomas Webb—a man working on the road.

22134. He is not in prison at present?—No, he is at work.

22135. Do you know Dido?—No.

22136. Are you sure you do not know him?—I am certainly sure I do not know him.

22137. Did you hear Harding say something?—Yes, I heard him shout out, "Don't kill the man."

22138. To whom did he say that?—No one individually. He shouted to the lot—the way they were ill-using the man.

22139. Are you sure it was not addressed to one particular constable?—No, it was addressed to no one man alone. It may have been addressed to the lot.

22140. Did you say this when you were before the Magistrate (Mr. Cluer): "He," that is, Harding, "said to the constable, 'Don't kill the man'"?—"Said to the constables."

22141. The plural?—Yes.

22142. Did you go on to say this, "The officer said 'All right, Harding'"?—"The officers."

22143. More than one of them said that, did they?—I just told you I saw two turn round, and one lifted his hand.

22144. Did they not shout that out?—They may have done.

22145. I am talking about what you said to Mr. Cluer. Did you say, "The officer said 'All right Harding'"?—The officer shouted out, or the constable shouted out, "All right, Harding, we will have you for this."

22146. The officer—one officer?—One officer, yes.

22147. You said one officer did it?—I heard one officer say it.

W. Andrews.

5 Dec. 1906.

22148. You saw it?—No, I did not see it. I heard one officer say it.

22149. Did you see him speak?—I saw his hand lifted and his mouth moving.

22150. So that you have no doubt at all it was one officer?—Yes.

22151. A constable did this?—Yes, certainly.

22152. How far off were you at this time—nine to fifteen yards?—Yes, the same distance that I have mentioned already.

22153. What else did he say—"All right, Harding"?—"We will have you for this."

22154. "This"?—Yes.

22155. Did he not say "for that"?—No, he did not.

22156. You swear that?—I swear it.

22157. When you were before Mr. Cluer did you say he said, "All right, Harding, we will have you for that"?—No.

22158. You swear that?—I swear it.

22159. Can you account for the magistrate's clerk taking that down as your evidence?—Certainly.

22160. How did he take it down?—I do not know. I was not behind him to see him taking it down.

22161. You are absolutely certain the words were "for this," and not "for that"?—"For this."

22162. You are absolutely certain of the exact words that were used?—Certainly.

22163. It was "this" and not "that"?—It was "this."

22164. Did any officer say, "I know you, Harding"?—I never heard none say so.

22165. Did any of the men who came out of the public house go into the crowd?—Not as I noticed; they may have done.

22166. How many of them came out of the public house?—I cannot see out of every bar. I was only in one bar.

22167. How many came out of your bar?—I do not know.

22168. Cannot you give us some idea?—No, I could not tell you who was in the bar.

22169. Seven or eight of them?—There were seven or eight amongst us. There may have been more in the bar, but if they mingled with the crowd it was nothing to do with us.

22170. Did any of the seven or eight of you go into the crowd?—Not that I am aware of.

22171. Will you swear that none of them did?—Certainly.

22172. You will swear it?—I would swear it. None out of the seven or eight that I am aware of shifted, but I can swear that five never shifted.

22173. As to the three you will not swear?—No, certainly not, I would not swear.

22174. What were the names of the other three that you won't swear to?—You have asked me that once before, and I told you I did not know their names, and I do not know them now.

22175. You did not know Harding's name that night?—Not that night I did not.

(*Earl Russell.*) I have no further questions to ask.

22176. (*Chairman.*) You gave evidence at the police court on September 26?—Yes.

22177. Were you subpœnaed, or did you go voluntarily?—I went voluntarily.

22178. Who asked you to go?—I happened to go down on the following Sunday, or a couple of Sundays afterwards, and I wished to buy a bird, and I happened to go in the same house, the King's Arms, and I saw the prisoner Harding, and I fancied a bird a man was selling, and I followed him about, and he went in there to have a drink, and I saw Harding in there, and he came up and said, "Well, mate, did you see me strike that constable that night when the row was out here."

22179. Which Sunday was that, the Sunday before the 26th?—Yes, it was about the 23rd.

22180. Or the 22nd. You say it was the Sunday before the 26th?—Yes.

22181. What did Harding say to you?—He said to me, "Here, mate, I want you," and I said, "Halloa, what do you want?" He said, "Did you see me that night of the riot strike the constable," and I said, "No, certainly not; was not I with you all the time."

22182. Anything more?—He said, "I have had a summons for striking a constable," so I said, "Well, that is nice for you. What are you going to do about it." I said, "If you want a witness to come up and prove that, I will come for you," and I wrote out my address and gave it to him.

22183. Did you get a letter afterwards?—He sent me a letter on his own.

22184. And you went to the police court?—Yes.

22185. Were you playing this game of darts with the manager, Smith, and Harding?—Yes.

22186. Then you heard the row, I understand, and went to the door?—Yes.

22187. All the people who were in the public house apparently went?—I suppose they all followed out directly one went.

22188. And some went away?—They may have done. I would not like to say that, but they may have done.

22189. What makes you so certain that Harding did not go into the crowd and come back?—I was with the man chatting with him, and I asked him who it was.

22190. You were there three or four minutes, I understand, before you went back to the game?—I may have been. Time is a very hard thing to judge of, is it not?

22191. I know it is not very easy to remember all these details?—It is not. When I went to give evidence at the police court I never thought anything of this kind would come on.

22192. I quite agree it is not easy to state the exact time, but you must on the other side take into account that it is very important for us to know the details?—Yes, I know that.

22193. Then you are not very particular about the details?—No, I only know the full facts of the affair.

22194. You are very full of the fact that Harding did not leave your side?—I am certain.

22195. But you do not wish to pledge your recollection as to all the details?—I have given them as far as I can.

22196. You cannot tell me, for instance—at least I gather from an answer you gave me a few minutes ago that you cannot tell me—how long you were all at the door of the public house?—It may have been a minute or it may have been two minutes. If you are standing talking together you do not know how the time passes.

22197. Quite so, and I entirely agree with you. That is what I was suggesting to you. It may have been four or five minutes?—It may have been.

22198. Do not you think that Smith is right when he says it was about four or five minutes?—Yes, certainly, but I don't go by what Smith says. His evidence is nothing to do with me.

22199. You would not like to contradict him?—I would not like to contradict him.

22200. If you were at the door four or five minutes is it not quite possible that Harding might have rushed into the crowd and come back?—No, I swear he did not go into the crowd.

22201. You seem to have been very anxious to get Harding back into the public-house?—Yes, when his name was mentioned.

22202. You thought he was in danger of being arrested?—Certainly, when I heard his name mentioned and hearing of other people being taken.

22203. You have also told us you had never seen Harding before that night?—Certainly I had not.

22204. How did you know his name was Harding?—When the constable mentioned his name.

22205. If the constable shouted out Harding and you did not know what the name of the man next

to you was how could you know that the constable was talking to him?—Because I saw the crowd standing round looking back to him.

22206. Then all the crowd turned and looked at Harding?—Yes, and someone said something to Harding, and I said "You had better grease in."

22207. Do not you think it very likely that they were looking that way, because Harding had rushed from the crowd and the constable said "I will have you for that Arthur"—or "Harding"?—No. There may have been a dozen persons standing round, and they saw him there, because he was under the full glare of the big lamp, and it stands to reason they must have seen him standing there.

22208. We have had the whole scene described, not only by yourself but by two others, and there were some 300 people there. There was a great crowd, there was much shouting, and then we understand that the constable certainly shouted out something—"Arthur" or "Harding," "we will have you for that"—Yes.

22209. You agree with that?—Yes.

22210. Then the people looked in the direction of the public house?—Yes, the people looked in the direction of the public house, so there must have been something.

22211. There must have been something done by Harding?—No, there was nothing done.

22212. So you say?—I will swear that.

22213. (*Mr. Dickinson.*) Do you understand a plan?—Yes.

22214. Here is a plan of these streets. *That* is the public house and *that* is Cygnet Street, and *that* is Sclater Street, and *this* is Bethnal Green Road?—Yes. *W. Andrews.* 5 Dec. 1906

22215. When you came out where was it that you first saw the police and the crowd?—About here, three parts across the road. (*Pointing on the plan*).

22216. Going across the road?—Yes.

22217. Did you see a policeman on the ground at any time?—I did not see him.

22218. Did you see Callaghan on the ground?—No.

22219. There was a struggle going on?—There was a struggle going on, but who it was between I could not say. They were struggling sometime till it reached the corner—struggling on the ground.

22220. There was somebody on the ground?—Yes, I could see that by the way they were standing.

22221. That was at the corner of Cygnet Street and Sclater Street?—Yes.

22222. Almost opposite the door of the public house?—Yes, but there were a lot of people there, and you could not see whether it was *here* or *there*. (*Pointing on the plan*).

22223. You saw them move on?—Yes, they were gradually moving on and on.

22224. In which direction did they go?—Straight down Sclater Street.

(*Mr. Dickinson.*) I should like to ask another question of Smith.

FREDERICK SMITH, recalled.

22225. (*Mr. Dickinson.*) I asked you about this plan just now, and I want you to tell me again where it was that you saw them first when you came out of the door?—Along here. (*Pointing on the plan*). *F. Smith.*

22226. That is Cygnet Street and that is Sclater Street. (*Pointing on the plan*)?—Yes. They were in Sclater Street at the time.

22227. Just mark with a blue pencil where you saw them when you came out of the door?—They were coming along *here*. *This* is Brick Lane, and they would be coming up *here* to Bethnal Green Road.

22228. Where did you see them?—Coming along here. (*Pointing on the plan*).

22229. (*Chairman.*) Which door of the public house were you all standing at?—This door *here*.

22230. (*Mr. Dickinson.*) Is there any other door to the public house?—Yes, there is another door *here* and one round the corner.

22231. Where is it that this game of dart was being played?—Here. (*Pointing on the plan*).

22232. Between these two doors?—Yes.

22233. Can you get out of that other door from the bar?—Yes.

22234. You can get out of any door from the bar?—Yes.

(*Chairman.*) What the witness has said Earl Russell is that they were standing at the door that opens on to the corner.

(*Earl Russell.*) The door that he has marked with the pencil that opens on to Sclater Street.

(*Chairman.*) It opens on to the corner, apparently the actual corner.

JOHN MILLER, sworn.

22235. (*Earl Russell.*) You live at 27, Gibraltar Gardens or Buildings?—Gibraltar Gardens or Buildings—it is all the same. *J. Miller*

22236. You are a general dealer?—Yes.

22237. You remember the 12th September when there was some disturbance in Sclater Street?—Yes.

22238. Were you among those playing darts with Harding?—Yes.

22239. About how long had you been there?—Two hours or more.

22240. What was the first you heard of the noise outside?—We were playing darts and all of a sudden while we were playing we heard a lot of people coming along shouting and hooting, and when they came past the door we all went to the door to have a look to see what it was.

22241. How much did you see of the row when you got to the door?—I only saw the mob of people shouting.

22242. Could you make out who the prisoner was?—I did not know who the prisoner was till the next morning.

22243. Were you able to see him?—No.

22244. Were you able to see the constables?—Only their helmets.

22245. About how far from you were they when you saw them?—Ten or twelve yards away from the public house.

22246. There was a great deal of shouting going on in the street altogether?—Yes.

22247. Was the street very full of people too?—I should say 200 or 300 people were there.

22248. Where was Harding when you ran out?—I never ran out at all. Harding was in there playing darts with me.

22249. But you left the place where you were playing darts?—We left the dart board and went to the door.

22250. Where did Harding go?—He stood by the side of me.

22251. At the door?—Yes.

22252. Did he go into the street?—No.

22253. Not at any time?—Not at any time. In fact I was not allowed to go.

22254. You were not allowed to go?—No, and I know he never moved.

22255. Do you mean you would not allow him to go?—No, I was not allowed to go.

22256. Who would not allow you to go?—My intended.

22257. Did you hear Harding say anything while you were at the door?—He stood at the door by the

J. Miller.
5 Dec. 1905.

side of me, and when we saw the chap who was being taken along was being ill-treated he holloaed, "Don't murder the man."

22258. Could you see he was being ill-treated?—No, we were only going by the cries of the man. He shouted out, "Don't murder the man," and all of a sudden the response came back, "All right, Harding, we will have you for this."

22259. Do you know who made that answer?—No.

22260. You could not tell for certain who made that answer?—No.

22261. You do not know for certain that it was a policeman?—No.

22262. At any time did Harding go into the street? I am quite sure he never moved from my side.

22263. When that was all over where did you all go to?—We all went back and finished our game of darts as soon as they moved a little bit further on.

22264. And that is all you know about this arrest?—That is all there was I know.

22265. (*Mr. Eldon Bankes.*) You say it was your intended who would not allow you to go out?—Yes.

22266. How long have you been "intending"?—This last six months.

22267. Which bar of the public house was it that you were in?—All on the big side. What I call the big side, the four-ale side.

22268. The big drink side?—The big half a pint—a penny.

22269. I supose that is the popular side?—That is the popular side for poor people.

22270. I suppose it was very full that night?—Not so very crowded. There might have been twelve or thirteen people there all told.

22271. Were all the people in there playing darts?—No.

22272. How many can play darts at once?—Two hundred of you could play at once if you wanted to. It is all according to what game you are going to play.

22273. How many were playing that night?—Five or six.

22274. Were you all friends together playing darts?—All friends.

22275. And one of those who was playing was Andrews, the last witness?—He was playing, but I did not know him that night.

22276. You told me a moment ago you were all friends who were playing?—I put it down as friends. If I go into a public house along of you, and I had a drink along of you, I should call you a friend.

22277. Was your intended playing darts?—No, she was sitting down holding the baby.

22278. Andrews was playing, and there were five or six others?—Yes.

22279. Were you playing for drinks?—No, we are not allowed to play for drinks.

22280. Then you were playing for love?—A friendly game.

22281. How long had you been playing?—I think I had about two games that night.

22282. Can you give me the names of any of the other people you were playing with?—No, that I could not, except Harding, and I do not know the other people's names, except the manager.

22283. So that although you were all friends you cannot tell us now any of the names?—No, only what I have just now told you.

22284. It was only Harding you knew by name?—Harding and the manager.

22285. Was the manager playing?—Yes, with us.

22286. Are you sure that you cannot give us the names of anybody who was in that big side except yourself?—Except what I have just now told you.

22287. Are you in the habit of frequenting that house?—My living lies round about that neighbourhood, and I generally go in now and again.

22288. Then you are in the habit of frequenting it?—I do frequent it because my living lies about there.

22289. Are the same people in the habit of frequenting it?—Not that I am aware of.

22290. Do not the same people go there night after night?—Not that I am aware of. I am not there night after night.

22291. Were you busily engaged in your game, all of you?—On the night in question.

22292. Busily engaged?—Till the row came by.

22293. How far off was the row when you first started to go out?—I should think between 10 to 12 yards.

22294. So that really the crowd was right opposite the door before you started to go out?—Right past the door; not opposite, but right past the door.

22295. They had gone past it?—Across the road.

22296. They had gone past the house?—Yes.

22297. In which direction?—Towards the station.

22298. Towards the police station?—Yes, going towards Sclater-street.

22299. So they had gone past the door before anybody started to move out. Is that right?—Certainly.

22300. The street is not very wide there, is it?—I am no judge of distances.

22301. You know a wide street from a narrow street?—Certainly.

22302. Which do you call this, a narrow one or a wide one?—I should say there was just about enough width for two vans to pass one another.

22303. You call that a narrow street?—It is not wide.

22304. In such a street as that 300 people would spread quite from side to side?—Yes, and if there was a thousand they could.

22305. Is it not a fact that the crowd reached right up to the public house door?—No.

22306. Now think again. There were 300 people in that street?—Yes, and you could put 10,000 in it, which there is many a time on a Sunday morning.

22307. How near was the nearest part of the crowd to the public house door?—Outside Mr. Morris's.

22308. I am afraid I do not know Mr. Morris's?—That is in Sclater-street.

22309. (*Mr. Dickinson.*) Do you know the number of the shop?—If I am not mistaken it is 87 or 77. I could not exactly tell you the number.

22310. (*Mr. Eldon Bankes.*) When you heard this shouting did everybody start to run out together?—We all went to the door to see what was the matter.

22311. And I suppose you hurried?—I did not hurry. What had I to hurry for?

22312. To see what was going on?—I only went to look to see the crowd, and I heard the shouting going on. I stood on the doorstep.

22313. Is the door a wide one or a narrow one?—It is a double door.

22314. How many people can get out at once?—Without exaggerating I should say about two or three could get out.

22315. You and your intended, if you were arm-in-arm?—No, she was sitting on a form holding the baby.

22316. But about two people could get out at once?—Yes, there is a partition between.

22317. Were you one of the first to get out of the door or one of the last?—I was not one of the first or one of the last, but I went to the door.

22318. Do you remember whether you were one of the first to get out of the door or one of the last?—I remember going to the door, but whether I was the first or the second I could not say.

22319. But plenty of time would elapse for anybody who went out of the door first to get as far as the crowd and back again before you got out if you had been the last?—It would have been impossible.

22320. Have you known Harding for some time?—I have not known him personally. I have known his parents, his mother, but I have not known him.

22321. Be a little bit careful. Did you know Harding that night when you saw him in the public-house?—Yes.

22322. Had you spoken to him before?—No.

22323. You swear that?—I swear that I had never had any conversation with the man.

22324. You had never spoken to him?—I have not had any conversation with him.

22325. You never knew him by sight?—By sight, but I knew his mother all my lifetime I was going to say, and never knew him. I never knew who he belonged to till this case came on.

22326. You never knew who he belonged to although you knew his mother?—I knew his mother, but I did not know him.

22327. You knew his mother, but you did not know he was his mother's son?—That is correct.

22328. So that he was a complete stranger to you?—To a certain extent.

22329. To a very great extent?—It is a great extent.

22330. Did you recognise him when you went into the public house?—No.

22331. Were you introduced to him by somebody?—I was asked to have a game, and I joined in the game.

22332. And when you joined in the game did you know that one of the persons playing was Harding?—Not for the moment.

22333. Then how did you find out?—When he was summoned.

22334. The summons came long after that?—Yes, but I never had any contact with him after.

22335. How did you find out when you were playing with him who he was?—I did not find out who he was. I did not know who the man was.

22336. You swear that down to the time you were in the public-house playing the game you did not know who he was?—No.

22337. You swear that?—Yes.

22338. Do you remember telling me just now that of all the persons in that place the only two you knew were Harding and the manager?—I did say that, and I got his name after—not before.

22339. I asked you who of the people playing darts you knew, and you said the only two were the manager and Harding?—They were the only two that I knew in the company, and I knew his name in the court.

22340. Did you know Harding when you were playing darts, or did you not know him?—Not at the first lead off.

22341. Not at the first lead off, but did you get to know who he was while you were playing darts?—No.

22342. Did you know who he was when you went to the door to see the row?—No.

22343. He was a complete stranger to you then, was he?—Up to the time being he was.

22344. I want you again to try and explain how it was you told the Commissioners that the only two people you knew who were playing darts were Harding and Smith?—That is correct.

22345. How did you know Harding?—I did not know him until the day of the summons. I only know him by his name now; I knew his mother, but I never knew he belonged to the same woman that I knew.

22346. According to you the only persons in the bar that you knew were Smith and your intended?—Correct.

22347. The only two?—Yes.

22348. You swear that?—Yes.

22349. Is it the practice in these public houses to play darts with people you do not know?—If you like. They all join together and amalgamate.

24350. Is it the practice in these public houses to play darts with people you do not know?—If you like to play, anybody can have a game. You can play or anybody. You can walk in and call for your glass of ale, and if you like to have a throw at a dart you can. It is open for everybody.

22351. It is the practice for people to play who are complete strangers to each other?—Anybody.

22352. Did anybody ask you to play?—I was asked to have a game.

22353. Who asked you?—Some strangers; I could not say who.

22354. Did you ever get outside the door, or not?—I went to the door.

22355. Did you ever get outside the door?—I went to the door.

22356. That is not an answer to my question?—I went on the step.

22357. Is that outside the door?—Yes.

22358. How many steps are there there?—One—there is a kind of lift.

22359. Did you ever get beyond the step?—No.

22360. How many people can stand on that step at once?—Put us altogether five or six of us, or perhaps ten. When it is raining twenty could get on it.

22361. Did the people who were in the other bars of the public house come out of the same door?—I could not answer you that.

22362. Does that same door that you came out of communicate with the other bars?—It is one door on its own.

22363. Is there another bar you can get into from this same door?—Not unless the door was open.

22364. But the door was open?—Not inside the bar.

22365. I am speaking of the outside door?—There are two doors attached to this bar.

22366. I am speaking of the door in the street that you went to?—There are two doors attached to that side.

22367. The double door is the door you went to?—The double door is in the front, and there is one at the side.

22368. You went to the one at the front?—Yes.

22369. How many bars can you get into going through that door?—Only one.

22370. According to you from where you were you could not see the prisoner. You could not see anything more than the helmet of the constable. That is all you could see?—Quite correct.

22371. So that if Harding was standing anywhere near you he could not tell whether the constable was illusing the man or not?—That I cannot answer.

22372. And yet he shouted out "Don't murder the man"?—Yes, that was through the cries of other people—not only him, but other people holloaed out. "Don't murder the man."

22373. If Harding could not see the constable you follow that the constable could not see him?—That I cannot answer for, because there is a very big lamp outside the door, so he might have turned round and seen him in the glare.

22374. According to you, from where you were standing you could not see the constable's face, you could only see the top of his head?—That is quite correct—in fact I did not know the constable.

22375. There were so many people between?—200 or 300 and four or five policemen.

22376. And the result was that the constable could not have seen you from where he was?—He might have seen him.

22377. If you could not see his face because of the people how could he see your face?—From being under the big lamp.

22378. What prevented you seeing him was not the light but the people?—Yes.

22379. There were the same number of people between him and you as there were between you and him?—They were across the road. The people were all across the road.

22380. The people prevented you from seeing anything else but the helmet?—Yes.

22381. And the same people prevented your seeing him?—Yes.

22382. So if Harding was standing by you, according to your account, the policeman could not have seen him?—He could not have seen him, not as far as that goes.

22383. Then if he was standing by you how can you account for the policeman shouting out, "I will have you, Harding," or words to that effect?—That I cannot answer for. Whether it was his voice or not I cannot say.

22384. It was his voice, you think?—It might have been his voice, but I can swear on my oath now that the man never moved from my side on the night in question.

J. Miller.
5 Dec. 1906.

22385. You do not mean to say he would be by your side all the night in question?—No, till the bother went further on, and we came back and finished our game of darts.

22386. Did you see anybody strike the constable?—No.

22387. Nobody struck him?—Not in my company.

22388. You say you heard the constable shout out something about Harding?—I did not say the constable at all. I heard a reply come back, "All right, Harding, we will have you for this," but whether it was the constable or whoever said it I don't know.

22389. You heard that?—Yes.

22390. At that time did you know that the man standing by your side was Harding?—No.

22391. You did not?—No.

22392. This took place on the Wednesday night?—I could not exactly say what night it was. I know it was the 12th.

22393. How long after that was it that Harding first spoke to you about this?—About a week.

22394. About what had happened on that night?—I did not know anything about it till nearly the day of the summons, when his mother spoke to me.

22395. His mother spoke to you?—Yes.

22396. Where did you see his mother?—Down where I live.

22397. Up to that time you did not know that the man in the public-house was her son?—Not at the time being.

22398. And up to the time the mother spoke to you you did not know that her son had been in the public-house?—That is quite right.

22399. What did the mother say to you?—She asked me whether I was there on the night in question, and said that Arthur was summoned for striking the constable. I said, "If that is the case he has done nothing of the kind. I will go as a witness for him."

22400. How did you know that? You did not know who she was speaking about?—Yes, because I saw him going down the area afterwards as I was coming up—coming down the Terrace.

22401. After you had spoken to the mother you saw him?—Yes.

22402. She asked you to come and say he did not strike the constable?—No, she never asked me nothing of the kind.

22403. What did she ask you?—She asked me if I was there the night in question, and I said "Yes." She said, "Arthur is summoned for striking a constable," and I said "Arthur has done nothing of the kind."

22404. You did not know at that time Arthur had been in the public-house?—I did when I saw him.

22405. How long afterwards was it when you saw him?—Eight or nine days or five or six days.

22406. How long after this conversation with the mother did you see him?—It might have been a day or a day and a half.

22407. So that you did not see him the same day that you talked to the mother?—No.

22408. Now we have got that clear. Now I want you to explain to the Commissioners when the mother said to you that Arthur had been charged with striking the constable how did you know whether he had or whether he had not?—Because the man stood by the side of me on the steps the same evening.

22409. You did not know he was the man?—Don't I know his features?

22410. You learned them for the first time?—Learned what?

22411. Learned his features?—I know the man's features, don't I?

22412. You do not follow me. At the time you spoke to the mother you did not know him by sight?—No, I did not know him by sight—not on the night in question.

22413. You did not know him by sight at the time you were talking to the mother. That is quite clear?—Quite clear.

22414. That is perfectly plain?—Perfectly.

22415. Then the mother said to you, "Were you in the public-house"?—The mother turned round and said "Have you heard about Arthur?" I said, "Who is Arthur?" Those were the words. She said to me, "He is summoned for striking a constable on the 12th." I said, "He has not done anything of the kind."

22416. I suppose you have never heard of a "common vouchee"?—I don't understand French.

22417. At that time his name might have been Arthur Jennings for all you knew?—For all I care.

22418. (*Earl Russell.*) Try if you can to explain this to the Commissioners?—I have only told the truth, and nothing else.

22419. Try and explain to the Commissioners when you understood that this man who you saw in the public-house was called Harding or Arthur. When did you know he was Harding or Arthur?—About five or six days after.

22420. How did you know that?—Going down home. I was down home when I spoke to his mother. His mother said, "Were you in the house that night when Arthur is supposed to have struck the constable?" I said "I was there, but Arthur never moved."

22421. Was that what you were telling this gentleman about his mother?—Yes.

22422. Where did you see his mother first?—Down home.

22423. At her house?—At the door. I only live four or five doors off.

22424. At the door of her house?—Yes.

22425. Was anybody else there?—No.

22426. Nobody else?—No.

22427. What was it the mother said to you?—She said, "Have you heard about Arthur having a summons?" I said "Who is Arthur?" She said "My son." I said "I don't know who you mean." She said, "It was the row with Callaghan after he got locked up—they have summoned him for striking the constable." I said "I know he did not, because he stood on the steps by the side of me all the time."

22428. What I am trying to get you to tell these gentlemen is when you learned who she meant by Arthur. You said to her at the beginning of the conversation, "Who is Arthur?"—Yes. She turned round and said it was her boy.

22429. When did you get to know what her boy's features were?—When I saw him the day before he went to the summons.

22430. Not till then?—No.

22431. (*Chairman.*) How long have you lived at Gibraltar Gardens?—As near as may be about nine months.

22432. Where does Mrs. Harding live—in Gibraltar Gardens?—Yes.

22433. She has not got a whole house there, has she?—I do not know exactly what she has got there. I know she has one or two rooms.

22434. She has two rooms in—I think it is called Gibraltar Buildings?—It is the same.

22435. That is in the same street that your house is in?—Yes.

22436. About how long have you known Mrs. Harding?—I was going to say all my lifetime.

22437. Then you have lived in this neighbourhood for more than nine months?—I have lived in the neighbourhood all my lifetime.

22438. And you have known Mrs. Harding for many years?—For many years.

22439. Do you know that she has got several children?—I believe so.

22440. Are you quite sure that you had never seen this young man?—Never before—never knew he was the son of Mrs. Harding.

22441. Never seen him about the streets?—I have seen him, but never known he was the son of Mrs. Harding.

22442. You have seen him about the streets?—Not to have conversation with him.

22443. You have seen him about the streets?—Yes, but not to have conversation with him.

22444. You have seen him about the streets?—Yes.

22445. Is he a good deal about the streets?—Not that I am aware of.

22446. At any rate he was not an entire stranger to you when you began playing "Dart" with him on the 12th September?—Not exactly, but I never had any conversation, and did not know who he was. I did not know his name at all then.

22447. I am willing to accept that; but he was a man you had seen about in the streets?—Yes.

22448. In the neighbourhood?—Yes, but never knew who he was.

22449. You wish us to understand that you did not know he was the son of Mrs. Harding?—Correct.

22450. Perhaps you do not know, but you may take it from me that the summons was taken out on the 18th September?—Yes.

22451. That was six days after the Wednesday evening on which Callaghan had been taken up, and the row had taken place. How long after the 18th was it that you saw Mrs. Harding?—If I am not mistaken about a day before the summons was to come off at the court.

22452. The summons came off at the Court on the 26th. You think it was a day or two before you went to the Police Court?—Yes.

22453. Did Mrs. Harding come to you at your house, or did she come to you in the street?—Met one another accidentally.

22454. She was not coming to you for the purpose of asking you to give evidence?—No.

22455. Wait a moment until I have finished my question. She was not coming to you, as far as you knew, for the purpose of asking you to come and give evidence for her son?—Certainly not.

22456. How long was it since you had spoken to Mrs. Harding before that occasion?—I speak to her nearly every day. We meet one another at the market. If a woman gets her living in the streets the same as myself we might pass the time of day—"Good morning."

22457. This meeting, you say, was merely an accidental meeting as far as you were concerned?—Yes, quite accidental.

22458. How did she begin the conversation?—She turned round and said "Have you heard anything about Arthur?" I said "Who is Arthur?" I turned round and said "You don't know what you are talking about. Who is Arthur?" She said "My son. He is summoned with assaulting the police on the night that Callaghan got locked up." I said "What?" I said "Arthur never went out of the door. He stood by the side of me and my pals. He never went off the doorstep."

22459. I understand you did know who Arthur was?—Not till then.

22460. Then how could you be in a position to tell her that her son was not concerned in this assault on that night?—That was after I had seen him.

22461. Had you seen a man called Arthur or Harding, who was by your side on the 12th September before you saw his mother?—No.

22462. Between the Wednesday on which this occurrence took place and the interview with the mother you had not seen Harding at all?—No.

22463. Then I still do not understand this conversation. When you met the mother you did not know that Arthur was her son?—No.

22464. You did not know that the man at the public-house door by your side was her son?—No.

22465. Then what did you think she meant by asking you to come and give evidence for Arthur?—She never asked me to give evidence at all.

22466. Then what did she say to you?—She only turned round and said, "Have you heard about Arthur getting a summons for assaulting the police?" I said, "Arthur never done anything of the kind."

22467. Have you heard that the man who was standing by your side had been summoned at the time?—Yes.

22468. Who had told you that the man had been summoned?—Hearing one or two talking.

22469. That did not have any meaning?—Not to me, none whatever. In fact I took no heed of it.

22470. (*Mr. Dickinson.*) How long were you in the public-house?—About two hours.

22471. Was Harding there the whole of that time?—He might have been there about an hour or an hour and a half.

22472. Had you been playing "Dart" with him all the time?—Not all the time. I joined in the game a little while after. I think I played about two games.

22473. How long does a game last?—It all depends on whether you are lucky to get under; it might take a quarter of an hour or half an hour, according to your number.

22474. You had two games?—About that.

22475. Did you have another game after this had happened—after the crowd had gone by? No, it was the finish of the game.

22476. Who won that game?—I do not know. It is only a game of skill. It is not for anything else. It is really a pastime more than anything else.

22477. You all came out to the door?—We were standing at the door. There were about four of us at the door. After the crowd had dispersed and had gone along, we went back and finished the game.

22478. It was very near closing-time?—No, I can tell you the time as near as makes no odds. It was about half-past 11.

22479. How do you fix that time. You say this happened between 11 and half-past 11?—Yes.

22480. How do you know that was the time?—Because I am in the habit of going home.

22481. What time did you get home?—About quarter to 12 at my own place.

22482. (*Earl Russell.*) There is a witness whose proof has been sent to you, Morris Gotlib, but who is not connected with this case of assault, and I should like to call him if the Commissioners will allow me on this question of identification.

(*Chairman.*) On the question of identification of what?

(*Earl Russell.*) On the question of identification of prisoners.

(*Chairman.*) We have not considered that yet. I do not think we can take the witness at this moment.

(*Earl Russell.*) Then those are all the witnesses.

(*Chairman.*) We will go on with this case again to-morrow at 11 o'clock.

Wednesday, 5th December, 1906.

IN CAMERA.

MRS. X's CASE.

PRESENT:

Sir DAVID BRYNMOR JONES, K.C., M.P. (*Chairman*).
WILLOUGHBY HYETT DICKINSON, Esq., M.P. (Barrister-at-Law).
CHARLES ALGERNON WHITMORE, Esq. (Barrister-at-Law).
J. W. ST. LAWRANCE LESLIE, Esq. (Barrister-at-Law), (*Secretary*).

Mrs. X, sworn.

Mrs. X. 5 Dec. 1906.

1. (*Earl Russell.*) You are a married woman living at 103A (———)?—Yes.

2. Your husband is a naval architect?—Yes.

3. I think his business takes him away often to (———) and to other places out of London?—Yes.

4. When he is out of London you have to go about by yourself?—Yes, to friends.

5. Did you have occasion to go to a lady at (———)?—Sometimes. I used to give lessons to a lady, a friend of mine.

6. You are Spanish yourself?—Yes.

7. And you give her Spanish lessons?—No, French lessons. I speak French and Italian.

8. Were you giving her such lessons in March, 1906?—I left London to go with my husband for months. She is in Paris.

9. I was asking you about March, six months ago. Were you giving her lessons?—Yes.

10. In order to get to (———) you used to take a motor omnibus to Oxford Circus, and then take a 'bus?—Yes, I used to take one at Oxford Circus to Westminster Bridge. It goes from (———) to Oxford Circus, and then I used to take a 'bus to go to Westminster Bridge.

11. You have to change omnibuses?—Yes, that is right.

12. On the night of the 20th March, 1906, you had been paying a visit at (———) to this lady?—Yes, that is right.

13. And you had got off the (———) 'bus on your way home?—Yes.

14. Where had you got off the omnibus?—At Peter Robinson's. There is a bonnet place.

15. Near Peter Robinson's?—Yes. I was looking for a motor omnibus about half-past 10; it was raining very hard.

16. It was raining very hard?—Yes, it was a very rainy evening.

17. You were waiting there for a motor omnibus?—That is right.

18. Did you have a large cardboard box with you?—Yes, a very big box. The policeman told me they never mentioned that box.

19. Never mind the policeman. Had you any box containing the things you had been wearing at the house of this lady whom you had visited?—That is quite true.

20. While you were waiting for the motor omnibus you saw a friend, did you?—Yes, and another gentleman. I tumbled my umbrella, and he picked it up. He said "Madam, your umbrella." I said "Thank you very much." He said "Will you allow me to help you with your box?" I said "No, thank you very much; I do not want your help. I am just waiting for a motor-car."

21. This was a stranger?—Yes. The other one—I knew him—said "Where are you going, Mrs. X? Will you come in a cab?" I said "No, I prefer a motor-car; it is quicker."

22. He asked you to come with him in what?—In a cab. He said "There is no motor-car; it is awfully late for you; it is half-past 10." I said "Never mind; the motor-car cannot be very long."

23. Does he live near you?—He does not live far from me.

24. (*Chairman.*) What is his name?—I see him very often. He is at (———). He is a gentleman in business. I do not know his name. I see him very often in (———). He is a business gentleman. He always says "How are you madam?" He is not a friend of mine.

25. (*Earl Russell.*) You mean he is not a visiting acquaintance?—No. I see him very often at (———); he is in business; he is not a friend of mine.

26. He is not a friend of your husband's?—No.

27. Do you know his name?—No, I do not really know his name. He is just a friend like that, you know—just to say "How are you?" He is no friend of mine at all. It is only business for the shop. That is all.

28. What kind of shop?—What you call in England a linen-draper.

29. A draper's shop?—Yes. He says "How are you?" like that. It is nothing.

30. You said you would wait for the motor omnibus?—Yes. He only picked up my umbrella.

31. (*Chairman.*) I thought it was somebody else who picked up the umbrella?—Yes. Somebody said "Can I help you to carry the box?"

32. That was the first gentleman who spoke to you?—Yes. One picked up the umbrella and the other offered to carry my box.

33. (*Mr. Dickinson.*) Do I understand that these two gentlemen were together?—No. It is like this. When you are looking for a motor-car, and have plenty of things in your hands, very busy, and raining hard, there are always some people who say "What are you looking for?" Some gentleman sometimes comes and speaks to you. I say "I do not want that; I am looking for the motor 'bus. No, thank you, I do not want anything else."

34. (*Chairman.*) But your umbrella was open, I suppose, as it was raining?—Well, the 'bus was full, and I had to stop for another one. All the people were returning from Queen's Hall, and from the music halls, and there is rushing to get a motor-car very often.

35. But your umbrella was up?—No, it was shut at that moment. It was not open, but it was like *this*, flopping. I dropped it down, and he picked it up. He just picked up my umbrella and gave it to me. That is nothing.

36. You told the gentleman whom you knew that you did not wish to go with him. You said you would rather wait for the motor 'bus. Is that so?—That is what I said. I said "No, thank you, I will wait for the motor 'bus." Then a policeman looked at me.

37. Did the gentleman go away in a cab?—Yes.

38. What happened then with the police?—The policeman came up with a smile on his lip and said

"Hallo, good lady," touching me on the chin like *this* (*illustrating*). I said "What a liberty you take with me." He said "Do not be so rushing, lady." He said "What did the gentleman say?" I said, just for fun, "He was asking me to take a cab." He said "Oh, you did not go in the cab with him." I said "No, I want a motor-car." He said "Never mind; it is rather late; it is half-past 10." He said "What are you doing here? It is half-past 10." I said "I know it is half-past 10." He said "Come with me." I said "Where?" He said "Come with me. What country are you?" I said "I am foreign." He said "Come with me." I said "No. Do not be silly. My husband will be here to-night; he has come from abroad." He was coming from (———). "He will be here this evening. Do not be silly; let me alone." He said "Give me your address, and I can come and see you." I said "No, I do not want you to know my address; leave me alone." I said "I do not want to hear what you want to say."

39. (*Earl Russell.*) Do you say the policeman asked you to give him your address?—Yes.

40. Did you say that the policeman touched your chin?—He touched me just like *this* (*illustrating*). "Hallo, good lady," or "good girl."

41. Where did he touch you?—Like *this* (*illustrating.*)

42. On your chin?—Yes. He said, "Where are you living?"

43. (*Mr. Whitmore.*) Where were you standing when the policeman did this?—At the corner of Oxford Street. There is a corner where there are all the bonnets, where the motors stop—at the corner of Regent Street.

44. (*Chairman.*) At the corner of Regent Street and Oxford Street?—Yes, that is right.

45. Peter Robinson's shop is on the north side, is it not?—It is Peter Robinson's shop; it goes right round the corner.

46. Peter Robinson's shop, if I remember rightly, is on the north-eastern corner of Oxford Street?—There is a bonnet shop at the corner.

47. Peter Robinson's shop, near which the motor buses stop, is the corner shop. It is on the north-east corner. The motor buses going from the Langham Hotel to Waterloo Station would go down Regent Street, but, on the near side, they would go down on the east side of the road?—I was at Peter Robinson's, and it was raining. Someone said, "Can I carry your box?" and I said, "No."

48. Were you on the south side of Oxford Circus? Were you on the side nearest to (———) or nearest to (———)?—To catch the motor 'bus that comes down Regent Street.

49. I understood the Witness to say just now that there is a bonnet shop there when I put the name of Peter Robinson's to her.

(*Mr. Dickinson.*) She gave the name of Peter Robinson.

50. (*Chairman.*) She said there was a bonnet shop?—Yes, there is a bonnet shop.

51. Mr. Leslie has explained the matter, and refreshed my recollection as to these shops. The original Peter Robinson's is on the north-east corner, but there is another Peter Robinson's shop on the south side of Oxford Street. That is in Regent Street, where the motor 'buses stop.

52. (*Earl Russell.*) That is at the south-east corner.

53. Did the policeman say anything else to you?—He said, "Have you got any baby?" I said, "I have got none." He said, "How long have you been married?" I said, "Five or six years. Why do you ask me such a question?" He said, "Your husband is no good." I said, "Why is he no good?" He said, "You have no baby." I said, "My husband is an Englishman; he is the same as you are." He said, "Oh." I said, "You dirty rascal; let me go." He said, "Why are you rushing me like that—inside." I looked at him, and said, "What are you doing to me?" He said, "Why are you rushing me like that?" I said, 'Leave me alone. If I have no baby, that is not your business."

54. I do not understand what you mean by "inside"?—In prison, in charge. He said, "Inside"—*allez-vous-en*—and he took me in a little place.

55. Was anything said to you by the policeman about the man you had been speaking to? Did the policeman say anything to you about your friend that you had been speaking to, or the other one?—Yes. I said, "That gentleman has never said anything wrong to me—only to pick up my umbrella; he never said anything wrong." I said, "Do not put me inside." He said, "Never mind—it is half-past ten—inside." I looked at him like *that*. I said, "Oh, that is very funny." He took me by the arm, and squeezed me. I said, "Do not do that; do not be so rude to me."

56. Do you mean he took hold of your arm with his hand?—Yes, like *this* (*illustrating*).

57. (*Chairman.*) Where were you when he did that first?—At the corner of Peter Robinson's, in Oxford Street. It goes near Oxford Street. It is not in Regent Street. There is at the corner a bonnet shop. That is in Oxford Street, and not in Regent Street. It is between Oxford Street and Regent Street. There is a little corner there. You call that Oxford Street, I think. There is a station there. What is the station?

58. (*Earl Russell.*) The Tube station?—Yes, that is right.

(*Chairman.*) There are some shops at the corner, but facing the corner; in other words, Oxford Street and Regent Street, if I remember rightly, do not go to right angles there.

(*Earl Russell.*) No; there is a quadrant. I suppose that is what the witness means.

59. (*Chairman.*) She was standing where the houses are crossing, so to speak, from the one line to the other?—He took me in a little street. I have never been there before. He said, "You are not married." I said, "I am; I can prove it." He said, "You are not; you live in Charlotte Street." I said, "I do not know where Charlotte Street is." I said, "You take me for somebody else." That is what I said to him. He said, "You are not married."

60. (*Earl Russell.*) You had seen this policeman before, had you not?—Never; I did not know him by sight.

61. Had you not seen him before?—Never seen him before. Another constable came—a nice-looking man with a polished face—and he spoke to him and said, "Look at that lady." I did not run away.

62. Was all this the same policeman?—Yes; and a fair man and tall, with a moustache.

(*Mr. Eldon Bankes.*) Might she identify the man?

(*Chairman.*) Yes.

(*P.C. Cole, 528 V, was called in for the purpose of identification by the Witness.*)

63. (*Chairman.*) (*To the Witness.*) Look at that constable. Is that the man to whom you are referring?—Yes, that is the man.

64. (*Chairman.*) (*To the constable.*) Your name is Cole?—P.C. Cole, yes.

65. (*Chairman.*) What is your number?—P.C. Cole, 528 V.

66. (*Chairman.*) (*To the Witness.*) When did Constable Cole first of all put his hand upon your arm?—When we were going into the small street. This street is at the back of Regent Street.

67. You know Regent Street?—Yes; there is a public-house near the Tube station.

68. Let me put it in another way. Where were you standing when you dropped your umbrella?—At the corner of Regent Street and Oxford Street, near the Twopenny Tube station, and I just went like *this* to look for a motor (*illustrating*).

69. Were you standing in the same place when you had the conversation with the gentleman who asked you to go in his cab?—Yes, near the Twopenny Tube.

70. You were standing in the same place?—Yes, just at the corner.

71. You may have moved a foot or two?—That is right.

72. But it may be described as being in the same place?—Yes.

73. You had a conversation with a gentleman?—No, no conversation; only two words. That is all.

74. He went off in his cab?—That is right—to get in the cab.

Mrs. X.
5 Dec. 1906.

75. And you were still in the same place?—Still in the same place; there was no motor 'bus.

76. No motor 'bus had come?—It might be there in a second.

77. Then Constable Cole came and spoke to you. The constable who has just been in was the first constable who spoke to you?—All the same one.

78. You were standing in much the same place when he came and spoke to you?—Yes; he came after the gentleman went.

79. Directly the gentleman got into the cab the constable came and spoke to you?—Yes.

80. How long after he spoke to you was it that he put his hand upon your arm?—When he took me in charge—when he took me up.

81. You knew when he took you in charge?—He told me himself—"You go inside; you are in charge." I said "What for?"

82. Did he put his hand upon you then?—Yes, like *that* (*illustrating*).

83. You knew then that you were in custody—you knew that he was arresting you?—Yes, he told me that himself. He said, "You go and stop all night."

84. How long was the time between the moment the gentleman got into the cab and the time the constable put his hand upon your arm?—It was not the gentleman. It was the policeman.

85. You have told us the gentleman who had spoken to you got into a cab?—That is right.

86. How long was it before the constable arrested you—two minutes?—About two minutes.

87. You had not moved from the place?—Just to look like *this*, to see if the 'bus was coming.

88. I want you to tell Lord Russell, before you go into the long conversation you had with the policeman exactly what passed between the policeman and yourself before he took you in charge. About two minutes, you say it was?—Yes. He came up and said, "What did the gentleman say to you?"

89. Now we want to know what passed between you and the policeman before he took you in charge and before he put his hand upon your arm?—Directly the gentleman had gone he came, and he did not come to take me in charge. He said, "Hallo, good girl, what are you doing here?" I said "I am not a girl. I am a married lady." He said, "Never mind."

90. (*Earl Russell.*) What did he say then?—I do not know—some silly thing. He asked me whether I was married, and how long, and I had no baby.

91. (*Mr. Eldon Bankes.*) "He asked me how long I had been married"?—Yes, and he said to me, "Your husband is no good; you have got no baby." He said, "Come with me, if you be a good girl." I said "My husband will be home; I got a letter this morning; he returns from abroad, and you must let me go." He said, "No, you will be sorry." "Oh," he said, "you are rushing me so much, you are pushing me so much. You are not a nice girl. You are not kind to me."

92. (*Chairman.*) That was after he had charged you. I want to know what was said?—All the time he was speaking to me he tickled me—he said, "Give me your arm, like two sweethearts." I said, "You are very bad." I wanted to cry. I said, "Let me go; do not be silly; keep your place properly; you do not keep your place of a policeman." He said, "Never mind, as you are so cruel it is inside," meaning I was pushing. "Hallo," I said, "you are dirty mannered; you are no good." There is a street near the station, and he took me down that street—Poland Street, or Argyll Street, I think it is.

93. Where is Poland Street?—The second street you come to after leaving the corner.

94. Argyll Street is in between the two?—Yes.

95. Where is the Tube Station?—At the corner.

96. (*Mr. R. D. Muir.*) The Tube Station is at the corner of Argyll Street and Oxford Street.

(*Mr. Dickinson.*) Argyll Street runs parallel to Regent Street. The Tube Station is between Argyll Street and Regent Street.

(*Mr. R. D. Muir.*) No, on the other side.

(*Mr. Eldon Bankes.*) *This* is Oxford Street, *this* is Regent Street, there is a block of buildings at the corner, and there is a street *there*.

(*Mr. Dickinson.*) Which is Argyll Street?

(*Mr. Eldon Bankes.*) *Here* is the Tube Station.

(*Witness.*) There is a street near the station.

97. (*Mr. Dickinson.*) Can you show us where it is on *that*? Supposing *this* is Oxford Circus, and Regent Street is down *here*, now where is the Tube Station?—The Tube Station is up *here*, in Oxford Street.

98. *This* is the road to (———), down Regent Street?—Yes.

99. *That* is the road towards London, down Oxford Street?—Yes.

100. *That* is where the Tube Station is?—Yes.

101. Where were you?—Just in front of the door of the Tube Station. It is not far; it is only a second from the corner.

102. You were speaking just now about a little street?—You know the street. He said, "We will go all round." That is the way he brought me with him to the station.

103. (*Chairman.*) To go to Marlborough Street Station you go down Argyll Street?—I know it is not Regent Street. He took me down a little street.

104. (*Mr. Dickinson.*) It was after he arrested you that he took you along that street?—Yes, to bring me to the station.

105. (*Chairman.*) It was Marlborough Street Police Station he took you to. You found that out afterwards, I suppose?—Yes, I think it was. I had never been there before.

106. We understand that. You appeared at Marlborough Street Police Court the day after, before the Magistrate?—Yes.

107. But you were taken to the Marlborough Street Police Station on this night by Policeman Cole?—Yes.

108. (*Earl Russell.*) While you were talking to the policeman did any omnibus going your way come up?—There are plenty go to Victoria. I wanted a motor-car, for the motor-car is the quickest, and brings me just over the side of Westminster Bridge, and the (———) car will then do for me.

109. Did an omnibus you wanted to get into come up while you were talking to the policeman?—No, I wanted to take one, only it was full, at half-past 10, of people returning from Queen's Hall and different places.

110. Did you say anything to the policeman about going by omnibus?—Yes. He said he had seen me before, a week ago, or a week or two ago. He said: "I think I have seen you before." I said: "I don't remember you." He said: "Hallo, it is not very nice to be out at half-past 10." That is what he said to me.

111. Then you were taken to the police station by this policeman?—Yes, by the man who came in here just now.

112. Then were you taken before another policeman and charged?—No; there was only himself.

113. When you got inside the police station?—Yes; he put me in a little round thing.

114. In a dock?—I said: "My goodness, where am I? Let me send a telegram to my husband." He said: "Oh, what a pity to take a big box like that." I said: "Look in the box." That policeman that came in here just now said: "I am awfully sorry." I said: "It is an indignity what you have said to me; the gentleman called the cab. You said to me; 'Inside.'" I said: "You will have to continue." He said: "I am awfully sorry; pardon me, where is your husband?" He looked awfully sorry, and apologised. He said: "Don't mention anything about what I say to you." I said: "You have taken me for a prostitute; you have called me awfully naughty; it is shocking." I said: "Never mind; now I am here I go to the court; my husband is returning from (———)." I said: "I am going to be here all night." Before then I said my husband was returning.

115. When you came into the station you saw another policeman there with a big book, did you not?—Yes.

116. Something was written down in it?—Yes, in a little place.

117. You were in a little dock—in a little shut-up place in a room?—Yes.

118. Were you told what you were charged with? Were you told what they said you had done wrong? Did the other policeman whom you found there after he had written in the book tell you what they said you had done wrong? Did he tell you what you had done which you ought not to have done?—No.

119. Did he read anything over to you, and ask you what you said?—No.

120. (*Chairman.*) Did he not ask for your name and address?—No. When he came in he pushed me like *that* (*illustrating*). I was standing with a big box. I could not carry it myself. It was for that that I wanted to get a proper bus. At half-past 10 they all return from Queen's Hall, and very often they say, "Madam, you cannot go with a big box."

121. (*Earl Russell.*) Never mind about the big box. We want to know what the Inspector said to you with the book in front of him when you were at the station?—He said, "Where is your husband?" I said, "My husband is a naval architect." He said, "I am awfully sorry for you, madam

122. Who said that?—The Inspector with the long coat.

123. Did not the Inspector tell you what you were charged with, or why you were brought there?

124. (*Chairman.*) Did he read out something?—Never read me anything. He only asked me where I lived. He said, "I am very sorry for you. I will send for your husband." My husband came in an hour or two after to fetch me out.

125. (*Earl Russell.*) Did another constable besides the constable Cole, and the Inspector, come in after you were there, and say anything?—No; only the Inspector said, "I am very sorry." Then he said, "What a silly thing to take a woman like this with a big thing like this. What a silly fellow." He said, "You will not be long here; your husband is coming."

126. The Inspector said that?—Yes.

127. You saw no other constable?—No. I said I had to be home.

128. Then you were taken to the cells. Were you locked up in a cell?—Yes, in a little place, with just a little thing to sit down on.

129. A little separate room with a locked door?—Yes; it is not a room at all.

130. Were you alone there, or were you with someone else?—No one else.

131. Did you see any other woman while you were in custody in the police station?—No; I did not see anybody. I heard people crying and swearing. I had been there two hours, or more than that.

132. (*Chairman.*) Did no matron come to you? Did no lady come to you?—No, I do not know any lady. A lady took my bonnet.

133. Then a lady did come to you?—That was a lady that belonged to the station.

134. That is what I mean?—Yes; she took my hat pins.

135. (*Mr. Dickinson.*) What did she do?—Nothing. She took my hat pins. I was crying, and she gave me a drop of water. She said, "Do not cry."

136. (*Earl Russell.*) Were you crying then?—I was quite ill. She said, "Do not cry," and she brought me some water. She said, "Do not cry; your husband will not be long."

137. You did not see any other woman at all?—No, nobody. There was a little boy came and pulled the bolt.

138. (*Chairman.*) Do you remember your husband coming?—Yes.

139. Was he brought to the cell, or were you taken from the cell back into the charge room—the room that you had come from—to meet your husband?—My husband was downstairs with a cab waiting for me. Then there was a little boy came in and pulled the bolt, and he said, "Madam, come. Your husband is downstairs with a cab waiting for you." My husband brought the rent book. He said, "All right."

140. (*Earl Russell.*) You went straight from the cell to the cab without any further difficulty?—Yes, I had no difficulty. My husband gave his name and showed his rent book. He said, "That is all right."

Mrs. N.
5 Dec. 1906.

141. Then you were present when you saw your husband talking to the policeman at the desk?—Yes. I saw my husband talking to the gentleman, and showing him the rent book to prove you pay your rent. He was standing there. I was crying, and as ill as anything. I had to go to a doctor. I felt awfully bad.

142. About what time was it that you left the police station?—Awfully late. I had to take a cab. It was very late. I am sure it would be quarter past one.

143. You and your husband drove off in a cab?—Yes, and my husband was very sorry.

144. The next morning you had to come back and go to the police court?—Yes.

145. Did your husband come with you?—Yes, he came with me.

146. Did he stop with you all the time, or did you have to leave your husband?—No, my husband stopped with me all the time.

147. Did your husband stop with you all the time from when you got to the court up to the time when you came before the Magistrate?—Yes, he stopped with me in the place. He was in another place.

148. Did you have to go and stand with the other prisoners, or not?—Yes.

149. Was your husband standing alongside you while you were there?—No, my husband was standing with other people on the other side.

150. While you were standing with the other prisoners, and before you came before the Magistrate, was anything said to you by anybody? Did anybody speak to you?—I do not think anybody spoke to me only that policeman who came in just now. He spoke to me, with another dark policeman.

151. Policeman Cole and another dark policeman?—Yes. He said to me, "I bring a friend—this one here you see." I said, "What for?" I did not know what he meant. He said, "I have to defend myself. You must pay 5s." I said, "What for?" I did not know what he meant. He said, "You must pay 5s. to the court."

152. (*Mr. Dickinson.*) You must pay 5s.?—That policeman with a big moustache who came in here brought another policeman, not as big as him—a little dark man, I think—and he said, "You must pay 5s. She must be convicted; I do not want to be fooled." My husband said, "This is very funny."

153. (*Earl Russell.*) Where was your husband?—My husband was in a little corridor—it was very dirty.

154. How close to you was your husband?—Further.

155. I was asking what the policeman said to you?—What I have told you now—that she must pay 5s.

156. Did he say anything as to what you should do when you got before the Magistrate?—Yes. He said, "Madam, you have to go into the place round there. You must not say anything behind me. I never meant anything by that sort of thing." I said, "I don't want to say that—there are too many people. Look at the shocking thing, saying it before people." I said it to my husband that evening, "What a naughty policeman is that one." He said, "Oh, never mind that, do not mention it in the court; it is too shocking." He said, "If you are asked, you must tell the truth." That is what he said. My husband said, "Don't say anything about the policeman." He smelt of drink; he looked very impertinent and vulgar.

157. (*Chairman.*) What Lord Russell was asking you was what the policeman said to you before you went into the police court. You were standing outside in a corridor with other prisoners?—Yes.

158. Or with other people charged?—Yes. He came in like *that*, and said, "Madam, be careful; do not charge me. You have only to say to the Magistrate you are very sorry; do not mention anything about me"—what I told you that he had been frivolous. He said, "You must not say that sort of thing in the court; you must say you are sorry." I said my husband said, "It is a scandal."

159. Did your husband overhear this conversation?—No; my husband was along *there*.

160. I understand you to mean that the police-constable suggested you should say you were sorry, and

Mrs. X. 5 Dec. 1906.

that you should submit to pay a fine of 5s.?—Yes. He said, "You do not want to be ridiculous; you want to be discharged." The policeman looked silly. He said, "I bring a friend with me." He said, "You see that young fellow, he has been with me." I said, "What for?" He said, "I have to defend myself; I do not want to be fooled; I have been too quick; I am sorry." The other one—I do not know what he said—I think he is here.

161. (*Earl Russell.*) When you got before the Magistrate did you say or do anything?—I was awfully ill.

162. (*Chairman.*) Did you have a solicitor to defend you?—No, only my husband. My husband said: "You do not want a solicitor for a thing like that. You are quite innocent. You can come here. Anybody can be out at half-past ten at night. The street is for everybody."

163. Did the Magistrate discharge you?—Yes.

(*Mr. Eldon Bankes.*) The case was dealt with under Section 16 of the Summary Jurisdiction Act, 1879, which means that the magistrate thought the charge proved, but that it was not a case in which to convict. That is what the section says.

(*Chairman.*) "Mrs. X using insulting behaviour whereby a breach of the peace may have been occasioned at Oxford Street." The constable was Arthur Cole, and the Inspector was Remfrey, whom we have seen before. The only entry is "Charge dismissed, Section 16."

(*Mr. Whitmore.*) What does that section say?

(*Mr. Eldon Bankes.*) "If upon the hearing of a charge for an offence punishable on summary conviction under this Act or under any other Act, whether past or future, the Court of Summary Jurisdiction think that though the charge is proved the offence was in the particular case of so trifling a nature that it is inexpedient to inflict any punishment or any other than a nominal punishment, the court without proceeding to conviction may dismiss the information." It is constantly done, as you know, in cases of first offences, and in cases in which the Magistrate thinks it desirable to follow that course then he acts, and very wisely acts, on the section.

(*Chairman.*) The thing that strikes me at present is why that charge came to be made. I have not heard the evidence on the other side, I know.

164. (*Mr. Dickinson.*) Do I understand you said nothing to the Magistrate?—I did not want to; there were too many people.

165. Did you say anything or not?—I never said anything. I only said that the policeman took me just at the corner of Oxford Street, and he walked round *here*. He came with a smile on his lip and said "Good lady, good girl," and he put me inside. I was awfully ill that day.

166. My question is did you say that to the Magistrate in court?—Never.

167. You said nothing to him?—No, my husband told me to say nothing.

168. You said nothing?—No.

169. Your husband said nothing?—Yes. He put himself very low down. He said, "That man is a scoundrel."

170. Did he say anything to the Magistrate?—I forget. I do not think so. He never said anything. He said "My wife, I was looking for her on my return."

171. (*Mr. Eldon Bankes.*) If you do not understand the questions I put to you will you ask me to repeat them, because I want you to understand the questions I want to ask you?—Yes.

172. The first question I want to ask you is this: Are you quite sure you had never seen that Policeman Cole who stood there before?—I do not remember seeing that man before I saw him when he took me in charge.

173. So far as you know you had never seen him before?—No, I did not know his face before.

174. You are quite sure about that?—I do not remember seeing him before.

175. When you were taken to the police station and put in the cell were you alone?—Yes, by myself.

176. You are quite sure?—Yes.

177. You were quite alone?—Alone by myself. I was ill, and the lady attending me give me a drop of water.

178. Yes. We shall see her no doubt?—The lady gave me a drop of water.

179. Another thing I want to ask you is this. You told these gentlemen just now that when you were taken to the police station they asked you for your address?—Yes; I gave it to them.

180. And you said that your husband was away from home?—Yes, visiting.

181. You told the Inspector that your husband was away?—Yes; that is right.

182. Just follow this question. At that time did you think that your husband was away?—Certainly; my husband was away two days.

183. You thought he was away from home?—Yes.

184. And you thought that he was away that night?—No, I said "He has come back." My husband says where he goes on business, and he said "I will not be more than two days." He cannot go to (———) and back in a day; it takes sometimes two days.

185. Did you tell the Inspector when he asked you your name that your husband was away from home?—Yes.

186. You told him that because you thought he was away from home?—He was away. That was right. I said "He is away, and he will come home to-night."

187. How long have you been married?—I have been married six years.

188. Have you got any family?—No, no children.

189. Has your husband very often to go away from home on business?—Not very often—sometimes three, four, or five times in a year—every three or four months—not for long, but for two or three days.

190. He has to go away for two or three days at a time; but he has to go pretty often for two or three days?—Not pretty often—about every two months.

191. Was he away several times in the month of March when this happened?—Yes; he had to be away at a place called (———), a shipping place.

192. And he was away a good deal during this month of March?—Not a good deal.

193. Two or three times in March?—Yes, sometimes he went for 24 hours.

194. He would be away for one night, or two nights several times in this month of March?—Not very often.

195. Not very often, but sometimes?—Yes.

196. How long do you say you have been married?—Six years.

197. You were married, were you not, on the 1st April, 1902?—Yes.

198. Four years?—Me?

199. Yes?—More than that.

200. Does that certificate refer to you (*Handing copy of marriage certificate.*)?—I do not know.

201. (*Chairman.*) Where were you married?—I was married at (———) Road.

202. (*Mr. Eldon Bankes.*) Is that the certificate? You can read English?—I can read it a little, but not very well.

203. This says that your husband's name is X?—That is right.

204. And that your name was (———), otherwise (———)?—Yes.

205. It says you are a spinster, and it says that you were both living at (———)?—That is right.

206. And that you were married at the registry office on the 1st April, 1902?—Yes, I know. It is four years.

207. That is four years?—Yes. I knew him two years before marriage.

208. Were you living together for two years before you were married?—Yes.

209. At (———)?—Yes, I am married now.

210. I am not saying you are not. You told these gentlemen that on this day you had been to see a lady friend at (———)?—Yes.

211. Did you tell your husband that?—Yes.

212. Did you refuse to tell your husband who the lady friend was?—No.

213. Will you tell me the name and address of the

lady at (———) that you had been to?—I forget the number. She has gone to Paris.

214. Never mind the number. You tell me her name first, and be a little bit careful about this. Remember, you are on your oath, and it will be taken down. Tell me the name of the lady at (———) you had been to?—(———).

215. Is that her Christian name or her surname?—Madame (———).

216. What was the address?—(———).

217. That is a very big place?—I do not know the number.

218. It is not the number. What was the street?—I forget.

219. When did you last see Madame (———)?—I have not been to see her for four months now.

220. Have you seen her since the night that this happened?—No. My husband has been out—me and my husband have been out, going to Leicester, Glasgow or abroad.

221. Were you going to tell us that your husband said you never were to go there again?—Yes, my husband said, "Do not go there any more." My husband said, "If it is like that, you had better stay at home."

222. Did your husband ask you to tell him the name of the place that you had been to at (———), and did you not refuse to tell your husband?—Yes, I refused.

223. What was it that you had got in this box? Was it an evening dress?—Yes, a lady's evening costume.

224. So that you had been wearing an evening dress at some place which you refused to tell your husband about. Is that so?—The lady gave it to me. I taught her French. It was just friendly. That was all.

225. Can you give these gentlemen any idea at all of the street or place where this lady lived in (———)?—It is a long way from here.

226. Was it in a street she lived?—Yes, in a big street—an awful big place.

227. Did she ever write to you?—No, she never wrote to me. She has left; she has gone to Paris.

228. She is not in England. I suppose she never wrote to you?—No.

229. How many times have you been there?—I have only been about two or three months. That is all.

230. I understand you to suggest you went there to give her lessons?—Yes.

231. Lessons in French?—Yes.

232. Although she was a Frenchwoman—Madame (———)?—Yes.

233. So you went to give a Frenchwoman lessons in French at (———)?—No, not in French.

234. But, Madam, you said in French?—That is my mistake; that is all.

235. Let me remind you. This gentleman asked you, "Did you go and give her lessons in Spanish?" and you said, "No, French, and I can speak German and French"?—No, Italian, I said.

236. Italian, Spanish and French?—It was more to keep her company; that was all.

237. I am not going to argue with you. Did you take this box with you from home?—Yes. She gave it to me.

238. Did you take it from home at (———)?—Yes.

239. So that although you were going to give a French lady a lesson in French——?—No.

240. You took an evening dress with you for the purpose of giving her a lesson?—No, not for that. She gave it to me like a friend. She said, "It is good for you."

241. If you had been to some dancing place you would want your evening dress, would you not?—No. She gave it to me friendly—she never used it herself. She said, "If you like to have it you can."

242. I understood you to say this. Please to correct me if I am wrong. I only want you to understand the question. I asked you whether you had not taken the box with your dress from (———), and you said yes?—No, from her house; she gave it to me; I go to (———) with the box.

243. I understood you to say that you had taken it from your house at (———). Let me ask you this. Had you ever taken that box into Oxford Street before?—She gave it to me——

244. No, no. Had you ever taken that box into Oxford Street at night before?—No.

245. Sure?—Yes.

246. Had you ever, about this time, been about in Oxford Street with a box before?—I had been there three weeks before with a box, but not so big—a big flower bouquet.

247. You had a box with you?—A little box.

248. A smaller box?—Yes.

249. About three weeks before about the same time you were in Oxford Street with a box?—Yes, taking the car about 10 o'clock.

250. About the same time?—No, earlier—about 10 o'clock.

251. Had you been to the same place that night?—Yes, and another time I had been to a place called Queen's Hall.

252. (*Chairman.*) In Langham Place?—Yes, that is right.

253. (*Mr. Eldon Bankes.*) Now I am coming to what happened when you got to the policeman. According to your story you had got out of the 'bus that came from (———)?—You must stop, it does not go any further.

254. The 'bus stopped at the corner and you got out?—Yes, to take the motor-car.

255. Then you stood in the street waiting for the motor-'bus?—Yes.

256. While you were waiting there, according to you, two gentlemen spoke to you?—One picked up my umbrella, and the other said, "How are you, Mrs. X?"

257. They spoke to you?—Yes.

258. One you knew, and the other you did not know?—No, I did not know the one who picked up my umbrella.

259. One you knew and one you did not know?—Yes.

260. I will ask you about the one you did know. He asked you to go home in a cab with him?—The one I knew said that.

261. He asked you to drive all the way home?—No.

262. You knew where that gentleman lived, did you not?—Not particularly; I often see him in (———). I very often meet him in (———) where I do my shopping.

263. You told us you know he is employed in a draper's shop?—Yes, he sells me things.

264. But you told us he was employed in a draper's shop?—Yes, he is employed in a draper's shop.

265. And you are in the habit of speaking to him?—No, it is like this, you see. When I go out in the morning to do the shopping very often he is standing at the door, and he would say "Good morning," like this—he is not a friend of mine.

266. I am not saying he is a friend of yours. Did he know your name?—No.

267. I thought you told these gentlemen that that gentleman said at the corner, "Mrs. X, will you come home in a cab with me?"—He said Madam X. Perhaps he knows my name.

268. So he knows your name?—Yes.

269. Do you know his name?—No, I do not know his name; I see him very often in (———).

270. Did you think it was a very odd thing for a man whose name you do not know to offer to take you home at that time in a cab?—Yes, and I refused; I said, "No, thank you."

271. If you had wanted to go home the quickest way the quickest way would be to go home in a cab, would it not?—Yes. I do not know him good enough. He is too young-looking, and my husband would be cross with me.

272. Why did you call that man your insurance agent?—Because he said, "What are you doing; I am an insurance agent," laughing. He said, "I am an insurance agent" for fun.

273. Then you had spoken to him before?—Yes, I see him very often in (———).

274. How came he to tell you that he was an in-

Mrs. X.
5 Dec. 1906.

surance agent?—He told me himself; he said, "I am an insurance agent."

275. In giving an account of this matter, have you not said that that gentleman was an insurance agent?—I never said he was my insurance agent. I said, "I think he is an insurance agent." I know he was not insulting, and never said anything wrong. I do not know him at all except like this.

276. Now I will pass for a moment to the other man. The other man you say was a complete stranger to you?—Yes, a complete stranger.

277. You say he spoke to you, and that you did not speak to him?—He said, "Madam, you look awfully embarrassed."

278. Was it shortly after that gentleman had spoken to you that the policeman came up?—Yes. Just as that man had gone the policeman came up. He said, "I saw two gentlemen speaking to you."

279. Do you say that at that time you were standing close (———)?—He never spoke to me only to pick up the umbrella.

280. Do you say that at that time you were standing close to the Tube Station?—Yes, at the corner.

281. Now let me ask you whether this happened. Did you stand for some time at Regent Circus?—No, not for some time. Sometimes you cannot get a car at half-past 10, with people all returning to different parts. I had luggage with me.

282. Whilst you were standing there did you look at several gentlemen and smile at them as they passed you?—No. The last one said, "I beg your pardon." He only apologised; he never said anything. The other one asked me about the cab.

283. Just answer the question. After standing at Regent Circus for some time, did you walk along Oxford Street?—Yes, I walked a little bit—not a long distance.

284. Just as far as the Tube Station?—That is right.

285. And it was there that the gentleman, as you say, spoke to you and not you to him?—He never spoke; he only put one question.

286. Did you hear the gentleman say, "Go away, I do not want to have anything to do with you"?—To me?

287. Yes?—Never; he never said anything like that.

288. Do you understand the question? I suggest to you that he first said, "Go away, I do not want to have anything to do with you"?—No. The gentleman was very kind to me; he said, "Madam, can I assist you to carry your things?"

289. Did you see the gentleman then go and speak to a policeman?—Never—no, he never went, but he took a cab. The other gentleman said, "Do you go to the station?" I said, "No, I go by the motor." He said, "Will you permit me to carry your box for you?" I said, "No, thank you." Then he went into the Tube. The other one went in the cab.

290. After you had spoken to this gentleman, or he to you, did you then walk from the Tube Station in the direction of the City?—I just walked a little bit, and I saw the policeman coming.

291. After he had spoken to you you did walk further towards the City?—No, not Oxford Street.

292. Away from Regent Street—away from the Circus?—Yes, it is all in the same place together.

293. Did the constable then come up to you and say that you must behave yourself and not molest people, as you were walking away from the Tube Station?—He never said anything to me like that.

294. Did he say that you must behave yourself, and not molest people?—He never said that to me at all. He came to me with a smile on his lips—"Hallo, Hullo." I said, "What do you want? What a rude man you are!"

295. Did you then tell him to mind his own business?—Yes.

296. You told him to mind his own business?—Yes, that is right.

297. You understand me. You do not admit that he told you you were not to molest people, but you do admit that you told him that he was to mind his own business?—That is the way—if he comes like this, and says to me, "Hallo, good lady," I say "What do you want?"

298. Did you tell him to mind his own business?—Yes, I told him when he spoke to me like that.

299. After you told him to mind his own business did he cross over Oxford Street to the other side?—No, it was always on the same side, only he go in a little street.

300. Did you then continue to walk towards the City?—No, he took me in a back street—he did not want to take me in Regent Street.

301. A good deal happened before he took you into custody, according to my statement?—Yes.

302. Did you then continue to walk further towards the City?—No. He took me at the same time, and he talked with me.

303. Do you know Hills Place? I suppose you would not, but it is the next turning after the Tube on your right going Cityways?—There are some steps. It is dark, I think.

304. You recollect there are some steps there?—I have seen them; it is a dark place.

305. Did you walk as far as Hills Place, and did you stop in front of another gentleman who was coming from the City, and did you and he then turn round and walk a little way?—Me?

306. Yes?—Another gentleman?

307. Yes?—No, never. There was only the gentleman who picked up my umbrella—no more.

308. After a little while did that gentleman leave you?—Yes.

309. Did you then walk as far as Wardour Street?—Near the station.

310. It is beyond the station—nearer to the City. You know Wardour Street, do you not?—I do not know the names; I know the principal streets.

311. Supposing you had walked as far as Wardour Street, that would be in exactly the opposite direction to which you wanted to go to catch the 'bus you wanted?—Sometimes you can catch a 'bus in Oxford Street quicker—all the Queen's Hall people are coming out, and sometimes you can take it from the other direction, and I went down Oxford Street.

312. I can understand that sometimes when the 'buses are full it is better to walk in the direction in which they are coming, so that you may jump on before they come to a stopping place?—That was what I wanted to do; that is why I went down Oxford Street.

313. I will not say what your object was for a moment, but did you for some reason or another get up as far as Wardour Street?—Yes, with the policeman talking to me.

314. (*Chairman.*) Did the policeman talk with you?—Yes, the policeman—not the gentleman.

315. (*Mr. Eldon Bankes.*) We will see about the gentleman in a moment. Did you get as far as Wardour Street?—Where is Wardour Street?

316-7. Do you tell me you do not know Wardour Street?—I do not know it.

318. It is three or four streets up from the Tube. You did walk some considerable distance, did you not, up Oxford Street, as you now say to catch the 'bus?—Yes.

319. If that is right, how came you to tell these gentlemen that the constable took you into custody by the Tube?—What do you say?

320. How came you to tell these gentlemen that the constable arrested you by the Tube?—No—a little further than the Tube. He looked at me; he was chaffing me and walking with me; he walked with me from the Tube. The gentleman said, "We had better take a cab," and I said, "No."

321. You know how these 'buses run, do you not, that go over Westminster Bridge?—Yes.

322. Is it not a fact that the 'bus that you wanted to catch comes from the Marble Arch?—Yes.

323. And none of them at all come from the City way?—Some come in from Regent Street round the corner.

324. I suggest to you that you know quite well that the 'bus you wanted to catch was coming from the Marble Arch, and that therefore this suggestion of

yours, that you were walking eastward in order to catch the 'bus is unfounded?—The gentlemen were annoying me, and I did not feel comfortable, and I said, "Perhaps I shall see another 'bus here," but they were all packed up. Then I saw this policeman looking, and I thought, what is the policeman looking at me for, and then he came with a smile.

325. Do I understand you to say now to these gentlemen that you moved from the Tube?—Yes, I walked.

326. You moved from the Tube because the gentlemen were annoying you, and you saw that the constable was watching you?—Watching me? He looked silly. He saw a woman standing by herself. I said, "I might get a chance to catch one in Oxford Street."

327. Let us leave out the policeman for a moment. Do I understand you now to say that the reason why you moved from the Tube Station was because the gentlemen standing there were annoying you?—Yes.

328. Do not let there be any misunderstanding about it. You say you moved because the gentlemen standing there were annoying you. A moment ago you said you saw the policeman watching you, and saw him speaking to another dark policeman?—He was very bad—awfully shocking. I could not go any further with the big box that I had in my hand.

329. I cannot go into this perhaps at too great length, but I suggest to you that when you got to Wardour Street you stopped and spoke to another gentleman?—No, I did not. There were only these two. I could swear there were no more gentlemen than the one who picked up my umbrella and the gentleman who asked me to go in the cab.

330. And that when you did that the gentleman put his hand on your shoulder and gave you a slight push?—No, he was a very nice man. It was quite the opposite. He said, "Madam, will you allow me?"——

331. Give me your attention for a moment?—He never pushed me at all.

332. I am not now speaking about that gentleman, but I am compelled to ask you this question. You said a moment ago you left the Tube Station because the gentlemen were annoying you?—Yes.

333. And in the next breath you say that one of the gentlemen was a man you knew who offered to take you in a cab?—Yes.

334. And the other was a very nice gentleman who offered to take your box?—Yes, to help me. "Madam, may I assist you?" That is all.

335. How do you reconcile that with the statement that you left the Tube Station because the gentlemen were annoying you?—You look so silly to see all the 'buses filled up at half past 10, and I thought I might get a chance in Oxford Street of getting one. There is another 'bus that goes direct from Shaftesbury Avenue. I said to myself, "There seems no 'bus here to-night, they are so packed." Very often you cannot get a 'bus sometimes for half an hour, they are so packed.

336. I want to ask you what happened about the corner of Wardour Street?—No gentleman spoke to me at all. I said, "I beg your pardon, I will carry my box myself." He said, "I beg your pardon, madam."

337. Will you give me your attention? I am not speaking about any gentleman at the Tube Station. I suggest to you that you spoke to another gentleman at the corner of Wardour Street?—No.

338. Now listen. When you were doing that did this policeman cross the road?—I think he crossed the road.

339. You think he crossed the road?—I do not know where he came from.

340. Did he come up to you and say that he should have to take you into custody—in charge?—Yes. He never said that to me immediately before—he came smiling and talking.

341. Do listen. When he spoke about taking you in charge, was that at the corner of Wardour Street?—Yes, not so far or so high.

342. Did you say, "Give me a chance, I am a married woman, and I ought not to be here." Did you say that?—I said to him, "My husband is returning to-night from abroad." That is right.

343. Give me your attention. Please be a little bit calm, and listen to this. Did you say to him, "Give me a chance, I am a married woman, and I ought not to be here"?—I never said "Give me a chance," or anything like that. I said, "You have made a mistake." I never said, "Give me a chance." I never employed that word.

344. You said, "You have made a mistake." Did you tell him that you were a married woman?—Yes.

345. Did he tell you that you ought not to be there?—I did not say that word—"I am a married woman." I said, "I have to be home; let me alone." He said, "I saw you two or three weeks ago."

346. That is something new. He told you he had seen you two or three weeks ago?—Yes, he said it like that. He told me he saw me. I never saw him. I never take any notice.

347. Just give me your attention. When he took you in charge, did he tell you he had seen you two or three weeks before?—He told me, "I saw you two or three weeks before," or something like that.

348. You understood by that he was telling you he had seen you?—He said to me, "Where do you live?" I remember he said, "You have been here two or three weeks ago with a box." I said, "That is quite right." He said, "One night you returned from Queen's Hall." I said, "Yes; you not take notice of me." He said, "I notice everybody passing." I said, "You not see me pushing gentlemen or rushing gentlemen."

349. He told you he had seen you two or three weeks before?—Yes.

350. That was because he was complaining of your conduct. You understood he was complaining of the way you had behaved in the street?—No, he never said that; he said, "I think I have seen you before."

351. Are you suggesting that that was part of the same conversation in which he touched you under the chin?—Yes; I think it was that. He took a liberty; that is what I think.

352. He took you to the station, did he not?—Yes, in a back street.

353. You started from somewhere about the corner of Wardour Street?—Yes. He said to me, "Come this way; it is no good to bring you by Regent Street." I do not know where he took me.

354. When you got to the police station, the Inspector spoke to you, did he not?—Yes, that is right.

355. And you made no complaint about the policeman, did you?—I say "That man is very wicked."

356. Let me suggest to you what you did say. What you did say was, "The policeman has made a mistake"?—Yes, I say that. I was ill. I do not know what I said; my head was very bad.

357. You said, "The policeman has made a mistake"?—Yes.

358. "I did not insult the gentleman." Did you say that?—"Him." He said, "That woman insulted me." "Him"—no gentleman at all.

359. I will read the whole of the statement first. Did you say to the Inspector, "The policeman has made a mistake"?—Yes.

360. "I did not insult the gentleman"?—No—"him." He said, "The woman insulted me." I say, "I beg your pardon, I never insulted you. I will put you in your place if you take a liberty." It was him.

361. "The policeman has made a mistake. I did not insult him"?—Him. Me call him a gentleman? I do not want to call a policeman a gentleman.

362. Will you let me finish the sentence. "The policeman has made a mistake. I did not insult him, I only spoke to my insurance man. The other man spoke to me." Is that what you said to the Inspector?—Yes, I said "That gentleman." I never said insurance agent.

363. Is that right?—Yes, that is right.

364. Is that all you said to the Inspector?—Yes. I never said that the policeman was rude.

365. You did not tell the Inspector the policeman was rude?—No, there were too many policemen.

366. I do not want to know the reason. I only want to know the fact. I have put to you now in substance what you did say, and you agree that you never told anybody that the policeman was rude. When you got taken down to the cells a woman came then to look after you?—Yes.

Mrs. X.

5 Dec. 1906.

367. Was she kind?—Yes, and she gave me a drop of water.

368. Very kind and very friendly?—Yes.

369. Did you tell her the policeman had been rude to you?—I said "The policeman has been very nasty with me."

370. Did you ever tell her the policeman had been rude to you?—No. I did not want to say anything, I felt too ill.

371. Please be careful. I only want that you should understand the question, and give the answer that is right. Did you ever say anything to this woman who was kind to you that the policeman had been rude to you?—No, I never said anything.

372. But you were crying very much, were you not?—Yes. I said to the woman "He is very rude, that policeman—he is a very rude policeman." I said that.

373. Are you sure of that?—Yes. I said: "That policeman is awfully bad and very rude."

374. I asked you three times whether you said that he had been rude, and you said "No." Do you want to alter that? Do you want to say that you did tell her that the policeman was rude?—"He is a naughty policeman."

375. You must be a little bit careful. I ask you again. Did you say anything to that woman about the policeman being rude?—Yes, I said: "He is a very bad policeman—rude."

376. You are sure of that?—Yes. I said: "He is a very bad policeman—very rude."

377. You are quite sure of that?—Yes. I said: "He is a very bad and very rude policeman." She said: "Yes, very bad policeman sometimes." That is what she replied to me. She said: "I will go and fetch you a drop of water; you look very ill."

378. Now I do want to know this. You came, did you not, before the Magistrate?—Yes.

379. He heard the case and you were allowed to go?—Yes.

380. Was it your wish or your husband's wish—did you desire or did your husband desire—that this case should be brought before these gentlemen? How came it that this case was brought before these gentlemen?—I do not know myself.

381. I just want to inquire. Did somebody come and call upon you and ask you to make a statement?—Yes, a gentleman.

382. How soon after the proceedings in the police court?—I think not very long—I think it was about a week. We were preparing to go out. We have been out for two months—my husband and myself—for a holiday.

383. Did the gentleman come by himself or was there more than one gentleman came?—A tall, dark gentleman came. He gave me a paper.

384. Do you mean a pamphlet?—Yes.

385. Then what did he say?—He said to me: "It will be a big affair." He said: "Will you come?" and I said: "If we are in London I will come." He said: "If you like to come in and explain about the policeman and everything, you can."

386. He said: "If you like to come in and explain you can come?"—Yes. I said: "All right; if I am in London I will come."

387. Did you make a statement to him, and did he write it down? Did you tell him what had happened?—Yes, I told him all about it.

388. Did he write it down?—I do not know. I do not think so.

389. Did he ask you to sign anything?—No, he never asked me, I think. I do not know.

390. Just listen to this. Did you tell this gentleman that in the cell in which you were placed in the police court there were a number of other women?—There are plenty of little places. The women next door were screaming and grumbling and swearing, and, after, a policeman took another woman. There is a little window. I was hearing all the other people. I did not see very much. It is only a small window.

391. Did any of those women speak to you?—No, none. The only woman who spoke to me and attended to the place—no other women spoke to me.

392. Did any women speak to you there about paying money to the policeman?—No—no women told me anything; I only spoke to one woman.

393. Just listen to this. Did you tell this gentleman this—there were several other women in the cells?—Yes.

394. "They told me the policeman who had locked me up had locked them up," and did you also say, "They said he was a dirty dog"?—Not there. I will tell you where that happened; that was the day after. In the morning I had to go in to the Magistrate, and all the dirty women were standing there. She said, "You have been taken in charge, madam." I said, "Yes." "Ah, if you had given him 5s. he would have sent you away." That was not at the police station.

395. I want to inquire about that?—That is where it was. "Fancy a lady here," she said. "Why did not you give the policeman 5s.?—he would never put you in charge." I said, "Why not?" She said, "If you give him something." "Hallo," I said, "I have nothing to give the policeman."

396. Can you explain to me where that was?—Before they go in to the Magistrate. All the women were standing on one side, and the women to bring you to the Magistrate. All the dirty women——

397. Were they dirty women—bad women?—They were swearing and laughing with the policemen, and used dirty words. I saw them talking wicked. They said, "This lady is silly; if she had given the policeman 5s. she would not have been here." She said, "If she had given him something she would not be here." I heard her. Everybody go by their turn.

398. Were the policemen there when they were saying this?—No; the policemen were talking with other policemen—that little dark one.

399. You cannot tell me at all who the women were, so that I can find out?—I never saw those women before. There were a lot of women, three or four of them, talking. It would take a long time.

400. Were there any policemen there at all?—No, not policemen. The policemen were behind, and all the women—one here and one there—said to one policeman coming in, "I have never seen that lady here before." "No," one said, "if she had paid 5s. she would not be here." Those were the words she said—"Putting people like this inside." They were talking all together, of course.

401. Listen to this. I will read the statement as this gentleman says you told it to him: "I told the Inspector I was a married woman, and gave my address, and told the policeman he was a dirty rascal." Did you tell the gentleman that—that you had told the policeman before the Inspector that he was a dirty rascal? A moment ago you said you did not complain?—Yes, I complained; only I had got such a headache. I said, "The nasty man, taking a liberty with me."

402. You told me a moment ago you did not tell the Inspector the policeman had been rude?—I know I say to the woman, "What a shocking policeman is that; what a blackguard."

403. I had better read it. "Whilst I was waiting to be charged, another policeman walked round me, and called out, 'Yes, I know her well. She is in Oxford Circus every night.' They said the parcel I was carrying was an old trick, and too well known." Did you tell this gentleman that?—What is that?

404. I will read it again. This is what you are supposed to have told this gentleman who came to see you. You said: "Whilst I was waiting to be charged, another policeman came in, and walked round me, and called out, 'Yes, I know her well. She is in Oxford Circus every night.' They said the parcel I was carrying was an old trick, and too well known"?—I heard them talking something like that all together—the two policeman—this one and another one.

405. Did you make that statement?—Me?

406. Yes?—No; nothing like that.

407. How came he to give it to the Commission as your statement if you did not tell him? Did you tell him this?—I never said I carried a box.

408. Perhaps you do not understand. The statement seems to me to be a very funny one. There is another statement I should like to ask you about. You told me just now you are quite sure you had never seen this policeman before that night?—No.

409. Quite sure?—I do not remember.

410. Did you tell the gentleman who came to ask you what had happened this. Did you tell him: "I know P.C. Cole by sight, and after my affair at the police court I called to mind the fact that he had spoken to me some months ago, when he was in plain clothes off duty. He said he was a detective. He asked me to have a glass of wine with him. I refused this. I was merely waiting for a 'bus one afternoon." Did you tell the gentleman that?—I never said this "P.C." I know nothing about that word. I know I said that a policeman one afternoon at four o'clock insulted me the same as that man. When he took me in charge, I said, "That is the man I met a month or two before." He said, "Madam, will you have a glass of wine?" I said, "No, think you."

411. Is that the same policeman?—He looked exactly the same man.

412. If I have asked you once, I have asked you half a dozen times, as to whether you had ever seen that policeman before, and you told me positively you had not?—No, I cannot say in that costume. A man in policemen's dress is one thing, in civilian dress is another thing.

413. (*Chairman.*) Do you still think that Cole is the man who asked you to have a glass of wine?—Yes, I think it is the same man. He has the same moustache and the same physique, only when a man is in policemen's dress he is quite changed. Never one policeman in London has spoken to me before.

414. (*Mr. Eldon Bankes.*) Can you give me any notion of when it was that somebody in plain clothes came and asked you to have a glass of wine?—In plain clothes?

415. Yes; it is your own language—not in uniform?—His dress was civil.

416. Do you say now that somebody in Oxford Street asked you to come and have a glass of wine in the middle of the afternoon?—He said, "Will you not have a coffee or light refreshment?"

417. Was that gentleman dressed in plain clothes?—Yes, in the day. He looked like this one; he looked exactly like the same man.

418. At that time did the gentleman say anything to you about what he was?—What was his position?

419. Yes?—No. He said this to me: "I will see you again, good lady." He said: "You refuse to have a glass of wine with me" I said, "What do you mean? I never take any drink. I am a teetotaller. Leave me alone."

420. I am now asking you about an occasion when you say that somebody in plain clothes asked you to have a glass of wine?—Yes; just like him. In the daytime.

421. Did the person who spoke to you then say anything about what his position was?—He said, "I will see you again." He never told me what he was.

422. Are you sure he did not tell you anything about his position?—He told me: "I am a Government man. I will see you again. You do not want to speak to me." I said, "No, thank you." It was in the afternoon, about four o'clock.

423. I must just ask one more question about Madam (———), because I want to trace her.

424. (*Mr. Dickinson.*) You say he said he was a Government man. Can you tell us in French what you mean by that?—An official of the Government—*un officier du Government.*

(*Mr. Eldon Bankes.*) Did the policeman, on the night he took you, say anything about £10?—He never told me about £10. He said: "You are not very kind to me; I shall not let you go." I said, "You have made a mistake. My husband has promised me he would be here to-night. He has been out a few days. I have to go home." He said: "You have not been very nice to me; you are rushing me too much—pushing me."

426. Was anything said about £10?—No, he said I was not nice to him and not kind to him. I did not offer him anything. He never said £10.

427. Did this happen. Did the policeman say to you: "I saw you leave that gentleman; I suppose you wanted too much from him, you fly too high. I suppose you want £10; you will not get that." Did he say that to you?—No.

428. You say nothing like that was ever said?—No; nothing was said about £10. He said to me: "I think you are too dear, good lady; you are too proud, you are rushing the men." He said I was very proud or rushing the men. "A man comes to you very nice, and you are awfully proud." I said: "I am a married lady; I live in a small house, and I do not make money in this way." That is what I said to him.

Mrs. X.
5 Dec. 1906.

429. I must ask you about Madam (———), and I must press you to give me some indication of where I can find the house where Madam (———) lived?—At (———).

430. That is a very large place. What 'bus did you go by to it?—I went by a 'bus near a big shop called Maples' furniture shop, and on the opposite side there is a public-house and 'buses.

431. They go right up to (———)?—Yes.

432. When you went by the 'bus where did you get out of it?—I got out right at the top of (———).

433. Did you go as far as the 'bus went?—Yes; I walked after that.

434. You got out where the 'bus stops. Where is it the 'bus stops?—Right at the top of the hill—it is a big hill—after passing all the shops. It is a little street down there.

435. Did you walk after that?—Walked about ten minutes.

436. In which direction?—It is a big place all round.

437. (*Chairman.*) When you talk of a big place do you mean (———). Do you mean an open space?—Yes, with big grounds.

438. (*Mr. Eldon Bankes.*) How often have you been to this place?—Not very long; I have been about two months altogether.

439. But how many times in the two months?—Sometimes twice a week, sometimes only once, and sometimes I never went at all.

440. Did you only go when your husband was away from home?—Yes. The day is too long for me. I have no children.

441. You only went when your husband was away from home?—Yes.

442. Cannot you give us any indication of how I could find the place where Madam (———) lived?—It was a little house by itself. She has gone out to spend about three months.

443. I know she has gone out, according to you, but I want to know the house she lived in. One moment you say it was a very big, tall place, and another moment you say it was a very little place?—No. I do not mean a little place. The place where she lived, right where the 'buses stopped, has big grounds with little streets all round.

444. Do you not know the name of the street?—No, I do not know the name of the street.

445. Did you ever know it?—I know it is called (———).

446. How did you find it the first time you went there?—She met me here. I knew her before in Paris—in France. She said, "One day come and have tea with me; I am very pleased to meet you. Where are you living?" I said I live down (———). She said, "Come in and see me and keep me company—come with me, if your husband goes out, and he is not here, come in and see me."

447. "When your husband is out come and see me"?—Yes.

448. How did you get there?—I got there by the 'bus.

449. She must have given you some directions as to where to go to?—I have been with her. She meets me.

450. Where did she meet you?—She met me at the Queen's Hall or the Langham Hotel, opposite the Queen's Hall, and she said: "Come with me."

451. Where did she meet you—on the pavement in Regent Street opposite Langham Hotel?—Yes, just in front of the Langham Hotel.

452. Did you meet her on the pavement opposite the Langham Hotel?—Yes. I met her at a proper place—in Queen's Hall, where they play the music.

453-4. Did you meet her in Queen's Hall or did you

Mrs. X.
5 Dec. 1906.

meet her opposite to the Langham Hotel?—The first time I met her was in Queen's Hall. She said: "I will be here to-morrow afternoon shopping in town; I will meet you here at the Langham Hotel to-morrow afternoon. You can come with me and get a cup of tea at my place." I have been about two months to her place.

455. Do you mean to say the first time you went to her place you went with her?—Yes.

456. Have you no idea what the name of the street was?—I know it was (———). I used to go with her to keep her company.

457. Have you no idea of the name of the street?—No; I never looked.

458. It is a fact, is it not, that when your husband asked you where you had been you refused to tell him?—I said always, "I have been to see my friend."

459. But you refused to tell him the name of your friend?—Yes.

Friday, 7th December 1906.*

IN CAMERA.

Mrs. X.'s CASE—*continued.*

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).
Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law).
Charles Algernon Whitmore, Esq. (Barrister-at-Law).
J. W. St. Lawrance Leslie, Esq. (Barrister-at-Law), (*Secretary*).

Mr. Ernest Cockle, Barrister-at-Law, appeared on behalf of the Complainant (in the absence of Earl Russell).

(*Mr. R. D. Muir.*) I should like Chief Inspector McKay to be present, Sir. He has no personal knowledge of the facts.

(*Chairman.*) I thought it was Inspector Dew who was present on the last occasion.

(*Mr. R. D. Muir.*) Yes, he is from Scotland Yard, but Inspector McKay is from Marlborough Street, and he has been making inquiries in this case. He has no personal knowledge of the facts, and it would be useful to have him in Court.

(*Chairman.*) You say it would be useful to you.

(*Mr. R. D. Muir.*) Yes, Sir.

(*Chairman.*) Then so be it.

(*Mr. R. D. Muir.*) Mr. Bankes mentioned to the Commission yesterday that he hoped to be in a position to ask some further questions of the lady this morning on some information that we have received. Since that, he and I have had a consultation, and we think it right that we should further verify the information that has come to our ears before we found any questions upon it at all, and therefore we should ask the Commission to give us a little time to verify that information, and ask the lady to attend on a later date.

(*Chairman.*) Very well.

(*Mr. Cockle.*) That seems to be a reasonable suggestion. I understand we have no more witnesses.

(*Chairman.*) It is for us to say. We do not appeal to Counsel in this Inquiry as we should if it was an ordinary arbitration or litigation. I think that Mr. Muir's statement is quite reasonable, and it may be that we shall be in a position to say something to Mr. Muir when we have heard all the evidence that may render it unnecessary for him to ask any further questions.

(*Mr. R. D. Muir.*) Then I will call the witnesses who have personal knowledge of the facts.

P.C. Arthur Cole, 528 V, sworn.

P.C. A. Cole.
7 Dec. 1906.

460. (*Mr. R. D. Muir.*) Are you P.C. Cole, 528 of the V Division?—Yes.

461. You were formerly at the Marlborough Street Police Station, and a member of the C Division?—Yes.

462. You were removed at your own request to Wandsworth, on account of your wife's health?—Yes.

463. You have been in the Force some 15½ years?—Yes.

464. How much of that time have you spent in the C Division?—15½ years.

465. The whole time until quite recently you have been there?—Yes, until five weeks ago.

466. Did you regularly take your turn of duty in patrolling Regent Street and Oxford Circus?—Yes.

467. In the course of that duty did you have to deal with the class of women we call disorderly women?—Yes.

468. On the 20th March this year did you see the lady who is now here?—I did.

469. What time was that?—About 10.25.

470. Where was it you first saw her that evening?—Oxford Circus; at the junction of Oxford Circus and Regent Street.

471. Had you been on duty since 10 o'clock?—Yes.

472. What did you see her doing at 10.25?—I saw her standing there at Oxford Circus, I saw her looking up into gentlemen's faces and smiling at them.

473. How long did you observe her?—A matter of a minute or two.

474. What did you see next?—She then went eastwards towards Oxford Street, then to the Oxford Circus Tube Station; she there approached a man who was standing outside, she looked up into his face and smiled, she said something, but I was unable to hear what it was. The man then said to her, "Go away, I do not want to have anything to do with you." The man then entered the Tube Station as if to avoid her, but on seeing me he came out again. He said to me, "These women are a nuisance, constable." I then

* Note.—See page 544 *post* for the evidence taken on the 6th December, upon which day the sitting was public.

crossed to the opposite side of Oxford Street by Peter Robinson's—that would be on the D Division.

475. You crossed to the north side?—Yes, to the north side. There were a lot of 'buses standing there at the time, and I had to cross between the back of one 'bus and the horses of another 'bus. The next I saw of Mrs. X was I saw her stop a man by Hill's Place.

476. That is a turning on the south side of Oxford Street beyond Argyll Street?—That is so.

477. That is to say, the second turning from Regent Street?—That is right.

478. Going eastwards?—Yes.

479. What sort of place is that Hill's Place?—A place leading down into the back of Marlborough Street Police Station. It goes into Ramilies Street.

480. How do you get down—are there steps there?—There are no steps there. It is a street.

481. Is it a narrow place?—Yes, it is a narrow place; it is narrow as you go to the bottom. It would look like a cul de sac from this end.

482. You saw her at that spot?—Yes.

483. What did you see her do?—I saw her stop a man there. The man got a matter of a yard or two past her, but he again came back to her, and, after a short conversation, they both walked together eastwards along Oxford Street.

484. How far?—To Berwick Street.

485. How many turnings is that along?—The second turning on the right.

486. Beyond Hill's Place?—Yes. There are some steps by Buzzard's, and that goes down into the back of the Marlborough Street Police Station again to Ramilies Street.

487. When they got to Berwick Street, what happened?—They parted; the man she was with came back westwards again, and the lady proceeded eastwards to Wardour Street. She there stepped in front of another man, but the man stepped aside as if to allow her to pass, but she again stepped in front of him, and the man then said something to her, and gave her a slight push. He placed his hand on her shoulder and gave her a slight push. This gentleman then crossed to the other side of Oxford Street.

488. That would be to the north side?—The north side. I omitted to say that at the tube station I cautioned this lady.

489. Going back to that, what did you say to her?—I said to Mrs. X after this gentleman spoke to me, "You must behave yourself and not molest people."

490. What did she say, if anything?—She said, "You mind your own business; that was my friend."

491. Is that all that took place at the tube station?—Yes, that was all, till I turned my back on her and went across to the other side of Oxford Street.

492. When she got as far as Wardour Street, what side of the street were you on?—By then I was on the south side. I crossed over from Wells Street.

493. You crossed again to the south side?—Yes.

494. Were you walking in front of her or behind her?—Behind her the whole time.

495. What happened at Wardour Street?—She there stepped in front of another man. The gentleman stepped aside as if to allow her to pass. I then went to Mrs. X, and I said, "I shall arrest you for insulting behaviour."

496. Before that, had you seen Sergeant Shepherd?—I did see him as I crossed from Wells Street from the other side of Oxford Street.

497. Did you have some conversation with him?—I did say something to him. I forget the exact words.

498. What was the subject matter of your conversation? Were you speaking of Mrs. X or not?—Yes.

499. You had some conversation with him about Mrs. X?—Yes.

500. At Wardour Street you say you spoke to her?—Yes; I told her I should take her into custody or arrest her for using insulting behaviour. She then said, "Give me a chance, I am a married woman, and ought not to be here."

501. What did you do?—I then took her to Marlborough Street Police Station.

502. By what route did you take her?—Down Oxford Street—that would be westwards—to Poland Street, and down Poland Street to Marlborough Street, along Marlborough Street to the police station, which is on the right hand side.

503. On the way, did she say anything?—She pleaded very hard for me to let her go, and she said, "My husband will kill me." I do not remember just the exact words, but she said, "My husband will kill me for this." She pleaded very much, and asked me several times to give her a chance.

504. Did she say anything about a mistake?—She told me several times going to the station that I had made a mistake.

505. At the station, did you tell Inspector Remfry what the charge was?—I did.

506. Did you state the facts to him?—I did.

507. (*Chairman.*) In Mrs. X's presence?—Yes.

508. (*Mr. R. D. Muir.*) She being then in the dock?—Yes.

509. What did she say upon your stating those facts?—Do you mean in answer to the charge?

510. Yes?—She said, "The constable has made a mistake; I did not insult him. He was my insurance man, and the other men spoke to me."

511. On the 21st March was Mrs. X brought up before Mr. Denman?—Yes.

512. And you and another officer (Keeble) gave evidence?—Yes.

513. Did the husband give evidence or make a statement?—Yes.

514. Which was it? Did he make a statement in the witness box, or where did he make a statement?—In the witness box.

515. As far as you can remember, it was in the witness box?—Yes.

516. And in the result, did the Magistrate discharge the defendant under Section 16 of the Summary Jurisdiction Act, 1879?—Yes.

517. Did you have any conversation with Mrs. X in the court passage before her case came on?—Yes.

518. How did it begin?—She was joking and laughing with the other officers—I do not know the names of the officers—who were standing in the passage where the prisoners line up before going into court, and she said to me, "Do not be too hard on me; my husband was going to shoot me when I got home this morning." She said, "He has a nasty temper," and she said, "You know my husband gives me plenty of money. I only did it for love."

519. Did anything more pass between you in the passage?—No, not as far as I can remember.

520. Before this night of the 20th March, had you ever seen her?—Yes, I have seen her almost nightly.

521. For how long?—The whole of that month.

522. At what hours?—Between 10 and 12.30. I have seen her get on to one of the late motor 'buses that used to leave there about half-past 12, the Peckham motor 'buses.

523. What have you seen her doing on those nights when you have seen her there?—I have seen her accosting men.

524. Have you ever spoken to her at all?—No, I could not get near enough to her.

525. With regard to the motor-'buses that go across Westminster Bridge so as to enable a person to get on to a Balham tram, some of them go down Regent Street, do they not?—Yes, that is so.

526. Where do they come from before they get to Oxford Circus?—At that time, as far as I can remember, I do not think they went any further than Oxford Circus. They came up Regent Street from Peckham, and they turned down Princes Street and remained in Hanover Square. I remember that because there was complaint of the motor-'buses standing in the centre of the road.

527. That is the Peckham 'buses?—Yes.

528. Are there any other motor-'buses that go across Westminster Bridge than the Peckham 'buses?—No.

P.C. A. Cole. 7 Dec. 1906.

529. Now there is a difference, you say?—Yes, I think that they continue their journey to beyond Baker Street—Finchley, I think.

530. When they come up Regent Street to Oxford Street, do they turn west or east when they are going north. When they are going on their journey that they take now to Baker Street do they turn east or west going north?—West.

531. And coming back do they come from the west?—Yes.

532. Do any motor-'buses which cross Westminster Bridge come from the east?—No.

533. So that a person walking along Oxford Street from Oxford Circus to Wardour Street would not meet any such 'buses?—No.

534. Do you know a house called the Dolphin public-house?—Yes.

535. Have you anything to say with regard to any observation in connection with that house?—Yes, I have seen Mrs. X accosting men and have a conversation with them, and then I have seen her go into the Dolphin public-house with them.

536. Where is that—whereabouts in Oxford Street?—If you come down Regent Street, and turn down Oxford Street westwards it would be about 60 or 70 yards down on the left-hand side.

537. The south side of Oxford Street?—Yes.

538. On the night of the 20th March was Mrs. X carrying a dress box?—Yes.

539. A cardboard box?—Yes.

540. Had you ever seen her carry any such box on any other occasion?—Yes, I think twice before.

541. (*Mr. Cockle.*) I believe it is said that you made some improper suggestion to this lady yourself?—I did not.

542. That has been suggested, and you took her for a lady, and you had no doubt she was a lady, to whom such a suggestion might be made by anyone?—Yes, I did think so.

543. You deny the suggestion?—I do.

544. You say you had seen her several times before doing this, but you had not interfered with her. You had not spoken to her?—No.

545. I understood you to say that was because you could not get near to her?—I could not get near to her.

546. Surely that is rather strange, is it not? How is it you could not get near to the lady? You had seen her several times?—I had seen her several times.

547. How was it you could have any difficulty in getting near to her?—I say I had not any opportunity, and another thing was I wanted to be careful before I did speak to the lady.

548. The only reason you gave was that you could not get near to her. But you are an active man and could move faster than she could?—Yes, but she was very artful. She would jump into 'buses or into a cab.

549. With regard to this box that she had with her, was that a heavy box?—No, a very light box.

550. But rather large?—Fairly.

551. Not easy to walk with?—A fair-sized box, about 2 feet by 1 foot.

552. But it was not such a box that a lady would carry for many hundreds of yards, would you say?—No.

553. But she did walk the whole way from Wardour Street carrying this box?—Oh, yes.

554. And it was raining?—I do not remember.

555. You do not remember whether it was raining?—No.

556. I suggest to you that it was raining, and she was holding an umbrella besides carrying this cumbersome box?—I forget whether it was raining or not. I could not say.

557. I believe the witness herself said so, but you do not remember?—No.

558. And yet you say under those circumstances she walked all that way?—She had the cardboard box.

559. I believe she said she only walked as far as the Tube station?—Not to me.

560. You are quite sure that she walked all that way in that condition?—I am certain.

561. It may have been raining—you do not know?—No.

562. You seem to have taken very particular notice of the way in which she approached these different men. At Wardour Street she got in front of the man, he moved away, and then she spoke, and then she got in front of him again?—Yes.

563. You are sure of all those details?—Yes, I made sure of it because I had seen her there all the month, and I wanted to be sure. I made up my mind that night to take her into custody after having kept observation on her.

564. Do you know what was in this box?—There was a blouse and some under-linen, and a pair of stockings.

565. (*Chairman.*) No dress?—No, there was no dress.

566. (*Mr. Cockle.*) Were they things that a lady would take if she was going to spend the evening somewhere—a change of blouses?—I should hardly think so. There was under-linen there.

567. On these two other occasions had you seen her with this box?—I had.

568. (*Chairman.*) With the same box?—That I would not say. I think it was a smaller box.

569. (*Mr. Cockle.*) As a rule ladies who are engaged in this way do not carry boxes with them?—It is not unusual to see them carrying parcels.

570. (*Chairman.*) As I understand your evidence it was a clear case of a prostitute soliciting men?—Yes.

571. Then why did you not charge her with solicitation?—I did not know her sufficiently to do so.

572. You have just told me that it was a clear case of solicitation?—Her actions were those of a prostitute, but I did not know her to be a prostitute.

573. What?—I did not know her to be a prostitute.

574. But according to what you have told us she had been there every night?—Almost nightly.

575. During that month?—Yes.

576. Soliciting men?—Yes.

577. And you had cautioned her on this very night?—Yes.

578. And notwithstanding your caution she went up and accosted another man?—She did, Sir.

579. Only one man more?—Two more.

580. What further evidence do you think was requisite in the case to make out a clear case of solicitation under the section of the Police Act?—Of course, if a woman has been charged with insulting behaviour I should charge her with being a prostitute on the second occasion if I knew that.

581. (*Mr. Whitmore.*) If she had been charged before?—If I knew it.

582. On a different occasion?—Yes.

583. (*Chairman.*) But I think we have been told that the practice is in the case of a constable observing a woman night after night either actually accosting men or smiling at them, or doing anything of that kind night after night, for the constable to go and give her a caution?—Yes.

584. And then if he has given her a caution, and either on the same night or a subsequent night she is observed to accost somebody, then to arrest her for solicitation. That is what we were told, and I think that is the effect of the evidence that we had in another case that has come before us. Is that the practice?—I have not known it to be the practice before.

585. What do you say is the practice?—If a woman is not known to a constable as a prostitute to charge her with disorderly conduct, insulting behaviour.

586. That I can understand, but what according to the practice, as you understand it, is your duty before making a charge of solicitation against a woman?—I told the Inspector what had happened, and I should say it would lie in the discretion of the Inspector.

587. In this case you told the Inspector the facts then as you have told them to us?—Yes, as I have told them to you.

588. (*Mr. Muir.*) There are two sub-sections of Section 54 which perhaps, Sir, you would like to look at—Sub-sections 11 and 13. The first deals with the

common prostitute, and the second deals with persons who use insulting words and behaviour whereby a breach of the peace may be occasioned. It is the 2 and 3 Victoria, cap. 47, Section 54.

589. (*Chairman.*) I know those sections, and I am much obliged to you, Mr. Muir, for calling my attention to them. I have already looked at them, and was founding my question with reference to them. (*To the witness.*) Then in this case you told the Inspector the facts?—Yes.

590. And then after a conversation with him he took the charge as one of disorderly behaviour?—Yes, I told him that I wished to charge this woman with using insulting behaviour whereby a breach of the peace might have been occasioned. That was the charge I made against the woman.

591. You made the charge?—Yes, and then I went on to tell him what had happened. The usual practice is that the Inspector always says, "What did you see her doing?". Then I went on and told him.

592. Then I understand that you did not consider when you arrested this lady that there was sufficient evidence that she was a common prostitute or night walker loitering or being in a thoroughfare?—No, otherwise I should have charged her.

593. On what ground did you base that judgment if the evidence you have given us is true?—Her conduct in the street and her previous conduct.

594. But I should have thought if your story is true there was ample evidence that she was a common prostitute or night walker loitering for the purpose of accosting men. Then let me call your attention to what you have told me this morning. After giving the evidence as to what you saw on this night, you said in answer to Mr. Muir, "I saw her almost nightly for the whole of that month"?—Yes.

595. "I have seen her go by the late 'buses—the Peckham 'buses." You subsequently told Mr. Muir that you had seen Mrs. X accost men?—Yes.

596. And go into the Dolphin public-house with them?—That is so.

597. What conclusion did you draw from that as to her character, if that is so?—The only explanation that I can give you of that is that one has to be very careful in calling a woman a prostitute. It would be a serious matter for me if I had called that woman a prostitute and she proved to be something else. Her conduct in the street was disorderly, and that was why I charged her as I did.

598. What I put to you is that if the story you have told us is true the charge that you ought to have made was the charge that she was a common prostitute. You think not?—No, I think not.

599. Do you think you came to that conclusion because you had never actually cautioned her before?—Yes.

600. Before that night?—Yes.

601. If you had cautioned her before that night and she came again and behaved as you say she did behave you would have come to the conclusion that there was sufficient evidence that she was a common prostitute?—I do not think I should.

602. How much evidence do you require before you make a charge of a person being a common prostitute or night walker?—On the proof of her having been convicted.

603. Having been convicted of what?—Of disorderly conduct.

604. (*Mr. Whitmore.*) Of this charge?—Of this charge.

605. A similar charge you mean?—Yes.

606. (*Chairman.*) Then you do not think it is safe to charge a woman with being a common prostitute and night walker and accosting or soliciting unless there has been a previous conviction for disorderly behaviour?—I do not think so myself.

607. Have you arrested many women in Regent Street or Oxford Street?—Yes, a good many.

608. On either charge?—On either charge.

609. About how many do you think you have arrested in the course of last year, 1905, or the year before this incident took place in March?—200 I should think.

610. Do you mean about 200 in the course of 1905, or do you mean the year before the arrest of Mrs. X?—Do you mean since? *P.C. A. Cole.* 7 Dec. 1906.

611. No, I put it to you for the year before this arrest, or, if you like, in the year 1905?—Yes, in the year 1905, about 200.

612. In how many cases out of the 200 did you make a charge of solicitation by a common prostitute?—I do not remember, Sir.

613. In many of them or in very few of them?—Very few.

614. In nearly all the cases you charged them with insulting behaviour which might occasion a breach of the peace?—On, no, Sir—only very few in that way.

615. You said you arrested 200 women?—Not for insulting behaviour. I misunderstood you.

616. For what?—As disorderly prostitutes—for solicitation.

617. That is for solicitation?—Yes.

618. For being a common prostitute or night walker loitering or being in a thoroughfare?—Yes.

619. For the purpose of solicitation?—Yes.

620. To the annoyance of the inhabitants or passengers?—That is so.

621. In about how many of the 200 cases did you make the charge one of solicitation as a common prostitute?—In nearly all.

622. Nearly all of the 200?—Yes.

623. And before making those arrests and charging the woman with being a prostitute and soliciting did you ascertain that there had been a conviction against her?—No.

624. But I thought you told me a few minutes ago that you did not consider it right to charge a woman with being a prostitute and loitering in the public streets, and so on, unless there had been a previous conviction against her for insulting or disorderly behaviour?—Yes, but in some cases I have seen these women accompanying men to brothels in the neighbourhood, and in that case I would charge them as prostitutes. In some cases I have come in contact with them when a brothel has been raided. I had just on three years amongst these women, keeping observation on brothels and clubs, and I knew a good many of them that way.

625. Then it really comes to this, that you exercise your discretion in each case as to what charge you will make against a woman who has been accosting men?—Yes.

626. If she has been previously convicted for disorderly behaviour or if you have seen her actually going into a house that you know to be a disorderly house, or you have seen her when you have raided a house, then you would charge her with being a common prostitute?—Yes.

627. If you observe her accosting?—Yes.

628. Are you quite sure that you are right in this case of Mrs. X? The cardboard box seems to have been a pretty large one?—Yes, it was. I was quite sure of what she did.

629. Were there many people waiting for the 'buses that night?—Yes, there always is just at that place; always a lot of people between Regent Circus and Hill's Place, and then not quite so many people. There are always a lot of people waiting for the 'buses there and a lot leaving the Tube. Just about that time, as far as I can remember now, Queen's Hall was breaking up, and there were a good few people. Then there is St. George's Hall and the Polytechnic, and the people all come that way.

630. This was about half-past 10?—Yes.

631. That is not very late?—No.

632. There are a good many people about at Regent's Circus, I suppose, till the small hours?—There are.

633. Do you really mean that Mrs. X, the lady who is sitting there, behaved in the way that you have described, with a good many people about?—I do.

634. Were there a good many known loose women about at the time?—There were.

635. Women who had been convicted?—Yes, women I knew well.

P.C. A. Cole. 7 Dec. 1906.

636. Were they accosting, too?—I do not remember. I fixed my attention on to Mrs. X.

637. Why did you fix your attention particularly on her?—Because of her having been round there all the month, and seeing her looking into these gentlemen's faces and smiling at them. I had made up my mind to keep observation on her, and if I saw her accosting anyone I had made up my mind to caution her, and if I saw her after that, I intended to arrest her. I should have arrested her when she got to Berwick Street could I have caught her up, but before I had a chance to arrest her she would accost another gentleman.

638. Had you heard her talking on any of these nights?—No, I could just see her talking to them.

639. You had never had any conversation at all with her?—Never.

640. Then you did not know she was a foreigner?—No, I did not.

641. Are you quite certain of that?—I am certain.

642. We have had an opportunity of hearing her give evidence, and she talks in a very voluble way, if not with a foreign accent very marked, yet in a very foreign style. Are you sure it was not something of that about her that attracted your attention?—No, Sir.

643. Had you ever seen her before the month of March, or about that time?—No, I do not remember having seen her before.

644. Not some months ago?—No, I do not.

645. Have you got your notebook for March with you?—No.

646. Did you make any entry in the book about this?—No, I did not.

647. There is a book?—This is the V Division book that I have here.

648. But there was a book, I suppose, in your possession in March?—Yes.

649. Where is that book?—I could not say. I gave it in when I left the C Division.

650. Do you recollect whether you made any entry about this case?—I might have put in the street and the time. I might have done that, but I do not remember having done so.

651. Is it your practice to enter the name?—Just the name and the time and the name of the street.

652. Was any report called for about this case?—Yes.

653. When did you make the report?—I think it was about five o'clock that afternoon, after Mrs. X was discharged from the police court. The Inspector sent up for me to my home.

654. Did you make a written report?—Yes.

655. Did Mrs. X, after you had arrested her, use any words that suggested to you that she thought she had met you before in plain clothes?—No, she did not.

656. Was she crying or displaying agitation in any way during the time you were taking her to the station?—She was very excited, but she did not cry.

657. Was she angry, or was she treating it as a joke, or what did you understand her frame of mind to be?—She wished me to let her go. She asked me several times to let her go. I remember that. She seemed greatly in fear of her husband.

658. Of course; that was very natural, was it not?—Yes.

659. Did you see her umbrella drop?—No, I do not remember that.

660. When the first man spoke to her, how many yards were you from her?—About as far from her as it is to the corner of the room—about 7 or 8 yards.

661. You did not see her umbrella fall?—I did not notice her umbrella.

662. Is it possible that the first time she was talking to a gentleman she was simply thanking him for picking up her umbrella, or something of that kind?—No, sir. It is very light at that station, and the electric lamps were full on.

663. You seemed, from your evidence in chief, to attach very great importance to her smiling, and so on. Do you attach much importance to that as a general rule?—It is the practice of these women to do that.

664. But do you mean to say that it was the smile of the practised prostitute that you are thinking of, or might it have been a light-hearted smile?—Just a smile, and a look up into their faces.

665. The smile of solicitation?—I take it it was not the action of a respectable woman. I might add that I would see her in the Circus walking round people where the 'buses stop at Jay's, and look into their faces, and not speak to them at all. I had seen her do that several times in the month. On that particular occasion she might be simply walking round them and looking into their faces and smiling at them.

666. What you are stating against Mrs. X is very serious. She does not deny, of course, that she was there with the cardboard box, and that she did speak to men on this night. She also admits that she had been there before coming, as she told us, from Hampstead. It is a very serious charge you are making against her, that she had been there almost nightly for the purpose of carrying on her business of prostitution. Are you quite certain that you are not mistaken? This was March 20th, and there had been therefore nineteen days of March, and you say she had been there almost nightly?—I do say so, Sir.

667. Are you positive that you could have not confused her with some other woman?—I am positive.

668. And that even if what you say as to the 20th be in substance accurate, may you not be making a mistake as to the identity of the woman?—Not in the least. She was there almost every night, dressed the same. One night I remember she was dressed in black.

669. Almost dressed the same?—Yes, she used to wear a red dress and a white fur-looking round hat.

670. Was she wearing that on the 20th when you arrested her?—The red dress, I won't be certain about the hat on that particular night.

671. Did the Inspector say anything about the cardboard box in the charge room?—I do not remember.

672. He may have said something?—He may have said something, but I am not certain about that.

673. It would have been a natural thing for him to comment on the box, would it not?—Yes.

674. You do not allege, as I understand your evidence, that the carrying of a cardboard box is a common trick among women of the town, do you?—Yes, sir.

675. You do allege it?—Yes, I have seen women carrying boxes before. I do not say so large as Mrs. X's, but I have seen them carrying smaller boxes.

676. Late at night?—Yes.

677. When they are loitering about trying to find men?—Yes, loitering about.

678. I quite understand that a great many women have to loiter about, even as late as 12 o'clock midnight, with cardboard boxes and other parcels, but they may be quite honest women, may they not?—That is so, sir.

679. Do not you think the presumption is, if a woman has got a cardboard box on a rainy night, that she is all right, and that she is an honest woman?—No, I do not think so.

680. Then I understand that you are of opinion that these women do take precautions to avoid coming in contact with the police?—Yes.

681. They carry things that might tend to support a story favourable to their conduct?—That is so, sir.

682. (*Mr. Dickinson.*) I understand that on this night in question you first saw this lady in Oxford Circus?—Yes.

683. Tell us exactly the spot in Oxford Circus where you saw her?—Coming up Regent Street from Piccadilly Circus on the side of Peter Robinson's; then you come to Louise's, and she was outside Louise's door.

684. Is that on the south side of Oxford Street?—Yes.

685. There is a circle there?—You would call it the east side of Oxford Street.

686. There are four corners of the Circus?—Yes, Jay's at one corner.

687. What corner is that?—The corner going west. Then there is Dale's at the other corner.

688. That is north-west?—Yes. Then there is the

booking office at the other corner and Louise's on the other corner.

689. Louise's is on the south-east corner?—Yes.

690. Then I understand she was standing in Regent Street?—Yes, right at the corner of Oxford Circus.

691. That is where the omnibuses go down towards Peckham?—That is so.

692. What did she do when she was there?—She kept walking round gentlemen and looking into their faces and smiling at them.

693. Is that the spot where the omnibuses stop?—Not on the corner; there are no omnibuses that stop on the corner. They are not allowed to stop within 21 yards of that corner. They always stop by Duncan Smith's, next door to Peter Robinson's.

694. (*Mr. Whitmore.*) Lower down?—Lower down.

695. (*Mr. Dickinson.*) Then at that spot she was walking round gentlemen?—Yes.

696. Then what did you see her do?—Look into their faces and smile at them.

697. Did she speak to anybody there?—I did not hear her speak to anyone.

698. Where were you at that moment?—As soon as I saw her, and saw what she was doing, I crossed the road. There is a cab rank in the centre of the road, and I stood behind one of the cabs for a minute.

699. That is in the centre of Regent Street?—Yes.

700. You stood behind one of the cabs in the centre of Regent Street?—Yes.

701. You crossed the road to the pavement?—At the back of the cabs.

702. You being on the other side of the street altogether?—Yes.

703. You saw her cross the street?—No, I did not see her cross. I could see her. She was always very conspicuous, especially when she had her box with her.

704. Where were you standing when you first saw her walking round gentlemen?—When I first observed her, do you mean?

705. Yes?—By Parr's Bank, on the opposite side of Jay's.

706. Then you came halfway across Regent Street?—That is right.

707. And stood by a cab?—Yes.

708. And then you watched her again?—Yes.

709. And she was still doing the same thing?—Yes.

710. Were there any omnibuses passing at the time?—No, I do not think so. I will not say for certain.

711. It was sufficiently empty for you to see her?—Yes.

712. Were there groups of people there?—There were several people there; a good few people. There always are.

713. Now tell me what happened next. What did you see her do?—She then went round the bend into Oxford Street. As you leave Louise's there is a sort of bend—she went round the bend along Oxford Street, and I was very close behind her then.

714. What did you do?—I followed her up.

715. Tell me exactly what happened. At what distance were you from her when she walked round into Oxford Street?—Seven or eight yards.

716. Then she went along the pavement straight to Oxford Street?—Yes, to the Tube Station.

717. And you following?—I following.

718. How close were you the whole of the time?—I was on the other side of Argyll Street, a matter of seven to ten yards.

719. You mean to say you followed her seven yards behind her as far as Argyll Street?—To Argyll Street.

720. She crossed Argyll Street?—Yes.

721. To the Tube Station?—To the Tube Station.

722. What did you do?—As far as I remember I stepped down into the road to cross again when she approached this man who was standing outside, and I heard her say something, but I did not catch what she said. I distinctly heard him say, "Go away, I don't want to have anything to do with you." He then turned his back on her, and walked into the station.

723. When you heard that said how near were you to her?—I must have been as near to her as I am now almost. *P.C. A. Cole.* 7 Dec. 1906.

724. Were there people standing round the Tube Station?—Yes. People coming out of the Tube Station out of the exit there. They come up into Oxford Street, and there is always a string of people coming up from the trains.

725. I suppose there are omnibuses going even at that time of night?—Oh, yes.

726. But yet you could hear what was said?—Yes.

727. At that distance?—I could not hear what she said, but I heard what he said, and he shouted out. He seemed very angry.

728. How did she meet this gentleman?—She went up to him. This is the entrance to the Tube Station, and he stood this way, and it seemed to me as though he was waiting for someone, and she walked straight up to him and looked into his face and smiled and said something. I do not know what she said, but I distinctly heard him say, "Go away, I don't want anything to do with you." He turned his back on her, and he walked into the station, and he caught sight of me, or I take it that he did, and he turned to me and said, "Constable, these women are a nuisance." I then went to her, and told her she must behave herself.

729. Where did he go to then?—He turned back to the station.

730. Where was she standing when he said, "These women are a nuisance"?—She could not have been very far away. I think she was slightly on the move.

731. Would she have heard what he said?—I could not say that.

732. Would she have seen him speak to you?—Yes, she could see him speak to me.

733. And she did see him?—I will not say that she did see him, but she may have seen him. I will not say for certain.

734. And she continued standing in front of the Tube Station?—No. When I went to caution her I caught her up. She was walking slowly towards Hills Place.

735. That is away from you?—Away from me. When I cautioned her she stopped and turned round, and seemed very indignant at my speaking to her.

736. Did you notice anything in her accent or expression then when she spoke to you?—No, I did not notice it.

737. You even then did not know that she was a foreign woman?—No, I did not notice it at all. She seemed to speak good English, and I did not notice it.

738. Then she was walking towards the pavement?—Yes.

739. Where were you then?—After I spoke to her I crossed to the other side of Oxford Street with a view of keeping observation on her, but I am not sure whether she watched me across the road or no. My back, of course, would be turned on her.

740. And as she walked along the street she met another gentleman?—I saw her, I think it might be a second or two before she got up to this gentleman.

741. Got up to him?—As I crossed to the other side of Oxford Street. There is always a string of 'buses there outside Peter Robinson's; that is another stopping place on the north side of Oxford Street.

742. The 'buses going east?—Yes. I passed between two 'buses, the tail of one 'bus and between the horses heads of another one. Then there would be a 'bus that was in front, and after I passed through the back of that 'bus I should have to pass along that 'bus before I could see Mrs. X again. I saw her then almost up to Hills Place where she met this man. It is rather dark there. I won't be certain whether she had crossed Hills Place or whether she was in the road or on the footway.

743. You say she did pass that man?—She did not catch him up. She spoke to him as he was coming in this direction westwards.

744. She stepped in front of him and spoke to him?—Yes.

745. You say you had seen her almost nightly for a month?—That is so.

P.C. A. Cole.
7 Dec 1906.

746. You told the Chairman that you could not arrest her or could not caution her because she was so artful?—She was very artful.

747. In what way was she artful?—If she saw me approaching she would jump into an omnibus. I have approached her when she has jumped into an omnibus that was going west, and then I have seen her about twenty minutes or half an hour afterwards.

748. Do you mean to say that if a woman is soliciting and she gets into an omnibus, and then you see her back again doing the same thing, after that you are not able to caution her?—I don't usually caution them unless I catch them fair in the act. I like to caution them again. If a woman spoke to a gentleman and I had my suspicion about her, and she got away from me, I would not caution her if I saw her half an hour afterwards, unless I saw her doing something.

749. (*Mr. Whitmore.*) Something fresh?—Something fresh.

750. (*Mr. Dickinson.*) Why not? Let me understand what your view of this Regulation is. This woman whom you have practically known to be a prostitute from having seen her a number of nights you see soliciting?—Yes.

751. More than half an hour afterwards you see her again?—Yes.

752. You are able to get up to her and speak to her?—Yes.

753. Do you mean to say you do not think it is your duty then to caution her?—No.

754. When is it your duty to caution her?—When I catch her in the act—that is when I am under the impression it is my duty to caution her.

755. At any rate she was clever enough to get away from you on all those occasions?—Yes. If she went into the Dolphin public-house, which she frequently did, I could hardly follow her into the public-house and caution her. Perhaps she would remain in there for twenty minutes or half an hour. I cannot say I have seen her come out, but I have seen her go in.

756. Then your view is that she undoubtedly knew those nights that she was doing wrong?—Yes. Whenever she was doing this she always used to look about her.

757. How do you account for it then that on this occasion when you were standing close by, and had cautioned her, and she knew you were there, that she went on doing the same thing?—But I did not remain there. I crossed to the other side of Oxford Street. She seemed to take it that I had gone back. There is a policeman on the point, and whether she thought I was the pointsman, and had come over to caution her and had crossed back on to my point again, I could not say. Whether she was under the impression that I had gone, the 'buses having covered me, I do not know.

758. You think she did not see you the whole time you were following after her a few yards behind her?—I do think so.

759. You told us that at the police court you said something to her or she said something to you?—She was joking. She seemed very jolly in the passage of the court.

760. Who was she talking to?—Different policemen and the women—the prostitutes. She got into conversation with the prostitutes.

761. She was talking to different policemen?—Yes.

762. What policemen was she talking to?—I could not say now who they were; I do not remember; but as soon as ever I was warned to attend on account of Mrs. X it all came to my mind. I don't know if he remembers, but I remember saying to P.-C. Keeble "She is not much class the way she carried on at the back of the court." I think those were the words I used. I don't know if he would remember it, but I remember saying to Keeble "She cannot be much class or she would not carry on the same as she is carrying on at the back of the court."

763. What do you mean by "carrying on." What was she doing?—Joking with the policemen. A respectable woman would not do what she was doing, such as laughing and talking with these prostitutes who were in the passage.

764. Then she was talking to prostitutes?—Yes, there was a prostitute on *that* side of her. I believe she was the first to go in that morning, and I believe the next woman was a prostitute. They were all talking together—all the women in rotation. The women always go in first.

765. You must have been quite close to them at that time because she spoke to you. According to what you say she said to you "Don't be too hard on me; my husband was going to shoot me when I got home this morning"?—That is so.

766. Then you were close to her?—When we go in, the prisoner stands *that* side and the officer stands *this* side—immediately opposite.

767. Where were the other women?—Standing by her side.

768. What was she saying to these women. Have you any recollection?—I have no recollection, but I believe she kept saying "I wonder what I will get?" I remember her saying that, and "Do you think I will be fined?" The other women said "They won't hang you; they cannot hang you," or words to that effect. I will not say for certain, but I believe those are the words that were made use of.

769. Is there anything else that you can remember?—No.

770. She was saying "Do you think I will be fined?"—As far as I recollect she made use of those words or words very similar.

771. Were the women saying anything to her about fines?—I don't remember.

772. Were they saying anything about the police generally?—I did not notice them.

773. Did any other policeman speak to her?—Not that I remember.

774. Did any other policeman speak to her when she was brought in in the evening by you?—I don't think so. I did not see anyone speak to her. I will not say for certain now. It is a long time ago—about nine months ago now, I think.

775. I suppose when she told you that she was a respectable woman and had got a husband you must have felt it was important that her character should be spoken to by other people?—I did not take any notice of what she said in that respect, because we have so many of these women who, when you have arrested them, say "I am a married woman" and they have not been married women.

776. She did say she was married the very first thing when you took her up?—Yes, she said "I am a married woman, and I ought not to be here."

777. Did you say to her that you were going to charge her with insulting behaviour?—I said "I shall arrest you for insulting behaviour."

778. And then she said she was not insulting?—Not then. She did not say that till she got to the station, and from the way she spoke at the station I took it that she was under the impression that she was charged with insulting me, because she said: "I did not insult him, the policeman has made a mistake; I did not insult him. That man was my insurance agent, and the other men spoke to me." It seemed from the way she spoke she was under the impression that I was charging her with insulting me.

779. Did she say anything about the man being her insurance man before she got to the station?—No.

780. Were there any cabs near the Tube railway station?—That I do not remember. No, I do not think so. There is a cab stand in the centre of the road.

781. Did you see a cab take up anybody or drive anybody away?—No, I did not. There was no cab in the road. There may have been one standing in the centre of the road, because there is a rank there for two cabs. I will not be certain as to whether there was one standing there or not then.

782. You did not see her speaking to anybody in a cab?—No, I did not.

783. (*Chairman.*) Did any one of the gentlemen to whom she spoke or who spoke to her get into the cab and drive away?—No. One entered the Tube station and the other came westwards along Oxford Street. The other one crossed the road.

784. From an observation you let fall in the course of your evidence I gather you think that the lady was a very artful person?—I do, Sir.

785. Do you wish us to understand that you had been

actually trying on any night before the 20th to catch her and caution her?—Yes.

786. And that you had failed to do so?—Yes, I had failed to do so.

787. It took you nearly a month or three weeks before you were able to catch her and caution her?—Yes.

788. And then you succeeded in cautioning her?—I did.

789. Was it very artful of her to go and accost the very same evening?—She would not have done it had I been following her. I think by her action she was under the impression that I had gone.

790. I am putting that question to you with a view of suggesting still that you made a mistake, and that Mrs. X was not the person whom you had been trying to caution before?—No, Sir, I have not made a mistake.

791. That is my suggestion to you. I have been listening carefully to your evidence. What was the insulting behaviour of the lady in this case?—In stopping in front of the gentleman and obstructing him from going along.

792. It is no use using the words "And obstructing him from going along." I understand you to say she simply stopped a gentleman, smiled at him, and said something in the way of solicitation to him. Is that what I understand you to have observed?—Yes.

793. Simply that she stopped and smiled at a man—putting it in general terms?—Yes.

794. Is that the only behaviour to which you could give the name "insulting"?—That is all.

795. Was it likely, do you think, that Mrs. X, speaking to a man—if it was Mrs. X who was doing so—would cause a breach of the peace?—Yes, because sometimes these gentlemen when they are annoyed by women molesting them and stepping in front of them will strike at them with anything they have in their hand. I have seen them do that.

796. Of course, it is possible, and I daresay you have seen such a thing, but it is very rare, is it not?—I have seen it done.

797. Very likely, but it must be a very rare thing for a man to strike a woman simply because she smiles at him or accosts him in words?—But it is not often that you meet a woman who was so persistent as Mrs. X was.

798-9. Persistent?—She stepped in front of this last gentleman that she spoke to and stepped on one side, and she again stepped in front of him.

800. That is the first we have heard of that?—I gave it in my evidence.

801. That she stepped twice in front of the same man?—Yes.

802. I find this in your report: "He stepped aside as if to allow her to pass, but she again stepped in front of him"?—That is so, sir.

803. You say that when she stopped the first man, what he said was "Go away, I don't want anything to do with you"?—That is so.

804. She did not force her attentions upon him then?—She stepped away from him then.

805. Then came the caution, and then came the other incident?—Yes.

806. (*Mr. Dickinson.*) I see that you were on night duty in that month of March. I suppose that is for the whole month of March?—Yes.

807. You were on night duty in this particular place?—Yes.

808. When did your night duty begin there?—Did it begin on the 1st of the month?—About the 3rd or 4th, I think. It was on a Monday. We always change the first Monday in the month.

809. Then it would have been something under three weeks that you had been on that duty?—It would.

810. That was the time during which you saw her?—That is right.

811. All that month of March?—Yes.

(*Mr. R. D. Muir.*) Monday was the 5th March.

812. (*Mr. Dickinson.*) Then it is shorter still. There are 15 days between that and the 20th. So it is a fortnight. I thought you said you had been there almost nightly for a month?—No; I said, "The past three weeks." We were into the third week, I think.

813. You mean all the time you were on night duty?—Yes.

814. You were on night duty at the same place in January?—Yes.

815. Did you see her at that time?—No, not to remember her.

816. It was only during that March night duty that you saw her?—Yes.

817. I see in March you made nine arrests. Can you tell me whether in any of those cases the arrest was for insulting behaviour?—No, I could not.

818. I have no doubt you could find out for us?—Yes, it could be found out.

819. I should like to ask the same question with regard to your January beat on that spot. I see you made 20 arrests in the month of January?—I think that month I was patrolling Oxford Street and Regent Street.

820. I have got you down as being on night duty in Regent Street, Conduit Street, Hanover Street, and so on. Would you be patrolling?—I would be on the beat.

821. The same work as you were on in March?—Yes.

822. On that occasion you made 20 arrests. Is that an exceptional thing with you? I suppose you had been working on this sort of work for some years?—Yes.

823. For how many years had you been at work on this beat?—Just on 14 years.

824. Is 20 arrests in one month an ordinary experience, or exceptional?—I have had more than that in one month.

825. You told us that you made 200 arrests in the course of the year?—I will not be certain on that.

826. I was going to point out to you that in the table which has been put before us it appears that for the six months ending April, 1906, you made 41 arrests in the half year?—Yes.

827. With that information, do you still think that you are right in saying that you made 200 arrests in the course of the year?—I know I made a good many, but I won't be certain to 200. I said about 200, I think.

828. You made considerably more arrests than any other constable in the C Division. Do you know that?—I was not aware of that.

829. Is this particular duty at this particular place restricted to a certain limited number of constables, or do you all take it in turns?—We take it all in turn.

830. Therefore there is no particular reason why one or two constables should make more arrests than the others?—No. I have been patrolling for the purpose of putting down the complaints as to these women. We have received complaints, and then perhaps someone one would be posted to patrol such places as Oxford Street and Regent Street to put it down, and to keep observation on these women, and if you are supposed to patrol you would naturally have no other responsibility, such as looking to the doors or working the beat. If a man has the beat to work, he has the responsibility of that beat.

831. (*Mr. Whitmore.*) He has other work beside that of watching the women?—Yes.

832. (*Mr. Dickinson.*) This night, had you nothing else to do but to look to the women?—That I am uncertain of. I was on the beat.

833. When you are on this particular beat, is it supposed to be your principal duty at that time of night to watch the women or not?—Yes, I am supposed to attend to it.

834. But is it supposed to be the principal duty?—Yes.

835. The principal duty is with regard to prostitutes?—Not exactly the principal duty. Of course, I had my beat to work as well. I had just worked my beat. I had gone the first time round. That beat takes 20 minutes to work, and I was just coming round the second time. I started from Hanover Street, and worked my beat, and when I was coming round the second time I observed this woman.

836. Does your beat extend to the east of Oxford Circus?—No.

P.C. A. Cole.

7 Dec. 1906.

837. It does not?—No.

838. Then you ought not to have been east of Oxford Circus under ordinary circumstances?—No.

839. You went outside your beat?—I did.

840. For what reason?—Because I saw this woman committing herself. Having seen her so many times round there during the month, I made up my mind to keep observation on her.

841. And you made up your mind to follow her anywhere, outside your beat or anywhere?—Yes.

842. (*Mr. Whitmore.*) Is that within the Regulations governing your conduct on the beat?—If we saw anyone committing themselves. My idea was to catch her up and caution her, and tell her to behave herself; and then, if she repeated her conduct, I intended to take her into custody.

843. (*Mr. Dickinson.*) What would be the good of your cautioning her when she was out of your beat, because you admit that you only wished to caution her at that moment? The first thing to do was to caution her?—Yes.

844. When you have cautioned her outside your beat, you have got no further responsibility for that beat?—Yes; but my idea was to keep further observation on her after I had cautioned her. I intended to arrest her from the time I first saw her. That was my intention. I had made up my mind that night, because she had been round there all that month, and more on my beat than anywhere. She used to get on the corner there—that was her principal place, by Jay's—and that night I made up my mind.

845. In a case like that, when you have seen a woman night after night misconducting herself, do you ever discuss with your superior officer about that woman?—Yes; I had talked it over with my sergeant.

846. You would?—I had already done so that month about this particular woman.

847. Let us know what you said?—You actually had spoken before the 20th?—Yes, certainly.

848. To your sergeant about this woman?—Yes.

849. What did you say?—I could not tell you the exact words.

850. (*Chairman.*) What is his name?—Sergeant Mead.

851. (*Mr. Dickinson.*) About when was that?—I could not say the date. It was from the time I went on the beat to the time I arrested her.

852. That we have found out was from the 5th to the 20th?—Yes, between that time.

853. Approximately, could you tell us what date that could have been about?—No, I could not. I am not certain whether it was a night before or two nights before.

854. It was shortly before this happened?—Yes.

855. What did you say to him?—I might have said to him: "That woman is round here again to-night with a cardboard box," or "that woman in the red dress." I might have said that.

856. You might have said, "That woman with the cardboard box." Had you seen her so often with the cardboard box as to refer to her as "The woman with the cardboard box"?—I had only seen her twice before the night I arrested her.

857. (*Mr. Whitmore.*) With the cardboard box?—Yes.

858. (*Mr. Dickinson.*) Then you had seen her almost every other night?—Yes.

859. And yet you spoke of her as "The woman with the cardboard box?—Yes.

860. You called her "That woman with the cardboard box," although you had only seen her two nights with the cardboard box and many nights without it?—No; I think on the first occasion I spoke to the sergeant about it I told him she was carrying a cardboard box. I am not certain whether the sergeant has seen her with a cardboard box. I spoke to him of a woman with a red dress hanging about the neighbourhood molesting men, and she was carrying a cardboard box, and I may have said, "That was to take off the suspicion."

861. You had spoken to him; that you remember distinctly, and that he will remember?—Not exactly the words; I would not guarantee them.

862. But you had in mind this particular woman and two or three days before this happened. What did he say? What was the result of that conversation?—He said: "Well, if she commits herself, you must take her into custody. If you see her committing herself, keep observation." But he always said: "Be careful, mind you."

863. Had you any doubt about that woman at that time when you spoke to him as to whether she was a prostitute?—Yes. I could not swear she was a prostitute. I should not have given her such chances had I known her to be a prostitute.

864. Did you make any inquiries of other police constables who had been on the beat?—P.C. Mead and Keeble. We had also talked about her.

865. You had spoken of her with P.C. Keeble?—Yes, we talked her over. I forget the words that were used. I don't remember what was said. He might have said something about the girl in a red dress. He might have said on my first time round, "That woman has gone round here again with that red dress on," or something like that.

866. Of course, you think it is very important that you should not make any mistake in these matters?—Certainly.

867. Did you talk it over with anybody else?—No.

868. I suppose you think it would be essential and most valuable for you if other constables had seen her doing the same thing?—Yes.

869. Who was the constable on that beat in the month of February, before you went on?—I don't know.

870. This return that has been put in shows the day and night duty beats, and shows the streets at which the officers were posted in certain months. It is only a certain limited number. When you consulted P.C. Keeble, why did you select him?—He was on the point there. He would have an opportunity of seeing her, although one week he would be on the early turn, which would finish at nine o'clock, and the other week he would be on the late turn, and he would be there from nine to one.

871. What duty was he on on that night?—He has a fixed beat there by Jay's at the corner.

872. By Jay's, which is on the other side of the street to that on which she was?—Yes.

873. He was the man who during that month was on the point there?—Yes, but not every night.

874. Were there any other constables there at that point?—Yes, I think there were—P.C. Garrett, 334. He was on the opposite relief, as far as I can remember; and I think I have spoken to Garrett about her, too. I am almost certain I have.

875. You think you spoke to Garrett before you took her up?—Oh, yes.

876. Is there anybody else?—I don't remember anyone else. I may have spoken to someone else about her.

877. Then, so far as you were concerned, you have no shadow of a doubt that this was a woman whom you had been thinking of and speaking about before the night in question?—There is not the slightest doubt; this is the woman.

878-9. She had a red dress on, I suppose, at the police station when she was brought in?—Yes.

(*Mr. R. D. Muir.*) I did not like to ask the witness what he had said to Sergeant Shepherd on the night of the 20th March as to which you were asking. We have the fact that he did speak to the sergeant. It may not be in his report, but he said in his evidence to-day that he saw Sergeant Shepherd and spoke to him about this woman.

880-1. (*Mr. Dickinson.*) We had better ask him and get it on the notes. You told me just now you did not speak to anybody else?—I do not remember saying that.

882. I was asking whether you had spoken to Sergeant Shepherd, Garrett, Mead, or anybody else?—I understood you before that night—before I arrested her.

883. Yes.—The only occasion I spoke to Sergeant Shepherd about her was after I crossed Oxford Street.

I continued on the opposite side of Oxford Street, and as soon as ever she left this man who came westward I crossed Oxford Street with the intention of arresting her, because I had cautioned her, but before I could catch her up she had already stepped in front of this man by Wardour Street. I intended after she left this man to take her into custody.

884. "After she left this man." That was the man that had spoken to you, and had gone into the Tube station?—The one she had stopped at Hills Place.

885. You say you saw her stop a man at Hills Place. Where were you at that moment?—I was on the opposite side of the road.

886. (*Chairman.*) She stepped in front of another gentleman who was proceeding in the opposite direction, and after a short conversation they walked together to Berwick Street where they parted?—Yes; that is, the gentleman.

887. Do you mean to say that you crossed the road to arrest her that moment?—Yes, after she left him.

888. After this conversation with this gentleman?—Yes.

889. (*Mr. Dickinson.*) Did this gentleman turn back with her?—Yes, and walked eastward.

890. Then what did he do?—He left her.

891. And went back again?—Westward.

892. That you saw?—Yes.

893. Then she went on and stepped in front of another gentleman?—Yes, that is so.

894. When did Sergeant Shepherd come?—When I crossed Oxford Street there—about Wells Street it was. I left the pavement just as she was parting from this man. That was the man she took to Berwick Street. As I crossed the road I saw Sergeant Shepherd coming along on that side following them up.

895. On the south side?—On the south side.

896. Going in the same direction as you were going?—Going in the same direction. Then when I got up to Sergeant Shepherd I said to him "Have you seen that woman stop any men," and I think he said "I saw her stop this man that she has just left." I said "I have seen her before and cautioned her, and I am going to arrest her," and I left Sergeant Shepherd with that intention.

897. What did Sergeant Shepherd say?—I am not sure; I think he said "Make sure of her." He might have said that. I cannot be certain; I cannot be sure of the exact words he did make use of. He said something. I did not waste any time.

898. You made sure that she was a prostitute?—No, I did not say she was a prostitute.

899. You, of course, were anxious to be careful?—Yes. Sergeant Shepherd might have said "You will be careful."

900. You were convinced that she had solicited another man, and then you took her up?—I intended to. I did not waste any time because I had lost her before. I hurried to catch her up, but before I could catch her up she, as I say, stepped in front of this other gentleman.

901. You thought it was a clear case of prostitution or soliciting?—Yes.

902. Nevertheless you charged her with insulting behaviour?—I did.

903. Your explanation of that is because that is the first time?—Yes.

904. That is your only explanation?—Yes—to my knowledge. I did not know the woman before that month.

905. (*Chairman.*) I now gather (correct me if I am wrong) that you crossed the road with the intention of arresting her when she and the gentleman, whom we will call No. 2, parted?—That is so.

906. The exact way in which you describe the matter in your report is as follows: "She walked to Hills Place where she stepped in front of another gentleman who was proceeding in the opposite direction, and after a short conversation they walked together to Berwick Street where they parted, the man returning in the direction from which he had come." That might have been a mere friendly conversation with somebody she knew, might it not?—It may have done.

907. Then how did it carry the case any further against her?—Because I had already cautioned her. *P.C. A. Cole.* 7 Dec. 1906.

908-9. The mere fact that you had cautioned her did not disentitle her to go and have a conversation with a friend. I am not saying that gentleman No. 2 was a friend. Do not misunderstand me. You gave your report on the 22nd, and I have read you the exact words: "She stepped in front of another gentleman who was proceeding in the opposite direction, and after a short conversation they walked together to Berwick Street where they parted." That is quite consistent with her having known the gentleman before, was it not?—She may have known him, but from the way she stopped him it did not appear as though she knew him.

910. You think she stopped before him as though he were not an acquaintance, but a complete stranger?—Yes.

911. At any rate, they had this conversation apparently of a friendly character?—They were walking along talking.

912. They were not quarrelling?—No.

913. How did that carry the case any further?—Because I had already cautioned her.

914. Yes, but what you have said there is quite consistent with the gentleman not in the least objecting to enter into conversation with her. I will put it in that way. It was not a question of insulting behaviour. Put it as high as this—say it was some evidence that she had solicited this strange man?—That was my opinion.

915. The gentleman did not object; on the contrary, he entered into conversation with her?—He did.

916. How is that insulting behaviour. How did it carry the case further against her?—In my opinion it did. I told her if she stepped in front of another man after having cautioned her I intended to take her into custody.

917. If she accosted another man?—Yes.

918. I can understand if you thought her stopping this other gentleman was the stopping of a stranger for the purpose of solicitation that it did carry the case further against her, that is to say, it carried the case of solicitation against her, but how does it carry the case of insulting behaviour any further?—(*No answer.*)

919. The words are "Insulting behaviour which may cause a breach of the peace." Assuming her behaviour was insulting in speaking to a strange man, it did not occasion a breach of the peace, and it did not in that case?—(*No answer.*)

920. (*Mr. Dickinson.*) I should like to ask you this. Where exactly was Sergeant Shepherd?—He was coming a few yards behind.

921. But at what street? Argyle Street is the first, and then there is a little street with some steps which go down to Oxford Circus Avenue?—There are no steps there.

922. What is the turning that goes down into Marlborough Mews?—Those are the steps to the mews.

923. There are steps which go down to Ramilies Street?—It is Hills Place where you go down to Marlborough Street—to the mews.

924. Hills Place is further east than Ramilies Street?—No, further west.

925. (*Chairman.*) I understood you met Sergeant Shepherd on the north-west side of Oxford Street?—That is so.

926. And you had a conversation with him?—Yes.

927. (*Mr. Dickinson.*) I understood you to say that when you were on the north side of Oxford Street you saw Sergeant Shepherd on the south side following them?—Yes. I did not observe Sergeant Shepherd until I crossed the road. Where he came from I do not know.

928. You first of all crossed Oxford Street at the Circus?—Yes.

929. Then you got on to the north side of the street. How far along the north side of the street did you walk until you saw her accost a gentleman at Hills Place?—A matter of a few yards, just past the 'buses; that would be at the corner of Great Portland Street.

930. You were just crossing Great Portland Street

P.C. A. Cole. Dec. 1906.

when you saw her on the other side accost No. 2, as we call him?—Yes.

931. *That* is not Hills Place opposite, is it?—No.

932. Where is Hills Place?—On the opposite side. It is immediately across like *that*.

933. *There* is Oxford Street, *there* is the Tube, and *there* is Argyll Street. You crossed over *there*, and you walked as far as Great Portland Street?—Yes.

934-5. This is where you saw her accost No. 2?—Yes.

936. Then what did you do?—I continued along Oxford Street.

937. How far?—To just about Wells Street.

938. Is *that* Wells Street?—Wells Street would be over *here*.

939. Then when you got to Wells Street you crossed over. You saw her again then, I understand?—I did not lose sight of her afterwards.

940. And you saw her stop No. 3?—From Hills Place I never lost sight of her.

941. Where did you first see Sergeant Shepherd?—Between Poland Street and Wardour Street, following up behind.

942. That was before she got to Berwick Street?—Yes.

943. At Berwick Street she accosted a third man?—No, the second.

944. Hills Place was No. 2. Then she walked with that man to Berwick Street, and then the man left; and then behind her was Sergeant Shepherd?—Yes.

945. I want to know where you saw him?—Behind her.

946. Did you see him east or west of Berwick Street?—West of Berwick Street.

947. West of Berwick Street?—West of Berwick Street.

948. Then you crossed over and met him between Wardour Street and Berwick Street?—No, between Poland Street and Berwick Street.

949. You saw Sergeant Shepherd on that side, and then you crossed over. What would be the distance between the place where you overtook Sergeant Shepherd and the place where you arrested her?—About 50 yards at the corner of Wardour Street.

950. (*Chairman.*) What time was it you first saw her?—On this night.

951. Yes?—As near 25 past 10, as near as I can say.

952. What time did you arrest her?—I think I had her under observation some 20 or 25 minutes.

953. Tell me when these Peckham 'buses run. Do you know what interval elapses between one 'bus and another at that corner?—Every four or five minutes.

954. The late Peckham 'buses run about every five minutes?—Every five or seven minutes.

955. We are talking of motor 'buses, to begin with?—That is what I am.

956. They were running last March, were they not?—Yes, she used to catch one of those sometimes, because I have seen her get on to one as late as half-past 12—the last one.

(*Mr. R. D. Muir.*) She could go as far as Westminster Bridge, and then she could get on a tram.

957. (*Chairman.*) Mrs. X told us she went to the tramway. Those 'buses which you call the Peckham 'buses you say go every five or seven minutes?—Yes.

Sergeant PETER SHEPHERD (39 C), sworn.

958. (*Mr. R. D. Muir.*) Are you a sergeant of the C Division?—Yes.

959. You have been in the Metropolitan Police for 15 years?—Yes.

960. On the evening of the 20th March, what duty were you on?—I was patrolling from 10 p.m. to 6 a.m.

961. Where is your Sub-Division?—The boundaries are Berwick Street and High Street, Bloomsbury.

962. Did you go along Oxford Street?—Yes.

963. Did you see Mrs. X that night?—Yes.

964. Where did you see her first?—Hovering about the Tube Station at Oxford Circus.

965. For how long was she under your observation there?—Not a minute before she walked away.

966. What direction did she take?—East, along Oxford Street.

967. Did you see her do anything?—Yes.

968. What did you see her do?—Stop a man at Hills Place.

969. What took place?—Walked away eastward.

970. Who did?—Mrs. X and the man who she stopped—walked away as far as Berwick Street, where the man left her.

971. What is the distance between Hills Place and Berwick Street?— I should say about 200 yards.

972. Did you see P.C. Cole?—Yes.

973. Where did you see him?—Between Poland Street and Berwick Street.

974. Did he speak to you?—Yes.

975. What did he say, or what did you say to him?—He said to me, "Have you seen that woman stop anyone?" I said, "Yes, I saw her stop a man at Hills Place." He said, "I have already cautioned her, and I am going to take her into custody. I have seen her before," and he walked past me.

976. Was anything more said between you that you remember?—No.

977. What did you do?—I remained at Berwick Street. P.C. Cole walked on towards Wardour Street. About two or three minutes afterwards P.C. Cole had Mrs. X in custody, walking towards the station.

978. Where were you at that time?—At Berwick Street.

979. Is that all you saw of it that night?—Yes.

980. Had you seen Mrs. X before?—No, sir.

981. (*Mr. Cockle.*) You say you did not know Mrs. X?—No.

982. Had you not been on duty at this place before?—Yes.

983. For how long?—A whole month, I think.

984. At that place?—Walking about.

985. That was part of your duty?—Yes, round about there.

986. You had been frequently there at this time?—Yes.

987. Every night practically?—Yes.

988. And you had never seen her?—No.

989. You say that when you spoke to P.C. Cole when you were between Poland Street and Berwick Street he said he had cautioned her?—Yes.

990. And he was going to arrest her?—Yes.

991. That was what he said to you then?—Yes.

992. He was determined to arrest her then?—Yes.

993. (*Chairman.*) Have you made any report in this case?—Yes.

994. On what date?—On the 21st.

(*Mr. Dickinson.*) You began, Mr. Muir, by asking him about the 20th March.

(*Mr. R. D. Muir.*) Yes, that is right. She was charged on the 21st.

995. (*Chairman.*) Your report was made, you say, on the 21st?—Yes.

996. Is that before or after?—After she had been in front of the Magistrate.

997. Were you in court?—No.

998. Had you, when you made your report, learned that the Magistrate had dismissed the case?—I had.

999. But under Section 16?—Yes.

1000. You knew that fact?—Yes.

1001. Seeing that the Magistrate had dismissed the

case, were you asked to make a report?—I was asked to make a report by Sub-Divisional Inspector McKay on what I had seen her doing on the evening of the 20th, the night she was arrested.

1002. Did he say why you were to make the report?—No, Sir. I think he told me to make a full report of the facts—what I saw her do.

1003. Had you spoken to Inspector McKay before that about the case?—No.

1004. Had you gone to the charge room on the 20th?—No, Sir.

1005. You remained on your patrol duty?—Yes.

1006. The report that has been handed to me is dated the 22nd March?—I think that is an error. I think it was the date on which she was discharged. Sub-Divisional McKay asked me to report.

1007. On the 21st March?—Yes.

1008. This is the original report. Just look at that (*handing report to witness*)?—Yes, this is my handwriting. This is dated the 22nd March.

1009. When did you write it?—It was in the evening, but I will not say positively that it was on the 21st or 22nd, but I am sure that it was the day she was discharged.

1010. Where did you write that out?—At the station.

1011. Had you seen anybody except Inspector McKay in reference to this case before you made that report?—No.

1012. What materials had you got before you? You were not present in the police court. You had seen, or rather Inspector McKay had come to you and spoken to you. What else had you got before you when you made your report?—Nothing before me further than Sub-Divisional Inspector said the woman was discharged.

1013. The woman?—The woman—Mrs. X.

1014. Was that the first time that you had heard the name Mrs. X?—Yes, I believe it was.

1015. Inspector McKay, you think, did refer to her by name?—Yes, by name.

1016. Did that have any meaning to you?—No, not then. He said it was a woman that P.C. Cole had arrested, and that P.C. Cole had told him something of what I had seen.

1017. Had you any entry in your note-book about the matter?—Not then, Sir.

1018. Have you got it now?—No.

1019. Why did you say, "Not then"?—I had no entry further than the report which I was able to make out.

1020. But I am referring to your note-book. I suppose the sergeant on patrol duty keeps a note-book as well as the police-constable?—Yes.

1021. And you had a note-book on that night?—Yes.

1022. Did you make any note in it about this case?—No.

1023. Have you got your book here?—I have got my book here.

1024. The book of March?—No, not the book of March.

1025. You have taken that little book out of the case?—It is complete, and is full now.

1026. You have handed it back?—Yes.

(*Chairman.*) I should like to look at that, Mr. Muir.

(*Mr. Muir.*) If you please, Sir, we will have it found for you.

1027. (*Chairman.*) Was Mrs. X in sight of you when Cole spoke to you?—Yes.

1028. How far from you?—I should say about 15 yards—about 15 yards.

1029. That was in the eastward or City direction?—The City direction.

1030. Did you walk with him, or did he stop and speak to you?—We walked together.

1031. You were on patrol duty of a general character, I rather gathered from your way of answering the learned counsel?—Yes, Sir.

1032. You were not told off specially to watch women soliciting, or committing other offences in the street?—Oh, no, Sir.

1033. Did you notice Mrs. X stop anybody or accost anybody on that evening of the 20th?—Just the one at Hills Place that I have already mentioned.

1034. What do you mean by stopping or accosting in that case?—She walked in front of him as he was walking in the opposite direction. He was walking westwards, and Mrs. X was walking eastwards. She walked right in front of him. Then he passed, I suppose, about two steps, and then he turned round, and then they walked away together eastwards.

1035. That was the only act or series of acts that you had seen Mrs. X perform on that evening?—That is so, Sir.

1036. And you had never seen her before at all?—No, Sir.

1037. Did it strike you that there was anything disorderly in the proceeding?—It did after what I was told.

1038. But you had not been told anything at that moment?—Before I was told.

1039. You had seen that before Cole had come to you, according to his story, which I understand you confirm?—But I was told before that by P.C. 91 (Keeble).

1040. It is rather unfortunate you did not mention before that you had seen Keeble. I certainly understood from you, and I have your report before me, that it was Cole who first called your attention to this woman?—Oh, no, Sir.

1041. Very well, now let us see. The question I put to you was whether all that you had seen was Mrs. X stepping in front of this gentleman, and then after he made a movement they both turned and walked away in conversation?—That is so, Sir.

1042. I asked you whether you thought that behaviour was disorderly—I think that was my question?—Yes.

1043. If nothing had been said by anybody to you, would you have considered that behaviour disorderly at all?—No, probably not.

1044. I want rather to know your state of mind. Do you think that the mere fact of two people stopping, even though they appear not to know each other, and having a little talk, is disorder?—No.

1045. Or insulting behaviour?—No, sir—unless we know them.

1046. That, without some other circumstance, would not attract your attention at all?—No, it would not.

1047. What was the other circumstance in this case?—I was informed by P.C. 91, Keeble.

1048. Strictly speaking, you know well enough that that would not be evidence, because I do not suppose Mrs. X heard the conversation with Keeble?—No.

1049. But still we, in our inquiry, think it right to take it. Where did you have the conversation with Keeble?—In Regent Street.

1050. How long before?—About two minutes before—two or three minutes before I saw Mrs. X.

1051. We have it, and I suppose there is no doubt about it, that Keeble was on point duty?—Yes.

1052. What was he doing in Regent Street?—It is part of his point. It is the west corner of Regent Street.

1053. But he stands in the middle of the road, does he not?—No.

1054. Not necessarily?—No.

1055. He was not regulating the traffic then?—No, not then.

1056. How would you define his point duty, then?—He is there in the daytime to regulate the 'buses proceeding west, but at that time there are not many 'buses there, and his duty is principally to see to these women, and disorder, and anything of that sort.

1057. Has he got any special instructions that the man on the beat has not got, or that the patrolling sergeant has not got?—No.

1058. Then it really amounts to this, that though he is still at night time on point duty, he is not guilty

Sergeant P. Shepherd.

7 Dec. 1906.

of any breach of his duty in leaving the centre of the road and going on the pavement?—No.

1059. Keeble was on point duty. Did you go up and begin a conversation with him?—No.

1060. I am not suggesting it was wrong for you to do so. You were patrolling, and I do not suggest there was anything wrong in your stopping to talk to any constable who you see, but did you, in fact, stop and say "Good evening" to Keeble, or enter into conversation with him in that kind of way?—No.

1061. Did he stop you?—He came across to me.

1062. What did he say?—He said, "All right, sergeant, there is a woman gone along Oxford Street east which I have seen several nights in the Circus speaking to gentlemen, and I should like you to see her to see whether you know her. She is dressed in red, carrying a cardboard box in her hand." Then I went into Oxford Street, and then I saw the woman whom he had described to me.

1063. Had she anything in her hand but the cardboard box, or was she carrying anything else?—No, I do not think she had, she had just the cardboard box.

1064. Was it a nice night?—Yes, Sir, I think it was.

1065. Had she an umbrella?—I would not be positive.

1066. Did you witness the arrest?—No.

1067. And, as I understand it, the first thing that you heard about the matter afterwards was Inspector McKay's statement to you?—I think it was about 3 o'clock in the afternoon.

1068. You were at the police station then, I suppose, and not at the police court?—No, I was at the police station.

1069. And Inspector McKay had come from the court then, I suppose?—Yes.

1070. The proceedings at the court for the day were over, as far as Inspector McKay was concerned?—Yes.

1071. Did you attend at the station, in pursuance of your duty, or did you go earlier than usual, or was it a mere casual visit to the station?—A casual visit.

1072. When the Inspector asked you to make a report under the circumstances that you have told us, did you set about it at once?—Yes.

1073. You had been on duty from 10 to 6?—Yes.

1074. And you had then been off duty, I suppose, between 6 o'clock and the time you went to the station?—Yes.

1075. Had you been home?—Yes.

1076. Are you sure you had not seen any other constable to talk about this matter between 6 o'clock in the morning and the time you made your report?—No, Sir, I did not.

1077. Did you make your report, thinking that there might be some question raised as to the propriety of the arrest by P.C. Cole?—No, Sir, I did not. I was not prejudiced in any way, in my own mind.

1078. I did not ask you whether you were prejudiced. I said, did you think that the report was called for, because it was felt by Inspector McKay, or somebody else, that there might be some doubt raised as to the propriety of the action of P.C. Cole?—No, nothing entered my mind at the time.

1079. We have it from P.C. Cole that he arrested about 200 women in the course of the year 1905. How many women did you arrest in 1905? I am not suggesting there is anything wrong in your arresting them. I only want to know the number, roughly. I do not wish to press your memory?—About 20, I suppose. It might be less or it might be more. I could not tell you approximately.

1080. It was not a very large number in any case?—No.

1081. Was there a report called for in any one of those cases?—No.

1082. Were you asked to make a report in respect of any of the arrests made by P.C. Cole in 1905?—No, Sir.

1083. Then I may take it that, so far as you are concerned, going back from March of this year into 1905, reports being called for in a case of this kind was a thing that you do not remember?—No, Sir.

1084. Were you not a little surprised at being asked to make a report about this particular case?—I might have been.

1085. Of course, you might have been, sergeant; that is not an answer that is of any value to me, and not one that I should have expected from you. Did it occur to you that the calling for a report was a little unusual?—Oh, yes.

1086. Then you did feel some surprise—at least, that kind of surprise which everyone feels when something unusual happens?—That is so.

1087. Then did it not occur to you that the reason for calling for the report in this case was that the propriety of the arrest might be questioned by somebody?—Yes, it did.

1088. Then I suppose you determined that you would make a truthful report, and one that should be of real assistance in deciding whether the arrest was a right and a proper arrest, or not?—Yes.

1089. Did you think it worth while mentioning the conversation with Cole, for instance?—No, I did not.

1090. Did you think it worth while putting down the conversation with Keeble?—Prior to my making up the report, do you mean?.

1091. Yes, when you were making the report. You have told me that you knew there was some reason—probably the fact that the propriety of the arrest might be questioned—for calling for the report?—Yes.

1092. You told me you wished to make a report that would be truthful, and that would throw light upon the question?—Yes.

1093. How came it that you omitted the conversation with Keeble and with Cole from that report?—That was after I made out the report.

1094. The question with Keeble and Cole did take place after you made your report?—Oh, no, Sir, it did not; but I did not detail in full in the report how I was first acquainted with the woman's presence in the street or the conversation with Cole.

1095. But it was very important, was it not?—I see it now.

1096. So important that when the matter is further questioned, and you are brought here and examined by learned counsel, you remember the conversation with Cole?—Yes.

1097. And then, when you are examined by me, you remember the conversation with Keeble?—Yes, Sir, I do.

1098. And you told me a few minutes before that the reason why you attached any importance to Mrs. X's behaviour when she conversed with this apparently strange gentleman was that Keeble had already spoken to you about her?—Yes.

1099. Does it not strike you as unfortunate that you did not mention that in your report?—Yes, I can see that now.

1100. You did take some care with your report, did you not?—Oh, yes.

1101. I notice you say this: "The gentleman who I saw her stop did not appear to be acquainted with her, as he walked two or three paces past her before he stopped"?—Yes.

1102. That shows that when you made the report you thought it was very important to exclude the idea that she was simply talking to a friend?—Yes.

1103. You were applying your mind to your work, were not you?—Yes.

1104. Is it not odd that you did not apply your mind to such purpose as to recollect the very conversation with Keeble that had put you on the track of the lady in question?—Yes, Sir; I see that it is now.

1105. You say that you never had seen Mrs. X before?—No.

1106. The cardboard box was rather a large one, was it not?—Yes, Sir; it was about 20 or 24 inches long and 12 inches wide.

1107. Is it a sort of box that a lady of the town would carry about with her, do you think, in order to delude the police?—It did not appear, to my mind, then, Sir.

1108. You did not think so?—No, I did not.

1109. We have been told, and from general know-

ledge we may pretty well guess, that prostitutes do carry things as a kind of blind?—Yes.

1110. You well know that?—Yes.

1111. There are tricks of that kind?—There are.

1112. Have you ever known a cardboard box so large as this being used by way of a trick?—No, Sir, I never did.

1113. You talk of the dress being red. Did you notice it was red when you were following the lady who Keeble had talked to you about?—Yes, Sir, I did.

1114. Red dresses are very commonly worn, are not they, by prostitutes and gay women, whether they are prostitutes or not?—Yes.

1115. The redness of the dress, therefore, is not, in your experience, a very good means of identification?—No, not alone.

1116. What kind of a hat had Mrs. X on on that night?—She had a round hat on—light.

1117. Apart from what you saw of her stopping a man, apparently a stranger, was there anything in her dress or her behaviour that struck you as loud and unladylike?—No.

1118. You would not describe her dress as loud and unladylike?—No, not unladylike.

1119. There seems to be no doubt at all in your mind that it was Mrs. X who you saw stop this man; and in your mind there is no doubt that it was Mrs. ——, the one who was arrested?—No doubt whatever.

1120. Did you see her actually arrested?—No, Sir, I did not.

1121. Then it is possible that the woman in the red dress who stopped the man near Hills Place, and walked with him, may not have been Mrs. X?—Oh, it was Mrs. X.

1122. Because of the cardboard box?—Yes.

1123. Not because of the red dress?—No—the cardboard box and the dress.

1124. But you did not see her arrested?—No, Sir.

1125. You think there can be no mistake about the matter?

(*Mr. R. D. Muir.*) I do not know that the witness quite follows your word "arrest." The actual arrest and being in custody are two different things, in his mind.

(*Chairman.*) He saw P.C. Cole bringing the lady back, and I am not asking him any question about that.

(*Witness.*) I quite follow you, Sir.

1126. (*Chairman.*) The learned counsel very properly intervenes. I was not asking whether you saw Mrs. X in custody of P.C. Cole, because there is no doubt about that fact?—None whatever.

1127. But you saw the lady in the red dress and the cardboard box having a conversation with a man who you thought was a stranger?—Yes.

1128. They parted, and she went on?—Yes.

1129. Then the next you see of her after that is with the red dress and the cardboard box in the custody of P.C. Cole?—That is so, Sir.

1130. What I was putting to you was that if you did not see the arrest it is possible—I do not say it was probable, but it is possible—that the lady who stopped this man and had the conversation in your presence was not Mrs. X at all?—It is improbable.

1131. Because you are certain she had a cardboard box when she stopped the man and had the conversation with him?—Yes.

1132. I am not putting these questions idly to you because you were not in court the other day when Mrs. X was examined, and she does not admit that she walked past the Tube station—or, if she did, it was only a few paces—and she absolutely denies that she had any conversation with the man beyond the Tube station. So that you see I am not asking you these questions idly. You are sure that you actually recollect that the lady with the red dress who you are talking of had a cardboard box with her?—Yes.

1133. Now, again, knowing there was going to be a question, and you being an experienced officer, and knowing the conflict of evidence that takes place in police courts, how came it that you did not mention anything about the cardboard box in your report? It is a very noticeable thing, a large cardboard box. The red dress you told me is not a good means of identification?—No, Sir. When I was instructed by Inspector McKay to make out a report, I was only asked to give a report of what I saw.

Sergeant P. Shepherd. 7 Dec. 1906.

1134. A report of what you saw?—Yes.

1135. I have no doubt Inspector McKay used words to that effect. Inspector McKay would not, of course, direct you as to what you were to say?—No.

1136. But you have told me that you were rather surprised at having to make the report, and that you knew, therefore, or inferred, that there was some question as to the propriety of P.C. Cole's action in arresting this woman at all?—Yes.

1137. Inspector McKay may have said, "Say what you saw," but you were careful also to put down what was an important fact—that the gentleman who you saw her stopping did not appear to be acquainted with her, as he walked two or three paces? That is not a statement simply of what you saw. In a sense it is, but you are endeavouring to describe the character of the acts you saw?—Yes.

1138. You quite follow what is in my mind?—Yes.

1139. I am a little puzzled at so experienced an officer as you omitting anything like a description of the lady with a cardboard box, and so on. However, you have said what you have to say?—Yes, Sir.

1140. (*Mr. Dickinson.*) I want to ask you a question about that report. You see the report is dated the 22nd?—Yes.

1141. This report, as you already know, is dated 22nd March?—Yes.

1142. You have told the learned Chairman that you are certain you made the report on the day on which the case occurred at the police court?—Yes, I believe it was.

1143. That was not the 22nd?—That was the 21st.

1144. Just try and charge your memory as to this. At what time of the day did you make this report?—About 3 o'clock in the afternoon.

1145. Where did you make it?—In the police station.

1146. When you made it was Inspector McKay there?—Yes, I believe he was; he was in the office.

1147. He signed this report?—Yes.

1148. So I presume he read this report?—Yes.

1149. After you had written it?—Yes.

1150. Then you would say that your dating it the 22nd was a mistake?—It must have been.

1151. You say, "With reference to report called for re Mrs. X charged on the 21st instant, I beg to report that at 10.35 on the 21st instant I was proceeding east along Oxford Street." There, again, you have got it wrong?—Yes, I have.

1152. You are quite certain it must have been a mistake in calling it the 21st?—Yes, it must have been a mistake.

1153. Now, I want to ask you, when you wrote, "With reference to report called for re Mrs. X charged on the 21st instant with insulting behaviour," where did you get that information from?—From Sub-Divisional Inspector McKay.

1154. Had he said that she was charged with insulting behaviour?—Yes.

1155. What had he said to you?—He told me to make out a report if what I saw respecting Mrs. X that P.C. Cole had charged with insulting behaviour.

1156. Is that a usual phrase, "charged with insulting behaviour"?—Yes, it is quite common.

1157. Common in what cases?—We have people charged with insulting behaviour.

1158. In what cases?—Cases where women have been charged with insulting behaviour.

1159. Is soliciting in the streets termed "insulting behaviour"?—It is insulting behaviour.

1160. Is it termed so? Is it called so in the charge?—Yes; not in all cases, but in cases where the constable or the officer arresting does not know the woman as a prostitute.

1161. Is that a recognised system?—Yes.

Sergeant P. Shepherd. 7 Dec. 1906.

1162. That is supposed to be the proper course?—Yes.

1163. That when the constable does not know her to be a prostitute, he charges her with insulting behaviour?—That is to say, provided he has evidence to substantiate that charge.

1164. Exactly. But what evidence of insulting behaviour is necessary to substantiate the charge?—Stopping men in the street, catching hold of them by the arm, and stopping them, after having been previously cautioned.

1165. No doubt you know that the section under which you proceed is with reference to "using abusive or insulting words or behaviour with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned"?—Yes, that is so.

1166. Merely soliciting a man does not provoke a breach of the peace?—It may give rise to it.

1167. Do I understand that it is a common practice to proceed under that section in ordinary cases of solicitation when a woman is not known to be a prostitute?—Yes.

1168. Has that been a practice of long duration, or only recently?—Only recently.

1169. Since when?—I could not give you the date.

1170. Has it been the practice during the course of the last year?—Yes.

1171. Or further back?—Yes, further back.

1172. Have there been many cases of that kind in this division, and at this Police Court?—Yes.

1173. Cases of women who have been charged with solicitation where the charge has been under this section?—Yes.

1174. And in their cases evidence is given of solicitation?—Much about the same; but where the woman is not known to the constable as a prostitute.

1175. If a woman is known to the constable as being a prostitute——.—She is charged.

1176. Knowing her to be a prostitute, I suppose, means that she has been previously convicted?—Yes, in cases; but where a woman has been known to walk about the streets, although she has not been known to be convicted, yet the constable may know her to be a prostitute.

1177. I want you just to tell me again what happened on this evening. Here is a map. That is Oxford Circus, and *there* is Oxford Street. That being the case, where did you come from first?—Along the east side of Regent Street.

1178. Where did you see Keeble?—*Here.*

1179. You came up on the east side of Regent Street to Oxford Circus, and Keeble walked across from the west side to you?—Yes.

1180. Then he used the words you have said?—Yes.

1181. You walked round that corner into Oxford Street?—Yes.

1182. When did you first see the woman?—She was hovering round the Tube Station.

1183. She was standing in front of the Tube Station?—Yes.

1184. You saw her?—Yes.

1185. You are perfectly certain?—Yes.

1186. What happened next?—She went along towards *here.*

1187. The Tube Station being at Argyll Street. *There* is the Tube Station on the east side of Argyll Street, and in front of the Tube Station you say you saw her hovering about?—Yes.

1188. With her box?—Yes.

1189. You have no hesitation in saying that?—None whatever.

1190. After that tell me exactly where she went?—She went along *here* to Hills Place.

1191. What happened there?—She stopped the man *here.*

1192. She stopped the man whom we have called "No. 2" at Hills Place?—Yes.

1193. What happened?—She walked along.

1194. You being where at this time?—About *here.*

1195. Then she walked along, and you followed her?—Yes.

1196. About what distance were you behind her?—About 20 yards.

1197. She came along as far as Hills Place, and there she met this man who passed her?—Passed her a few steps, and then came back, and they walked eastward.

1198. They walked eastward as far as where?—As far as Berwick Street.

1199. What happened next?—Cole came up between Poland Street and Berwick Street.

1200. Where did Cole come from?—He came up on the other side of the road. He came from behind me. He touched me on the arm between Poland Street and Berwick Street.

1201. He went in front of you?—Yes, he passed me.

1202. You followed?—I remained at Berwick Street.

1203. What did you remain there for?—The man and woman parted, the woman went further on, and Cole followed on. I remained at Berwick Street.

1204. How far were you behind the woman when she parted from this man?—About 20 yards. I kept behind her.

1205. You and Cole were then together?—We were together when they parted.

1206. Cole walked after her?—Yes. Cole left me and went on behind her after she had parted from this man.

1207. When the man parted from her did she turn round?—No; she went right on towards Wardour Street.

1208. She did not see you?—Not to my knowledge.

1209. Then what did you do?—I remained at Berwick Street.

1210. Why did you stop at Berwick Street?—I was going down through Soho, and I was going through Berwick Street. I generally used to go through there.

1211-12. But you stopped?—I stopped.

1213. For what purpose?—For no purpose whatever, but merely to go down Berwick Street. I was going down Berwick Street.

1214. What was the next thing you saw?—I saw Cole come back with the woman in custody.

1215. And pass you?—And pass me.

1216. Where?—At Berwick Street.

1217. How long did you have to wait there?—I was not there more than three minutes, or three and a half minutes. I was not there five minutes.

1218. I suppose Cole saw you when he passed?—Yes, he saw me.

1219. What do you say this woman was doing at the Tube Station?—She was hovering, to my mind, wondering which way to go.

1220. Did you see Cole anywhere there?—No.

1221. You never saw Cole until he crossed the road?—No. Between Poland Street and Berwick Street was where I saw Cole first.

1222. Do you know what Cole's account of this was. Of course you have not heard his account in this room, but do you know what his account was?—No.

1223. Was Oxford Street fairly empty at that time?—No; there were a good many people going down there then.

1224. I suppose as you were going after the woman you walked at the ordinary rate?—I kept a certain distance behind.

1225. You did not see her before she got to the Tube Station?—No.

1226. But you know she had gone out of Oxford Circus towards the Tube Station —Yes.

1227. I think you said that Keeble told you "A woman has gone along Oxford Street"?—Yes.

1228. He must have meant, I suppose, "had just gone along"?—Yes.

1229. By his saying that to you would you take him to mean that if you walked after her you could catch her?—Yes, I could have done so. Only two or three

minutes had elapsed from her going to my speaking to Keeble.

1230. It is only a minute or two minutes walk to the Tube Station?—About that.

1231. Had you ever heard of this woman before that evening?—No, I never had.

1232. What is your relationship to Cole as regards your position in the force. Are you in command of him?—Yes.

1233. How is the force organised there. I suppose you were responsible for all the police on that beat in that particular section at the time of the working of it?—Each section has their respective sergeants, and I am supernumerary. My duty was to go round the whole of the sub-division, and to call in at the station and see if there were any inquiries to be done during the night, and I should have to do it.

1234. Was that only on that night, or would you have been in that position during the previous fortnight?—Not the whole month. I may have had to go and do station duty.

1235. Were you the immediate superior officer to Cole?—No, not the immediate superior officer to Cole. He had a sergeant over him.

1236. Who would be the sergeant?—Sergeant Mead.

1237. In the ordinary course of duty he would not have spoken to you about prostitutes in the street?—No, I do not suppose he would.

1238. Did you wait at that spot because you knew he was going to take this woman up?—No, I did not.

1239. I want to know why you waited?—We generally wait at the corner of a street and look back, or look one way or another.

1240. Then his statement to you that he was going to arrest this woman had no effect on your mind?—Not in one way, as I consider P.C. Cole a very responsible and reliable officer.

1241. Cole came up to you and said: "I have cautioned her, and I am going to take her into custody." When you said you had seen her before, and he said: "I have cautioned her," what did you take it he was referring to?—I understood he had cautioned her as to her action in the streets by stopping men.

1242. To whom did you think he referred then when he said: "I have cautioned her"?—Mrs. X.

1243-44. Why her?—He was following her, and I was following her then.

(*Chairman.*) What Cole said to Sergeant Shepherd was: "Have you seen that woman stop anyone?"

1245. (*Mr. Dickinson.*) Is that what Cole told you?—Yes.

1246. Was that the first thing he said?—Yes.

1247. (*Chairman.*) That is exactly what Sergeant Shepherd said. Cole said: "Have you seen that woman stop anyone? I have already cautioned her. I am going to take her into custody. I have seen her before." Then Sergeant Shepherd said some words which I did not take down—"Take care," or some words to that effect?—Yes, I did so. *Sergeant P. Shepherd.* 7 Dec. 1906.

1248. (*Mr. Dickinson.*) When he asked you whether you had seen the woman stop anyone did you tell him you had?—I did. I told him I had seen her stop a man at Hills Place.

1249. When you saw them going was she going quite quietly with him?—Yes.

1250. (*Chairman.*) Are you quite certain you told me everything that Keeble said to you?—Yes, I am.

1251. What I took down was this: "All right, Sergeant." I suppose that is a kind of general form of salutation?—Yes.

1252. "A woman has gone along Oxford Street eastward which I have seen several nights at the Circus speaking to gentlemen, and I should like you to see her to see whether you know her"?—Yes.

1253. Was that all?—That was all. He told me about her being dressed.

(*Mr. R. D. Muir.*) Dressed in red, and carrying a cardboard box in her hand.

1254. (*Chairman.*) You said you were following a lady in red when Cole came to you?—Yes.

1255. Why did you go on with Cole?—I was not going as far as Wardour Street, I was not going down Wardour Street, and Cole had already passed me.

1256. You were not going as far as Wardour Street?—No.

1257. Then I understand if you had not met Cole you would not have gone on after the lady in red with the cardboard box?—Probably not after I saw her leave the man.

1258. Then so far as your observation went she had been guilty of no insulting behaviour?—No, not then. I should not have cautioned her that night. Had I have seen her on a subsequent night I should have done so, and I should have kept her under observation and cautioned her.

1259. You had not cautioned her on this night?—No.

1260. But you say that after what you saw that night if you had seen her on a succeeding night you would have cautioned her?—Yes, I would.

1261. Even although the only thing you had noticed was her stopping and having a conversation with the man and walking away with him, and this man leaving her. I do not follow that distinction. It seems to me if a man and woman stand and talk their behaviour is just as insulting as if they walked a few paces together?—Yes; but what I wish to imply is this: I would not have cautioned her that night. Had I seen her on other nights stopping men I should have cautioned her, and if she unheeded my caution, if I had seen her again, I would have taken her into custody.

P.C. Arthur Cole (528 V), recalled.

1262. (*Mr. Dickinson.*) When you spoke to this woman at the Tube you cautioned her there?—I did.

1263. Then I understood you to say that she walked away from you?—When I cautioned her? No, I did not say she walked away.

1264. What did she do?—When I cautioned her, and as soon as ever I spoke to her I turned my back on her, because she sort of turned round and said to me, "You mind your own business. That is my friend." Then I almost immediately walked across to the other side of Oxford Circus with my back turned to her.

1265. What did she do then?—I would not be certain what she did. I went to cross and I was between two 'buses—between the back of one 'bus and the horses' heads of another. *P.C. A. Cole.*

1266. And you lost sight of her?—Yes.

1267. For how long?—Three or four minutes. When I got past the 'buses—I should have to pass the 'buses before I got to Great Portland Street—I saw her again, and then, when I saw her, almost immediately she accosted this man.

1268. When did you first see Sergeant Shepherd?—When I was crossing from Oxford Street to the other side of Oxford Street, between Poland Street and Berwick Street.

P.C. Henry Keeble (91 C), sworn.

1269. (*Mr. R. D. Muir.*) Have you been in the Metropolitan Police Force for four and a half years?—Yes.

1270. All the time in the C Division?—Yes.

1271. How long have you been doing duty in Regent Circus?—On point duty for months past. *P.C. H. Keeble.*

1272. How many years have you been doing that duty?—Ever since I have been a constable.

P.C. H. Keeble.

7 Dec. 1906.

1273. On March 20 of this year were you on point duty at Regent Street?—Yes.

1274. Does your duty begin at 9 p.m. until 1 a.m.?—Yes.

1275. About half past ten at night what would be your principal point duty?—To look after the people passing by.

1276. Do you know Mrs. X?—Yes.

1277. When did you see her for the first time?—During the week ending March 11.

1278. Where?—Round Oxford Circus.

1279. At what hours?—Between nine and about twelve.

1280. What have you seen her doing?—I have seen her looking in men's faces smiling. I saw her speak to two men one night, and then cross the road and get into a motor 'bus for Peckham.

1281. Do you remember how she was dressed on these occasions before March 20?—Usually in a red dress.

1282. Did you notice anything else with regard to her?—Once or twice she has been carrying a small cardboard box.

1283. On March 20 did you see her?—Yes.

1284. Where did you see her?—On the west side of Regent Street.

1285. How long was she there in your sight?—About a quarter of an hour.

1286. What was she doing?—Walking about the Circus looking into people's faces.

1287. At what hour was this?—Between ten and half past as far as I remember.

1288. After she had been under your observation for about a quarter of an hour what became of her?—She crossed the Circus towards the Tube Station.

1289. Did she get out of your sight then?—I lost sight of her about a couple of minutes.

1290. What did you do?—I saw her turn out of Regent Street to go towards the Tube Station. I saw Sergeant Shepherd coming out of Regent Street, and I crossed over to him and reported to him. I said, "A woman has been going down here wearing a red dress and carrying a cardboard box. I should like you to see if you know her."

1291. What did he do?—Crossed to the west side of the Circus.

1292. When did you next see Mrs. X after that?—At the station.

1293. At the police station?—Yes.

1294. When?—The same evening.

1295. Where at the station?—In the charge room.

1296. How did you happen to be there?—I was sent for by the Inspector.

1297. In connection with her case?—Yes.

1298. Did you tell Inspector Remfry what you had seen of her that night?—Yes.

1299. And previously?—Yes.

1300. In her hearing?—Yes.

1301. Do you remember whether she said anything?—I cannot remember now.

1302. Were you present in court the next day?—Yes.

1303. (*Mr. R. D. Muir.*) You gave evidence at the police court?—Yes.

1304. (*Mr. Cockle.*) You say you first saw her during the week ending the 11th March?—Yes.

1305. You were on duty before that time there all the week?—I had been there the week previous to that.

1306. How often did you see her that week?—That week I finished at 9 o'clock at night.

1307. Was it at the beginning or at the end of the week you saw her?—I saw her three times during that week.

1308. Were you there every night?—Yes.

1309. Did you see her there every night?—I saw her three times. That is all I remember now.

1310. You say she was carrying a small cardboard box?—Yes.

1311. Can you tell us about what size it was?—On the night of the 20th she was carrying a box about that length and that width (*illustrating*).

1312. About 24 inches long?—I should say 2 feet by 1.

1313. A small box?—Yes.

1314. On this date she had a box about that size?—Yes.

1315. You spoke to Sergeant Shepherd?—Yes.

1316. He is not your sergeant?—He was patrolling. He is not my sergeant.

1317. Was it your duty to speak to him about this matter?—It was.

1318. How is it you mentioned the matter to him?—Because I was not positive; I wanted to know for certain. That is the reason I spoke to Sergeant Shepherd.

1319. You wanted him to inquire into the matter?—To see if he knew her.

1320. You did not see her at the Tube Station?—No, I could not see the Tube Station from where I was.

1321. (*Mr. R. D. Muir.*) Your week begins on Monday, does it?—Yes.

1322. (*Chairman.*) That is what you meant by saying during the week ending the 11th March?—Yes.

1323. When was it before the 20th that you had last seen Mrs. X, or the lady with the red dress?—I think that would be about the 9th March.

1324. That was the Friday week before Wednesday, the 20th?—Yes.

1325. Had she a box with her upon that occasion?—I cannot say for certain.

(*Mr. R. D. Muir.*) Tuesday was the 20th.

1326. (*Chairman.*) Somebody told us that the 20th March, upon which this all took place, was a Wednesday. It was a Tuesday apparently.

1327. On the Friday you had seen Mrs. X?—Yes.

1328. The Friday week before she was brought into the station?—Yes, I will not be certain of the date—that it was on the Friday.

1329. Have you made any notes about this particular woman with the red dress and with the box?—I may have spoken to Sergeant Shepherd and P.C. Cole.

1330. Have you made any entry in your note-book?—No.

1331. How many times before the Friday, or the date as to which you are not exactly certain, had you seen her before March 20th?—Three or four times.

1332. All comparatively recent, I understand?—Yes, it was during that one week.

1333. Did you ever see her during that week get into a motor-bus?—Yes, I saw her get into a motor-bus one evening.

1334. And go on?—Yes.

1335. Did you see what became of her on any of the other evenings?—No, I did not see her go away other evenings.

1336. Although you made no note, and I do not suppose you will pledge yourself as to whether it was a Thursday or a Friday, you are certain that in the week ending March 11th you saw her three or four times?—Yes.

1337. Certain of that?—Yes.

1338. You gave evidence at the police court?—Yes.

1339. Did you say anything there about having seen her before March 20th?—Yes, I stated I had seen her there during the week ending the 11th March.

1340. Are you certain you said that?—That is the evidence to the best of my recollection now.

1341. The Clerk took down your evidence in the usual way, I suppose?—Yes.

1342. Did you not, in fact, tell the Magistrate, "I did not see her the week before last"?—No. I did not see her the week before that would be.

1343. The week before last. That would be the week ending Sunday, the 11th. I will hand you the note. Look at it, please (*handing*). That is what the Clerk has taken down?—I think, according to the best of my recollection, it was the week previous.

1344. You say "according to the best of my recollection," but the Clerk was there. He had no interest in making any mistake, and he is very unlikely to have made a mistake about the word "not." The words in the copy sent to us are, "I did not see her the week before last." If you bring your mind to the 20th March, which was Tuesday, the week before last was the week ending March 11?—Yes, it would be.

1345. If the Clerk took that down, how do you account for your statement here to-day that you actually told the Magistrate that you had seen her several times in the week ending March 11th?—I cannot say, I never saw her while I was on early point duty; it was the week I was on late point duty I saw her.

1346. Of course it must have been a week when you were on late duty if you saw her at the hours you mentioned.

(*Mr. R. D. Muir.*) There are two newspaper reports, one of which implies and the other states that he said what he has said now.

1347. (*Chairman.*) I have put it to the witness. I will leave you to deal with that in re-examination, if it is a blunder. It naturally attracted my attention. We have generally found that the notes are pretty accurate. At any rate, I have called attention to the word "not.'

1348. You say, according to your recollection, you told the Magistrate you had seen the lady in question three times in the week ending March 11th?—Yes.

1349. Were there in March a great many women about in that quarter of London soliciting?—Yes, there were.

1350. More than usual?—No, I do not say more than usual.

1351. How many women do you think you noticed in the week ending March 11th loitering about and soliciting, or appearing to solicit men?—I should think 150 a week about there every night during the four hours that I am on duty.

1352. Do you take particular notice of them, with a view of identifying them if necessary?—If I know them, and if I watch them. If I saw them committing themselves I should take them into custody.

1353. I am not suggesting that you would not do what you conceive to be your duty. The question I put to you was one slightly different. Do you make it a practice, when you are on late point duty, to notice women who are loitering about or soliciting, or who are apparently there for the purpose of soliciting, if your back is turned?—Yes, I always take notice of them.

1354. How do you mean you take notice of them?—If I saw a woman loitering about that I thought was a prostitute I should watch her.

1355. What are the points that you notice. You say there were 150 women walking this street at night. I suppose there are between the hours of 9 and 12 thousands of women who walk about in the sense of going backwards and forwards before you?—Yes.

1356. Thousands?—Yes, I dare say there would be.

1357. Hundreds, at any rate. I mean it is a great corner for 'buses, is it not?—Yes.

1358. And, like all well-known points, I dare say it is a place where people meet each other by appointment, and so on?—Yes.

1359. Then, there is the Queen's Hall, which is not very far?—Not very far.

1360. And some of the Oxford Street shops keep open pretty late?—Only shops like tobacconists.

1361. At any rate, there is a great concourse of people there every evening, is there not?—Yes.

1362. And, apart from women whom you suspect, rightly or wrongly, of being women of the town?—Yes.

1363. You told me you try to take notice, or that you do take notice of women who loiter there for the purpose of prostituting themselves. What are the points about them that you take notice of in your mind with a view of identifying them?—If I was to see a woman there, if I thought that that was what she was, and I was not certain of her, I should watch her for two or three nights to make sure.

P.C. H. Keeble.

7 Dec 1906.

1364. Yes, but how could you say that is the same woman. The identification of anybody's face is not easy unless you have very, very long opportunity of observation?—I should stand there and I should also follow the woman to the point, perhaps, where she stopped.

1365. That is, following a particular woman to see what she is doing. That gives you an opportunity of observing a particular woman?—Yes.

1366. What I am suggesting to you is that it is not always easy for a man, even if he is pretty experienced, standing at a corner, to be perfectly certain as to the identity of a particular woman?—If you saw a woman there two or three nights you would take particular notice of it.

1367. But a good many of them have one dress one night and one another night, have they not?—Yes, some of them.

1368. Does that play a large part in your mental observation of taking note of them?—It does.

1369. And, of course, the face and the appearance?—The appearance of them.

1370. Now, do you mean to say that you are absolutely certain that it was Mrs. X that you saw in the week ending March 11th?—Yes.

1371. She admits she was there and got into a motor-'bus on one occasion, if not on more occasions, about that time. Are you quite certain that you are not mistaking her for somebody else?—No, I do not think so.

1372. You are not confounding the lady who got into a motor-'bus for Peckham with a lady dressed much like her, it may be, who was loitering there for another and an improper purpose?—No.

1373. Do I understand you to say that when you were on what I call the Jay side, or the westward side of Oxford Circus, and saw Mrs. X on the evening of the 20th, she did anything improper then?—No, I did not see her do anything improper then.

1374. Not speaking to anybody that night?—No.

1375. All you had seen of her was that she crossed over the road?—Yes.

1376. That would be going to the place where the motor-'buses for Peckham would be stopping?—The motor-'buses for Peckham stop in Regent Street.

1377. On the eastward side?—Yes.

1378. That would be on the opposite side to what I call the Jay side?—Yes.

1379. On what day did you make a report upon this matter?—On the evening of the 21st.

1380. Who asked you to make a report?—Sub-Divisional Inspector McKay.

1381. What did he say when he came and asked you to do it?—He asked me what I knew about this woman, and told me to make a report.

1382. "Do you know about this woman?" Were those his words?—He asked me if I knew this Mrs. X.

1383. "This Mrs. X"?—That was the woman who was at the police court in the morning.

1384. You had been at the police court and had given evidence?—Yes.

1385. So when you said "This Mrs. X," you knew, of course, to whom he was referring?—Yes.

1386. What did you say?—I told Mr. McKay what I had seen her do.

1387. Did anything else pass between you?—He told me to make out a report of what I had seen her doing.

1388. Had you ever made a report before in a case in which the accused had been charged with solicitation or with insulting behaviour?—No.

1389. Then it struck you as unusual that you should have to make a report?—No, because I had heard other men say that they had had to make them out.

1390. You had heard other men say that they had had to make a report about this case?—No, not about this case.

1391. But about other cases?—Yes.

1392. You have given a full statement, I under-

P.C. H. Keeble.

7 Dec. 1906.

stand, of what Inspector McKay said to you? Why did you think a report was being called for?—That I could not say.

1393. You simply complied?—I complied with what Mr. McKay told me to do.

1394. Did you not wonder why you were asked?—No.

1395. Had you been at all surprised by the decision of the magistrate?—Yes, I was surprised.

1396. He had found her guilty. He discharged her under Section 16. You know what that means, do you not?—Not sufficient evidence, I believe.

1397. Did you not know, when you were asked to make a report, that the magistrate had in effect found that Mrs. X had been guilty of insulting behaviour, and that he said he would discharge her under Section 16, and not fine her or otherwise punish her?—I did not quite understand that.

1398. You thought she had been let off?—Yes.

1399. Was it because of her being let off, as you thought, that you were asked to make a report about it?—I did not know the reason of making it at all.

1400. You thought it was unnecessary?—I did at the time.

1401. Did you recollect at the time that you made your report that you had spoken to Sergeant Shepherd about the very same person?—I did think of it, but I did not think it necessary to put it into the report.

(*Mr. R. D. Muir.*) This is the original telegram. It is 5.40 p.m. (*handing.*)

(*Chairman.*) I understand the reason one of your witnesses will give us is that there had been a comment in the newspapers on the case?

(*Mr. R. D. Muir.*) Yes. That is the original telegram. It is 5.40 p.m.

(*Chairman.*) The report before me with regard to it says the report was called for about 3 o'clock.

1402. At any rate, you were not curious about the matter at all, as I understand you?—No.

1403. You did not, in fact, put in your report anything about the conversation with Sergeant Shepherd?—No, I did not.

1404. (*Mr. Dickinson.*) I understand from what you say that you saw Mrs. X in the week ending March 11th?—Yes.

1405. And the following week you were not there at those hours?—No, not after 9 o'clock.

1406. Was this the first time that you saw her in this week beginning the 19th?—Yes.

1407. That was the first time?—That was the first time.

1408. So really you had only seen her twice before, and that was more than a week ago?—Three, or perhaps four, times. I would not be certain.

1409. What made you cross over the road, and go and speak to Sergeant Shepherd?—Because I was not certain of her. I did not know her to be a prostitute—not for certain.

1410. How long had she been there that evening?—I should say about a quarter of an hour.

1411. Where had she been?—Walking about on the west corner.

1412. Walking about close to you?—Yes.

1413. Where were you all that time?—Perhaps round to the south-west corner of Regent Street, Swallow Passage, and round to Jay's.

1414. How far do you walk when you are on point duty?—You are allowed to go one hundred yards, and keep your point in view.

1415. Your point being Oxford Circus?—At the corner of Regent Street—at Jay's.

1416. You had been walking a little bit down Regent Street?—Yes, just to the corner.

1417. And she had been walking about opposite Jay's?—Yes.

1418. How long do you say she had been there?—Say perhaps quarter of an hour, to the best of my recollection.

1419. Then you saw her cross over?—Yes.

1420. Then I understood you to say you lost sight of her?—I lost sight of her for perhaps a couple or three minutes. I turned the corner; there were several 'buses there, and they got across the crossing.

1421. When did you see her again?—Turning from the east side of the Circus into Oxford Street—on the opposite side of the Circus.

1422. On the south side?—On the east side of the Circus.

1423. You saw her go round the corner?—Yes.

1424. Did you see Cole?—I did not.

1425. Did you know that Cole crossed Regent Street?—I did not.

1426. Had you any other reason for speaking to Sergeant Shepherd about her than that you had seen her three times a week before that and that evening?—Nothing at all.

1427. Had you kept her in your mind at all in the meantime?—Yes, I had.

1428. Why?—Perhaps I should say to Cole, or perhaps to Sergeant Mead, "That woman in the red dress," or perhaps I might say, "That woman with the cardboard box is about here."

1429. What do you mean by "Perhaps I should say"?—Perhaps I should say if I had seen her, or they might say it to me if they had seen her.

1430. Did they say that to you?—They had said it.

1431. (*Chairman.*) About this lady?—Cole said to me, "I have seen that woman with the red dress to-night," or words to that effect.

1432. (*Mr. Dickinson.*) Can you remember when he said that to you?—He said that to me the week I was late. That would be about 11.

1433. Cole was on that particular beat on that month?—Yes.

1434. About the second time that you saw her he did speak to you?—Yes.

1435. Where was that—On the west side of the Circus that would be.

1436. Have you ever been both together when you have seen her?—I cannot say.

1437. You had only seen her three times?—That is all.

1438. Had you been on that point before that date?—One week earlier.

1439. Had you ever seen her then?—No. The week previous to that I remember finishing at 9. I had not seen her.

1440. Then what was the cause of Cole talking to you about this woman if you had only seen her three times that week?—It may be that he pointed her out to me, or I pointed her out to him.

1441. Did you point her out to him?—I cannot say whether Cole pointed her out to me, or whether I pointed her out to him.

1442. If one of you pointed her out to the other then there must have been a time when you were both together, and saw her?—I think there was one night.

1443. Where was it?—That would be at the corner of Oxford Street.

1444. Can you tell me at all which night that was?—I do not know for certain, but I fancy it was the Wednesday or the Thursday night. I cannot say for certain.

1445. That would be on the Wednesday or Thursday night in the week ending the 11th?—Yes.

1446. (*Chairman.*) Friday was the day which you spoke of to me as being the day of the week on which you had last seen her before the 20th?—Yes.

1447. Is the occasion which Mr. Dickinson is asking you about the same occasion when you and Cole were together and saw her?—I cannot say for certain; it is some time ago; I cannot remember.

1448. (*Mr. Dickinson.*) At any rate, you say there was a time when you and Cole talked about this woman?—Yes.

1449. What was it that you said about her?—I believe I asked Cole if he knew this woman.

(*Chairman.*) Pointing to her or what?—I cannot say whether it was Cole said it to me or I said it to him now.

1450. (*Mr. Dickinson.*) You said, "Do you know this woman"?—Yes.

1451. What happened then?—I cannot say what he said now. I cannot tell you the exact words. I put it to him.

1452. And you cannot say which of you it was asked about her?—No, I cannot.

1453. Had you had any conversation about her with anybody else?—Sergeant Mead had asked me if I had seen this woman.

1454. When did that happen?—That would be in the same week.

1455. When you were on duty?—Yes.

1456. Recall the circumstance. Where were you in Oxford Circus?—At Regent Street point.

1457. In the evening?—Yes, between 9 and 1.

1458. It would be between 9 and 1?—Yes.

1459. Try and remember what happened then.

(*Chairman.*) You are asking what happened with Sergeant Mead.

1460. (*Mr. Dickinson.*) Yes. He said Sergeant Mead spoke to him about the matter. Who spoke first?—I think I mentioned to Sergeant Mead earlier about seeing this woman, and one night afterwards—what night it was exactly I cannot say—he may have said to me, "Have you seen that woman with the red dress?"

1461. You having said to him before something about this woman?—Yes.

1462. Then you think he came to you and said, "Have you seen her?" What did you say? Did you tell him you had seen her?—Whether I had or not I cannot remember.

1463. You knew then which woman you were talking about?—Yes.

1464. You knew her then by sight?—Yes.

1465. You say that was Mrs. X?—Yes.

1466. Had you ever spoken to Sergeant Shepherd about her before?—No, never.

1467. I suppose you had had opportunities of speaking to him before?—No, I had not seen him before.

1468. What did you think he would do with this woman? Did you ask him to follow her?—I gave him a description of her, and asked him whether he would go and have a look at her to see if he knew her.

1469. You were wondering who she was. Is that it?—Yes.

1470. Had there been any question before as to who she was?—Not that I am aware of.

1471. Are you acquainted with most of the prostitutes who frequent that place. Do you know something about them?—I know them all that come there nightly by sight.

1472. Do you also know something about them?—I know them as prostitutes.

1473. You know they are prostitutes, apart from your having seen them in that place?—Yes.

1474. But this woman, of course, you did not know?—I did not know.

1475. What time were you sent for to the station?—About 11 o'clock.

1476. It is only a few minutes' walk, is it?—Yes.

1477. Did you know what you were sent for?—Not for the time being.

1478. Then you went to the station?—Yes.

1479. What was said to you when you got to the station?—The Sub-divisional Inspector said, "Do you know this woman?" I said, "Yes." He asked me what I knew about her, and I told him what I knew.

1480. (*Chairman.*) Had you ever spoken to the lady in red whom you saw three times in the week ending March 11th?—Never.

1481. You had never spoken to Mrs. X?—No.

1482. Did she strike you as foreign-looking?—No, I cannot say that she did.

1483. I think you, amongst others, said you had seen her go into a public-house or restaurant?—No, I did not say so.

1484. When she was talking to any of the men you saw her speaking to, was the lady you are thinking of, the lady that you saw, talking in an excited kind of way?—No, I cannot say that she was—in a quiet manner.

1485. Quite quietly?—Yes.

1486. She did not use her hands and arms in speaking?—No.

1487. A good many people do that, do they not, in talking in the streets; they gesticulate a good deal?—Yes, a lot of these foreign people do.

1488. Especially foreigners?—Yes.

1489. Then the lady in red that you saw three times in the week ending March 11th, whenever you saw her talking, did not strike you as behaving like a foreigner?—No.

1490. When was it that you had a conversation with Sergeant Mead?—That would be during the same week; but the exact date I cannot say.

1491. That would be before the police court proceedings?—Yes, that would be during the week ending the 11th.

1492. Was it in the street?—Yes.

1493. While he was on duty?—Yes.

1494. And while you were on duty?—Yes.

1495. And this lady in red was a novelty to the corner?—Yes.

1496. You did not know who she was?—No.

1497. And Sergeant Mead did not know who she was?—No, he did not know who she was.

1498. So that as early as the last week but one before the evening of the 20th this woman in red was the topic of discussion among the police?—Yes.

1499. None of you appear to have seen her before that week?—I had not seen her before that week.

1500. You had not heard from anybody that they had seen her before the week ending March 11th?—No.

1501. In your report in the first part you say, "I beg to report seeing her." By that, I suppose, you meant Mrs. X, the lady you had seen at the police court?—Yes.

1502. "I beg to report seeing her at Oxford Circus three nights during the week ending 11th March, 1906, between 11 and 12. One night I saw her speaking to a man in Swallow Passage, and after she left him I saw her speaking to another outside Jay's, at the corner of Regent Circus. She left him and crossed Regent Street and got on to a Peckham 'bus." That you mention in your report. You thought it worth mentioning?—Yes.

1503. I agree you are right in mentioning it; but it does not seem to me that there was any impropriety at all in what you are describing the lady as having done. You are a constable on point duty, and you see a lady talking to a man, and after she left him you saw her speak to another, outside Jay's, and then she goes and catches her 'bus?—Yes.

1504. Is there anything improper or insulting in that behaviour?—Not that night.

1505. I do not suppose you do know, but Mrs. X has admitted that she had been more than once at that corner, and had gone off in one of the motor 'buses, and had gone over Westminster Bridge. Supposing it was Mrs. X that you saw that night, does it strike you as likely to have been Mrs. X, whom you saw on the other evenings?—I know it is the same woman as I say.

1506. Why?—By her face.

1507. But you told me you had never talked to her?—I had never spoken to her.

1508. And you told me that whenever you saw her talking, she talked quietly, and did not behave like a foreigner?—Yes.

1509. Are you aware that she is a foreigner?—I was not aware of that.

1510. Not at this moment?—No.

1511. When did you first know that? You were at the police-court, were you not?—Yes.

1512. Did not you hear her talk there?—Yes, I heard her speak there.

P.C. H. Keeble.

7 Dec. 1906.

1513. Did not you see that she was a foreigner then?—I did not take any particular notice.

1514. Did you hear her talking to anybody outside at the police-court, before she had been taken in the passage?—No, I cannot say I heard her speak to anybody in the passage.

1515. On the night when you saw this lady getting into the 'bus, had she a parcel with her?—I cannot say for certain.

1516. Had the lady in red that you saw three times in the week ending March 11th a cardboard box with her on any of those occasions?—She may have carried a small parcel.

1517. Of course she may have carried a small parcel, we know that; but can you say for certain?—No, I cannot.

1518. Then before your conversation with the sergeant on March 20th, had you seen the lady doing anything which you could describe as "insulting behaviour" on any occasion?—No, I had not.

1519. The only thing mentioned in your report is the incident which you describe in this way: "I saw her speaking to a man in Swallow Passage, and after she left him I saw her speaking to another outside Jay's." And then she got into the 'bus?—Yes.

1520. Is there anything more you can recall against the conduct of the lady in red than that?—Nothing, only walking about the Circus looking into men's faces and smiling.

1521. You are assuming always that the lady in red is always the same lady in red as I understand?—Yes.

1522. Do you think that the lady you saw get into the motor 'bus with the red dress on is the lady that you saw on other occasions loitering about the Circus?—Yes.

1523. Are you quite certain about that?—Yes, I am certain.

1524. Now, why? Give any single instance that makes you absolutely certain that there may not have been two ladies in red loitering about the Circus in the week ending March 11th?—Being a stranger to me, I should take more notice of her than of any other woman.

1525. Quite; and I quite follow, from what you have said, that there had been a new arrival, so to speak, who usually dressed in red, at Oxford Circus. That I quite follow. And the police were on her track, if I might use a colloquialism, were they not?—Yes.

1526. You knew from Sergeant Mead, a little over ten days before, that she was actually cautioned, and Sergeant Mead had been speaking to you about her?—Yes.

1527. And other constables had been talking about this lady in red—is that not so?—Yes.

1528. That is common ground between you and me. What I am suggesting to you is that the lady who behaved, for aught that appears in your report, quite innocently—because your report says that she got into a motor 'bus and drove off one night in the week ending March 11—may not be the same lady as the new arrival that Sergeant Mead was thinking of. That is what I am suggesting to you?—It was the same lady that I had seen there previously.

1529. You had seen her on other nights when she did not get into a motor 'bus and go away?—Yes.

1530. Do not think I am necessarily suggesting that you are not treating us with perfect honesty, but I ask you, as being one who has to thread my way through this evidence, can you give me any point, or circumstance of identification, upon which you base your certainty as to the identity of the two people, if there be two people?—Nothing more than the dress and the dark hair.

1531. Let us take that point and analyse it a bit. All this was at night-time, was it not?—Yes.

1532. What kind of artificial light was there?—A big electric arc lamp.

1533. That was there in March, was it?—Yes.

1534. Since that light has been there I suppose there has not been actually so much solicitation there as there used to be?—That I cannot say. I have not been there, so I have not seen.

1535. Do you say it was quite light enough for you to notice whether a woman has very dark hair?—Yes, practically it is.

1536. What I mean by that is this: Could you say whether her hair is quite black and glossy, or whether it was, for instance, black or dark brown?—No, I could not say that for certain—only dark hair.

1537. Anything else besides the red dress and the dark hair?—Not that I can say now.

1538. Do you say that some of these women are in the habit of carrying a cardboard box, or some parcel, so that it may serve as a kind of blind with a view to tricking you and other constables?—Yes, they do.

1539. Can you ever remember one of that class at night time when she is on business, so to speak, carrying a cardboard box, or such a large cardboard box as Mrs. X was carrying on that night, March 20?—No, not so large.

1540. That is a very noticeable thing, is it not?—Yes.

1541. (*Mr. Dickinson.*) What was the weather that evening?—It was a dry night as far as I remember now.

1542. (*Chairman.*) You mean the night of March 20?—Yes, as far as I can remember now it was a dry night.

1543. (*Mr. R. D. Muir.*) I have here a newspaper report (it is not identified; I think it is from the "Daily Telegraph," but I will verify that) which says this: "Constable 91 C said he had seen Mrs. X in the West End on several nights." Is that correct. Is that what you did say?—Yes.

(*Mr. Cockle.*) I understood this constable to say that as far as he can remember the night of March 20 was a dry night?

(*Chairman.*) You ask him the question.

1544. (*Mr. Cockle.*) Are you certain about it?—I am not.

1545. You cannot swear it was not a wet night?—No.

(*Mr. Dickinson.*) I understand you will be able to give me particulars of all the arrests made by Cole during those two months that have been referred to?

(*Mr. R. D. Muir.*) Yes.

(*Chairman.*) Mr. Dickinson means, I think, you should distinguish between charges of solicitation under the one section and charges of insulting behaviour under the other.

(*Mr. R. D. Muir.*) Quite. I daresay you will remember that the Chief Commissioner, in giving his evidence, referred to the difficulty the police were under as to magistrates taking particular views as to under which section they should convict. Some prefer to deal with it as insulting behaviour, others prefer to deal with it under the Vagrancy Act as disorderly, and others will not convict of common soliciting to the annoyance of the public unless some member of the public attends and says that he has been annoyed. It is somewhat similar to the highly artificial construction which was put upon the Streets Act with regard to betting before there were any bye-laws.

Monday, 10th December, 1906.

IN CAMERA.

MRS. X's CASE—*continued.*

PRESENT.

Sir DAVID BRYNMOR JONES, K.C., M.P. (*Chairman.*)
WILLOUGHBY HYETT DICKINSON, Esq., M.P. (Barrister-at-Law.)
CHARLES ALGERNON WHITMORE, Esq. (Barrister-at-Law.)
J. W. ST. LAWRANCE LESLIE, Esq. (Barrister-at-Law) (*Secretary.*)

Mr. GRAHAM MOULD (Barrister-at-Law) appeared (in the absence of Earl Russell) on behalf of the Complainant.

(*Mr. R. D. Muir.*) I have had the original note from the police court produced, and it is on the right-hand side of that book. (*Producing book.*) I find that instead of the "Did not see the week before last" being two parts of one imperfect sentence they are in fact two imperfect parts of two sentences. I have here a letter from Mr. Savill, the Chief Clerk of the Marlborough Street Police Court, addressed to Messrs. Wontner and Sons, which I think I ought to read in explanation of the copy which was sent to the Commission. "My attention has just been drawn to the case of Mrs. X for the first time since my note was made on 21st March last. I have no recollection of the case, so many others have intervened, but I see at the end of my note of the evidence for the prosecution two uncompleted sentences, viz., 'Did not see . . . . .' and 'The week before last. . . .' In the copy supplied to you and now shown to me I see that these two pieces of sentences have been read as running into one, and the word 'her' between the two parts has been pencilled as a suggestion. That reading is not that which I adopt. I have no doubt that I was interrupted at my desk, so that I lost the latter part of the sentence commencing 'Did not see . . . . .' and that I waved aside the interruption and proceeded to take the next answer from the witness, when the interruption, persisted in, caused me to lose the latter part of the last sentence also; and I imagine that I had no opportunity of recovering the lost words until the discharge of the defendant seemed to render it difficult (if even apparently necessary) to get the constable back in the box for the purpose. At all events my 'T' in 'The week before last' is my capital 'T,' and I have no doubt that the words are part of a new sentence. If the copy of the notes supplied to you had been referred to me my instruction to the copyist would have been to ignore the two uncompleted sentences as amounting to nothing, and that is the only interpretation of them which I think it is right to adopt. I am told that the notes were asked for and supplied in a hurry during my absence, and no doubt that also accounts for the fact that in the copy of the note supplied to you the evidence of Mr. X taken on the back of the page in my note book had been overlooked and altogether omitted. I much regret that you should have been misled by your copy, and that the interruption to my note should render my note less useful to the Commission than it would otherwise have been." 10 Dec. 1906.

(*Chairman.*) Mr. Mould, this interposition of Mr. Muir's arises in consequence of what took place before us, on Friday when P.C. Henry Keeble was called before us and gave us an account of incidents that had come under his notice, and which were relevant to the Inquiry. In cross-examination I put to him the question whether he had said before the magistrate, "I did not see her the week before last." If he had done so he would have been in direct conflict with the evidence which he had just given before us on Friday. He said he had no recollection of saying that before the magistrate, and on the copy that was actually shown to him it appeared he said "No, I did not see her." If I am wrong, when we get the shorthand note of the proceedings, any error of mine will become apparent. It was a very glaring contradiction, and it is in consequence of that that Mr. Muir has now read a letter from the gentleman who made the notes at Marlborough Street, and he also produces this book. The only addition is that there is a continuation on the back of the page in the clerk's handwriting relating to Mrs. X's case. No. 11 continued. Then the husband of Mrs. X is called. I am now going to read the expanded note. It is abbreviated in the actual note before me. "Defendant is my wife. Married five years. I was called to bail her at the police station, I found that she had a large box with her. She had been to London on some business. Not with her when arrested. Discharged." That is all, and that is the explanation of what Mr. Muir wished to read.

(*Mr. Graham Mould.*) I quite follow, Sir.

Sergeant HENRY MEAD, 27 C, sworn. *Sergeant H. Mead.*

1546. (*Mr. R. D. Muir.*) Are you police-sergeant 27 of the C Division?—Yes.

1547. How long have you been in the police force?—Eleven years in April.

1548. And all that time have you been in the C Division?—No.

1549. How long have you been in the C Division?—Twelve months.

1550. What division were you in before that?—The A Division, and previous to that I was in the P Division.

1551. What district is the A Division?—Whitehall.

1552. During the twelvemonths that you have been in the C Division have you had experience of regulating the streets with regard to women?—Yes.

1553. Were you on night duty in March of this year?—Yes.

1554. Do you remember when you began your night duty?—The 5th March.

1555. Were you on night duty for the remainder of that month?—Yes.

1556. Did you see Mrs. X at all?—Yes, frequently.

1557. When for the first time?—I could not tell you the date, but somewhere about the second or third night when I was on night duty.

1558. That would be the 6th or 7th March?—Somewhere about that.

1559. Had you ever seen her before that month?—No.

1560. Where did you see her then?—Opposite Jay's, in Oxford Street.

1561. What was she doing?—Accosting gentlemen.

Sergeant H. Mead.

10 Dec. 1906.

1562. How was she dressed?—She was dressed in red with a white furry hat.

1563. Have you seen her carrying anything at any time?—Yes, she generally carried a square box about a foot square.

1564. What sort of box?—Cardboard.

1565. While you were on night duty did any other officer speak to you about Mrs. X?—Yes, P.C. Cole spoke to me first about her, and said: "There is a woman here accosting gentlemen over against the 'buses, sergeant." I said, "If you see her commit herself, Cole, take her into custody, but, mind you, caution her and be careful, and do not make any mistake."

1566. Did he describe the woman to you?—Yes.

1567. How did he describe her?—He described her as a woman carrying a cardboard box, and dressed in red with a white hat.

1568. Can you tell us approximately when it was that Cole first mentioned this?—I could not tell you the date, but it was the 7th or 8th March, I should say.

1569. Had you seen her up to that time?—No, that was the first time I saw her when Cole called my attention to her.

1570. The same night?—Yes.

1571. Did you see her before or after Cole had described her?—Yes, I saw her after.

1572. I want to make my question quite clear. On that night when Cole first spoke to you about her and described her, had you seen her before he described her, or did you see her for the first time after he described her?—For the first time after he described her.

1573. Where?—At Jay's, close to Swallow Passage.

1574. Besides seeing her on that night did you see her on other nights afterwards?—Yes.

1575. How often altogether?—I saw her several times during that week and the week after.

1576. At what hours?—Between 10 and 12.

1577. In what place?—Oxford Street—generally on the Swallow Passage side.

1578. That is Jay's side?—Yes.

1579. Do you remember any particular incidents with regard to her?—Yes, I saw her go up to a gentleman one night, she looked into his face, and got into conversation with him, and they walked into the Dolphin public-house together.

1580. Do you know Keeble?—Yes.

1581. Has he ever spoken to you about her?—Yes, during the same week he spoke to me about the woman following and accosting gentlemen. He gave me the same description as Cole.

1582. Is there a police-constable named Harrod, whose number is 434 C?—Yes.

1583. What duty did he take with relation to Keeble?—When Keeble was on early duty, 434 was late on the same point.

1584. Did you ever have any conversation with Harrod about this woman?—I believe I did speak to him once, but that I could not swear to now.

1585. According to your practice in that division, if you had seen her accosting men what would you have done?—I should have cautioned her, and then if she had not desisted taken her into custody.

1586. On what charge?—Insulting behaviour, being not known as a prostitute.

1587. You made a report on this matter on the 22nd March?—Yes.

1588. That was quite a short report?—Yes.

1589. Who called upon you for that report?—Sub-divisional-Inspector McKay. He called for it when I paraded at 9.30 p.m. on the 21st. I made it out on the 22nd in the morning.

1590. Did you know that Mrs. X had been charged?—Yes.

1591. And discharged?—Yes.

1592. Did you know under what section or circumstances she was discharged?—No.

1593. Did you report what you thought material?—Yes, I did not consider it necessary to detail what was said between me and the constables, and I had no material then for any evidence to give before the magistrate as he would not have taken any notice, I am sure, of my seeing her previously. She was charged with what she had done that night.

1594. Being charged with insulting behaviour only, and not with being a common prostitute?—Yes.

1595. Your view was that only what happened that night would be taken into consideration?—That is all.

1596. (*Mr. Graham Mould.*) There are a great number of women who frequent the Circus, are there not?—Yes.

1597. I think one of the witnesses gave the number in his evidence as about 150 or 200 nightly?—I could not say how many there may be, but it is a great number. It is impossible to count them.

1598. But a considerable number?—Yes.

1599. Until your attention was called to this lady by P.C. Cole you had not noticed her?—No, I had not.

1600. You were on duty at that point?—Yes, I had a section.

1601. And it was only after P.C. Cole spoke to you that you saw any conduct to excite your attention?—That is right.

1602. When do you fix the date that P.C. Cole first spoke to you about her?—About the 6th or 7th. I could not say for certain. I never took a note of it.

1603. About the 6th or 7th?—Somewhere about that time. I commenced night duty on the 5th, and I know it was the beginning of the week—perhaps Wednesday.

1604. And between the 6th and 7th and the 20th, the date of the arrest, you saw nothing to justify you in arresting her?—I saw her accosting gentlemen, but no one complained and no one seemed to me to be annoyed, and I did not take any action.

1605. No one seemed to you to be annoyed?—No.

1606. It would have been your duty if anybody had been annoyed for you to have cautioned or arrested her?—Yes.

1607. And, in your judgment, there was nothing calling upon you to caution or arrest her?—Not that I saw. If I had done, I should have done so.

1608. I am only asking you for what you observed. Do you remember the box that this lady was carrying?—Yes.

1609. Am I right that it was a very large box?—Not a very large box. I should say about 18 inches square.

1610. Supposing that was carried as a blind, is not that an extremely big box to carry for that purpose?—I do not think it is excessively big if a person wanted it for a blind for that purpose.

1611. I will put it to you in this way. Have you ever known a case in which a prostitute did carry a box of that size?—No, I have known them carry parcels.

1612. You have never known a case in which a prostitute carried a box of that size?—No.

1613. Have you your report? (*Report handed to learned counsel.*) I think you said you were called upon to make this report on the 21st March?—Yes.

1614. And your Sub-Divisional Inspector, McKay, called for it?—Yes.

1615. And you knew at that time that Mrs. X had been charged and discharged?—Yes.

1616. I may take it that it was not a very usual practice to make reports in cases of this kind?—We often are called upon to make reports in different cases. There is nothing unusual in making out a report on a case.

1617. Am I right that it would be the exception and not the rule to make a report?—You can take it in that way.

1618. That would be so?—Yes.

1619. (*Mr. Whitmore.*) When a prisoner has been discharged, do you mean?—Yes.

1620. (*Mr. Graham Mould.*) You knew, therefore, the Magistrate having discharged this woman, that the matter became one of some importance?—I did not know under what circumstances the Magistrate

might have discharged her. Sometimes the Magistrates take a lenient view of a case.

1621. Did it not occur to you that the evidence that you have given here to-day and that you stated in your report, namely, that you had seen this woman during the last three weeks frequently standing near Jay's accosting men, was most material, when the point was whether she had been guilty of this disorderly behaviour?—Yes.

1622. And did not the fact that your attention had been called to her by other constables seem to you to be material?—Yes.

1623. (*Chairman.*) I do not know whether you have seen the charge sheet, Mr. Mould, but the charge sheet simply contains a charge of insulting behaviour, and while it does seem to me that Sergeant Mead's evidence would have been distinctly relevant to the issue whether Mrs. X was or was not a common prostitute or night walker, as he was not able to say that he had seen her on the 20th it would obviously have been irrelevant to the issue before the Magistrate. I am only suggesting that to you. The same point occurred to me, but that does seem to be an answer to it.

1624. (*Mr. Graham Mould.*) I am much obliged to you, Sir. I see the charge was rather narrower than I at first understood, and therefore I will drop that point. (*To the witness.*) But I do want to ask you, Sergeant, whether, in making this report, knowing that a question had occurred, whether these conversations with the police-constable did not strike you as material?—No, they did not strike me as material then. If I had known the case was going to take the course it has taken, I suppose I should have made a longer report.

1625. Do you ever in your reports put in conversations you have had with other officers?—I have never done so, Sir.

1626. I want to get this quite plainly from you. During the three weeks that you were on duty no one ever complained to you of having been annoyed by this woman?—No.

1627. (*Chairman.*) I do not gather from your evidence that you were at the police court?—No, I was not at the police court to give evidence.

1628. Then, of course, you would have no opportunity of seeing Mrs. X as Mrs. X?—I saw her as Mrs. X at the police station on the morning of the 22nd, when she was bailed out.

1629. Where were you in the police station when she was bailed out?—I went into the charge room.

1630. What for?—To get my tea bottle. I left my tea bottle on the box and I went to get it.

1631. What time was that?—About a quarter to 3 or ten minutes to 3. I could not exactly say now.

1632. It was purely accidental?—Purely accidental.

1633. Rather fortunate, was it not?—Well, I was there, Sir.

1634. You anticipated another question I was going to put to you, whether when you made your report you had seen Mrs. X as Mrs. X?—I did not know her in the street as Mrs. X.

1635. Then, you did not know her name at the police station?—No, not till afterwards. I saw her then, and I gathered the name afterwards. When I made out my report I reported her as Mrs. X, having seen her.

1636. But what I am suggesting to you is that it was very likely true that you saw a woman with a red dress and a white hat, as you say in the first instance, going into the Dolphin public-house?—Yes.

1637. It does not necessarily follow that because you saw a woman with a red dress and a white hat going into the Dolphin public-house that it was Mrs. X?—I kept observation on this woman myself, and I am positive of her.

1638. Do you agree with me it does not necessarily follow?—No.

1639. It may have been a case, for instance, of remarkable personal resemblance?—Yes.

1640. Such cases do occur?—Yes.

1641. Am I to understand that on every night that you saw this lady in red—Mrs. X you say she was—she had always then a cardboard box with her?—No.

1642. Not always?—No, not always.

1643. On the occasions when she had not the cardboard box had she any parcel or anything else with her?—No.

1644. On the night, for instance, that she went into the Dolphin public-house had she any cardboard box with her?—Yes, she had a cardboard box that night.

1645. Did you see what became of her after she went into the public-house?—No, I did not stop to see her come out.

1646. How many times had you seen a lady in red with a cardboard box during that month?—I could not tell you now how many times I saw her with a cardboard box. I saw her with the cardboard box and without it.

1647. You told the learned counsel, Mr. Mould, that you had never seen a prostitute who was convicted carrying a cardboard box?—No.

1648. Am I right in gathering from you that you did not conclude that she was a prostitute when she went into the Dolphin public-house?—No, I did not—not at that time.

1649. How long before the 20th was it that you saw the incident of the lady going into the Dolphin public-house?—That I could not say. I never made any notes.

1650. No note at all?—No.

1651. Do you not make any notes in your notebook when you are on duty there with regard to these cases?—No, I did not on that occasion or on any other.

1652. Do you agree with what has been stated to us by, at any rate, one of your colleagues in the Force that red is a very common colour to be worn by these ladies?—Yes, it is a common colour.

1653. When you told me a few minutes ago that you are positive that the lady who went into the Dolphin with a cardboard box and the lady who was walking about near Jay's in March was the same lady who you saw in the police station when you went to fetch your tea-bottle—on what do you found that positive statement?—I had seen her several times, and I had taken special notice of her.

1654. That does not carry it any further. Supposing it is suggested to you that there was more than one lady with a red dress—you are aware, of course, that Mrs. X admitted that she was there several times with a cardboard box waiting for a 'bus?—No, I have not heard of that.

1655. You did not know she admitted that?—No.

1656. Your evidence may be quite true, and yet it may be that Mrs. X is not a loose woman at all—she may have been lawfully there with her cardboard box and gone into the Dolphin, speaking to friends and waiting for the 'bus. That may be so, may it not? It is a matter of identity I am suggesting to you?—A lady would never stop and accost different gentlemen.

1657. The question is whether it is the same woman in red that you were observing?—Yes, I am sure of it.

1658. Now why? You have now taken my point. Why are you so sure?—Her features.

1659. You are sure of her features?—Yes.

1660. What was the noticeable feature?—I could not express the noticeable feature.

1661. Then it hardly helps us. It becomes simply a general impression on your mind that it was the same lady that you saw night after night. I am only putting it to you?—Yes.

1662. Did you ever talk to her?—No, I never spoke to her.

1663. Are you certain she was a foreigner, for instance?—No.

1664. You do not know whether she was a foreigner or not?—No.

1665. Do you know now whether Mrs. X is or is not a foreigner?—I saw it on the charge sheet.

1666. You saw her name on the charge sheet?—Yes.

1667. I do not know how that could come on the charge sheet. She is the wife of a British subject.

Sergeant H. Mead.

10 Dec. 1906.

(*Mr. R. D. Muir.*) Nothing about a foreigner appears on the charge sheet.

1668. (*Chairman.*) How do you explain your assumption?—I saw her name on the charge sheet, and that is all I know about the woman. I did not know that she was a foreigner.

1669. Then you do not know now, and you did not know when you looked at the charge sheet whether or not she was a foreigner?—No.

1670. I suppose she is a British subject, but a foreigner in the sense that she speaks other languages better than she speaks English?—Yes.

1671. You had no conversation with her at all?—I never spoke to her.

1672. And you found your evidence as to her identity upon her features?—Yes.

1673. Can you tell me any noticeable feature?—She had rather a broad face, I considered.

1674. Apply your mind to it and see if you can suggest anything that would be likely to afford you a ground for saying it was not a mere case of general resemblance, but the person was the same person?—No, I think that is all.

1675. How near were you to her at any time?—Three or four yards from her. Sometimes I was right close to her when she was amongst the people where the 'buses stopped.

1676. Your being close by the woman does not carry it very much further, does it, because we know there were at least 150 to 200 women plying their business in the month of March? It is a mere estimate, of course. You were looking after, or ought to have been looking after (I am not suggesting you did not do your duty), from 150 to 200 women who were all doing the same kind of thing?—There were a good many there. I could not give any idea of the number there are, but there are a lot of women round there.

1677. A lot of women whom you had good ground for suspecting to be prostitutes?—Yes.

1678. Take it to be so, but there are also a very large number of women who are not prostitutes at all?—Yes.

1679. This was only half-past 10. It is not a case of the small hours of the morning when, after the streets are emptier, individuals attract particular attention?—(*No answer.*)

1680. You never made it your business on any one of these evenings to watch this woman in red particularly?—I have stood there and watched her.

1681. We know from evidence that has been given before us that one police-constable on the 20th March made up his mind to watch her intentionally and deliberately on that evening?—Yes.

1682. Am I to understand that on any of these evenings you made a mental note, so to speak, about her, and said, "Now I will follow her up for the next five or ten minutes or a quarter of an hour"?—I never followed her up. It was a general conversation about this woman between me and Cole and Keeble.

1683. "About this woman"—that is exactly the question. That there was some conversation about a woman in red is extremely likely, and conversations about a woman variously described which I can understand. We have it, for instance, that she was a novelty on the corner?—Yes.

1684. That she, whatever she was, was a novelty. The question is, were these conversations about Mrs. X, and it is on that I want you to help us?—I feel positive it is the same woman.

1685. You have said that, and I wish to give you every opportunity of adding anything to your evidence on that. It is not the first time you have given evidence in cases of this kind, or in other cases, so I am not going to suggest various things to you, and I am not in the least endeavouring to make you deviate from the truth. I only want to give you, an expert in these matters, an ample opportunity of saying anything that will lend greater weight to your statement that it was the same woman?—(*No answer.*)

1686. I am just thinking of things you have omitted. I am afraid, whatever you say now will not have the same weight in my mind, but I have always thought that eyes and hair play some part in the question of identity and recognition?—Yes, but I never took much notice of the eyes and hair.

1687. Then those are barred. The only thing you have said is the broad face?—Yes, and the general features.

1688. There is the lady sitting over there?—Yes.

1689. Do you say that is the woman you saw?—Yes, that is the same lady.

1690. You mean the woman you saw in the station?—Yes.

1691. Is she the lady who went into the Dolphin?—Yes.

1692. Am I to understand that when constables talk to you, as their sergeant, about women attracting attention at this corner, you make no note at all about the matter?—It is not the rule to make a note in your pocket-book.

1693. Do you not think it would be a very good thing if you did?—You would have a good number of notes to take.

1694. But when a question of identity arises, the number of notes adds to the difficulty of any tribunal getting at the truth of the matter. I understand Cole spoke to you about this lady in red?—Yes.

1695. You yourself had seen her?—Yes.

1696. You make no note of the thing at all. It may be suggested by Mr. Mould (do not think I am necessarily suggesting it) that all these conversations between constables about a lady in red are all afterthoughts on the part of the constables. There is not a word about these conversations in your report?—No.

1697. It might be suggested, might it not, by Mr. Mould in court (not before this Commission) that it is easy for constables to invent conversations between themselves?—I do not think they invent anything in cases like this.

1698. Mr. Mould might suggest that this conversation of yourself and Cole was an afterthought?—No, it is not an afterthought.

1699. No; but if Mr. Mould suggests that, what can you point to to make the conversation more certain than your own words?—Cole would speak to me about it, and I would stop with Cole and see the woman. I stopped and saw the woman, with Cole.

1700. It is very unfortunate that you did not make a note of the fact that you did stop. That would have given additional force to your evidence, would it not?—Yes; I could have made a longer report, too.

1701. You are quite certain that Cole did speak to you about it, and not some other constable—Yes, I am sure it was Cole.

1702. (*Mr. Dickinson.*) When did you see her at the police-court?—I did not see her at the police-court; I saw her at the police-station.

1703. Did you at that moment know that her name was Mrs. X?—Yes; I thought it was the same woman that I had seen out in the streets. I did not know her name.

1704. Did any conversation pass about her?—Cole told me that he had locked the woman up who was carrying a cardboard box

1705. Did you see her after that?—Yes, I saw her after that.

1706. I suppose you were curious about it?—Yes.

1707. You had gone to the police-station. What for?—Being near the station, I went in for my tea-bottle.

1708. What time in the morning was that?—About a quarter or ten minutes to 3—I could not say to a few minutes.

1709. Where was she?—She was being bailed out.

1710. At that moment?—Yes.

1711. You saw her husband, too?—Yes.

1712. Was Cole there at that moment?—No.

1713. When exactly did you first know that her name was Mrs. X?—When I saw Cole the first time.

1714. She being where—in the cell?—Yes.

1715. He told you about charging her?—Yes.

1716. Did he tell you she was a married woman?—Yes.

1717. And that her husband had been sent for?—Yes.

1718. Then you waited there until she was bailed out?—I did not. I only walked into the station and out again.

1719. Then I do not quite understand it. You said Cole had gone—he was not there?—This was when she was being bailed out. She had been there some time. Cole was not there then.

1720. When had Cole told you this?—He told me this previously, in the street.

1721. You met him in the street?—Yes.

1722. When was the last time before the 20th that you had seen her?—I saw her that week; but I could not tell you the date, because I never took any notes.

1723. Tuesday was the 20th?—Yes.

1724. You cannot remember at all?—No, I cannot.

1725. You first of all saw her about the 6th?—The 6th or 7th, I could not say which.

1726. Were your duties always on that beat?—Yes, round that district.

1727. All that month your duties were round that district?—Yes.

1728. How often did you see her between the 6th and the 20th?—I saw her a good number of times, but I could not tell you how many. It would be three or four times during that week.

1729. Three or four times during each week?—Yes.

1730. That is to say, three or four times during the week from the 6th to the 13th, and then again three or four times during the week from the 13th to the 20th?—Yes.

1731. So that you saw her there almost every night?—Yes, almost nightly.

1732. What did you see her doing?—I saw her go up to gentlemen, and look at them in the face and smile, and try and get into conversation with them. The gentlemen walked away and did not complain, so I did not interfere.

1733. How often on any one night did you see her do that?—Once or twice; I could not say any more, because she would jump into a 'bus or move away into some other place.

1734. (*Mr. Whitmore.*) On the same night?—Yes.

1735. (*Mr. Dickinson.*) Supposing you had seen her once or twice on the Monday, and again once or twice on the Wednesday, and again once or twice on the Thursday or on the Friday, would not that be a case in which you could interfere?—Not necessarily so.

1736. What do you mean?—I did not take the woman to be a common prostitute, and I do not think, myself, it would have been advisable to interfere unless some person had complained. If some gentleman had complained to me of being annoyed, I should have taken action.

1737. What do you understand by a "common prostitute"—a person who has been convicted?—Yes; one that I know walks the streets nightly. You know from her general character that she is a common prostitute.

1738. You having been there for some time, and I suppose you know most of the women?—Yes.

1739. Should I be right in saying you know their names?—No, unless we have them in custody. That is the only time that you know their names. Of course, some policemen know a lot of them by having had them in custody, and being charged, and entering it in their pocket-book.

1740. That is the only class of persons that you would approach, even if you saw a woman constantly there, night after night, each week?—Yes; I should not interfere unless some gentleman complained.

1741. Have you any instructions to that effect?—Our instructions with regard to common prostitutes are that we must see some act or some offence committed.

1742. That you had seen?—Yes; but I did not know the woman was a common prostitute.

1743. What else?—You must satisfy the magistrate that she is a prostitute, or some person must complain.

1744. Between the 6th and the 20th what you had seen was sufficient to convince you that she was plying the trade of a prostitute?—Yes.

1745. You have no doubt this woman, whoever she was, was plying the trade of a prostitute?—Yes.

1746. How long in a case like that would you allow it to go on?—I should allow it to go on until somebody spoke to me about her conduct.

1747. You would allow it to go on until some private person spoke to you?—Yes. I should have to get the gentleman who complained to give me his card, if possible.

1748. Have you really got any general instructions—I do not mean written or formal instructions—that that is to be done?—No.

1749. Is that the usual habit of the police?—That is what I should think.

1750. Still, it must be a common practice?—I should always ask a gentleman, if he complained to me, to give me his card for the police court.

1751. I understand that. You say if you had seen a woman plying the trade of a prostitute night after night, and week after week, you would not caution her, and would do nothing to her until some private individual had complained to you?—If he complained I might caution her, but I should not charge her unless she was known to be a woman of immoral character.

1752. Of course, that is not what Cole did?—Cole cautioned her.

1753. Cole told us that he had made up his mind, having watched her for some time, and that he came to the same conclusion that you came to—that she was plying the trade of a prostitute, and that he would arrest her, and that that is the reason why he followed her into Oxford Street?—Yes.

1754. So far as that goes, you would not approve of that?—He followed her up and saw the offence committed. I take it a gentleman complained to him of her conduct.

1755. You said you were quite close to her at times?—Yes.

1756. Were you quite close to her when she was addressing a gentleman?—Yes.

1757. Did he speak to her at all?—He never spoke to her at all; he only told her to go away, and he did not want to have anything to do with her.

1758. Did they enter into conversation at all?—Yes.

1759. Entering into conversation is consistent with meeting a friend?—Yes; she approached a gentleman and looked up into his face to attract him, and to get into conversation.

1760. Have you ever discussed this case with any superior officer?—No.

1761. Have you never discussed it with any superior officer?—There was nothing unusual in the case. If there had been, I should have done so.

1762. Wait a moment. There is something unusual in this case. This was a woman whom you had never seen before, and you could not say that she was a common prostitute before she was taken up. Did you not discuss the question with your superior officers?—I do not think there would have been any good done by it, because he could not have done anything in the matter, or have assisted in any way. Cole was a reliable man; he is a most experienced officer, and I left it to him to act, if necessary. I told him to caution her, and be careful, and make sure that some person or gentleman was annoyed by her conduct; and I left Cole to act.

1763. You having had great experience in these matters, I should like to know what you say about this. We have heard that when young girls are first seen on the streets, attempts are made to stop them from going on the streets?—Yes.

1764. Both by private associations and by the police?—Yes.

1765. If a constable were to see a young girl in the streets, and he had any idea that she was on the streets for immoral purposes to get a living, he might caution her and advise her for her good, which is often done?—Yes.

1766. That would be all? It would be left to the individual action of the police?—Yes.

Sergeant H. Mead.

10 Dec. 1906.

1767. You do not mention it to headquarters at all?—No.

1768. Then I take it that, so far as the police are concerned, the question of arresting any woman for prostitution practically lies with the sergeant?—It does not lie with the sergeant any more than with a police-constable.

1769. But Cole himself did not like to do anything until he had mentioned it to you?—No; of course, a police-constable would mention it to his sergeant.

1770. Exactly. He did consult his sergeant?—Yes.

1771. Your view would be that in practice any consultation would not go any further than the sergeant?—I would not say that.

1772. It does not go further?—It might do. I never spoke to my superior about it.

1773. Although you must have known this was a risky case, because you said so. You said "you must be careful"?—It was consistent with my duty. I always tell a man to caution her or to advise her.

1774. If a person has been convicted under this Section for using insulting behaviour, and is again seen on the streets, would she then be charged?—She would be charged as a common prostitute.

1775. That would be the rule?—Yes.

1776. You said that the box she was carrying when you saw her was about 18 inches square?—Yes.

1777. Would *that* be the box?—It might be. Perhaps it was about the size of the box over there.

(*Mrs. X.*) It was this one; my friend gave it to me at the time I left her, and I had it at the time the man caught me. There is the name and address, and a lady will come in a minute to prove it.

1778. (*Mr. Dickinson.*) Are you sure that the box you saw her carrying was as large as that?—Yes, about as large as that.

1779. We have had evidence from Cole that the box she was carrying that evening was a larger box than any she had carried before?—That I could not say; it would be about the same size as that. I could not be positive about the dimensions.

1780. (*Chairman.*) You say the box was about 18 inches square, and Cole said it was 2ft. long. That is the box she had with her on the 20th. Cole's description is actually accurate if that is the box to which the remark applies. Everybody else says that the box which the lady carried on the days before the 20th was a much smaller box, or, at any rate, a smaller box.

1781. (*Mr. R. D. Muir.*) I do not know whether it is quite clear. Did you see the box she had on the night of the 20th?—I could not see the size of it; I saw the top of the box.

1782. Did you see it at the station?—Yes, but I could not be positive of the dimensions of it.

1783. Are you able to form a judgment as to whether it was the same box which she had been carrying on the previous days or not?—I took it to be the same box.

1784. (*Chairman.*) Just think of what you have been saying to Mr. Muir. You incidentally went into the police station at a quarter to three to get a tea bottle. Do you really mean to say that you noticed the cardboard box there at all?—Yes, I saw the top of the box.

1785. You saw the top of the box?—Where these people were. I did not walk close to them; I walked to the charge-room door to get my tea bottle.

1786. The suggestion is not that the box was not there, but the suggestion is that you do not recollect it so positively as you told Mr. Muir. That is my suggestion?—I cannot recollect the box; it is so long ago.

1787. Do you really at this moment, looking back to the early morning of the 21st March, say that the image of the police station rises before your mind, and the image of the box also rises before your mind?—No, I cannot say it is clear in my mind.

(*Mr. R. D. Muir.*) Inspector Remfry is here, and we have his report, but it does not seem to me that he adds anything to it, or that there is anything in it that Mrs. X has not herself admitted. Shall I examine him?

(*Chairman.*) I do not think on this individual case he adds much to it. You might put it generally: "You remember Mrs. X being brought to the station, and subsequently you were asked to make a report," and put in his report.

(*Mr. R. D. Muir.*) If you please.

Inspector JOHN REMFRY, sworn.

Inspector J. Remfry.

1788. (*Mr. R. D. Muir.*) Your report is accurate to the best of your knowledge and belief?—To the best of my knowledge and belief.

1789. It was made on the 21st March?—It was made on the 21st March.

(*Mr. R. D. Muir.*) There is only one thing I might call attention to. You will see in the report there are the words, "I only spoke to *my* insurance man." Mrs. X denies that she used that word "my."

1790. (*Mr. Graham Mould.*) This report of yours was made in March last. Can you be sure of the exact language that was used when Mrs. X was charged?—To the best of my belief it is as in my report.

1791. I quite understand that, but may I not put it to you in this way. Did you take down the words at the time?—I did not.

1792. Therefore the words which are put in your report are what you remember to the best of your belief?—That is so.

1793. And whether the particular word "a" or "the" was used you cannot remember?—I could not say now, but to the best of my belief it was as is in my report.

1794. You did not take down the words?—I did not take down any words of it whatever.

1795. (*Chairman.*) Can you charge your memory and give us information on this point. Did P.C. Cole, when you asked him what the charge was, or when he began to say what the charge was without your asking him, use any general language? Did he use the words taken from the Section of the Act of Parliament, or did he simply state the facts?—To the best of my recollection now, he said: "I charge this woman with using insulting behaviour." I would not pledge myself, because I had not heard anything of this case, and I have had so many cases through my hands that I cannot remember.

1796. That I understand. Then I take it you really do not know whether he used any formal words at all, or whether he simply stated the facts of the case, and you put the charge you thought fit?—That is so.

1797. Your report reads as follows: "The police constable stated that he saw the woman stop three men by placing herself in front of, and speak to, them, which action they resented. As he had previously cautioned her for a similar thing that evening, and had seen her in Oxford Street speaking to men during the past month, he took her into custody. She was charged."?—Yes.

1798. Charged with using insulting behaviour?—Charged with using insulting behaviour.

1799. Taking the statement made by P.C. Cole to be substantially true, does it not occur to you that it ought to have been a charge of soliciting as a common prostitute?—I was not in a position to know the woman was a prostitute. I could not see from the evidence, and the police constable was unable to state to me, that the woman was a prostitute, and on that it was a difficult thing for me to charge a woman whom I did not know, and whom the police constable was unable to say was a prostitute with being a prostitute, and the best course I thought was to charge her with insulting behaviour.

1800. I quite follow that, but may I ask you, as an experienced inspector in charge of this station, where the evidence of any insulting behaviour on the part of this woman was. Where was the insulting behaviour within the Section supplied to us which

would justify the charge at all?—By stopping men and placing herself in front of them, and no doubt using words to them which the police constable was unable to hear, and which the men resented by pushing her away from them.

1801. There is not a word about pushing in this report; the words are "which action they resented"?—I took that to be resenting it. That is what I should convey by resenting—by pushing her aside.

1802. I have not been supposing that these were the exact words used by the police-constable; I do not suppose he used the word "resented," did he? He might have done?—That is what I meant to convey.

1803. It is rather awkward if he did say to you, after mentioning that he saw the woman stop three men, "By placing herself in front of, and speak to, them, which action they resented." If he did so, that is speaking quite inaccurate, according to his own story, because he told us that one of the men, at any rate, turned and walked with this person for some little distance in an amicable manner, and then he seems to have bade her good-night and went off. That is not resenting her action. That is why I am putting this to you. We will take it that in substance what the police-constable told you is accurately stated in your report?—Yes.

1804. Did you consider in your mind as to what the charge ought to be?—Yes, I weighed up the facts in every way to the best of my judgment at the time, and I could see that we could not charge the woman with soliciting as a prostitute; we did not know her; and I thought the best way to deal with it was to charge her with using insulting behaviour, stopping men, which action we know was resented.

1805. You were the Inspector, and you were standing between the police-constable and the public in general. Did it not occur to you that it might be proper to refuse to take the charge?—But the evidence was too much against the woman, and she gave me no grounds to show that the evidence was false.

1806. She was not bound to say anything. You are the Inspector in the charge room. What the White Book says is that "The greatest care is to be exercised in the investigation of charges." With regard to the statement in the report I am bound to say I see very little evidence indeed of any insulting behaviour. You know the Section, do you not?—Yes.

1807. It ends with the words, "With intent to provoke a breach of the peace."?—It does.

1808. This woman's conduct does not indicate to my mind that she intended to provoke any breach of the peace?—The breach of the peace may have been committed.

1809. There is nothing in what Cole said which shows that she intended to provoke a breach of the peace. The Section goes on, "Or whereby a breach of the peace may be committed." What is there here to show to you that if she had not been arrested a breach of the peace may have been committed?—The action of the men, I take it, resenting her conduct. If they had struck the woman, as we know has been done, there would have been a breach of the peace. It is our duty to prevent such things as that, and in this case where the officer saw the woman was acting aggressively by stopping men, that is where, I take it, the insulting behaviour would have come in.

1810. Fortunately for me, at any rate, I have not to define the meaning of "insulting behaviour" here, but, without analysing the meaning of it, I should not have thought that the mere fact that a woman said "Good-night" to you or smiled at you in passing along the street would be insulting behaviour. Do you think so?—It is an action that many a man resents done in the spirit in which it is done by these women. We get many complaints of women stopping men in a similar way; and that is the only way we can deal with women whom we do not know.

1811. At any rate, we will take this report to be literally accurate as to the practice. I understand you to say that, that being so, the proper and usual thing for you to do was to take the charge under the Section as to insulting behaviour?—Yes.

1812. In cases of this kind, where the evidence does not go further than it does in this case, you would not take the charge of soliciting as a common prostitute?—No.

1813. Not as a rule, at any rate?—No, not as a rule. Without we are actually sure of our woman we should not take the charge, because it is a very bad thing to bring against any woman if we are not in a position to prove it.

1814. But when you are perfectly clear there has been repeated accosting, and there has been a caution, and yet you cannot say that she is a prostitute, you take the charge as one of insulting behaviour?—Yes.

1815. I understand that that has been passed by the Magistrate in many cases, and that there have been many convictions of that kind?—Yes.

1816. It is so at Marlborough Street Police Court?—Yes.

1817. About how many arrests, do you think, of women for accosting in the streets occurred during the year 1905?—I could not give you the number specifically.

1818. P.C. Cole told us that he had arrested between 150 and 200?—There was a large number, but I could not pledge myself as to the number. I have not gone into the numbers, but we have a great number of women charged in that way. I might say that although women have been charged with insulting behaviour, when we have got them to the police court they have been known to be prostitutes, and cases have come under my own notice. When an officer comes in perhaps he is not able to say a woman is charged with being a prostitute. We could not have a woman charged as a prostitute unless we knew that the officer could prove it.

1819. As far as the accused herself is concerned, it does not seem to me to matter very much under which Section the charge is made. It is equally disgraceful?—It is so.

1820. It seems to me that very nearly the same stigma attaches to the woman ever afterwards?—It is a serious thing.

1821. (*Mr. Dickinson.*) How long have you been at this police station?—I have been there about thirteen months.

1822. Have you been Inspector there thirteen months?—Yes.

1823. What number of cases do you have brought in on ordinary nights?—I may say about a dozen to fifteen. I have had as many as twenty, and I have had as few as six.

1824. Between what times?—Between, we may say, 10 o'clock at night and 6 o'clock in the morning; our busiest time may be about half-past eleven till about a quarter to two.

1825. When a case is brought in I understand it is your custom to examine the police constable a little about the particulars of it?—Yes.

1826. Am I right in this case in presuming that you asked him what had happened?—Yes.

1827. You always get an account from them yourself?—Yes.

1828. And you write out a charge?—Write out a charge on the charge sheet.

1829. And then you read it to the prisoner?—Yes.

1830. Is there any reason why you cannot put down in writing what is said both by the constable and by the prisoner?—I am afraid it would be a difficult question; it would mean having another officer there. Many times we have as many as half a dozen prisoners coming in one after another, and they are all waiting.

1831. You told us you have had from six to twenty in the course of a night?—Yes.

1832. On an ordinary occasion you would have leisure?—We have got a lot of work besides taking charges. Another thing is that the prisoners in these cases are very often in a half-muddled state, and the words which they would use we should have great difficulty in taking down. It might be practicable if we had someone there to write it down, but I should not like to pledge myself that it would be practicable very often, because we have them in a half-muddled state—drunk. Some of them are in the charge room, and some are in the witness room; and sometimes it would be a practical impossibility.

1833. You sometimes make a police constable write out a report?—Yes, if it is a serious case.

1834. (*Chairman.*) Following up for a moment what

Inspector J. Kemfry.

10 Dec. 1906.

you have been saying to Mr. Dickinson, it appears to me that your evidence points to the inadequacy of the police accommodation?—That is not a matter for me.

1835. Mr. Dickinson is suggesting that there should be more written down of what takes place when the charge is made. That could be easily managed, could it not, if there was, for instance, one room under the charge of one Inspector into which arrested persons were brought first, and a second room in which you, as Inspector, were sitting to take the charge, and a few minutes were allowed to elapse between each case while you were filling up the charge sheet and asking questions, and doing what the White Book points out you have to do—to exercise the greatest care in the investigation of the charge. Does it strike you that if you had more room at the police station the work could be facilitated?—The work could be facilitated. We should have greater quietness in dealing with each particular case.

1836. Is not that desirable?—It is desirable, and it would give the prisoner every benefit.

1837. (*Mr Dickinson.*) In this particular case I have your report before me which you wrote on the 31st. In that report you say when charged: "She replied, 'The policeman has made a mistake; I did not insult him; I only spoke to my insurance man; other men spoke to me.'" These words, which are set out in your report as being exactly what she said, are merely what you remembered she had said the day afterwards?—The day afterwards.

1838. Surely it would be very much better if you are going to make use of the words the prisoner uses to write them down at the time.

(*Chairman.*) I think that is provided for.

(*Mr. R. D. Muir.*) It is.

1839. (*Chairman.*) "Any observation he makes" (that is the prisoner) "is to be noted and attended to." One of your colleagues told me he did not think the word "noted" there necessarily meant written down?—In cases of this kind I have never seen it down during the whole of my career.

1840. (*Mr. Dickinson.*) I want to get at what the system is. You say it is not done?—It is not the practice in cases of this kind.

1841. It is not the practice in cases of this kind to write out what the prisoner says or what the policeman says?—It is the practice in serious cases.

1842. (*Chairman.*) "The statement made by a prisoner when charged at the station" (I read that as being formally charged) "is to be accurately taken down at the time by the officer on duty and reported to the Magistrate who hears the case." It is perfectly general?—I have always seen that done in serious cases, but never in cases of drunkenness, or in cases of this sort.

1843. (*Mr. Dickinson.*) But, after all, you say it is is done in what you call serious cases?—Yes.

1844. Surely there can be no more serious case than an accusation of this kind brought against a woman by the police.

(*Chairman.*) I presume the Inspector is referring to misdemeanour and indictable offences.

1845. (*Mr. Dickinson.*) You put down in writing what her words were: "The policeman has made a mistake; I did not insult him; I only spoke to my insurance man; other men spoke to me." Are you certain she said: "Other men spoke to me"?—At the time of making the report I should say that was correct.

1846. When did you make the report—at what time in the day?—If I remember rightly it was about 7 o'clock in the evening.

1847. About 24 hours afterwards?—Not quite 24 hours.

1848. That was not all she said, was it?—No. She told me she was married, and so on, and she told me that she lived with her husband at ——.

1849. She did tell you she was married?—Yes.

1850. Did she tell you anything about her husband?—She told me her husband was a naval surveyor, and he was away at ——, and he was very often away

1851. She said he was away?—She said he was away at ——, and he was very often away.

1852. If he was away why should you telegraph?—She told me he was coming back that night.

1853. She did say that?—She said that to the best of my recollection.

1854. She told you he was coming back that night?—Yes.

(*Chairman.*) In fact he was back.

1855. (*Mr. Dickinson.*) She was clearly anxious to get hold of her husband?—She was clearly anxious because she gave me a wrong address for a start. She gave me 301a, ——.

1856. She gave you a wrong address?—Yes; she gave me a wrong number.

1857. That was a slip?—That was a slip, no doubt, I do not doubt it for one moment. After I got into conversation with her to ascertain her definite abode that was probably where I gathered more information from her as to her husband.

1858. (*Chairman.*) You saw the cardboard box, did you not?—Yes.

1859. That struck you, of course, as quite unusual in this class of case. We have had it from all the other witnesses that they had never seen a lady of this kind with a box like that before?—I cannot say I have seen them with a box as large as that, but in these cases they have rolls of music, papers and parcels.

1860. That is not the case, I suppose, with the most hardened practitioner?—No, I do not think it would be. I may be a prejudiced person, but it seems to me it is a case of artfulness, if I might say so.

1861. We have it, and I think one's experience justifies one in believing that these articles may often be used as blinds, or tricks, to evade the police?—That is the impression I have formed.

1862. Mrs. X has frankly admitted that she had been at this very corner rather late at night on more than one occasion with a cardboard box, and she says she was going to catch a bus. What you have recollected and put in your report as being her statement is clearly very favourable to herself, is it not. You took it as such, did you not?—Yes.

1863. "The policeman has made a mistake; I did not insult him." I gathered from her evidence that she thought she was charged with insulting the policeman, whereas, in fact, she charges the policeman with having insulted her. It is odd that your report quite confirms something that she said on Friday. When I say it is odd I do not wish to impute that your report is otherwise than what it ought to be, but it is a peculiar circumstance that those words in your report absolutely confirm the statement that she made. Then with regard to: "I only spoke to my insurance man; other men spoke to me"; that is not uncommon. If a reasonably attractive woman is standing at a corner waiting for a bus it does happen I suppose that men speak to her?—Yes; it does take place no doubt.

1864. In your experience have you not observed that men very often speak to women before the women speak to them?—That is so.

1865. And that men very often, or sometimes, at any rate, make a mistake, and speak to quite an honest woman?—Yes; and very often we have had them charged; they will not go away when they are told; but they are accosting these women themselves. We have had to deal with them.

1866. You have known cases in which men have been charged with using insulting behaviour?—Yes, stopping women and not letting them go. We have had to bring them in for that; and that is the only section under which we can charge them.

1867. That has not been stated to us before. There are cases in which men who have been accosting women have been dealt with under this very section?—Yes.

1868. (*Mr. Dickinson.*) Had you heard anything about this woman in red before the 20th?—No, nothing.

1869. (*Chairman.*) When you are taking the charges have you any complete writing materials, or desks, as a rule, in the room?—There is a desk there with the charge sheet; the other desk is in the other office where our books are; and we have all the matters that occur during the day to write up.

1870. We shall be able to have a look no doubt at

such police stations as we think it necessary to have a view of?—Just so.

1871. But what do you say to my suggestion that there might be a duplication of rooms, and that all the prisoners might be taken first of all into what you now call the charge room, and that then they should be taken singly with the constable charging them, and any witnesses into another room in which an inspector charged with the actual duty of taking the charge would be sitting, and where he would be able to proceed with the charge quietly and in peace?—I think that would be a good suggestion, and it would do away with a good deal of noise and interruption which we now get with other prisoners coming in.

1872. (*Mr. Dickinson.*) There are cases, I suppose, in which a woman is brought in on a charge like this, and you do not take the charge?—Yes.

1873. Are there such cases now and again?—I should say yes. None have come under my own experience.

1874. (*Chairman.*) You have been there 13 months, which is a considerable period. Do you recollect a charge being refused?—Not of this sort.

Inspector J. Remfry.

10 Dec. 1906.

1875. (*Mr. Dickinson.*) Of any other sort?—Yes.

1876. What kind; drunk and disorderly?—Yes, drunk and disorderly.

1877. Can you tell me how many cases during twelve months there have been where you have refused to take the charge brought by a constable?—I could not say; I have not looked the matter up.

(*Chairman.*) I do not know whether it applies to all police stations, but the returns we have, at any rate, apply to some.

(*Mr. R. D. Muir.*) To C Division.

1878. (*Chairman.*) To C Division, and to some other division.

(*Mr. Dickinson.*) I suppose then you would have to make out a report?—Yes.

1879. A report would be called for?—Yes.

Inspector FRANCIS McKAY, sworn.

1880. (*Mr. R. D. Muir.*) You are sub-divisional inspector of the C Division?—Yes.

1881. Do you produce two returns showing the arrests made by P.C. Cole first for the period of 12 months ending 31st March, 1906, and, secondly, for the months of January, February, and March, 1906?—Yes.

1882. Have you extracted those from the charge book?—Yes.

1883. And they are correct?—Yes. I can also give you the number of charges which have been taken of this kind during the present year.

1884. (*Chairman.*) Whether the woman had been charged under the Solicitation Clause, or under the Insulting Behaviour Clause?—That is so.

(*Mr. R. D. Muir.*) Here is one return called: "Return giving particulars under charges (A) preferred by police; (B) preferred by private persons, and refused at police stations within the Metropolitan Police district during the years 1904 and 1905, and the six months ended 30th June, 1906." It seems to be quite general. It includes drunk and disorderly, assaults, and all other offences.

(*Chairman.*) What evidence does Inspector McKay give with regard to this particular case?

1885. (*Mr. R. D. Muir.*) There were a number of women arrested on this night, the 20th and 21st March?—Yes, there were.

1886. Will you look at the charge book, please, and tell me were there any of those disorderly women in the charge room when Mrs. X was there being charged?—No.

1887. That appears from the charge book?—Yes.

(*Mr. R. D. Muir.*) I think Mrs. X afterwards gave up this point.

(*Chairman.*) I am only speaking from recollection, like yourself, but I think Mrs. X said there were no other women in the police station, and that the conversation with the women took place at the police court.

1888. (*Mr. R. D. Muir.*) There were a number of such women waiting for their cases to be heard by the Magistrate that morning?—There were.

1889. With regard to this case, did you have a conversation with Mr. X, the husband of Mrs. X, at the police court on the morning of the 21st of March?—I did.

1890. You have set out the result of that conversation in your report of the 21st March?—Yes.

1891. That is accurate?—Yes.

1892. What you say in your report is practically all you know about the case?—Yes.

1893. Is *that* Cole's notebook (*handing*)?—Yes.

1894. On the left-hand side there is Cole's entry?—Yes.

1895. Is *this* Keeble's book (*handing*)?—Yes.

1896. And is *that* Sergeant Shepherd's book (*handing*)?—Yes.

Inspector F. McKay.

(*Mr. R. D. Muir.*) There is nothing in either of those books.

(*Chairman.*) I will take your word for it.

1897. (*Mr. Dickinson.*) What are the initials put on this book of Cole's?—They are the initials of the Inspector who deals with the report.

1898. Do all these notes come before the Inspector or not?—Any reports, that is to say, the report is entered in the occurrence book. All these reports that the constables make are entered in the occurrence book, and the Inspector initials the pocket-book to show that he has done it.

1899. (*Chairman.*) What you mean by the "occurrence" is an accident to an individual?—Yes; or a constable being called to a public-house, or to a private house, or something of that sort, and he takes names and addresses.

1900. (*Mr. Dickinson.*) From this return of some women who had been arrested by Police-constable Cole, I see that out of 109 cases there were 19 for drunkenness. I suppose they would be prostitutes?—They might be prostitutes, but not charged for that.

1901. Eighty-eight were charged with being prostitutes and 2 under the section with regard to insulting behaviour?—Yes.

1902. I understood Police-constable Cole to tell me that it was the usual thing to charge them under the insulting behaviour section?—Yes; he is perfectly right. He has not himself charged many with insulting behaviour. I do not think there is another man in the Metropolitan Police Force who has more experience of dealing with prostitutes than Cole. He has had facilities for knowing prostitutes more than any other man, his duties have been such, and where another man would not know a prostitute he would, so that when he knew they were prostitutes he would not charge them with insulting behaviour.

1903. Do you mean that he was entrusted with that duty?—Yes. If I wanted a man to deal with prostitutes I should certainly select him, because he knows them so well.

1904. He knows them so well from having served in that district?—Yes, and his duties have been such; he has been employed to keep observation on disorderly houses and brothels, and he has had opportunities for getting acquainted with them more than any other men who have not been employed on that duty.

1905. I suppose they know him?—Yes, well.

1906. Therefore they can very easily avoid him?—And they do, I am sure.

1907. (*Chairman.*) A new woman would not know him?—A stranger would not. A great number of these prostitutes soon come to know a constable, and they avoid him.

1908. Cole is not now in the C Division?—No, not now.

Inspector F. McKay.

10 Dec. 1906.

1909. When was he moved?—About the middle of October last.

1910. Why was that?—For the benefit of his wife's health. His wife was suffering from insomnia, and the doctor ordered his removal.

1911. (*Mr. Dickinson.*) I suppose what you have said is the reason why he appears to arrest more prostitutes than almost any other constable?—I have a Return here respecting the number of people who have been charged this year with insulting behaviour, if you would like to look at it. Since the 1st January, 1906, 578 were charged under the Vagrancy Act, Section 3, of 5th George IV., and 128 people were charged under Sub-section 13 of 2 and 3 Victoria.

1912. Has that been rather a recent alteration?—Yes, that is to say, it is somewhat recent for this reason: We had a great amount of difficulty in dealing with complaints. I think a little over two years ago there were a number of complaints, coming from gentlemen going home from their clubs in the evening, about women soliciting them in the street, and the question was brought before the police by myself, and they told me that they did not know these women to be prostitutes; they had seen them walking about there, but they did not know them to be prostitutes. They could not prove they were such and the Magistrate refused to convict them unless they did so. Then they fell back on the present section.

1913. When was that?—I think about 2½ or 2 years ago.

1914. With the knowledge of the Magistrate?—Yes, with the knowledge and sanction of the Magistrate. I pointed that out to the Magistrate's Clerk at the time, and he thought it would be a very good thing to rid the streets of these people. There are a great number of women, I know, who are not prostitutes, and I have gone up myself in plain clothes, because I knew it was dangerous to charge them with being common prostitutes. We have found this Act to be of great service, and I am glad to say a number of women—in fact, I believe more than three-quarters of them—we do not see now; they have left the streets; they saw the folly of it. I heard a question asked of Inspector Remfry about the seriousness of the charge. I would not look at a charge under Sub-section 13 with the same seriousness that I would look at a charge under Section 3 of the Vagrancy Act. I think it is more flagrant than under the Police Act, and the penalty is much more severe. With regard to a number of these cases of insulting behaviour, the Magistrate discharges them under Section 16 of the Act of 1879; that is, the Summary Jurisdiction Act, and I am glad to say it has been very useful in that way, because these women have gone back to their employment, or have left off coming to the streets. A great number of them have been in employment.

1915. The evidence that the Magistrate wants is evidence that a woman has spoken to a man?—That she has accosted men. I mean to say after being cautioned. That must be proved.

1916. (*Chairman.*) You are rather suggesting that some of the women who accost men in the street are women who are employed by day in respectable occupations?—Yes; I know a great number of them. I think it would not be fair, and I think it would be entirely wrong of us to charge them with being common prostitutes. We have the evil of solicitation in the streets, which is undoubtedly an annoyance, to get over. Gentlemen ask us to keep order in the streets, and we try our best at times; but sometimes we have a difficulty in doing it which private persons do not realise.

(*Mr. Graham Mould.*) Would you allow me to put a few questions to the witness?

(*Chairman.*) Certainly.

1917. (*Mr. Graham Mould.*) In your report you say that Mrs. X made no complaint against the police?—That is so—not to me.

1918. Just think a moment. Was not her whole attitude that of an honest woman charged with a very atrocious offence?—If you ask my opinion, my opinion is, no. Her attitude was certainly that of a person who tried to conceal her actions from her own husband.

1919. You say she made no complaint against the police?—That is quite correct. I had a conversation with her at the back of the Court after she was removed from the dock, when she fainted. She then explained to me how she came to faint on seeing her husband in Court, and the difficulty she had in reconciling him.

1920. (*Mr. Dickinson.*) Her husband came with her to the Court?—Yes.

1921. How could she say that?—I do not know. That is what she told me at the back of the Court—when she came to the Court she saw her husband standing there, and the sight of him overcame her, and she fainted. They came to the Court together, but she had to surrender to her bail. She came in by a different entrance; he was standing in the body of the Court.

1922. But she had been home?—Yes, but she came back in the morning.

1923. I do not understand how seeing her husband in Court could surprise her?—I do not know.

1924. (*Mr. Graham Mould.*) Your opinion, then, was this—that her sole object was to conceal it from her husband?—No; she could not possibly do that, because her husband knew.

1925. If she made no complaint against the police she was admitting the justice of the charge made against her—if she acquiesced in it? Is that your view?—No, I do not say that; I do not go so far as that.

1926. You do not go so far as to say that she acquiesced in the justice of the charge made against her?—No, she certainly did not do that. She did not plead guilty.

1927. I am not suggesting that she pleaded guilty; but did she tacitly, or covertly, acquiesce in the justice of the charge made against her?—No, she did not.

1928. I put to you that her whole attitude from beginning to end was one of complaint?

(*Chairman.*) That is quite consistent. This is a police report, made by you to Superintendent Mann. It is a report made to a superior officer. I understand him when he says Mrs. X made no complaint against the police to mean she made no complaint against the policeman of harsh treatment or brutality in effecting what he conceived to be his duty?

(*Mr. Graham Mould.*) I am obliged.

(*Chairman.*) There is a distinction. She had maintained at the station and in Court that she was an innocent woman, and that the policeman had made a mistake; but, as a matter of fact, on Friday she told us that she did complain of Cole's action, and that he had himself come up and insulted her. (*To the Witness.*) When you say that she made no complaint against the police, I suppose that means neither in your hearing nor at the police court?

(*The Witness.*) That is so.

(*Chairman.*) She did say before us that at the police station she complained of Cole having commenced the conversation with her, and that she repelled his advances?

(*Mr. Graham Mould.*) If you please.

(*Chairman.*) She does not appear to have repeated that at the police court, I am bound to say, from the notes of the evidence.

(*The Witness.*) That was so stated at the police court, because I was present.

1929. (*Mr. Graham Mould.*) Is not Oxford Circus the dividing line between Vine Street Police Station and Marlborough Street Police Station?—No.

1930. Where is the dividing line there?—The dividing line is well down Regent Street, towards Piccadilly Circus.

1931. Is there any dividing line at Oxford Circus?—No; my division takes me from Park Lane to High Street, Bloomsbury.

1932. Would all the officers on duty in Oxford Circus be attached to the same police station?—Not on the other side of the road. The officers on the north side of Oxford Street would not be attached to Marlborough Street.

1933. Was it the police-constable's duty to cross, as I understand he did cross, the Circus to make inquiries?—To cross to a sergeant?

1934. Yes?—Yes, distinctly.

1935. That would be part of his ordinary duty?—Yes.

Inspector JOHN REMFRY, recalled.

Inspector J. Remfry.
10 Dec. 1906.

1936. (*Mr. R. D. Muir.*) Did Mrs. X make any complaint in your hearing of the behaviour of Police-constable Cole towards her?—No. To the best of my recollection it is the first I have heard of it.

1937. (*Chairman.*) You did tell us that she said a good deal more than you stated in your report —Yes, but not in the nature of a complaint against the officer.

(*Chairman.*) Now, Mr. Mould, if you like to ask any question on that point you can do it.

1938. (*Mr. Graham Mould.*) This lady is a very talkative lady, is she not?—Yes.

1939. She speaks somewhat rapidly and says a good deal?—She does speak rapidly.

1940. I think you said so before, but you do not suggest that all she said is what you have put down here—"The policeman has made a mistake; I did not insult him; I only spoke to my insurance man—the other men spoke to me"?—That was after I read the charge over to her. I had more of a conversation with her after she was in the cell, when she gave me a wrong address, and when she furnished me with particulars of her husband.

1941. Did she not in the course of that complain of the conduct of Police-constable Cole?—To the best of my recollection no; not at any time did she complain of his conduct.

1942. You would hardly like to pledge yourself that she did not do so. It is a long time ago?—It is a long time ago, Sir, but to the best of my recollection there was no complaint of the officer's conduct.

1943. (*Chairman.*) That is ambiguous, and does not carry the thing any further. The suggestion that she made to us on Friday was that Police-constable Cole, when she was standing at the corner, waiting for her motor-'bus, came up to her and chucked her under the chin, and used some words that I do not exactly remember now, but there was this suggestion, that she did not know he was accusing her of any offence, but that she refused his advances?—It is the first time I have heard of that complaint against the officer. If it had been so, I should have attended the court myself, and I should have made a note of such a thing as that.

1944. (*Mr. Graham Mould.*) But that being the conversation with the prisoner, would it in your judgment have been your duty to make a report of such a conversation?—Certainly, I should have wanted to know from the police constable what had happened if such a complaint had been made about him.

1945. In the case of a woman who had never been charged at a police court before, is it unlikely she would lose her head on that occasion?—No, I do not think that she would.

1946. Do you get prisoners, especially people who are not accustomed to be in police courts, who forget the most material things?—No, I cannot say that I do.

1947. (*Chairman.*) Was she crying, according to your recollection?—I do not think so.

1948. Was she gesticulating, talking volubly and talking fast?—She was talking, but there was nothing very material as far as my recollection goes as to things.

(*Mr. Graham Mould.*) I do not think I can carry it any further, Sir.

1949. (*Mr. R. D. Muir.*) Did she say anything at all to this effect—I am reading my friend, Mr. Bankes's note—"The police-constable said with a smile, 'Hullo, good lady.' I said, 'He only asked me to go in a cab.' He said, 'Come with me.' The police-constable asked me to give him my address. He"—that is, the police-constable—"touched me on my chin. He said, 'Have you got a baby?' I said, No. The police-constable said, 'Husband is no good.' I said, 'How do you know?' I said, 'My husband is an Englishman.' I said 'You rascal, leave me alone.' He said nothing. I had never seen the policeman before. He placed his hand on me and took me in charge. He told me he arrested me. 'Hullo, good girl, what are you doing here?' I said, 'I am not a girl; I am a married lady.' He asked me how long I had been married, and he said, 'Your husband no good. You have no baby.' He said, 'Come with me if you be good girl.' I said, 'I have a letter from my husband.' He said, 'Not kind person.' He said, 'Inside, allez vous en.' I said, 'You are dirty mannered.'" That is the whole of it with regard to the insulting behaviour of the constable. Did she make any complaint of that kind at all at the police station of the constable having said her husband was no good and asking her whether she had a baby?—No, Sir, to the best of my recollection there was never a word said to me of that.

1950. Would you have recollected such a conversation?—I should have.

(*Mr. R. D. Muir.*) That is all the evidence I have here to-day, Sir. I still have to consider the question of giving further evidence.

(*Chairman.*) Very well.

(*Mr. Graham Mould.*) I am instructed to say, Sir, that some of the friends of this lady can come here and speak as to her character if you think it would be desirable that they should do so.

(*Chairman.*) I think so, undoubtedly. We are not going to say anything about what we think. We must leave it to you.

(*Mr. Graham Mould.*) I quite appreciate that, Sir. They are not here at this moment, but I am instructed they can be here on any adjourned sitting, and with your permission I will have them here.

(*Chairman.*) I do not know that we ought to make any suggestion, but at any rate, if we do make it we make it in this sense, that you will not be prejudiced in our minds if you do not adopt it. Do you follow me?

(*Mr. Graham Mould.*) Yes, Sir.

(*Chairman.*) There was one gentleman who was mentioned on Friday—I do not know his name, and it was not given, because Mrs. X could not recollect it. She said he was a person who she referred to as her insurance agent. She said he was a gentleman who she had met several times at ————, and he happened to be in a cab or was going into a cab on this night of the 20th March, just near where she was at the corner of Oxford Circus. He asked her to go home with him in a cab, and although it would have been a more direct and better way for her to go, she very properly said, "I will wait for my motor 'bus," or words to that effect, and she would not go with him. If you like to call that gentleman, for instance, some light might be thrown upon the matter, but do not take it as our suggestion. That is only in answer to what you have said.

(*Mr. Graham Mould.*) I understand you would not offer any objection to my calling him. I will put it in that way.

(*Chairman.*) Not at all.

(*Mr. Graham Mould.*) There is just one question I should like to put to P.C. Cole. As you are aware, I am conducting this case under some difficulty, but you have given me a great deal of indulgence. I do not know whether it would be convenient if I put the question now?

(*Chairman.*) What is the question?

(*Mr. Graham Mould.*) The question I wish to put to him would be with regard to the conversation which he had with Sergeant Shepherd. I wanted him to confirm that conversation, and then to ask him some questions upon that.

(*Chairman.*) Very well, you can do that.

P.C. Arthur Cole, 528 V, recalled.

P.C. A. Cole. 10 Dec. 1906.

1951. (*Mr. Graham Mould.*) I wish to ask you one or two questions. Do you remember (I think you gave it in evidence) a conversation you had with Sergeant Shepherd between Poland Street and Berwick Street?—Yes.

1952. I want you to tell me exactly what you said to Sergeant Shepherd on that occasion?—As far as I know, I said to him, "Have you seen this woman stop anyone?" and he said, "Yes, I saw her stop someone further up by Hills Place."

1953. Anything more?—I said, "Well, I have seen her stop several men, and I have already cautioned her, and I am going to arrest her."

1954. You had already cautioned her, and you were going to arrest her?—Yes.

1955. Am I right that you saw her at Hills Place stop somebody?—Yes.

1956. Were you near to her at that time?—I was on the other side of the road.

1957. Can you tell me how far it is from Hills Place to Wardour Street?—I should say from 200 to 250 yards.

1958. I suggest it is rather more than that—perhaps 400 yards?—It may be—I did not take much notice of it.

1959. You made up your mind at Hills Place to arrest her?—Certainly, after having cautioned her.

1960. When was the caution given?—At the Tube Station.

1961. Was she walking quickly or not?—No.

1962. Why could you not, in fact, arrest her before Wardour Street? She was not walking quickly. There are 400 yards after she committed the offence for which you had made up your mind to arrest her at Hills Place. Why did you let her go so far as Wardour Street before you arrested her?—I waited till she separated from this gentleman, because he might have been a friend of hers.

1963. The Hills Place offence is the offence upon which you had determined to arrest her?—If she separated from this gentleman.

1964. Would you have arrested her if she had not separated from this gentleman?—No, I do not think so.

1965. You do not think you would have arrested her if she had continued with this gentleman?—No.

1966. This offence at Hills Place did not imperatively call for her arrest?—She stepped in front of this gentleman at Hills Place.

1967. This is what I want to get at. Do you say that at Hills Place you had made up your mind to arrest her whatever happened?—Not if she had gone away with him, of course.

1968. It was only because the gentleman left her that you arrested her at Wardour Street?—Not because he left her, but because she stopped him.

1969. I think you charged a third offence at Wardour Street?—Yes. Before I could reach her she stopped another gentleman.

1970. You could not reach her before?—No.

1971. She was not going quickly?—No, she was not going quickly.

1972. Were you in doubt, in fact, at one place whether you ought to have arrested her for that?—No.

1973. Does that account for your slowness?—No.

(*Chairman.*) That is all the evidence that can be called to-day.

TWENTY-THIRD DAY.

Thursday, 6th December 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).
Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law).
Charles Algernon Whitmore, Esq. (Barrister-at-Law).
J. W. St. Lawrance Leslie, Esq. (Barrister-at-Law), (*Secretary*).

6 Dec. 1906.

(*Mr. Eldon Bankes.*) Would you kindly allow me, Sir, to ask for your direction with reference to some of the witnesses in Harding's case. I was not here myself, but when Harding was cross-examined certain statements were put to him of tradesmen in the district. Of course, before this Commission you are not strictly bound by the rules of evidence, and I desire to know whether you would hear those witnesses if I get them here, because they are not here at the moment, and I should have to send for them. The evidence is not strictly admissible, and it is entirely a question for the Commission whether you would desire to hear it.

(*Chairman.*) They are witnesses as to the character of the locality and the character of Harding himself.

(*Mr. Eldon Bankes.*) That is so, Sir.

(*Chairman.*) I do not know that you need call all. We do not want too many, but we would certainly hear one or two of them.

(*Mr. Eldon Bankes.*) Then we will make a selection.

(*Chairman.*) What you say about our not being bound by the strict rules of evidence is, of course, true. We are endeavouring as nearly as we can, having regard to the Inquiry which is entrusted to us, to adhere to those rules, but we do think that in this case the evidence of the gentlemen whose names were suggested by Mr. Muir in cross-examination would throw light, if they bear out the statements suggested, on the condition of things in this neighbourhood.

(*Mr. Eldon Bankes.*) Then I shall have a selection made, and they will be sent for. Then another matter with reference to this case is this: I understand that Harding suggested that the summons was the result of a failure to identify him on another charge on the 18th September. I am also told that in cross-examination he withdrew from that. I do not know whether you are satisfied about that, because if not I have got here the reports showing exactly how the summons came to be issued, and I have got the report here of the Sub-Divisional Inspector of the 14th September, in which he states the facts, and says, "The police constable was unable to arrest Harding at the time, and I respectfully suggest that he should be summoned." That was on the 14th. Then Acting Superintendent Monk recommends the summons. In the ordinary course that has to come before the Commissioner, and it was authorised, and the summons, as you know, was issued before the incident occurred about identifying Harding.

(*Chairman.*) I understood that Harding did with-

draw the suggestion, but I think you may well put in the police reports. 6 Dec. 1906.

(*Mr. Eldon Bankes.*) Very well, Sir, I will do that.

(*Mr. Dickinson.*) With reference to those police reports, we have had that report before us.

(*Mr. Eldon Bankes.*) Have you, Sir?

(*Mr. Dickinson.*) I have seen it, and I was wondering where it was. Have we got copies of all the police reports?

(*Mr. Eldon Bankes.*) In Harding's case there are no reports about the incident of the arrest. The reports have reference to his being summoned.

(*Mr. Dickinson.*) That is one of the reports.

(*Mr. Eldon Bankes.*) Yes.

(*Mr. Dickinson.*) What I wanted to know was whether we have got those reports.

(*Chairman.*) We have a report from Inspector Wright.

(*Mr. Eldon Bankes.*) The first one is dated the 14th September, and that has reference to the issuing of the summons. Then there is no other report than the 28th September, which has reference to the question of the dismissal.

(*Mr. Dickinson.*) That is the one signed by Wright.

(*Mr. Eldon Bankes.*) Yes.

(*Mr. Dickinson.*) There are no other police reports in this case.

(*Mr. Eldon Bankes.*) No, Sir. There is one of the 23rd October, but you have got them all, whatever they are. There are only those three.

(*Mr. Dickinson.*) Yes, we have got that one.

(*Mr. Eldon Bankes.*) Then I call your attention to that report of the 14th September, recommending the summons, and I will call now, because he desires to get away, Inspector Wensley.

(*Earl Russell.*) May I make an application to be furnished with copies of these reports which are being quoted from?

(*Chairman.*) I think Mr. Bankes ought to hand you the one that he quoted from.

(*Mr. Eldon Bankes.*) Certainly. I do not think the others bear on this point.

Inspector FREDERICK WENSLEY, sworn.

22483. (*Mr. Eldon Bankes.*) I think you are Local Inspector of the H Division?—I am. *Inspector F. Wensley.*

22484. I think about 8 p.m. on Tuesday, the 18th September, you were informed that there were eight men detained at Commercial Street police-station on suspicion of committing various larcenies?—I was.

22485. And you went there and went into the room in which the eight men were?—I did.

22486. Were they placed there for the purpose of identification?—They were.

22487. Was Harding one of them?—He was.

22488. Do you know him?—I did know him.

22489. Did he speak to you?—He did.

22490. What did he say?—He said, "Mr. Wensley, I want you to stay here to see that I get a fair show," or words to that effect.

22491. I think you stayed in the room during the time that the people were called in to identify these men?—I did.

22492. And we know that Harding was not identified?—He was not identified.

22493. And after that did Harding speak to you?—He did.

22494. What did he say?—He said, "I am satisfied; thanks very much for stopping."

22495. Is that all that took place?—That is all that took place.

22496. In his examination-in-chief Harding suggested that you had said to him when they failed to identify him, "Well, Harding, we will have you for another offence," or words to that effect?—I said nothing of the kind.

22497. Is that absolutely untrue?—Absolutely untrue.

22498. At that time did you know anything about this assault?—No, not a word.

22499. (*Earl Russell.*) Did you not say something of that kind to him—that if you did not have him for that you would probably have him for something else?—No.

22500. When a Jewish man was called in, let me remind you?—No, I do not know that there was a Jewish man called in—there may have been; there were a number of persons, but I am sure I could not tell you what their persuasions were—whether they were Jewish or English.

22501. You say nothing of the kind was suggested?—Nothing whatever.

22502. No conversation about any other possible offence he might have committed?—No.

22503. Simply what you have told us?—Simply what I have told you.

22504. (*Chairman.*) Had you been acquainted with Harding before?—I had seen him. I knew him by repute, and I have also seen him.

22505. That is not an answer to my question. Had you known Harding before?—Yes.

22506. Personally?—Personally.

22507. Is there a good deal of larceny committed, according to your experience, in that neighbourhood of London?—There is.

22508. Larceny from vans and from the person, and so on?—There is, Sir.

22509. Of a petty kind, I gather?—Yes; and sometimes of a very serious character. I have been in this particular district for something like 17 years, and sometimes there are larcenies of a very heavy character, especially with regard to vans, and such like, and even from the person.

22510. What do you mean by larceny of a heavy character from a van?—Property to the value of something like £200 or £300 stolen at a time—a horse, van, and its contents taken away. Quite recently we had a load of tea valued at £230 taken away. I am engaged at the Sessions now with a case of a somewhat similar character, where £70 worth of property was involved.

22511. We heard in the course of the proceedings yesterday and the day before of certain gangs or cliques of boys and young men. Do you know anything about the existence of such gangs or cliques?—They do exist from time to time, and of course they are broken up as occasion arises. Observation is kept on them, and they are broken up. For instance, in the very case I have referred to—that load of tea—we arrested nine men, eight of whom were convicted, and that was a recognised gang. In the present instance, where I am now attending the Sessions, there were six prisoners in that, and four of those were recognised as a gang—all convicted men.

22512. Do the young men and boys who belong to this gang infest the streets to any extent?—To a very serious extent.

22513. Does not that strike you as rather inconsistent with their being a gang formed for the purpose of professional thievery?—The opportunities and facilities of the district that I am in give rather special facilities to it. There are very many common lodging-houses, and all that sort of thing, that these men congregate in, and more so than perhaps they would in another district. There are lodging-houses capable of holding 600 or 700 men. I should think probably altogether in the district I am now in there are 30,000 or 40,000 men living in these common lodging-houses; the majority of them are of the ne'er-do-well type, and many of them are criminals.

Inspector F. Wensley.
6 Dec. 1906.

22514. What I was suggesting to you was that if the gang was a gang of men formed with a view of committing crimes against property so as to make a kind of livelihood out of it, or to add to their scanty gains, they would rather work quietly, would they not?—They do in a sense work quietly, but still they exist in numbers, and they infest certain localities.

22515. In fact, it is very difficult to say where the hooligan ends and the thief begins?—It is in this particular district.

P.C. MICHAEL CANN (47 H R.), sworn

P.C. M. Cann.

22516. (*Mr. Eldon Bankes.*) How long have you been in the Police Force?—22 years on the 12th May last.

22517. I think you are attached to the Commercial Road Station?—Commercial Street.

22518. I believe you are off duty now, are you not?—I am on the sick list.

22519. Is that in consequence of an assault committed on you last Saturday?—Yes.

22520. That is why you are not here in uniform?—That is why I am not here in uniform. I am under the doctor's orders.

22521. Do you remember being on duty in Bacon Street at about half-past 11 on the 12th September last?—Yes.

22522. I need not go into the details, but a window was broken, and two men were arrested, called Williams and Callaghan?—That is right.

22523. Who was the first man who was arrested of the two?—Williams was the first man.

22524. Who arrested him?—I arrested him.

22525. Were you then thrown to the ground by somebody?—I was thrown to the ground by him.

22526. Then I think Callaghan drew your truncheon while you were on the ground?—Quite right.

22527. Then there was a struggle, and you were thrown again?—There was a struggle, and I threw Williams away from me, and grasped my truncheon. I was not going to be hit on the head by him.

22528. Then somebody blew a police whistle?—Yes.

22529. Who was that?—I do not know; I could not tell you.

22530. Whose whistle was it, do you know?—It was not mine; I could not get at it.

22531. But somebody blew a whistle?—Yes.

22532. Then did P.C. Filbee come up?—Yes.

22533. Then almost immediately afterwards P C. Ashford came up?—Yes.

22534. Then who took hold of Callaghan?—I got him myself and Filbee, and we took him through Sclater Street.

22535. And who took Williams?—Another constable.

22536. And did Williams go a different way?—Yes.

22537. Now tell us what happened when you were taking Callaghan. Where was it exactly that you arrested him?—In Bacon Street.

22538. And then you proceeded to take him to the station?—Yes.

22539. Did you have to go through Brick Lane, and then into Sclater Street?—Yes; through Brick Lane, and then into Sclater Street.

22540. While you were in Sclater Street were you struck?—Yes.

22541. Where were you struck?—Just past the King's Arms, about 30 yards. I said at the police court between 20 and 30 yards past the King's Arms.

22542. Whereabouts were you struck yourself?—Here. (*Pointing to the top of left ear.*)

22543. Was it a serious blow?—It was a nasty blow.

22544. Were you attended by the doctor for it?—Yes; and I was on the sick list six days.

22545. Who was it struck you that blow?—Harding.

22546. Did you know Harding?—Yes.

22547. Was there a considerable crowd round you when the blow was struck?—There was a crowd round us.

22548. How far was Harding from you when you first saw him?—Close by me.

22549. In the crowd?—Yes.

22550. Did he say anything as he struck you?—Yes.

22551. What did he say?—He said, "You are not going to take him." I was facing him then like this. (*Describing.*) I handed my prisoner over because I was exhausted at the time, and I handed him to P.C. 207.

22552. Who is that?—Ashford.

22553. You handed him over to Ashford?—I was partially on the ground, and we were all in a struggle together. He was partially dressed. He had not got his uniform on, so he said, "All right, Tom, I will take him," and he caught hold of his arm.

22554. Was that at the time you were struck?—That was the time when I turned round, and that is the time that I was struck.

22555. You have told us what Harding said to you. Did you say anything to Harding when he struck you?—No, I never said a word. I knew him too well to say anything.

22556. After the blow was struck did you see what became of Harding?—No, I did not, because I was in the crowd.

22557. You did not see what became of him?—He ran away. He turned and ran out and dodged in the crowd, and I did not see what became of him after that.

22558. And did you then proceed to the station?—Yes, closely behind the prisoner.

22559. Next day I think Callaghan and the other man were brought up before the Magistrate?—Quite right.

22560. And you gave evidence against them?—Yes.

22561. Did the Magistrate notice the condition of your ear?—Yes.

22562. Did he make any observation about it?—Yes, he said the officer seemed dazed.

22563. You seemed dazed?—Yes.

22564. At that time had you seen the doctor about it?—Yes, I saw the doctor the same night.

22565. Are you quite sure it was Harding who struck you the blow?—I am positive.

22566. (*Earl Russell.*) I understand that Filbee was the constable who was actually assisting you with Callaghan?—Yes, the first time.

22567. When you were in Sclater Street?—In Bacon Street. That was the first start of it.

22568. Was he not assisting you when you were taking him through Sclater Street?—Yes, he was one of them close behind.

22569. Not actually holding the prisoner, you mean?—No, he was not actually holding the prisoner then at the time.

22570. How many constables were there altogether in Sclater Street?—There were about five or six of us then in Sclater Street.

22571. A very considerable crowd had gathered round you by then?—Yes, and a very hostile crowd.

22572. A noisy crowd?—Yes.

22573. And hostile to the police?—Yes.

22574. How were they showing their hostility?—Pushing, shoving, and all sorts of ways.

22575. Closing round you and your prisoner and pushing?—That is right.

22576. They would not keep back?—They would not keep back.

22577. Were they shouting anything to you?—Saying all sorts of things.

22578. They were shouting?—Yes.

22579. What sort of things were they shouting?—Shouting "Let them have it—let them have it—go for them." That is the only thing I can say.

22580. You mean they were inciting each other to attack you. Is that what you mean?—That is right.

22581. Did you hear any shouting at all about the way the prisoner was being treated?—No, I did not hear that.

22582. No cries of "Shame"?—No, I did not hear that.

22583. And no cries of "Don't be so rough with the man"?—No, I never heard it.

22584. You remember passing the King's Arms, I suppose?—Yes.

22585. You know it well?—Yes.

22586. Who actually had their hands on Callaghan when you passed the King's Arms? Can you tell me that?—Myself.

22587. No other constable?—And No. 173 then at the time came up.

22588. You both had hold of Callaghan at that time?—Yes, that is right.

22589. Was Callaghan still violent then?—He was.

22590. He had given a good deal of trouble to arrest in the first place?—Yes, I should think he had.

22591. There was quite a violent struggle—he threw you down twice?—Yes, that is right.

22592. You say he was still very violent when you had him in Sclater Street?—That is right.

22593. Was he struggling and twisting?—He was struggling and twisting about. I was on my knee when 207 caught hold of him. I was down on the pavement.

22594. That is the time you told us about, when you were 15 yards past the King's Arms?—32 yards 2 feet. I have measured it since. I said before the Magistrate between 20 and 30 yards.

22595. I thought you told Mr. Bankes just now it was between 15 and 20?—No, between 20 and 30.

22596. (*Chairman.*) What you told Mr. Bankes was 30 yards?—Between 20 and 30.

22597. (*Mr. Eldon Bankes.*) He said 30 yards, and then he said "I said to the Magistrate between 20 and 30 yards," and now he has measured it it is 32 yards 2 feet.

(*Witness.*) Yes, that is so.

22598. (*Earl Russell.*) How did you recognise the exact spot when you went to measure it?—I knew the shop and I knew the place.

22599. You knew exactly what shop it was opposite?—Yes, but I could not exactly tell the distance.

22600. What shop is it?—Fowles. There are two shops. You have it on the map.

22601. Between No. 75 and No. 77—is that right?—Yes.

(*Mr. Dickinson.*) You said you held Callaghan with No. 173. Who is No. 173?

(*Mr. Eldon Bankes.*) You do not seem to know them by their names. Will No. 173 stand up?

(*Witness.*) That is the man.

22602. (*Mr. Eldon Bankes.*) What is your name?

(*Constable.*) Thomas Deller.

22603. (*Earl Russell.*) Was it No. 173?—Yes.

22604. You say you were that side of the street, the same side as the King's Arms?—That is right.

22605. And actually on the pavement, not in the middle of the street?—I was on the pavement just at that spot.

22606. Besides those who were holding the prisoner what other constables were there in the street?—There was 164 and 486.

(*Mr. Dickinson.*) What are their names?

(*Mr. Eldon Bankes.*) May I explain how this comes about? We only called at the police court the three constables who could identify Harding. There were a number of other constables there engaged—I do not know their names at the moment, but I will get them for you.

(*Witness.*) There was No. 207.

22607. (*Mr. Eldon Bankes.*) What is his name?—Ashford. Then there was James Filbee—those are the two who witnessed it.

22608. Ashford and Filbee and yourself?—Yes—who knew Harding.

22609. And the others you have mentioned?—Yes.

22610. (*Mr. Dickinson.*) Filbee is 164, I understand?—Yes.

22611. (*Earl Russell.*) Any others?—There were other officers there, who assisted me to take him to the station.

22612. I want to know the names of all the others who were in Sclater Street during this struggle?—486, P.C. Hunt; 58 H R, Thomas Newens; 193, Frank Weller.

22613. Any others?—207—you have got that one—that is Ashford.

22614. That makes how many altogether that you have given us, including yourself?—Seven.

22615. Are you looking at a note you made at the time?—At the time.

22616. That is to say when you got to the police station?—Yes.

22617. When you passed the King's Arms with your prisoner you passed on the pavement right in front of the house—is that so?—Yes, right along the front.

22618. Actually along the side of the house?—Actually along the side of the house. That is quite right.

22619. Did you notice anybody at all in the King's Arms as you went by?—I did not notice. I had too much trouble with the other one.

22620. You were able to keep on the pavement all the time—you were not forced in the street at all?—I was not forced into the street—not then.

22621. Nor your prisoner?—No.

22622. You noticed nothing about the King's Arms as you went by?—No.

22623. You could not say whether anybody was standing on the step or not?—No, I could not.

22624. I suppose this procession was going along rather slowly?—It was going rather slowly.

22625. Owing to the man struggling?—Owing to the man struggling.

22626. And the other four constables who were not helping you to hold him were keeping back the crowd, I suppose?—Keeping the crowd off.

22627. Making it possible for you to get along at all?—That is it.

22628. These other four constables were not all close round you?—They had to keep close round me because of keeping the crowd away.

22629. Fairly close, but they were dispersing the crowd and keeping it back?—That is quite correct.

22630. So that some of them might have been as much as ten yards from you at various times when they were keeping the crowd back?—They might be three or four yards.

22631. Or even a little more if they were kept back by people?—Yes.

22632. You could not say exactly where the other four constables were, I suppose?—We were in the middle together.

22633. You know they were in the middle of the crowd helping you, but you were too busy with your prisoner to know exactly where they were?—Yes.

22634. Was your prisoner shouting as well as struggling?—Yes.

22635. A good deal?—Yes.

22636. So that really there was a great deal of noise and a great deal of confusion?—That is right.

22637. You had had a severe struggle when you first arrested him?—I had.

22638. You were pretty well tired out by that time?—Yes, I was.

22639. Had any member of the crowd assaulted you before you got there?—No.

22640. Only the prisoner?—Yes, and Williams. That was the first start, and then the other one came and hit me outside that house, as I have told you.

22641. And the crowd were only pushing round you. They had not struck you?—No, they had not struck me.

P.C. M. Cann.

6 Dec. 1906.

22642. Were they throwing things?—Doing anything, bustling up against us, shoving us over, and all that sort of thing, or trying to.

22643. But not striking you?—No, they did not strike me—only that one particular man.

22644. What sort of things were they throwing?—I noticed there was a bottle thrown, but that did not hurt anybody.

22645. They were throwing hard and dangerous things as well as others?—They would have been.

22646. But were they?—No, not more than that.

22647. You mean the bottle was the only one?—Yes.

22648. There was a good deal of throwing going on in the crowd?—Yes.

22649. Tell me when you first saw Harding that night in that street?—When he hit me.

22650. After he hit you or before?—When he hit me, when he struck the blow. I was like *this*, facing him. (*Describing.*)

22651. In which direction were you facing? Towards the King's Arms or away from it?—Towards the King's Arms.

22652. How did you come to be facing the opposite way from your prisoner?—I handed the prisoner Callaghan over and I turned round to the crowd like *this*—(*describing*)—and he came up and hit me with his right hand, like *that*.

22653. You mean at the moment that Harding struck you you were not holding the prisoner at all?—Not at the moment he struck me. I was standing up close.

22654. You had already handed him over?—I had already handed him over.

22655. To the other constable?—To the other constable. Harding came and faced me like *this*, and struck me a blow.

22656. You were standing up facing towards the King's Arms in order to keep the crowd back?—I was following behind. As I told you I was exhausted and was following behind, and then I got this blow.

22657. But you being exhausted is no reason for your walking backwards. If you were following the way the prisoner was going your back would be towards the King's Arms?—Don't you understand? After I handed the prisoner over to the other constable I turned round like *this*, and he came up and hit me *here* on the left ear.

22658. But when you say you turned round you mean you faced the King's Arms?—Yes. I faced the King's Arms then.

22659. At the time you faced the King's Arms you were not walking I suppose—you were standing still?—I was going along with the lot and I got the blow. I knew who had done it.

22660. You told me you handed your prisoner over to another constable?—Yes, that is right, and immediately after in a moment it was done.

22661. But after you had handed him over—not before?—After I handed him over—not before.

22662. Then when you handed him over is it correct to say that you stood up and faced towards the King's Arms?—Yes, I just turned my back like *this*. (*Describing.*)

22663. You turned your back to the prisoner?—Yes, to the prisoner.

22664. And your face towards the King's Arms?—Yes, towards Harding—and I got it.

22665. At that moment you say Harding came up and struck you?—Yes.

22666. And when he struck you you were facing the King's Arms?—Yes, I was facing the King's Arms then.

22667. Did he come from the direction you were facing?—It was all done in a moment. He was in the crowd.

22668. Did he approach you from behind from the direction of the King's Arms?—From the direction of the King's Arms.

22669. Did you see him at all before he struck the blow?—No, I did not—not that night.

22670. Did you not see him coming up to you before he struck the blow?—No, I did not see him, but of course when he struck me I knew the man in a moment.

22671. You did not see him at all after he struck you?—No, because he was facing me then. I know him, and know his voice as well.

22672. Although you were facing the direction he came in you did not see him beforehand?—No.

22673. At the time he struck you you had both hands free?—I had both hands free.

22674. And in addition to that there was a constable or two, I suppose, between you and the King's Arms keeping the crowd back?—They struggled with the prisoner.

22675. All the other six?—No, not all the other six, because they had to keep the crowd back to get the prisoner along.

22676. You told us the two were holding the prisoner after you handed him over?—There were two at the time.

22677. And yourself makes three; that leaves four other constables?—Yes.

22678. So that two at least of those, I suppose, were keeping back the crowd from pressing on the prisoner?—That is right. We had got enough to do with that lot.

22679. Were there not some constables between you and the King's Arms trying to keep the crowd back?—Yes.

22680. There were?—No; after we passed the King's Arms, when we got past there, when the assault was committed, we were getting the prisoner along, as I have told you before, and then he deliberately came up and struck me.

22681. You have said that very often, but I am not asking you about that. You are taking your prisoner towards the police station in a certain direction, are you not?—Yes.

22682. You are being followed and surrounded by a hostile crowd?—Yes.

22683. Some of the constables who were not holding the prisoner would be keeping back that hostile crowd, would they not?—Trying to.

22684. Then I say were there not at least two constables between you and the King's Arms trying to keep the crowd back?—We had got the prisoner then. Of course the whistle was blown, and we got more assistance after that, after passing the King's Arms. After we passed the King's Arms assistance arrived.

22685. After this blow was struck?—After the blow was struck.

22686. Do you mean to say the constables you have told me about were not there until after the blow was struck?—There were two who gave evidence that they saw him do it.

22687. I asked you particularly how many constables were there, and you gave me altogether the names of seven?—I did, but then they came up after.

22688. I asked you how many were there when you were passing the King's Arms?—There were three of us.

22689. When you passed the King's Arms you now say there were only three?—When we passed the King's Arms assistance came up.

22690. When you passed it?—When we passed it.

22691. Or after you passed it?—After we passed it, you may say that.

22692. Then how many constables were there there when you were passing the public-house—alongside the public-house?—There were three of them.

22693. Give me their numbers?—I have given them to you.

22694. Let me have them again. You yourself were one?—Yes, and No. 173.

22695. What is his name?—Deller; and then there was Filbee.

22696. That is No. 164?—Yes.

22697. Was 207 there when you were passing the King's Arms?—No, he came to my assistance then. No. 207 was the one I handed the prisoner over to. He got out of his bed and got up and ran out in response to the whistle.

22698. Was 207 there with you when you were passing the King's Arms?—No.

22699. Do you say he joined you after you passed the

King's Arms?—Yes, just where I was assaulted—that is where he took hold of the prisoner, or just before. As soon as I handed him over I had the blow on the ear.

22700. You said just now that 207 came in response to a police whistle?—Yes, he heard the whistle.

22701. And he came in response to a police whistle for assistance?—Yes, it was blowing all over the place.

22702. Was that whistle blown before or after the blow was struck?—Before, or else he would not have been there.

22703. I thought you told me just now that these other constables came up after the blow was struck, because the whistle was blown. You say a whistle was blown before as well as after?—The whistle was blown by some person unknown at the first start in Bacon Street, and if you follow that right on, then afterwards when the crowd began to be hostile a whistle began to blow and 207 came out.

22704. Several whistles were blown?—Everybody has got whistles round there, I think.

22705. Were they being blown by the police or by the public?—By the police, at that time.

22706. Then you did not blow your whistle?—I could not. I never touched it.

22707. Do you know of any other constables there who had blown theirs?—I do not know that. I could not tell you that. I dare say they had been. I could not tell you the number.

22708. No. 207, you say, had joined you while you were passing the public-house, or before you passed the King's Arms?—After we passed the King's Arms.

22709. (*Chairman.*) What I have taken is that there were yourself and two other constables in charge of Callaghan as you passed the King's Arms?—That is right.

22710. There is no doubt about that?—There is no doubt about that.

22711. When did the other constables come up is what Lord Russell is asking?—They all came in a few seconds.

22712. (*Earl Russell.*) And the numbers of the two who were with you when you passed the King's Arms were No. 164 (Filbee) and 173 (Daller)?—That is right.

22713. Then as you were passing the King's Arms along the pavement there were only those three of you?—There were all three of us; it is only a few yards.

22714. But at the time you were actually passing the King's Arms there were no more than those three constables there?—That is all just then, as we were passing there.

22715. All the others were in Sclater Street in this crowd, keeping it back, just as you passed the King's Arms?—They were there a few seconds after that. They came from all directions.

22716. But at the time they were there?—No. They were there when I was assaulted, though.

22717. Where did 207 join you?—Just at that place where I was assaulted.

22718. Which direction did he come from?—He came from his home. He lives just there in Bethnal Green Road.

22719. So he came and met you as you were going along Sclater Street?—He was in his shirt sleeves.

22720. But he came from the opposite direction from what you had come from?—Yes.

22721. Can you tell me where the other constables came from, or when they joined you?—I could not tell you. One in Bethnal Green Road and the others from the beats round. I could not tell you exactly where they came from.

22722. With the struggling that was going on, did it take you a minute or two to get from the King's Arms to the place where you were struck?—Yes, it took a minute or two perhaps; I do not suppose as much as that, but through him throwing himself about it took some time to get there.

22723. Can you tell me what other constables besides 207 had joined you before Harding had struck the blow?—There were no other constables that I know of.

22724. Do you mean at the moment he struck the blow there were only the three you told us of and No. 207?—I could not tell you exactly, but I know the constables who were in it at the time. I know what I had done.

22725. After the time he struck you the blow you think there were only four there—the three you have mentioned and yourself?—There might have been another one.

22726. Did you see any other constable between you and the King's Arms keeping the crowd back?—We were only a few yards from there.

22727. Thirty yards?—Yes.

22728. Did you see the constables behind you in the direction you had come from, trying to keep the crowd off you?—There was Filbee there.

22729. I thought Filbee was holding the prisoner?—No.

22730. Not at that time?—No. 173 and 204 and myself were holding the prisoner when we passed there.

22731. Then at the time you were struck Filbee was not holding the prisoner?—No.

22732. He was behind you, keeping the crowd back, was he?—That is right; but Filbee was first with me with the prisoner.

22733. Then at that time Filbee was between you and the King's Arms, keeping the crowd back?—Yes.

22734. You were standing up facing the King's Arms, and you had handed your prisoner over?—Yes; just merely turned round.

22735. When Harding struck you the blow?—Yes.

22736. Before, or at the same moment that you saw him? You did not see him coming?—No; I did not see him coming before he struck me.

22737. You knew him perfectly well by sight?—Yes, and by his voice.

22738. What was the effect of the blow he struck you? Did it knock you down?—It stunned me. It did not exactly knock me down, because I went against the wall.

22739. It stunned you a bit?—Yes, and caught my ear, too. I shall have that mark for my life-time, I suppose.

22740. Was it before he struck you that he made the observation you have told us about? You said that he said, "You are not going to take him"?—Yes.

22741. Is that right?—Yes.

22742. Did you hear him say that before he struck you or at the same moment?—At the same moment. It was done in a moment—"You are not going to take him"—and I got it. I did not expect such a thing at the time.

22743. As a matter of fact, at the time he said that you were not holding the prisoner?—No, not then, because I had just at that moment handed him over. It was all done like lightning.

22744. Did you say anything at all to Harding when he struck you?—I did not say anything; I said "All right."

22745. You said, "All right"?—I said, "I know that man." I did know him. I was winded, and I could not speak.

22746. Did you say, "All right," or did you not say, "All right"?—I said, "I know that man."

22747. You said, "I know that man"?—Of course I knew him.

22748. You said so?—I did not say so then.

22749. That is what I asked you?—I said so after.

22750. Did you say nothing at all at the time when he struck you?—I could not say anything.

22751. But did you?—No.

22752. Not a word?—I never said anything.

22753. Not a word?—No.

22754. You did not say, "All right"?—I did not say, "All right."

22755. Tell me why you did not arrest him at once when he struck you?—I could not possibly arrest him. I had got enough work to do with the other.

P.C. M. Cann.

6 Dec. 1906.

22756. But you were not holding the other at that time?—No, but he dashed away in the crowd, and got away from me. I knew the man.

22757. What was the reason you did not arrest him, because he ran away so quick?—Because he ran away so quick in the crowd.

22758. Is that the reason?—That is the reason, and knowing the man.

22759. Why did you not call out to Filbee to arrest him?—He had got enough to do at the time.

22760. What with?—The prisoner. We had to have a relay a time or two.

22761. Filbee was busy with the prisoner at that time?—We handed him over one to the other, and took him along.

22762. Was Filbee holding the prisoner at that time, or was he not?—He was not. I think I have said that before.

22763. If Filbee was not holding the prisoner, but was standing where you told us just now, between you and the public-house, why did you not call out to Filbee to arrest him?—He could not then, because he dodged off.

22764. (*Chairman.*) The question put by Lord Russell to you is why did you not call out to Filbee, "Arrest that man"?—I could not do it, because he was gone in a moment. There were others as well in the crowd.

22765. (*Earl Russell.*) So you did not think it worth while?—No; because I knew him so well that I knew I could get a summons against him.

22766. You could get him afterwards?—Yes.

22767. You did not make any attempt to arrest him yourself?—No.

22768. You did not run after him?—No, it was useless then.

22769. Why was it useless?—Because I could not catch him. I knew him well enough. I knew the man so well that I did not trouble about going after him then.

22770. You thought it was not necessary to arrest him then because you knew him quite well?—That is right.

22771. When you gave evidence before the Magistrate, did you say, "The hostile crowd prevented me from arresting him"?—Of course, that was it.

22772. Did you say that?—That is what I said.

27773. And now you say you thought it was not worth while?—That meant that I could get him at any time. That is the meaning of that.

22774. Will you let me see those notes that you have in that notebook, that you say you made as soon as you got to the police station. (*Book handed to learned Counsel.*) This is where the entry begins, is it: "September 13th, 1906, 12.10"?—That is right.

22775. Is that the time you wrote it at the police station or the hour it happened?—12.10 is the time the charge was taken.

22776. Is that the time that you arrested these men or the time you wrote this note out—which does it mean?—I could not write that note at the time I arrested the man. The time was 11.50.

22777. You put a time down there 12.10. That means the time you made the note, does it, or the time the thing happened?—12.10 would be after the charge was in.

22778. That would be when you made the note?—Yes.

22779. "Age 23, Stephen Williams, 25, Chilton Street, flower seller; Charles Callaghan, age 18, name refused." Those are the two men who you had arrested?—Yes.

22780. The next thing is "Isaac Tiff, 37, Bacon Street"?—That is where the window was broken.

22781. "Window broken, value 1s. 6d." Is that right?—Yes.

22782. That was the origin of your arresting those two men?—That is right.

22783. The next thing is: "Witnesses, Frederick Smith against police; Edward Miller, 58, Hare Street; William Andrews." Did you make these notes about these three last names in the police station the same night?—The same night. I had to or else I should not have remembered.

22784. What did these three last names refer to—Smith, Miller, and Andrews?—They refer to this Tresadern or Harding.

22785. Soon after you got to the police station with the prisoner you sat down and wrote what I have read out?—Soon after.

22786. The same night, at any rate?—The same night. I think you have got the wrong lot there.

22786*. It is all on the one page.

22787. (*Chairman.*) Where is your police note book that is supplied to you?—*This* is my old one, and I have the new one here.

22788. The notes you hold in your right hand were taken out of the case that you have in your left hand?—Yes.

(*Earl Russell.*) Let me have that book, and show me where you say the right note is.

(*Chairman.*) And let me have the other book, in the case. (*Same handed.*)

22789. (*Earl Russell.*) That is the page next to the one I was reading from?—That is it.

22790. You see these notes of the officers' names on page 40?—Yes, 173, 164, 486.

22791. You see that page is numbered 40?—Yes.

22792. Were those notes of the officers' names on page 40 made the same night?—They were.

22793. These notes on this page in this book?—Those are my notes.

22794. These very notes here were made the very same night?—Yes, to the best of my belief I believe they were.

22795. Do you say that what I have been reading out to you before was not made the same night?—Yes. I made out my report and everything the same night referring to Callaghan and the others, and about being assaulted. I was assaulted the same night. Of course, that all came in my report.

22796. Then you did make those first notes that I was reading to you the same night?—I don't quite follow the question.

(*Chairman.*) Show me the page.

(*Earl Russell.*) That is what I was reading out to you before. (*Showing book to witness.*) Did you make those notes also the same night? (*No answer.*)

22797. (*Mr. Dickinson.*) You said just now, "It all came in my report"?—Yes.

22798. What report are you referring to?—I am referring to Callaghan and the other man's report.

22799. You said, "It all comes in my report." I want to know what report you are referring to?—The report I had to make out when I got to the station.

22800. You made a report out at the station?—Yes.

22801. Have you got that?—No.

(*Mr. Eldon Bankes.*) I do not think he means a formal report.

(*Earl Russell.*) I must ask that the witness should not be interfered with while I am cross-examining. What I read out to the witness first is on the page previous to the page that has the number 40 printed on it.

22802. (*Chairman.*) This book was the book that you had in your case in use in September and October?—That is right, Sir.

22803. I see on page 39 an entry of August 23rd, and then I see an entry lower down on page 39, "25th July, 1906, £5"?—Yes, that is a note taken at the time when Tresadern got fined the £5.

22804. Arthur Tresadern?—Yes. I put that down as a note for myself.

22805. "Gibraltar Buildings, Bethnal Green, 25th July, 1906, £5 fine." Were you concerned at all in the arrest of Tresadern or the prosecution?—No, I was not, only I got that out of the book. I knew that by the officer who had Tresadern at that time.

22806. But what caused you to write it in this

book?—So that if anything was to happen I should know; if anything was asked.

22807. Do I understand the entry was made on the 25th July?—No, that was after.

22808. When did you make the entry?—On the day after.

22809. The day after he had been convicted?—Yes.

22810. At the top of the page I find, "G.N.R., August 23rd"?—Yes. That is only a note I put down for my own self.

(*Mr. Eldon Bankes.*) These are not in consecutive order.

22811. (*Chairman.*) What I am calling your attention to is that the notes are not in chronological order?—No, I quite understand that; they are put down quick as you take them.

22812. If you have inserted notes in this book out of their chronological order it follows that you leave blanks and you do not fill up the book as you go along?—Yes. There was a blank there, and I put that down from my own memory.

22813. There is no entry at all between the entries of the 25th July and the entry of the 13th September?—No, that is quite correct, because there was a blank space there. I put that down from my own memory.

22814. The question is when you put it down and how you keep the book. If the book is to be of any value it should be kept regularly?—Yes. It is our note book.

22815. Then I come to the entry on the page opposite, page 40—apparently the number applies to the two pages—"September 13th, 1906; age 23, Stephen Williams, 25, Chilton Street; flower seller; Charles Callaghan, age 18, name refused"?—That is the note I took at the police station—"address refused" it should be.

22816. It says "name" here—that Callaghan's name was refused. Then, "Williams; Isaac Tiff, window broken, value 1s. 6d., 37, Bacon Street." Tiff is the person whose window was broken, I suppose?—Yes.

22817. Then we come to the witnesses, "Frederick Smith"—he was a witness for the police?—No, he was one of the other lot—on Harding's side.

22818. I am reading you the entries, and I am going to ask you directly how much of this was written at 12.10 or about 12.10 on the 13th. The entry reads thus: "Witnesses, Frederick Smith"; then in the line below, "Against police, Edward Miller."

(*Mr. Eldon Bankes.*) That applies to the same man I think you will find.

(*Chairman.*) "58, Hare Street." Then "William Andrews," and then there is a line drawn through the "drews" and underneath "George Harding." Will you tell us how much of that entry was written on the 13th September. Take your time and look at it carefully. Do not turn over the pages like that, but look at the page.

(*Mr. Eldon Bankes.*) Pardon me, he knows the way the book is kept, if you would not mind allowing him to look at it.

(*Chairman.*) Not at present.

(*Witness.*) "September 13th, 1906, Stephen Williams, Chilton Street." That is a note of the charge.

22819. Is that all you wrote then?—That is all. I only put their names.

22820. But there is Callaghan down as well?—But they are not mixed up with it. "Charles Callaghan" is the next.

22821. Just answer this question first and be careful please. Do you say that the whole of the writing on that page was made at about 12.10 on September 13th?—No, Sir.

22822. You are certain of that?—Yes, not on that page.

22823. Was any of the writing made on September 13th?—Yes, the same morning—12.10, and when I was assaulted it was before 12.

22824. You are quite right. I am not asking you anything about the incident now. I am asking you to tell me what part of that page was written at or about 12.10 on the 13th September?—*This* part.

22825. Read out what was written?—"September 13th, 1906, 12.—Stephen Williams, age 23, of 25, Chilton Street, Flower Seller; Charles Callaghan, age 18." He refused his name at first, but he gave it afterwards.

22826. Never mind what he did. Will you kindly read out the words on that page that you say were written at 12.10 or about 12.10?—Those are the words—"Isaac Tiff, window broken, 37, Bacon Street."

22827. Is that all that was written at that time?—Yes, that was all that was written at that time.

22828. When was the rest of the entry made?—Down at the bottom—George Harding.

22829. When did you write the name of George Harding down there?—The same night.

22830. You wrote "George Harding" the same night.—Yes.

22831. The word "witnesses" occurs, and some other names on the page. Harding is at the bottom of the page, is it not?—Yes, that is right. It is only put down in a hurry.

22832. When did you write those names in between?—I wrote them at the same time.

22833. The same night?—Yes.

22834. Just read them out. You wrote the word "witnesses" and what else—Frederick Smith, Edward Miller, and William Andrews. You say you wrote those on the 13th September, the same morning or the same night, call it which you like?—Really I could not tell you when I wrote that.

22835. (*Mr. Eldon Bankes.*) Do not answer unless you are sure. If you do not know, tell the learned Chairman you do not know.

(*Witness.*) I do not know.

22836. (*Chairman.*) But you told me that you wrote "George Harding" that same night or morning. We will take it that you are not quite sure?—Not quite sure.

22837. What was the meaning of Andrews' and Miller's name being put there. What had they got to do with Callaghan?—They had got nothing to do with it.

22838. They were, in fact, called as witnesses, were they not, on the 26th?—At the police court.

22839. On the 26th?—Yes.

22840. In the case that you brought against Harding?—They came up on the 26th.

22841. They gave evidence in Harding's favour?—Yes, that is right.

22842. Will you explain to me how, if that entry was made on the 13th September, you came to put the names of Andrews and Miller in the book. You have got them all in the same page, and it is dated the 13th September, and you told me that Andrews and Miller had nothing on earth to do with the Callaghan case?—I did not know anything about Andrews and Miller.

22843. Can you explain why you had got Andrews' and Miller's names down there at all as witnesses?—I had them at the police court. They came up as witnesses for Harding.

22844. On the 26th September?—Yes.

22845. That entry is the 13th September?—Yes.

22846. How could their names come in the book at all in an entry dated the 13th September or referring to incidents occurring on the 13th September?—Really I could not aswer you that.

22847. (*Mr. Whitmore.*) Are you suffering from the effects of the last wound you had?—Yes.

22848. (*Chairman.*) Have you been unwell to-day?—I have, Sir. I feel very near dazed.

22849. Now?—Yes. It was on Saturday night that I got this blow.

22850. That book you have got there was taken in the usual way out of the case where it was opened at?—Yes.

22851. You handed me this case with a new book in it, and I see the entries began here in October?—Yes.

22852. That paper was in the book. I asked you not to take any of the papers out. Look at that paper and see if that does not also refer to the Tresadern case?—Yes, that is my old report.

P.C. M. Cann. 6 Dec. 1906.

22853. What do you mean by your old report?—A copy of the report which I had to make out on that night.

22854. When did you write out that account?—On September 21st.

22855. That is on the buff paper?—Yes.

(*Mr. Eldon Bankes.*) That is not the report. Mr. Muskett asked for a statement of their evidence. It is not a report in the usual course.

(*Chairman.*) I do not know what it is in the least, but you shall have an opportunity of asking him about it in reply.

22856. You wrote the account on the buff paper when?—On the 21st.

22857. Have you made any entry in the other book since you wrote on the 13th September?—No, I have made no entry in that.

22858. Take the book out of your pocket please. That you must leave with us. Is there any entry relating to Callaghan's case, or to Tresadern's case besides the entry on the 13th September?—No, there is nothing there, but there are all particulars handed to the police.

22859. You mean that goes on at page 40. The more I look at these entries the less I understand them. I think I ought to tell you that?—You see it is put out rough.

22860. When did you make these entries?—At the same time—at my own police station.

22861. Just let me read another: "September 13th, 1906: Stephen Williams, 1 monts H. L."?—One month.

22862. "And Charles Callaghan 4 monts H. L. Magistrate—Mead, Esq. September 12th, mid-night. Whilst conveying the prisoner named Callaghan through Sclater Street a hostile crowd attempted to rescue the prisoner from custody. The defendant who was one of the crowd deliberately struck me on the left ear, saying at the time 'You do not f—— well take him,' and then ran away. I was seen by the Divisional Surgeon who stated I was suffering from lacerated ear, and was placed on sick list the following day for six days." Then follow the names of Filbee and Ashford. Did you make the entry that I have just read, and do you say you made that on the 13th September?—September 12th, that is the same night; that is the entry in the book.

22863. You wrote that entry at the police station just after the incident had occurred?—Yes.

22864. Now pass it back to me?—That would be on the 13th, then.

22865. I know. I am not on that at all. If that is so, what do you mean by using the words, "The defendant, who was one of the crowd, deliberately struck me"?—That was only the summons. That is only a copy of what I put down.

22866. But you have just told me that you wrote this account of being struck on the night of the incident?—No, I did not.

22867. September 12th?—That was after.

22868. Then why did you tell me you wrote it that same night?—(*No answer.*)

(*Earl Russell.*) The witness is not well, and if the witness does not feel equal to go on with the examination I should not like to press it, but I have not finished.

(*Mr. Eldon Bankes.*) You had better finish it.

22869. (*Chairman.*) I think so. (*To the Witness.*) You hear what Lord Russell says—that if you feel too ill to go on he will not pursue the matter this morning. Are you well enough to go on, do you think?—Yes, I can go on and finish it.

22870. (*Earl Russell.*) You still cannot give any explanation of when the names of these witnesses, Smith, Miller, and Andrews, were written here?—Yes, they were written when I had their names at the police court.

22871. That was written at the police court, was it?—Yes.

(*Mr. Eldon Bankes.*) He did not say that. He said, "When I had their names at the police court."

22872. (*Earl Russell.*) When was it written?—That would be on the 26th.

22873. Was it written at the police court?—I put down the names when I got to know them as well as I could.

22874. Was it written at the police court?—Yes, when I got their names.

22875. Will you look carefully at the page opposite to page 40. Do you see the names of three witnesses connected by a bracket?—That is so.

22876. You say those three names were written at the police court?—At the police court. I did not know exactly whether they were coming.

22877. Before they were called?—No, not until after they were called. This is a copy of their names.

22878. You wrote it after you had given evidence, you mean?—Yes.

22879. Did you write those three names after they had given evidence at the police court?—Yes.

22880. After they had been into the witness box?—After they had been into the witness box.

22881. What did you mean when you said just now you did not know whether they were coming?—I did not.

22882. Was everything inside that bracket written at the same time?—Yes, I bracketed them all.

22883. Including the words, "Against the police"?—Yes.

22884. Was that written at the same time as the names?—Yes.

22885. Why is it in thicker pencil?—I do not know. It is just as I put it down; that is all.

22886. Just look at *that* one page carefully. You see at the very bottom of the page the name "George Harding"?—Yes. That is only a slip.

22887. What is only a slip?—That is.

22888. What do you mean?—I was thinking of George Harding then.

22889. (*Chairman.*) There is a George Harding, is there?—I believe so. I presumed it was the other one at the time.

22890. (*Earl Russell.*) Do you mean it is a slip in the Christian name? Is that what you mean?—That is right.

22891. When you wrote "George Harding" you meant Arthur Harding?—Yes.

22892. You told the Chairman you wrote that on the same night as you took your prisoner to the station Is that right?—Yes.

22893. Did you write that on the same night when he assaulted you in Sclater Street?—I might have done.

22894. Could you be sure about it? You told the Chairman you had?—No.

22895. Did you?—I could not say when I wrote that down. That was in the same case.

22896. Do you think you wrote it on the same night when he assaulted you in Sclater Street?—Very likely I did.

22897. Did you ever make any other written note of the name of the man who assaulted you in Sclater Street?—No.

22898. That is the only written note you made?—That is the only one, as I have told you, of assaulting me there.

22899. Is that the only note you made of it?—There was Williams, Callaghan, and on the way to the station there was Arthur Harding.

22900. That was the man you meant when you wrote "George Harding" in that book, was it?—Yes, it was nobody else.

22901. (*Mr. Whitmore.*) Do you know a man named George Harding?—Yes, I know a man by the name of Harding.

22902. (*Chairman.*) Do you know a man called George Harding is what the learned Commissioner asked you? Can you answer that question which Mr. Whitmore asked you?—No.

22903. Do you know a man called George Harding?—I do know a man of the name of George Harding.

22904. Where does he live?—I could not tell you.

22905. In London?—Yes.

22906. In your part of London?—Yes.

22907. (*Earl Russell.*) To what superior officer did you first mention that you had been assaulted by Tresadern or Harding in Sclater Street?—Inspector Wright.

22908. Who is that?—Inspector Wright.

22909. Is he the Inspector who took the charge against Callaghan?—Yes.

22910. When did you mention it to him?—The same night.

22911. While you were charging Callaghan?—Yes—not while charging him—after.

22912. Immediately after you had finished charging Callaghan?—Yes.

22913. Can you remember the words you said to him?—To whom?

22914. To Inspector Wright about this assault?—Yes.

22915. What was it you said to him?—I said to Inspector Wright I had to call the doctor, and the doctor had seen me, so Inspector Wright said, "Do you know the one who did it?" I said, "Yes, Arthur Harding; that is the one that did it."

22916. You told the Inspector that?—Yes.

22917. And you told the doctor that?—Yes.

22918. The divisional surgeon?—I do not know whether I told him his name.

22919. Was what you said that you had been assaulted by somebody in Sclater Street?—Yes, I had been assaulted.

22920. By somebody?—By Arthur Harding. I knew who it was.

22921. Did you mention the name to the Inspector?—Yes.

22922. In the presence of the divisional surgeon?—I dare say I did.

22923. I thought you told me just now that the surgeon asked the Inspector how you got the wound?—I do not think so.

22924. Did you tell the divisional surgeon how you had got it?—No.

22925. Did you tell him where you had got it?—I told him I was assaulted. That is all.

22926. In the course of arresting a prisoner, did you say?—Yes, of course it would naturally be that.

22927. Did you tell the divisional surgeon anything about your having been assaulted in Sclater Street?—No. I should not have wanted him if it had not been for this.

22928. Did you tell him you had been assaulted in Sclater Street?—I told him. That is the very place I tell you where I was assaulted.

22929. You told the divisional surgeon that?—I said "This is a little bit of Sclater Street."

22930. Did you tell him who had done it?—I do not know that I did or not. I could not answer whether I told him. I knew who had done it. That was all.

22931. (*Mr. Eldon Bankes.*) You are asked whether you told the divisional surgeon. That is the only point?—I could not say.

22932. (*Earl Russell.*) Did Inspector Wright ask you to write a report upon the assault of Sclater Street?—Yes.

22933. When did you write it?—After the charge was taken.

22934. The same night?—Yes.

(*Earl Russell.*) May I see that report?

(*Mr. Eldon Bankes.*) I am afraid I have not got it. I have made inquiries about it. At the same time that the charge was made somebody came to the station and complained of violence against Callaghan. Thereupon the Inspector asked these men to write reports, and they did write reports, or some of them did. The next day, when the case came before the Magistrate, no complaint was made of the way in which Callaghan had been treated, and therefore those reports were not kept. That is the reason why I have not got it. When this man said he had made a report I inquired of Inspector Wright, and that is the explanation. There are no existing reports.

22935. (*Earl Russell.*) You have heard the explanation about the report. You were asked to make a report as to whether Callaghan had been ill-treated?—A portion of it. Yes, I had to make a report of that.

22936. Was that a separate report to the report you made about the assault in Sclater Street?—It all amounts to the same—it all came in one report that I had got assaulted.

22937. Was that a report you were asked to make by the Inspector because it was said that Callaghan had been treated roughly?—Yes, a portion of it.

22938. In the same report you said you had been assaulted by Arthur Harding?—Yes.

22939. And you gave that report to the Inspector?—Yes.

22940. Did you make any other report about the assault in Sclater Street?—I cannot say.

(*Chairman.*) Where is the buff paper? You must leave that with us. I think you put it back in your other pocket. (*The paper was handed to the learned Commissioner.*)

(*Mr. Eldon Bankes.*) May I look at it to see whether it agrees with my copy?

(*Chairman.*) Yes. (*The buff paper was handed to the learned Counsel.*) That is the original, from which, I expect, a proof was taken; at least it seems to me it is that kind of thing.

22941. (*Earl Russell.*) Did you see Subdivisional Inspector Hewison at any time about this?—No.

22942. Have you made a report?—Yes, I have made a report.

22943. But only the one you have told us of. You have made no second report?—No.

22944. Did you speak to any other superior officer about this injury in Sclater Street later?—Yes. Of course, I spoke to a lot of them; they all knew of it. But I mean officially?

(*Chairman.*) Are you going to call any of them to contradict this?

(*Earl Russell.*) The superior officers?

(*Chairman.*) Yes.

(*Earl Russell.*) No.

(*Chairman.*) Then I do not quite follow the cross-examination.

(*Earl Russell.*) I have here the report of Subdivisional Inspector Hewison, from which it appears that it went before the Commissioner on some report of the assault in Sclater Street. I rather want to know, if the original report was lost and not sent to the Commissioner of Police, what information this was based on.

(*Chairman.*) It has been stated, and I have no doubt it is quite accurate, that a summons was applied for on September 14th. That is what Mr. Bankes told me.

(*Mr. Eldon Bankes.*) No, not applied for on the 14th—it was recommended on the 14th.

(*Chairman.*) Quite; I mean the initial step was taken on the 14th.

22945. (*Earl Russell.*) Is the George Harding you know a very bad character?—No.

22946. Never been in trouble?—No.

22947. Do you know a George Harding in that district who is a very bad character?—I do not know that. I know him by sight. That is all. I have not heard anything about him.

22948. Have you ever had any quarrel with Tresadern at all?—Had to shove him off from the corner times enough.

22949. He has been troublesome, has he?—Yes.

22950. How long have you known Harding or Tresadern?—For years.

22951. Well?—Yes, well—known him from a little boy upwards.

22952. Which name did you know him under?—Harding, and Arthur Tresadern as well.

22953. And I suppose you have often heard him called "Arthur"?—Yes.

22954. If you had known him for years as Arthur Harding, how came you to write down his name as

P.C. M. Cann.

6 Dec. 1906.

George Harding in your book?—That might have been a slip.

22955. That is all you can say?—Yes.

22956. (*Mr. Eldon Bankes.*) What is the George Harding, the man you know? Does he work at anything?—Yes. The George Harding that I know is a policeman.

22957. Do you know any other George Harding besides the policeman?—No.

22958. The only George Harding you know is a policeman?—Yes.

(*Earl Russell.*) In answer to me he said that he knew nothing about him.

(*Mr. Eldon Bankes.*) No, he did not.

(*Earl Russell.*) He did.

(*Mr. Eldon Bankes.*) No. You asked him if he was a bad character, and he said he knew nothing about him.

(*Chairman.*) He said something about his being troublesome, too.

(*Mr. Eldon Bankes.*) No, that was Arthur Harding. He said he had had to shift him off from the corner.

22959. Is the only George Harding you know a policeman?—Yes, that is so.

22960. Is he in your division?—He is a sergeant in the Y Division.

22961. Do you know any other George Harding except that man?—No, I was asked that question. Of course I know George Harding.

22962. Do you write all sorts of things down in your book that you want to remember?—I do.

22963. Do you rely on the notes in your book to help your memory very much?—Yes, to help my memory.

22964. So that you put things in the book which are not strictly police reports?—No.

22965. I have not had time to look at the book, but I see you write down in the book that Arthur Harding was convicted of assault on July 26th, 1906?—That is right.

22966. Were you engaged in that case?—No, I was not. That was given to me by another, in case it was asked about.

22967. In case you were asked, you wrote that down?—Yes.

22968. That is one of the things you put down in the book that you want to remember?—Yes; that is only casual.

22969. There are many things in there that seem to be casual—I mean not strictly police matters. Until Arthur Harding was brought up before the police magistrate on the 26th September, did you know whether he was going to call any witnesses or not?—I heard so; I did not know their names.

22970. Until they had actually been called. Did you know he was going to call Frederick Smith?—No.

22971. And what you wrote down in your book—"Witnesses against the police, Frederick Smith, Edward Miller, and William Andrews"—were the names of the persons whom you yourself heard called as witnesses?—That is right.

22972. And you wrote it down after you had heard them give their evidence?—That is right.

22973. Did you put that in that book in order that you could remember it if it was wanted?—For myself.

22974. That is what you would call casual, like the others?—That is it.

22975. Was there any particular reason why you put it on the same page that you put the other things?—No, no particular reason.

22976. There happened to be half a page empty, and you wrote it there. Is that it?—That is right.

22977. I have not had time to look at the book. You were asked why you did not arrest Harding at the time. Had you and the other officers who were there plenty to do with the prisoner and the crowd?—Yes.

22978. In addition to that, were you exhausted from the struggles you had had?—I was. The first was enough.

22979. So that if the man had run away, and if you had not known him, would you have been able to have arrested anybody out of the crowd, and to keep him that night?—No.

22980. Were the crowd very hostile?—Very hostile.

22981. Are you able to say exactly at what moment these other constables came up? We know the two that were with you when you were passing the King's Arms?—Yes.

22982. Others came up afterwards?—Yes; came up almost simultaneously.

22983. I think you say you have been 22 years in the force?—Yes.

22984. Have you been at this station the whole time?—No.

22985. Where have you been besides?—I first started in the S Division, and then I was in the X Division, and for 16 years in this division.

22986. I gather from your book that you are not a very good scholar?—No, I am not up to much.

22987. I mean as far as learning goes. Do you have to make notes in your book if you want to remember things?—Yes.

22988. Was it a mistake that you wrote George Harding instead of Arthur Harding?—Yes, it was.

22989. You knew this man's name to be Arthur Harding?—Yes.

22990. You said that you had known this man from a boy. Do you mean a boy going to school?—Yes, that is right.

22991. Have you the slightest doubt that this is the man that struck you the blow on that night?—I have not the slightest doubt, because I know him.

22992. Did you tell the Inspector that same night that he was the man?—That is it.

22993. (*Chairman.*) I have only a question or two to ask you. Where does the policeman, George Harding, live?—He was in the N Division.

22994. What part of London is that?—The other side.

22995. The other side of the river?—No; Islington and that way.

22996. When Mr. Whitmore asked you whether you knew a man called George Harding, you said you did. I then asked you where he lived, and you said you could not say. I asked you "Does he live in your part of London?" and you said "Yes"?—I do not know where he is now, or what station he is at.

22997. Then why did you tell me that he lived in your part of London if you did not know it?—(*No answer.*)

22998. You gave evidence on the 13th September against Callaghan, did you not?—Yes.

22999. Was anything said at the hearing according to your recollection about the assault on you. Callaghan and Williams were charged together, you remember?—Yes.

23000. And you were the first witness called?—Yes.

23001. Do you recollect whether in the course of your examination you were asked anything which led you to mention the assault on you?—No, only the breaking of the window. That was the first start.

23002. Naturally you told the story of Callaghan and Williams' arrest?—That is right.

23003. I am only asking the question in order to test your recollection. That case was heard on the 13th September?—Yes.

23004. You had been assaulted early on the morning of that day, or close on midnight?—It would be on the 12th when they assaulted me.

23005. On the 12th you had been assaulted?—Yes.

23006. And you were suffering from the effects of the assault?—Yes, I was kicked about.

23007. Do you remember whether the fact of your having been assaulted was mentioned in the police court on the 13th.

(*Mr. Eldon Bankes.*) Will you add "by Harding," because he talks about Callaghan.

23008. (*Chairman.*) Do you remember whether it was mentioned at all by anybody?—Yes.

23009. Do you remember whether the magistrate asked you a question that led to its being mentioned?—The magistrate asked me about this—about the ear.

23010. About the knock on the ear?—He asked me. Then the magistrate said "Is he dazed?" I was knocked about like a football with the other two beforehand.

23011. That seems a matter on which we are all agreed—that you were treated disgracefully on this occasion?—I was.

23012. That seems common ground to us all. I am now asking whether you remember the magistrate asking you a question about it?—Whether I was assaulted?

23013. Yes, about it. He noticed your condition, and you said you were dazed?—Yes. Do you want me to give the evidence right through?

23014. No, I do not want you to give the evidence right through. I have told you what I am asking you for at this moment. I am asking to test your recollection. I will put it to you in another way if you like. Did you tell the magistrate that Arthur Harding had struck you?—Yes.

23015. You told him so?—Yes.

23016. Are you positive about that?—I think so. I told him it was not caused by those prisoners, but by Arthur Harding.

23017. (*Mr. Whitmore.*) The wound on your ear?—Yes.

23018. (*Chairman.*) Are you positive you mentioned Arthur Harding's name?—Yes, I did, I mentioned that.

23019. Are you positive you mentioned Arthur Harding's name—I mean to the best of your recollection?—Yes.

23020. Is not this what you said: "Someone else bashed me on the ear"?—Very likely I did say so.

23021. The Clerk to the Court took down the words, "Someone else bashed me on the ear." Is that what you said?—I gave the name.

23022. You gave his name?—Yes, because I knew who did it.

23023. It does not follow that you gave it because you knew his name. You still say you gave the name of Arthur Harding?—Yes.

23024. (*Mr. Dickinson.*) I just want to ask you another question about this book to see if you can help us a little bit. The learned Chairman has read out this note: "September 12th, midnight. Whilst conveying the prisoner named Callaghan through Sclater Street a hostile crowd attempted to rescue the prisoner from custody. The defendant, who was one of the crowd, deliberately struck me on the left ear, saying at the time, 'You do not f—— well take him,' and then ran away. I was seen by the Divisional Surgeon"?—That was only a short note.

23025. When you gave evidence in this case did you use that? You gave evidence before the magistrate at the police court?—No, I did not use that.

23026. Do not be in a hurry. You gave evidence against Arthur Harding?—Yes.

23027. And you told the magistrate at the police court that story that I have just read out?—Yes.

23028. I want to know whether you wrote that out in order to assist you to give that evidence?—I did that after. That was done after I had given evidence.

23029. Try and think about that. I want to know what you wrote all that out for?—That was for my own memory.

23030. To help you when?—At any other time—not at the present time, but at any time.

23031. You wrote that out to help your own memory?—Yes.

23032. You wrote out this account to help your own memory?—Yes.

23033. To help your own memory when you were doing what? What were you thinking you were going to do when you would want to help your own memory?—I do not know. You will see different things right through the book.

23034. We are trying to understand what this book is. When you gave evidence to the magistrate at the police court you told the story that is put down in pencil there almost accurately word for word?—A portion of it, yes.

23035. I am suggesting to you that that note which you made was in order to help your memory at the police court, was it or was it not?—Not to help me at the police court, because I had given my evidence at the police court. This is what I put down after.

23036. You are sure you put that down afterwards?—Yes.

23037. You are perfectly certain of that?—Yes.

23038. Then what object had you in putting it down?—To refresh my memory.

23039. The police court proceedings were all over, were they not?—Yes.

23040. Why did you want to put that down to refresh your memory after the proceedings at the police court?—After the witnesses. We did not know what was coming on. There were witnesses up there to give evidence.

23041. After the magistrate had dismissed the case there was no necessity to put anything down?—We always make a note of it.

(*Mr. Eldon Bankes.*) From a Police point of view, the case having been dismissed, reports would be called for in the ordinary course, and therefore this man might have thought of that. It appears to be a copy of what he said.

(*Chairman.*) The note of the 13th September refers to Harding as a defendant.

(*Mr. Eldon Bankes.*) Yes.

(*Chairman.*) The note can hardly have been made on the 13th September. He clearly was not a defendant.

(*Mr. Eldon Bankes.*) I think it was after, probably. It seems to me to be a reproduction of what he said.

(*Mr. Dickinson.*) One is a reproduction of the other; either the police court proceedings are a reproduction of what he wrote down beforehand, or this is a reproduction of what he says he said.

23042. There is only one other thing in this book, and that is this. There are these words: "When charged he said it was done with the stick." Do you remember what that refers to?—It is nothing.

23043. Do not say it is nothing, because I know it is something. Can you remember what it referred to?—"When charged he said he was struck with a stick," that is Callaghan.

23044. You are not reading it properly. "When charged he said it was done with the stick"?—That is what Callaghan said.

23045. That what was done with the stick?—The cut on the head. That was explained.

23046. That was breaking the window, was it not?—No, it was not. They are only notes. That is all.

23047. I just want to ask you about the occurrence. You said that you turned round when you handed the prisoner over to Filbee towards the King's Arms?—Exactly, that is right.

23048. And that then Harding came to get at you and hit you?—Yes.

23049. The place at which this happened was some 30 yards beyond the King's Arms?—Yes, from the door of the place where I was assaulted was 30 yards down the street.

23050. It was a little way down the street?—Yes.

23051. When you turned towards the King's Arms you turned round backwards in the opposite direction to that in which you were going?—Yes, I turned round like *that* to the crowd that was following. (*Illustrating.*)

23052. Is where the occurrence happened a dark part of the street?—There is a lamp-post there.

23053. Where is the lamp-post?—About mid-way; it is not a very dark street; we have the electric light from the railway shining on the road.

23054. I suppose there is a bright light at the public-house?—Sometimes there is, but at that time of night they generally turn the lights down.

P.C. M. Cann. Dec. 1906.

23055. You are sure you could see well enough when you turned round to see that it was Harding?—Yes.

(*Chairman.*) He has not said that he saw Harding coming from the public-house, or that he came from the public-house.

(*Mr. Dickinson.*) No, but he said he came in that direction.

23056. He came against you between the public-house and you?—Yes.

23057. Therefore he was between you and the public-house?—Yes.

23058. The light was sufficiently on his face to enable you to see his face distinctly?—Yes.

(*Mr. Eldon Bankes.*) This book is obviously a memorandum book. You will find there all sorts of words.

(*Mr. Dickinson.*) I think that book is quite satisfactory.

(*Mr. Eldon Bankes.*) It says, for instance: "I paid the old man 2s., and he gave me 9d. change."

(*Chairman.*) That may be so, but I am not at all sure that a note book ought to be so treated.

(*Mr. Eldon Bankes.*) That is another matter altogether. The tradesmen are here now.

(*Chairman.*) Very well.

WILLIAM SOUTHEY, sworn.

W. Southey.

23059. (*Mr. R. D. Muir.*) Are you a hosier, of 123, Brick Lane? Have you two separate shops?—Yes.

23060. Have you been in business there for some 25 years?—Yes. I have been connected with the business for 25 years.

23061. In Brick Lane?—Yes.

23062. Do you know Harding?—I know him well.

23063. How long have you known him?—Quite 10 years.

23064. During that time have you ever known him do any work?—Never.

23065. What have you seen him do?—Rob people.

23066. How does he spend his time?—Standing at my corner principally—at the corner shop—123, Brick Lane.

23067. Any others with him?—Yes.

23068. Have you ever seen Harding do anything?—I have seen him rob many people, and vans as well.

23069. On any occasion have you seen him accompanied by any other persons, whom you can identify?—Yes, the man who gave evidence yesterday.

23070. What was his name?—I forget his name.

23071. Is Andrews here?—Andrews—that is the one.

23072. What did you see Andrews do?—I saw them steal a box of tea off a van, and take it up a court with Dido. I called the attention of the police to the fact, and the police went and fetched the tea away, and took it to the police station. One Saturday night I had a stall outside our shop at 190, Brick Lane, and Harding, Dido, and someone else that I did not recognise (I do not know his name), came to the stall, and they tried to steal a watch from a man. I called the attention of the crowd at the stall that they must look after their watches and purses. They went away, and in a little while they came back and tried to set light to some paper under the stall.

23073. There was one occasion on which a gentleman entered your shop through the window?—Yes.

23074. Just tell us about that?—That was on a Saturday night. They assaulted a man outside the shop, and attempted to rob him. He was a Jew. There is a boy connected with Harding's gang, as we know them, who is a Jew, and when he saw they were maltreating a Jew, he stopped them, and he was thrown through my window, smashing the window to pieces.

23075. The Jew boy?—The Jew man. Harding was among the gang; the gang is known as Harding's gang, and he was there with these people when it was done.

23076. (*Earl Russell.*) Do you go in terror of this gang?—This gang.

23077. Yes?—They interfere with the tradesmen of Brick Lane to a terrible extent. They stand outside my shop sometimes 30 strong.

23078. Do you go in terror of them?—I do go in terror.

23079. Bodily fear?—Bodily fear, because they are a dangerous gang.

23080. Have they ever done you any personal harm?—They have threatened me.

23081. Have they ever done you any actual harm?—No, no bodily harm, but they have done me other harm.

23082. Have they done any harm to your shop?—Yes.

23083. What harm have they done to it?—Stood outside the shop and kept people from coming into it.

23084. In the way of violence. Have they damaged your property?—Yes; they threw a man through my window.

23085. I am coming to that directly. You have seen Harding, with Andrews and Dido, steal a case of tea?—Yes.

23086. You saw him with your own eyes?—Yes.

23087. You could have sworn that Harding stole a case of tea?—Yes, I could have proved it.

23088. How long ago was it?—I could not tell you the date ago.

23089. Less than a year?—Less than a year.

23090. You called the attention of the police to it?—Yes; I called the policeman's attention to it, and he took it to the station.

23091. Which policeman was it?—That I do not know. I did not take down his number. I know the tea was taken off a van by those three men.

23092. Did you tell the policeman you were prepared to prove in any court that Harding had stolen it?—I told him I knew who had taken the tea. Harding was there. The man who was driving the van was sitting and looking after the horses.

23093. You told the policeman you were prepared to swear to that elsewhere?—Yes.

23094 But nothing further happened?—No.

23095. What other things have you seen him actually steal?—I have seen Harding take watches from men. I knew Harding when he was a small boy.

23096. One thing at a time?—I knew Harding when he was a schoolboy.

23097. I was not asking you about that. A pickpocket, do you mean—take watches?—Yes, take anything.

23098. You have seen him take them?—Yes, many a time.

23099. Have you reported that to the police?—Not to the police. Is it my business to report these things to the police? A business man cannot be away from his business always.

23100. You think it is not your business?—Harding would take a watch from a man, and he would go home and change his clothes.

23101. I do not want all this hearsay. Have you ever seen him change his clothes?—Yes; I have seen him come out, having changed his clothes, after.

23102. After what?—After a robbery.

23103. You have not reported it?—It is not my business to report all those things. That is not my business.

23104. Did you tell the man whose watch he stole?—No, I did not.

23105. You let him thieve it?—Yes, of course. Do you think I want my head broken for telling the man or interfering with these people?

23106. I think you did report the tea?—I did report the tea to a policeman.

23107. Your head was not broken?—No, it was not.

23108. Has he stolen any goods from you ever?—No; he has never stolen anything from me that I know of.

23109. And although you have seen this constant thieving, you have never reported any case, except the tea, to the police?—I reported the tea.

23110. No other?—I have passed remarks about it many a time to the police, and said they have done it. Then it has to be proved, has it not?

23111. (*Chairman.*) The witness Southey had complained of Harding's conduct.

(*Witness.*) I have been to the police scores of times about Harding and his gang. I have been to Commercial Street Police Station scores of times to ask the police to protect me against the gang. He is the captain of the gang, and leads them.

(*Chairman.*) A case came before us, in which one Harding, or Tresadern, was known to have been convicted more than once, and was said by the police to be a well-known thief. We took up the case on the ground that that was no reason why the police should arrest him for doing something he had not done.

(*Earl Russell.*) I agree. We do not put him forward at all as a good character, and he does not put himself forward as such.

(*Chairman.*) You are cross-examining Southey, apparently, with a view of throwing discredit on his evidence.

(*Earl Russell.*) When one hears a very large, general statement made, I think one is entitled to get from him instances.

(*Witness.*) Considering I have known him for years, I can make a statement about it.

23112. (*Earl Russell.*) You have. With the exception of the case of the tea, you have never officially reported to the police any other case?—No, it is not my business.

23113. Never mind the reason. In the case of the tea there was a prosecution?—I think not. There ought to have been, though.

23114. What about the Jew boy. Was there simply a row outside?—Harding and his gang sit on my window, and if I go out and tell them to go away, I have some language not fit for me to state in this court.

23115. And the police do not help you?—The police do help me, but the magistrates do not. A man like Harding ought not to be at large. He is a danger to respectable people. That is what I have got to say, and I say it in front of Harding. If the police take Harding to the station, and there is a charge brought against Harding, and it is taken before the magistrate he does not get convicted: but that is not my business. I say Harding is a most dangerous character, and the gang he mixes with is as dangerous as he is. I have known Harding ever since he was a little boy. While Harding was doing 20 months we had no trouble.

23116. (*Chairman.*) You have been a ratepayer and householder for how long?—I have been for 15 years a ratepayer in Brick Lane, and I have been connected with 123, Brick Lane for 27 years, and not 25 years. I have known Harding ever since he was a litle boy. He was connected with a man named Brown.

23117. (*Earl Russell.*) You have known him as a customer of yours for some time?—That does not matter. I do not thank him to come into my shop.

23118. You have sold goods to him?—I have. Can I say to a man when he comes into my shop, "I will not have your money." The door is open for anyone to come in and spend money.

23119. You surely do not know how all your customers earn their living, do you?—I know how Harding earns his. *W. Southey.* 6 Dec. 1906.

23120. From your own knowledge, or from hearsay?—From my own knowledge, or I should not come here to make the statement.

23121. By thieving?—By thieving.

23122. Which you do not report?—Why should I report it?

23123. (*Chairman.*) I gather from your statement that there is a good deal of disorder in this street?—There is a gang of lads and young men that hang about the corners in Brick Lane, and my corner unfortunately is a very convenient corner for these young men because they can see four ways. They are like a regiment of soldiers: they throw out scouts in every directions, and they use dumb motions; they do not talk to each other, but they use dumb motions. If they were going to rob a man and they saw it was convenient to take his watch they would use their fingers, their head, and movements of their body. Harding is the captain of that gang, and has been for many, many years. And not only that, but the big boys get goods off a van, they put them in convenient places, and then they get small boys that have not left school to go with a barrow and take the parcels or the boxes that they have stolen away, and they are taken in different directions, mostly down Cygnet Street, or down Hare Street, or the first turning on the left—I forget the name of the street for the moment. They go that way.

23124. I gather from your statement that the maintenance of order in that part of London is very difficult?—It is very difficult, and it is very difficult for us tradesmen to carry on business as we should. Brick Lane, of course, has got a very bad name, but it is men of Harding's class that give the neighbourhood a bad name. A respectable man is in danger in walking through the street.

23125. The police constables have a very difficult task, have they not?—They have a very difficult task.

23126. You have frequent opportunities of observing the way in which they do their duty?—Considering these stand outside my shop door I hear all their conversation, or most of their conversation, and sometimes I hear other things that they do not expect we do hear; but they talk outside the shop, and I have been to the Commercial Street police station scores of times to complain of these men.

23127. What judgment have you formed of the general conduct of the police in the maintenance of order in the streets in your neighbourhood?—I have nothing whatever to say against the police. They do all they can do, but when the police come they have their buttons and their uniform on, and they come down the street, and when these men see them coming they go away, and as soon as they are gone they come back again.

23128. You have never observed any instance of a police constable treating a man more roughly than he ought to do?—Many years ago I have, but for 15 years I have not. The police are conducted differently to my way of thinking now to what they were 15 or 20 years ago.

23129. (*Mr. Dickinson.*) You mentioned something about Harding having 20 months?—While Harding was doing 20 months it was a paradise. We had no trouble, and we did not have the gang hanging about our shops.

HENRY JAMES GELLENDER, sworn.

23130. (*Mr. Eldon Bankes.*) Do you carry on business now as a leather seller at 191, Vallance Road, Bethnal Green?—Yes.

23131. Up to last March were you the manager of Mr. Hochfield at 162, Bethnal Green Road?—Yes.

23132. What business does he carry on?—He is in the leather trade.

23133. Have you known Harding for some years?—I have known him for a matter of five or six years.

23134. Have you ever known him do any work?—He has never done a day's work to my knowledge.

23135. How does he occupy himself?—By hanging and loitering about with intent at robbery. *H. J. Gellender.*

23136. Is he alone or does he have others with him?—Others with him, sometimes five or six in number.

23137. Have you ever seen him do anything wrong?—Yes, I have seen him make repeated snatches at watches, and get them off and go down by the side of the place I was managing.

23138. Is there a gang in that neighbourhood?—Oh, yes, the place is infested with thieves, which is detrimental to the neighbourhood.

H. J. Gellender.
6 Dec. 1906.

23139. Has the gang got any name?—The gang is headed by Harding and his clique—that is how they are known in the neighbourhood.

23140. (*Earl Russell.*) It is not at your present address that you knew Harding, but your previous address?—Yes.

23141. Is this the man you mean (*pointing to Tresadern*)?—Yes, that is Harding.

23142. Were you in terror of him yourself?—Yes, I remember on one particular occasion looking out of the door, and I was asked if I wanted anything—I don't know what it meant, I am sure.

23143. Was anything ever done to you in the way of violence?—No, I never gave them any trouble if I could possibly help it.

23144. Or in the way of damage to your goods or your shop?—Not to the shop as far as I was concerned. I had two burglaries, but I could not charge him with that.

23145. You say you have actually seen him yourself steal watches?—Yes.

23146. Did you report that to the police?—Being a servant, it placed me in an awkward position. I should be away from my business a good many hours during the course of the day. The cry of "Stop him" is a common cry at the corner of Chilton Street, it being such a run to Gibraltar Walk and Gibraltar Gardens, where he lives, and I should be away from my business some time, and my services would not be required.

23147. You mean that your answer is no—you did not report to the police?—No.

23148. Did you ever report any robbery by him to the police?—No.

23149. Are you quite sure that you have known Harding more than two years altogether?—I have known Harding a matter of five or six years, as I told you in the first instance.

23150. You mean in this neighbourhood?—No; I have been getting my living in Bethnal Green for about five years, and in the East End of London 20 years.

23151. Where did you come across him five years ago?—34 to 36, Bethnal Green Road.

23152. You came across him there?—Yes.

23153. (*Chairman.*) Have you a house of business of your own now?—Yes, at Vallance Road.

23154. And you have known this part of London for 20 years?—Yes.

23155. Did you hear what Mr. Southy said about it?—Yes, and I can corroborate what Mr. Southy said in every instance.

23156. Have you observed any case in which the police have arrested a man in the neighbourhood?—Yes. I remember one particular day when Harding came along reading the paper, and a constable took him to the station, but what followed I could not say.

23157. But, besides Harding, have you known anybody else arrested?—Yes, as I remarked, now there is a gang of five or six of them.

23158. Have you observed the way in which the police-constables have discharged their duty?—Satisfactory in every instance as far as I am concerned.

23159. Have you observed the way in which they have discharged their duty?—Yes.

23160. In your opinion the police were discharging their duties properly?—Exactly.

23161. Not using any undue violence in taking prisoners to the station?—None whatever.

(*Mr. Eldon Bankes.*) I have some more gentlemen of the same class.

(*Chairman.*) I do not think it is necessary to call them. Are they witnesses who have been summoned by the Commission.

(*Mr. Eldon Bankes.*) No, they have come voluntarily. I have got a gentleman here, a publican, Mr. Rayner, who can tell you about the subscriptions being got up—I believe Harding said something about that—but I do not know whether you think it material.

(*Earl Russell.*) I should rather like Mr. Rayner to be called.

(*Chairman.*) Then I think perhaps you might call him.

Mr. Frank Rayner, sworn.

Mr. F. Rayner.

23162. (*Mr. Eldon Bankes.*) Are you licensee of the Old Crown public-house, 182, Brick Lane?—Yes.

23163. Have you been there about 18 months?—Yes.

23164. During that time have you known Harding?—Yes.

23165. Have you ever known him to do a day's work?—No.

23166. What does he do according to your observation?—The only thing I have seen him do is simply to loiter about the corners of the streets with a few other lads, probably sometimes 18 or 20 of them, and he generally sets the younger ones to do the robbery while he is watching on and giving warning of the police. I have also seen him kick a man's head in outside our house.

23167. Have you made any complaint to the police?—I have been compelled to do so. I have had three prosecutions of him—at least, not of him, but his gang—Callaghan, Cooper, and I cannot now think of the third name. At any rate, three of them were prosecuted and sent to imprisonment from Old Street Police Court.

23168. You mentioned Callaghan. Do you know Callaghan as a friend of Harding's?—Yes. He is, I believe, in prison at the present time.

23169. I think you can tell us something about the subscriptions that are got up?—That is the usual thing.

23170. Just explain to the Commission what you mean by the usual thing?—As soon as any thieves "fall," as they call it—that is, get into trouble—they simply terrorise the neighbourhood with a paper for something to help him pay the fine, and if you don't give it to them there is probably a row created over it. I was in court yesterday, when it was stated that I was supposed to have given Harding 6d., which I never gave him. I have been stopped in the street many times and asked for 6d., and I have given it, for the simple reason that I have been afraid to go by them otherwise.

23171. Do people give money to these subscriptions voluntarily?—No, it is forced out of them.

23172. (*Earl Russell.*) As a man who keeps a public-house, you have a good deal of reason to fear getting into trouble, I suppose. It is easy to get into trouble in your business, is it not?—Yes.

23173. You say people are terrorised into giving subscriptions?—Yes.

23174. People in other trades?—Every trade.

23175. But in the particular case of Harding you were not terrorised?—He is as bad as the others. He is known as the king of the thieves.

23176. But, although king of the thieves, you have not given 6d. to him?—No.

23177. You may have given 6d. to other people?—I may have done, and may have given it on his behalf not knowing it was for him.

23178. You said you were in court yesterday, when it was stated you subscribed 6d. to pay his fine. You say you did not do that?—To the best of my knowledge.

23179. You have subscribed in other cases?—Yes, to other people.

23180. Have you not been perfectly friendly with Harding?—No.

23181. Have you ever ordered him out of your house?—No, because he does not come in, and when he does come in he is barred. He has been in once or twice a week.

23182. When he does come in he is—what?—He is barred; that means he is not served.

23183. He is turned out?—No. He knows he is not served. The consequence is when he does come in he sees me and walks away.

Mr. F. Rayner

6 Dec. 1906.

23184. He walks out?—Certainly he does. I have had no complaint with him personally.

23185. Has he hardly ever been in your house?—I should think he might have been in half a dozen times in the course of the time I have been there.

23186. Where is it you have seen so much of him?—Directly opposite my door all day long.

23187. In the street?—Yes.

23188. How often have you seen him with Callaghan?—They are always together. Callaghan and him meet and are seen together one five minutes, and with somebody else an hour afterwards. They disperse and give the nod, and as soon as a policeman comes along off they go.

23189. Have you seen him with Callaghan yourself more than once?—Yes, scores of times.

23190. You are sure?—Certainly.

23191. Out in the street?—Yes.

23192. You have time to watch these people in the street?—Certainly I have. I have nothing else to do—I wish I had.

23193. You have not spoken to him in a friendly way?—What do you mean? I don't gather your meaning. I speak to anyone and everybody. It behoves me in my business to do so, and it behoves me to be careful who I speak to.

23194. Then you consider Callaghan a bad character?—I do.

23195. Has he not been working for you quite lately?—No, certainly not.

23196. Not within these last few months?—No. I am not in the habit of employing thieves. I have my till to study.

23197. Has he been doing jobs between you and Mr. Weatherwick?—No, he has never done a job for me in his life.

23198. Has he been doing anything between you and Mr. Weatherwick?—Nothing for me at all. I know nothing about Mr. Weatherwick's business. I would not engage a well-known thief, that is a certainty.

23199. Have you observed the police arresting anybody in the neighbourhood?—I have on several occasions, and I consider the police have done their duty as well as they possibly can. The only thing is, I think, there are not sufficient police on the corner there. It is a very dangerous corner. There are four turnings, and owing to the by-ways and the passages that they get into, it is a matter of impossibility for the number of police who are down there to do it, and if they do handle them there are so many of them that they trip them up and kick them, and the general remark is, "Don't give the bastard any length," and as I say, they will trip the police up, kick them, and do anything with them.

(*Mr. Eldon Bankes.*) I understand you do not want, Sir, to hear any more of these gentlemen, but there are several here, and they wish me to say they have come here voluntarily, and their evidence is available if you desire to hear it.

(*Chairman.*) We will take their names.

(*Mr. Eldon Bankes.*) One we have actually got here is Mr. Williams.

(*Chairman.*) He was here yesterday.

(*Mr. Eldon Bankes.*) Mr. Williams is the fourth who we sent for, and there were two or three more here yesterday.

(*Mr. T. J. Ward.*) There are 15 of us altogether.

(*Chairman.*) They are all householders and ratepayers.

(*Mr. T. J. Ward.*) Yes, Sir.

(*Chairman.*) They are men of substance and known in the neighbourhood.

(*Mr. Eldon Bankes.*) I understand they are all tradesmen or persons who hold licences in the neighbourhood.

P.C. John Filbee, 164 H, sworn.

P.C. J. Filbee.

23200. (*Mr. Muir.*) You are P.C. 164 of the H Division?—Yes.

23201. On the night of the 12th September were you on duty in Hare Street, Bethnal Green?—Yes.

23202. Did you hear the sound of a police whistle?—Yes.

23203. Did you go in the direction from which it came?—Yes.

23204. Did you get through Kerbela Street into Bacon Street?—Yes.

23205. Did you see a crowd of people around P.C. Cann and the man Callaghan?—Yes.

23206. Were they struggling together on the ground?—Yes.

23207. Did you assist Cann in taking Callaghan to the station?—Yes.

23208. When you got to the corner of Cygnet Street and Sclater Street, that is where the King's Arms public-house is situated, how did the prisoner Callaghan behave?—Violently. He seemed likely to escape.

23209. What did you do upon that?—I blew my whistle.

23210. Did anybody come to your assistance?—P.C. Ashford, 207 H.

23211. What did Ashford do? Was he in uniform?—No, he came out of his lodgings which were situated near, and took hold of Callaghan's arm, and 47 HR released his hold of him.

23212. What condition was Cann in at that time?—He was nearly played out on account of the crowd and the treatment we had in getting the prisoner from Bacon Street.

23213. Did you see what happened at that time you are speaking of?—Yes.

23214. What happened?—When we were passing the public-house, the King's Arms, I saw Harding and four or five others come out of the side door of the King's Arms public-house and bound across the road.

23215. Which side is that in?—The door in Cygnet Street. I saw them bound across the road. 173 H had hold of Callaghan's arm, and I was immediately behind them.

23216. 173 H is P.C. Deller?—Yes.

23217. You were immediately behind the prisoner and Daller?—Yes. I saw Harding strike Cann on the ear with his fist.

23218. How long have you known Harding?—About fourteen months.

23219. Could you see him well enough to identify him?—Yes.

23220. After he had struck Cann on the ear what became of him?—He disappeared among the crowd. The crowd opened for him to go through and closed up again.

23221. Did you go on, with the other constables who arrived, to the station with Callaghan?—Yes, I went to the station.

23222. Did you make any statement to your superior officer with regard to the assault by Harding?—I described how the assault took place to Inspector Wright.

23223. When did you do that for the first time?—When we were in the station.

23224. That same night?—Yes.

23225. Did you name the person who had committed the assault?—Yes.

23226. (*Earl Russell.*) You were with these two prisoners at the beginning or nearly the beginning of the struggle?—I was not there with the two prisoners. I was there with one—Callaghan. Williams had been taken.

23227. By the time you had got into Bacon Street Williams had already gone?—Yes.

23228. Then there came along from Bacon Street you and Cann. Was there any other policeman at that time?—No. 173 joined us just previous to our reaching the King's Arms public-house.

P.C. J. Filbee.
6 Dec. 1906.

23229. What about the four other constables. Where did they join you?—They came up in response to the whistle. I blew my whistle, and it was in response to the whistle being blown after the assault took place—between the place where the assault took place and the archway at the corner of Sclater Street and Bethnal Green Road.

23230. You mean after the assault committed by Harding you blew your whistle?—No, before. When the prisoner became violent.

23231. Then they came up before the assault by Harding?—No, only 207—Ashford.

23232. Were there only four of you altogether?—207, 173, myself, and Cann.

23233. Four altogether?—When the assault took place.

23234. The other three came up afterwards?—They came up after the assault took place.

23235. Were you struggling down the middle of the street?—We were on the pathway near the side on which the public-house is situated.

23236. Right up against the King's Arms?—We passed the King's Arms on the pavement.

23237. Right close to it?—Yes.

23238. A very big crowd, was it not?—A large crowd.

23239. Very noisy?—Yes.

23240. Very hostile?—Yes.

23241. Shouting things?—Yes, that always is so.

23242. Throwing things?—I do not say anything about throwing. I never saw any throwing.

23243. You did not see the bottle that P.C. Cann spoke about?—No.

23244. You did not see anything thrown at all?—No.

23245. Nothing hit you?—No.

23246. When you actually passed the King's Arms do you agree that you took a minute or two to struggle along with your prisoner from the King's Arms up to Nos. 75 and 77?—Oh, yes.

23247. It was rather slow getting along with that crowd?—Not exactly slow.

23248. But not exactly quick?—No.

23249. When you actually passed the King's Arms, were there any people standing in the doorway?—No, there were not.

23250. No one in the King's Arms looking on?—No. As we passed the King's Arms, the turning of Cygnet Street, with the prisoner, Harding, with three or four others, came bounding out of the side door, which was situated three or four yards down from the door on the corner.

23251. I know you say that, but what I asked you was whether, when you passed the King's Arms, there was nobody standing on the doorstep looking on at it?—Not standing on the doorstep. The crowd were all moving with us.

23252. But none of the people in the King's Arms came out to look at you as you actually passed?—As we were passing they came out of the side door.

23253. After you had passed a little way?—We were on a level with Cygnet Street.

23254. There is a corner door to the King's Arms, is there not?—Yes.

23255. That is not the door you mean when you say the side door?—No, not that door.

23256. When you passed that corner door, had none of the people in the public-house come out to see what was the matter?—I could not say.

23257. Did you not see anybody standing on the doorstep looking at you?—No, I did not.

23258. There was a terrible noise going on as you went by?—Yes, there was, and that is how I suppose they happened to know something was going on outside.

23259. But none of them came out until after you got past?—When we were on a level with the public-house and the street.

23260. Before you had crossed Cygnet Street?—Before we had crossed Cygnet Street—as we were crossing Cygnet Street.

23261. It was as you were crossing Cygnet Street that you saw Harding, with these others, bound out from the side door?—Yes.

23262. At the time you saw him come out, you had not yet got through Cygnet Street?—No.

23263. Where did he run to?—He crossed Cygnet Street on a level with us, and came up to us.

23264. Where did he catch you up?—Before we crossed the road. At that time I was behind 173 and Cann with the prisoner—immediately behind them.

23265. Were you holding the prisoner?—No, not at that time.

23266. Who had hold of him?—173 and 47 HR.

23267. That is Cann and Daller?—Yes.

23268. You were a yard or two behind?—No, not a yard or two.

23269. Not as much as that?—It might have been 2 ft.

23270. Following up as close as you could?—Yes.

23271. Then he bounded across the road and caught you up before you had finished crossing Cygnet Street?—Yes.

23272. What did he do then?—He commenced jostling them and the others with the crowd.

23273. Did he jostle you?—Yes.

23274. He interfered with you in the execution of your duty?—He did.

23275. You did not try to arrest him then?—What was the use of taking another one of them?

23276. As a fact you did not?—No.

23277. What did he do next?—He continued the jostling, and another movement was made by the crowd to our left. I moved more to my left to deal with the crowd there. He edged up further.

23278. You moved out into the street a bit?—On to the edge of the pavement.

23279. A little more out towards the street in order to keep the crowd back from that quarter?—Yes.

23280. He got past you?—Yes.

23281. Was he between you and the door?—He was near the shop shutters, and I was on the extreme edge of the kerb.

23282. That was just after you had finished crossing Cygnet Street?—Yes.

23283. You were getting along the pavement?—Yes.

23284. Where did he go to then?—At that time P.C. 207 came up, and took Callaghan's arm from Cann.

23285. And then after that the prisoner was held by Cann and by Daller?—No, when Ashford came up he was held by Ashford and Daller. Cann released his hold of him.

23286. As Ashford and Daller held him, Cann released his hold?—Yes.

23287. That was after you had got 10 yards or so beyond the opening of Cygnet Street?—He went on the ground then and started struggling.

23288. The prisoner did?—Yes.

23289. And Cann was then free from the prisoner and facing back towards you?—I was on a level with Cann then. Cann turned round then to deal with the crowd, and caught the blow from Harding.

23290. You heard Cann give evidence this morning?—Yes.

23291. You agree he was facing towards the King's Arms when he let go of the prisoner?—Immediately he turned round he got a bang in the ear.

23292. As he turned round he met Harding?—Yes, face to face.

23293. And you saw Harding give him a blow on the ear?—Yes.

23294. How far were you from Cann when that happened?—He was on part of the pavement, and I was on the kerb.

23295. 3 ft.?—3 yards, about.

23296. Do you mean the width of the pavement?—Yes.

23297. Is the pavement 9 ft. wide there?—It may be 6 ft.

23298. Did he call out anything to you when he was struck?—I never caught it in the melee that was on then.

23299. And after Harding had struck Cann he went away?—Yes.

23300. Is that all you saw Harding do? Have you told us everything that happened up to the time he ran away?—Only his attempt with the others to rescue the prisoner.

23301. Harding's attempt?—Yes.

23302. When did he make that?—As he came bounding out of the pub., they all made a dive.

23303. That was while you were still at the level of Cygnet Street?—Yes, as we got on to the other side.

23304. That was what you call the jostling?—Yes. They were calling out, "You don't want to take him," or words to that effect.

23305. The whole crowd was calling out that?—Not the whole crowd, a good many of them.

23306. Was Harding doing anything more than nudging and jostling you?—No, only when he dived to get the prisoner away.

23307. He dived?—Made a rush like, in company with these others.

23308. Dived under you?—Rushed by me.

23309. Did he dive under the constables who had hold of the prisoner?—No, he never got past them.

23310. He pushed against them?—Yes.

23311. Did he start dragging the prisoner, or did he not get as far as the prisoner?—He got as far as the prisoner.

23312. Then the prisoner was the other side of the constables?—In the centre of Deller and Ashford.

23313. So that while Cann still had hold of the prisoner he got up to the prisoner?—He was on a level with me then.

23314. I think you told me that Cann let go the prisoner and handed him over to Ashford and turned round and at that moment was struck a blow?—Yes.

23315. I want to know whether before that, and while Cann was still holding the prisoner, Harding got hold of the prisoner or tried to get him away, or did anything of that sort?—He made the attempt with the crowd to practically rescue the prisoner—he and three or four others, I do not know who they were, rushed out of the public-house, and with the remainder of the crowd or part of the crowd attempted to rescue the prisoner.

23316. When you say to rescue the prisoner, do you mean Harding actually laid hands upon him and tried to drag him away?—He laid hands upon him.

23317. Before he struck the blow?—In the struggle we did our best to get them apart, and get the prisoner in front, and I was immediately behind the prisoner and the crowd behind me.

23318. That was at a time when you were only 2 feet behind the prisoner?—Yes, I kept within that distance.

23319. Was it while you were still within about 2 ft. of the prisoner that Harding laid hold of the prisoner?—Two feet behind, but I had moved to the left.

23320. But still you were within a yard of the prisoner?—About a yard or one or two yards.

23321. While you were still in that position did Harding lay hold of the prisoner and try to drag him away?—Yes.

23322. Why did you not arrest him at once?—We could not. We had enough to do to deal with the prisoner.

23323. Did you make a mental note of what he had done—that he had tried to rescue the prisoner?—Yes.

23324. You would have punished him for that afterwards—you would have had him up for that?—It is generally the rule from what I can see of it round there that an attempt is always made to rescue.

23325. You do not mean that you do not try to punish the people who do it?—It does not seem any good.

23326. What made him let go of the prisoner when he had hold of him. What did he take hold of the prisoner by?—By his arm *here*. (*Describing.*)

23327. And tried to pull him away?—Yes.

23328. Do you know what made him let go—did you see what made him let go?—I was behind and pushing them out of the way.

23329. Did you hear Harding say anything while he was doing all that?—I could not say; I do not know.

23330. Was anybody in the crowd shouting out about the way the prisoner was being handled?—They were making little exclamations.

23331. The prisoner was quite a small man, was not he?—A thick set fellow, well built.

23332. About 5 ft. 7 in.?—Yes, about that, but well built.

23333. Where did Harding come from. You were watching him all the time up to the time the blow was struck, were you?—No, I do not say I kept my eyes on him continually.

23334. Do you know when he let go of the prisoner?—Yes.

23335. When did he let go of him?—When I started shoving him out of the way.

23336. You pushed him out of the way?—Yes.

23337. Did you manage to get him out of the way again by pushing him out of the way?—He went to the side to my right.

23338. Between you and the shutters?—Yes.

23339. Did you hear him say anything when he struck Cann?—I may have heard him, but I do not know. There was a continual shouting going on there.

23340. Did you hear Harding or any of his friends cry out at that time "Don't kill the man"?—No, I did not.

23341. You heard no expression of that kind?—No.

23342. Did you hear anyone reply—a police constable or anybody else—"We will take you for this," or "We will get you for this," or anything like that?—No, I did not.

23343. Nothing of the kind?—No.

23344. Did you hear nothing said at all when Harding struck P.-C. Cann?—No, I do not know that I did.

23345. Nor when he was struggling with the prisoner trying to get him away?—No.

23346. Is this a correct report of what you said at the police court: "He hit P.-C. 47 on the left ear with his first, saying 'You don't f——g well take him'"?—He may have said that, but I don't remember it now. This occurred on September 12th, and I did not think anything was coming up and dismissed it from my mind. I have not been thinking of it.

23347. You cannot say now whether he said it or not?—No.

23348. Did you make any note when you got into the police station of what had happened?—No.

23349. Not in your note book?—No.

23350. You reported it verbally to Inspector Wright? My version of the affair, what I knew about it because I was not the principal officer concerned in the case. It did not fall to me to make any report or anything of that.

23351. You did not sign the charge sheet?—No.

23352. (*Chairman.*) To whom did you give your version?—I think to the Inspector on duty, Inspector Wright—what I knew of the affair.

23353. (*Earl Russell.*) You understood you would have to give evidence against Callaghan at the police court, or might have to?—Yes.

23354. Did you make no note in your note book about Callaghan at all?—No, I did not.

23355. Nor any note about Harding?—No.

23356. You made no note of any part of this occurrence in your book?—No, I did not.

23357. Did you write a report of it?—I did on that night, describing Callaghan's arrest and his being taken to the station.

23358. Anything about Harding?—I described in it the assault on P.C. Cann, 47 H.R., by Harding.

23359. Did you say in that report it was by Harding?—Yes—"By a man known to me of the name of Harding."

P.C. J. Filbee.
6 Dec. 1906.

23360. You made no other written report?—No.

23361. But you gave evidence against Harding on the 26th?—Yes.

23362. Is it not a fact that there was such a crowd and such a confusion and such a struggle that you really could not be very sure what was happening. You kept on pushing them back, and they kept closing up all the time? Is not that the fact?—I was certain of the assault and the identity of the man who committed it.

23363. Perfectly certain at the time?—Certain.

23364. But you did not say anything?—We expected trouble, and by that gang.

23365. You expected Harding to be the person to assault you?—Not exactly Harding, but we expected to meet his gang.

23366. And probably the leader?—Very probably.

23367. (*Mr. Eldon Bankes.*) You are asked why you did not arrest Harding at the time. Are you familiar with the Regulation which deals with such cases when a man's residence is known?—Yes, when a man is known.

23368. It is Regulation No. 35 at page 216 of the White Book: "Where the residence of a person is known it can rarely be a proper step for the police to take him into custody during the excitement of an affray or disturbance, and when resistance by others as well as by the person himself may be caused by the attempt to take into custody. This does not apply to those cases in which it is necessary to take persons into custody in order to put an end to a disturbance or to prevent acts of violence being committed."

(*Earl Russell.*) That does not apply to attempts to rescue.

23369. (*Mr. Eldon Bankes.*) Had you plenty to do without taking anybody else into custody?—We had quite sufficient.

23370. (*Chairman.*) You used before the magistrate the words "Attempted to rescue or tried to rescue." Can you recollect in detail exactly what Harding did in endeavouring to rescue the prisoner?—Not exactly in detail. I know he placed his hand on the man's shoulder as he rushed out of this public-house.

23371. To do that had he to pass either Ashford or Daller?—No, he had to pass me.

23372. And he did pass you?—Yes.

23373. Did he pass Cann as well?—No, they were on a level. We were all boxed up in a heap.

23374. But Cann was on a level with you?—Yes, on my right.

23375. That is to say on your right when you were standing looking towards the prisoner?—Yes, I was immediately behind the prisoner.

23376. And on your right was Cann?—Yes.

23377. When the man who you say was Harding put his hand upon the prisoner's arm did he get between?—He was in between Cann and myself. P.C.'s 207 and 173 were about two feet in advance of us in the centre of us.

23378. Then this man, whether it was Harding or not, came between you and Cann and he got up to the prisoner near enough to seize him by the arm?—Yes.

23379. Then the struggle continued, I presume?—Yes. When that attempt was made to rescue I started pushing and shoving the crowd, and got the crowd away.

23380. You pushed forward a little?—Yes, I pushed the crowd away, and they separated; some went to the left and some went to the right. Harding moved to his right and got against the shop shutters.

23381. Was it then when he got to the shop shutters that he turned and hit the other constable?—Yes.

23382. Mr. Cluer seems to have asked you a question towards the end of your evidence: "By the magistrate: P.C. 47 H.R. had the prisoner in custody, and defendant tried to rescue him." That you have told us to-day. Then: "At the time of the assault he handed his prisoner over." Did you use those words?—I do not know. I may have done. I could not say for certain.

23383. "The defendant tried to part P.C. 47 and his prisoner. He got in between them." Did you give that account before the magistrate?—That is what I might have been describing—his attempt to rescue.

23384. What you meant the magistrate to understand was what you have tried to explain to us, that he put his hand on his arm?—Yes.

23385. When he did that Harding was between P.C. Cann and the prisoner?—Yes, and then when we put him away he moved to his right, and Cann turned round and he caught the bang on the ear.

23386. Was it a very violent blow?—A violent blow. The blood started.

23387. You have said you know Harding well?—I have been in the police 15 months, and I have known him since I have been there. I have had him pointed out and others of the gang that infest that neighbourhood.

23388. Do you think he is strong enough to hit so violent a blow on a man's ear to make it bleed?—Yes. He is stronger than you think.

23389. You are certain that it was Harding who struck this violent blow?—I am certain.

P.C. Edwin Ashford (207 H.), sworn.

P.C. E. Ashford.

23390. (*Mr. Eldon Bankes.*) On the night in question I think you were off duty and in bed?—Yes.

23391. And at your lodgings, 52, Huntingdon Villas, Bethnal Green?—Yes.

23392. How far is that from Sclater Street?—About 350 yards.

23393. As you were in bed did you hear the police whistle going?—I did.

23394. And upon that I think you got up and you partially dressed yourself and ran out without being completely dressed?—Yes.

23395. In order to render assistance?—Yes.

23396. Was the sound proceeding from the direction of Sclater Street?—That is right.

23397. Did you make your way there as fast as you could?—I did.

23398. Did you see a crowd and a man in custody?—Yes.

23399. At what point did you come up to the crowd?—Facing the prisoner.

23400. Facing the prisoner; but whereabouts was the crowd? Were they in Sclater Street?—Yes.

23401. Had they reached as far as the King's Arms public-house then?—This side of the King's Arms public-house about 20 yards, I should say.

23402. Had they passed the public-house?—Yes.

23403. You think they had got about 20 yards past when you got up to them?—Towards the station.

23404. When you got up to them, what did you do?—Caught hold of the prisoner Callaghan, who was struggling on the ground.

23405. He was on the ground then?—Yes.

23406. Who had hold of him?—P.C. Cann had hold of him, but seeing he was exhausted I caught hold of the prisoner by his left arm.

23407. Had anyone else got hold of him besides Cann?—P.C. Deller 173.

23408. Did you notice Cann's condition?—Yes, he was very exhausted.

23409. Did you catch hold of Callaghan and take the place of Cann?—I did.

(*Chairman.*) Perhaps he had better tell his own story.

23410. (*Mr. Eldon Bankes.*) Go on in your own way and tell us what happened after that?—When I caught hold of the prisoner Callaghan to release Cann, who was exhausted, Harding, who was in front of the crowd following up at the back of the prisoner, as Cann turned round struck Cann on the left ear, and then escaped through the crowd. I assisted with the prisoner as far

as Willes Street Arch in Bethnal Green Road, when he was handed over to Constable Weller, 193, and I then followed to the station behind.

23411. Had you known Harding for some time?—For about six years.

23412. Are you sure that the man who struck Cann was Harding?—Quite positive.

23413. (*Earl Russell.*) I understand immediately you took hold of the prisoner, or when you first came up, he was already on the ground struggling?—Struggling on the ground.

23414. And you saw that Constable Cann was exhausted?—Yes.

23415. And you ran to the man on the ground to help to hold him down?—I caught hold of the prisoner Callaghan.

23416. Although you were busy with Callaghan struggling on the ground, that did not prevent your seeing what happened between Cann and Harding?—No. I saw Harding as quick as I got hold of the prisoner, and as Cann turned round and faced Harding, Harding struck him on the left ear.

23417. You were not watching the struggle personally?—I had got hold of the prisoner.

23418. But were not looking at him?—Not exactly looking at him.

23419. You were looking the other way, in fact?—Yes. He was coming behind me.

23420. But you had got your face towards the place Harding came from?—I had then.

23421. And you had the struggling prisoner on the ground?—Yes.

23422. Cann was standing up to his full height?—Cann got up to his feet.

23423. You were not looking at your prisoner, but you saw the blow given to Cann?—I saw the blow given to Cann by Harding, who was one of the foremost in the crowd.

23424. Did you hear anything said either by Harding or the constable?—No.

23425. You did not hear either of them say anything?—I think Harding said "You are not going to take him," or something to that effect, but I could not be sure.

23426. You would not like to be certain of it?—I would not like to be certain of it.

23427. You did not hear Cann call out that he knew him, or "All right," or anything of that sort?—No.

23428. The crowd were all shouting, and there was a great deal of row, was there not?—Yes.

23429. They were very noisy?—Yes.

23430. And very troublesome?—Pushing.

23431. The majority of them?—Yes.

23432. Not only Harding and his lot, but a large crowd besides?—Not only that, because there generally is when there is an arrest there, especially if he is one of a gang like that.

23433. You gave evidence at the police court against Harding?—I did.

23434. Did you hear Cann give evidence at the police court?—No.

23435. Were you out of court?—Yes.

23436. Which hand was the blow struck with?—I was under the impression, at the time I gave evidence at the police court, that Harding struck Cann with his left hand, but I am not positive.

23437. Do you still think that?—I would not say so.

23438. You said you saw no attempt to rescue the prisoner?—No.

23439. Did you notice Constable Filbee?—I think Filbee was close behind.

23440. After you turned round to go on to the station?—After we had proceeded towards the station.

23441. After the assault?—Yes.

23442. Did you notice P.C. Filbee at the time of the assault?—No, I cannot say that I did.

23443. You said at the police court, according to the note: "I released P.C. 47 and took Callaghan's arm. The defendant came up and hit P.C. 47 on the left ear and then ran away"?—Yes.

23444. He said "You are not f——g well going to take him"?—Something to that effect.

23445. You are more sure of it now?—I would not say positively, but I know he said something to that effect, something about taking him, but I would not like to pledge myself to the exact words.

23446. But you gave the exact words at the police court?—Yes, I believe I did, or something to that effect.

23447. You were cross-examined by Harding, were you not—or did he have a solicitor?—I was cross-examined by the defendant.

23448. By Harding himself?—Yes.

23449. At the time that Cann was struck, you told us Cann was standing erect?—I said at the time I went to Cann when Cann was struggling with the prisoner, who was on the ground. When I got hold of the prisoner and released Cann, Cann rose to his feet. Then was the time that Harding struck him.

23450. After Cann had let go of his prisoner and risen to his feet?—Yes.

23451. Did you say at the police court, in answer to Harding: "You hit P.C. 47"—that is Cann—"as he had hold of his prisoner"?—No.

23452. "Then he handed him over to me"?—No.

23453. That is a mistake of the clerk's?—Yes.

23454. Did you make a note in your note book of this?—No, I had no note book with me.

23455. You were in your shirt sleeves?—Yes.

23456. Did you make any note when you got to the station?—No.

23457. Did you make any report when you got to the station?—I made a report out after the charge was taken.

23458. You made no second report?—No.

23459. You reported to Inspector Wright, I suppose?—Yes.

23460. Did you make any verbal statement to Inspector Wright about what had happened?—He asked me what I saw about the assault upon Cann, and I told him I saw a man whom I knew to be Harding strike him in the ear and escape through the crowd.

23461. You told Inspector Wright who the man was that night?—Yes.

23462. And that you were quite sure of him?—Quite positive.

23463. Do you know whether any note was taken by Inspector Wright? Did you see him write down what you told him?—No, I did not.

23464. So far as you know he did not take any written note of it then?—Not that I know of. I could not say.

23465. (*Chairman.*) You had retired to rest on this occasion?—Yes.

23466. Had you been in bed long?—I had been in bed about half an hour.

23467. Then you heard the police whistle?—Yes.

23468. You got up and partially dressed yourself?—Yes

23469. Was it your duty to do that?—Yes.

23470. Though you were off duty in one sense, yet it was your duty as being a police-constable, when you hear a whistle, to go out and render assistance?—Yes.

23471. How long did it take you to get to this Bacon Street, where you found the prisoner and the police?—About three minutes, I should say.

23472. And to dress?—Say five minutes in all.

23473. You think it was about five minutes in all before you reached the place where you saw Callaghan struggling on the ground?—Yes.

23474. Was there a large crowd round?—Yes a very large crowd.

23475. How did you manage to get through the crowd?—By pushing.

23476. Did you say, "I am a police-constable," or anything of that kind?—No. They generally recognise you, as a rule, pushing through.

23477. Then it was not a crowd of strangers who were in the street?—No.

23478. Strangers to the locality?—No, not all strangers.

P.C. E. Ashford.

6 Dec. 1906.

23479. There may have been some?—There may have been some.

23480. But did you recognise a great many faces that you knew?—Well, yes.

23481. You speak rather doubtfully?—I cannot say that I knew any by any name, but their faces were familiar to me.

23482. At any rate, you went through in an authoritative kind of way, pushing them aside, and made your way to the prisoner and the police-constable?—Yes.

23483. You are not prepared to say you recognised many people in the crowd?—No, I am not.

23484. How long have you known Harding?—About six years.

23485. Had you ever come across him at all in the way of your duty?—I have seen him a great many times, but, of course, generally there is no occasion to speak to him.

23486. You have not been engaged in any case in which he has been concerned?—No, never.

23487. Ever talked to him?—No.

23488. You do not think you could be mistaken as to the identity of the man?—No; he was pointed out to me six years ago the 8th October last. Once you see a face, it is not very often you forget it.

23489. It was a violent blow, I gather?—Yes, it was a violent blow.

23490. We knew pretty well from what happened that it was a violent blow?—Yes.

23491. In what attitude was the man when he struck him?—He seemed to draw back his hand, and he struck him deliberately like that (*illustrating*).

23492. It was a very hurried affair, and a blow might be given that might not in the least have been violent, even when all the struggling was going on; but to produce such an effect on a man's ear, as it did in this case, it must have been a blow delivered with full force?—Yes, with a full length of the arm.

23493. With the full length of the arm and the weight of the body?—Yes.

23494. And, therefore, deliberately done?—Yes.

23495. Do you think the young man over there is the one?—That is the one.

(*Mr. Whitmore.*) Do you agree with what the last witness said, that he is a more powerful man than he looks?—Yes, I should say he is. He does not look strong, but he is stronger than he looks.

(*Chairman.*) (*To Harding.*) Stand up Harding. Your height is about 5ft. 7in.?—(*Harding.*) 5ft. 8in.

23496. (*Chairman.*) (*To the Witness.*) You heard what the last witness said, that he is more powerful than he looks?—Yes.

23497. You are still of opinion that that was the man?—Yes.

23498. (*Mr. Dickinson.*) I do not quite understand some of your answers. You said you knew Harding six years ago, and then he was pointed out to you?—Six years ago the 8th October.

23499. (*Chairman.*) Then you noticed his face?—Then I noticed his face.

23500. (*Mr. Dickinson.*) He was pointed out to you six years ago?—Yes.

23501. Why was he pointed out to you?—He was well known to be a thief, and belonging to a gang of thieves.

23502. You have seen him since?—I have seen him since several times.

23503. (*Chairman.*) He was a boy then?—He was about 14 then. He was not quite as stalwart as he is now.

23504. (*Mr. Dickinson.*) When did you see him last before September 12th?—I saw him in September in Bethnal Green Road before the assault.

23505. (*Chairman.*) How long have you been in the force?—Six years and two months.

23506. And all the time has he been there?—All the time he has been there.

P.C. Thomas Deller (H 173), sworn.

P.C. T. Deller.

23507. (*Mr. Eldon Bankes.*) Were you on duty on this night in question?—Yes.

23508. What was the first you heard or saw of this?—I heard a whistle blown.

23509. Whereabouts were you when you heard a whistle blown?—In Hare Street.

23510. Did you make your way in the direction of the whistling?—Yes.

23511. At what point did you come up to the crowd and the prisoner?—I met him just before I got to the King's Arms.

23512. That is in Sclater Street?—Yes.

23513. When you got up to them, what did you do?—I released 164 H and took hold of Callaghan.

23514. You released Filbee and took hold of Callaghan?—Yes.

23515. Did you then walk, you holding the prisoner on one side and Cann holding him on the other?—Yes.

23516. We know that Callaghan fell down?—Yes.

23517. And that this last witness released Cann?—Yes.

23518. Did you see any blows struck at all?—No, I witnessed no assault.

23519. But you went on with the prisoner to the station, did you?—Yes.

23520. As a matter of fact, I think you did see Harding that night?—Yes.

23521. Where was it you saw him?—About between 20 or 30 yards from the King's Arms.

23522. Was that before you came to the King's Arms or after you had passed it?—When I had Callaghan in custody and spoke to Harding.

23523. What did he say when you saw him?—He came up to me and said, "Let him go; I will take him home." I said, "You will not; he is in our hands now. He is going to the station"; and I said, "You get out of it."

23524. Was that before you took hold of Callaghan?—When I had hold of Callaghan.

23525. Was Callaghan very violent?—Yes, all the way to the station.

23526. Did you have as much as you could do to hold him?—Yes.

23527. When the last witness, Ashford, took Cann's place, did Cann fall behind you?—Yes.

23528. You did not see anything that happened to him when he was behind you?—No.

23529. (*Earl Russell.*) I understand you had hold of the prisoner Callaghan just before you came to the King's Arms?—Yes.

23530. And 47 H had him the other side, I think?—Yes.

23531. That is, Cann?—Yes.

23532. Were you coming along the pavement when you were opposite the King's Arms?—I was on the pavement sometimes and sometimes in the road.

23533. You did not pass quite in front of the King's Arms?—No, but along by the pavement, the kerb.

23534. You passed down the road?—I was not always in the road. Sometimes I was on the ground.

23535. Can you tell me just at that time how you were conducting Callaghan. Had you got him on one side and Cann on the other?—Yes.

23536. Each by one arm?—Yes.

23537. When the man was walking and not throwing himself down, that is the way you were holding him?—Yes.

23538. Did you notice anybody at all on the steps of the King's Arms as you passed by?—No.

23539. Were you too busy?—I was too busy.

23540. On which side were you walking—on the side the King's Arms is, or on the other side?—On the side the King's Arms is.

23541. Where was it you noticed Harding?—Between 20 and 30 yards from the King's Arms, coming towards the station.

23542. After you had passed the King's Arms?—Yes.

23543. And after you had crossed Cygnet Street, I think?—Yes, by Cygnet Street.

23544. After you had crossed?—Yes.

23545. He came up behind you, did he?—Harding came up to the side of me and asked me to release the prisoner from custody. Callaghan had thrown himself to the ground then.

23546. While he was on the ground?—Yes. Harding wanted me to release him and to take him home. I said: "He is in our hands now; he is going to the station."

23547. This conversation I understand from you was quite friendly. Harding did not use any violent language?—He wanted me to release the prisoner.

23548. I quite understand that, but what he said to you, as you told us just now, was, "Let me take him home. You let him go and let me take him home"?—Yes. I said: "He is not going home; he is going to the station."

23549. There was nothing violent on either side?—The prisoner was very violent.

23550. But as between Harding and you?—No, there was nothing violent.

23551. He asked you that quite quietly?—Yes. Another remark he passed soon after that.

23552. (*Mr. Eldon Bankes.*) What was that?—He said if he had his b—— shooter there he would shift some of them.

23553. (*Earl Russell.*) Where was Cann standing?—Cann was along with me with Callaghan.

23554. How far was Cann from you when you had this conversation with him?—Callaghan was on the ground. Cann was standing over him, and I was holding the prisoner.

23555. Within a yard of you?—Yes, quite close.

23556. Did Harding speak in a whisper?—It was not exactly a whisper; it was loud enough for me to hear it.

23557. Not loud enough for Cann to hear it?—Cann heard nothing about it that I know of.

23558. Did he speak so gently that a man a yard away could not hear him?—No. Cann was struggling with the prisoner.

23559. You were also struggling with the prisoner, were you not?—I was holding his arms.

23560. Up to the time when the prisoner threw himself down beyond Cygnet Street he walked all right from the King's Arms; he had not thrown himself down between the King's Arms and the place you are speaking of beyond Cygnet Street?—No; he only threw himself down in Cygnet Street.

23561. Just at that time the three of you were walking together—a constable on each side and Callaghan in the middle?—Yes, and 164 H was behind.

23562. Did you see Harding take hold of the prisoner's arm and pull to try to get him away?—Yes.

23563. I thought you told us the first time you saw him was when he had this conversation with you?—Harding came to me when I had the prisoner Callaghan, and wanted me to let the prisoner go so as to take him away.

23564. I understand that. Did Harding become violent and pull at the prisoner then?—Not with me he did not.

23565. You never saw him take hold of the prisoner?—No.

23566. You never saw him take the prisoner's arm and try to pull him away?—No, I never noticed it.

23567. When the prisoner was walking between you and Cann could Harding possibly have come and tried to pull him away without your noticing it?—The crowd were all over the place.

23568. If he had laid his hand on the prisoner's arm and pulled it you must have noticed it?—Yes, but you cannot always be looking at the prisoner with these people. You are looking after your head sometimes.

23569. When Ashford came up and released Cann from holding the prisoner were you still struggling with the prisoner on the ground?—No. We were then coming down Sclater Street towards the station.

23570. Do you mean that immediately Ashford released Cann you walked on with the prisoner?—We got as far as opposite the urinal.

23571. You got the prisoner up again?—Yes.

23572. As soon as ever 207 H took hold of him?—Yes.

23573. What was the last thing you said? You said you heard Harding say something about a shooter?—The remark he made was: "If he had his b—— shooter there he would shift some of them."

23574. Did he say it to you?—Yes.

23575. He said it to you?—Yes, that was the remark he passed.

23576. After speaking in that quiet way he then became extremely violent and threatening?—Yes.

23577. When did you first mention to anybody that he had used that language?—I have not said it to anybody.

23578. Never said it before to-day? Never mentioned it to Inspector Wright?—No.

23579. It was a serious threat to shoot the police, was it not?—Yes. I never said anything to anybody, but that was the phrase he used.

23580. You never mentioned it until this moment?—No.

23581. Did you make any notes of this occurrence when you got to the police-station?—No, only a report.

23582. That was all? A report as to the treatment of Callaghan?—Yes.

23583. You did, as a matter of fact, know nothing about the assault by Harding?—No.

23584. And you know nothing about the attempted rescue by Harding?—No, it might have been done in the crowd, but I did not know.

23585. The only conversation you had with him was, in the first instance, when he was quite quiet, and when you say he used this terrible threat?—Not perhaps quiet, but he was near enough for me to hear it. He was right alongside of me.

23586. You did not hear him say anything to Cann—No.

23587. Nor Cann say anything to him?—No.

23588. Do you know Harding well?—I have known him for the last eighteen months past.

23589. Have you ever had occasion to arrest Harding for any trouble?—No.

23590. You have never seen him upon any other occasion doing anything he should not do?—I have seen him. I have moved him about.

23591. But you have not seen him engaged in crime?—No.

23592. Did you hear any conversation among the other constables at the station about the assault in Sclater Street?—I heard Cann say he was struck by Harding.

23593. And you say that Harding came and spoke to you and used a threat?—I told him he came and asked me to release the prisoner, but I never mentioned about the shooting.

23594. Who did you tell that to?—Only in conversation.

23595. You did not tell it to Inspector Wright?—No.

23596. (*Mr. Eldon Bankes.*) Have you ever made a statement before to-day about what took place?—Only in the report.

23597. Did you make a report?—Yes.

23598. And that had reference to Callaghan's case?—Yes, Callaghan and Williams.

23599. But you made no report about this assault upon Cann?—No.

23600. When were you first asked to come here?—Yesterday.

P.C. T. Deller.

6 Dec. 1906.

23601. You have not given a written statement to anybody as to what you could say?—No.

(*Chairman.*) I understand that you were on your beat in Bethnal Green Road.

(*Mr. Eldon Bankes.*) Hare Street.

23602. (*Chairman.*) Is that so?—In Hare Street I was. My beat went towards Bethnal Green Road.

23603. When you were summoned by the police whistle where were you when you first heard it?—In Hare Street.

23604. Is your recollection accurate as to that? There is not much point in it, except that it does affect the accuracy of your recollection of the transaction. It was the hearing of the police whistle that called your attention to something going on in Sclater Street?—Yes.

23605. When you first heard the whistle, where were you?—In Hare Street.

(*Mr. Eldon Bankes.*) He said Hare Street in chief to me.

23606. (*Chairman.*) I am asking the question because, as I understand, you are Constable Daller who gave evidence against Callaghan, did you not, on the 12th September?—Yes.

23607. "I was in the Bethnal Green Road, and heard a whistle." That is in the note of the clerk?—My memory must have made a mistake. I was in Hare Street when I heard the whistle blown.

23608. If the clerk took down "in Bethnal Green Road," either he made a mistake or you made a mistake?—Yes.

23609. Which do you think it was?—I may have made a mistake.

23610. Do you think you made a mistake at the police-court?—Yes.

23611. You were speaking then within a few hours of the time when the incident had taken place?—The whistle was frequently blown. I may have made a mistake.

23612. Harding says that he did not strike this blow. It is not contended that a blow was not struck by somebody in the crowd at Police Constable Cann?—I know nothing about the assault. I never witnessed any assault at all.

23613. No; but you are coming to give some of the details which may have an important bearing upon the question which we have to decide. That is why I am asking these questions. Have you any explanation to offer of having said, when you were before the police magistrate, that you were in Bethnal Green Road when the whistles blew?—(*No answer.*)

23614. (*Mr. Whitmore.*) How near is Hare Street to Bethnal Green Road?—I could not say exactly—200 yards perhaps, or more.

(*Chairman.*) Either he may have been in Bethnal Green Road or he may have been in the other road and heard the whistles blown.

23615-16. I only put that to you not as necessarily suggesting that you are intentionally deceiving us, but I am only putting it to you to test your accuracy. You told us one street to-day, and you apparently said it was another street before the police magistrate. Have you any definite recollection where you were when you heard the whistles?—I was in Hare Street, as far as I can remember.

23617. Your memory having been refreshed by being examined here to-day, you are certain now you were in Hare Street?—In Hare Street.

23618. How far was that from the place where you found the prisoner Callaghan in custody?—That I could not exactly say.

23619. Was it 100 yards?—It was 300 or 400 yards from where I was.

23620. Did you run to get there?—Yes.

23621. There was a good deal of noise then?—Yes.

23622. When you got into Sclater Street, what did you see first of all?—There was a large crowd, and I got in between the crowd.

23623. Were you running?—Yes.

23624. Even when you got to the crowd?—I had to ease to get through the crowd.

23625. You pushed your way through the crowd?—Yes.

23626. When you arrived through the crowd near enough to see the prisoner and the other constables, what was the attitude in which you found them respectively?—Callaghan was on the ground.

23627. Was any one of the constables on the ground?—Yes; he was kneeling down alongside of him.

23628. Which constable was kneeling?—Cann.

23629. What did you do then?—I got hold of Callaghan. By the King's Arms he threw himself down again.

23630. When you came up and found him on the ground, was he by the King's Arms?—Just by the King's Arms.

23631. That is to say, on the Bethnal Green Road side of the King's Arms?—Yes.

23632. That is nearer the police station?—No; *this* way from the station. He threw himself to the ground when he got on the other side, nearer to the station.

23633. When you first joined in this transaction they had not passed the King's Arms?—No.

23634. Were you thrown down as well?—Yes, I was on the ground.

23635. Were you hurt at all in any way?—I was kicked on the shoulder, but I never saw who kicked me.

23636. You did not know who kicked you?—No.

23637. As I understand, you had got hold of Callaghan before you passed the King's Arms?—Yes, before we passed the King's Arms.

23638. Did Police-constable Cann let go his hold?—After we got by the King's Arms.

23639. How far from the King's Arms?—About 20 or 30 yards when he threw himself to the ground again.

23640. He threw himself to the ground a second time?—Yes, towards the station.

23641. It was after he had thrown himself down on the ground that Cann was relieved?—Yes.

23642. Do you remember Ashford coming up?—Yes.

23643. You knew him, of course?—Yes.

23644. On which side of Callaghan were you then standing or walking?—On the right-hand side, on the same side as the King's Arms.

23645. Had Cann been holding the left arm of Callaghan?—Yes.

23646. You noticed that Ashford took the place of Cann?—Yes.

23647. At that moment was the prisoner on his legs or still on the ground?—He was struggling on the ground then.

23648. How long was it before you got him on his feet and made a move on?—A matter of a minute or two.

23649. As long as a minute or two?—About a minute.

23650. From what you say I gather that you joined Cann and the others before you got to the King's Arms, and that you had been holding the prisoner while you were passing the King's Arms?—Yes, I had hold of the prisoner.

23651. You told us you met Harding. Where was it you first saw Harding?—About 20 or 30 yards from the King's Arms, going towards the station.

23652. Then it was close by where Cann was relieved?—Yes.

23653. Was it before or after Callaghan had thrown himself down a second time that you saw Harding?—Harding came and spoke to me when Callaghan threw himself to the ground a second time.

23654. Harding spoke to you twice?—No.

23655. It was when Callaghan had thrown himself on the ground a second time that Harding spoke to you?—Yes.

23656. Was Harding excited at all?—No, he seemed quite quiet. He was only saying he would take the prisoner home if I would let him. I told him to go away, out.

23657. He said he would take the prisoner home if

I would release him?—I said, "You go away. I am going to take him to the station. He is in our hands now."

23658. Then, according to your view, if you had released the prisoner, nothing more would have been heard of the matter, and he would have looked after him?—Yes.

23659. Was the prisoner on his legs when this conversation took place?—No, he was on the ground then.

23660. Did you hear what Constable Filbee said today about his bounding out of the public-house by a side door, and coming into the crowd?—I never saw anything of that.

23661. He was asking you in a peaceable or quiet way to let the man go?—Yes. From the direction they came they might have come from the King's Arms.

23662. Does it not strike you that the conduct of Harding, peaceable man as he was, is rather inconsistent with the account given by Filbee? What is your view of it? You are positive that Harding was speaking quietly and pleasantly to you, as I understand it, with a view to getting you to let off his friend, Callaghan, if he could?—Yes.

23663. It was equally positively stated by Filbee that he bounded out of the public-house, got through the crowd, and struck Cann?—Yes, I saw nothing of that.

23664. But does it strike you from what you saw of the thing that it would be inconsistent for Harding to speak quietly to you, and also to behave in the same way as he did if Filbee accurately describes what he did?—No, I should not think so.

23665. I am suggesting to you that it may be that the man who spoke quietly to you in that way was not the same man who struck Cann?—I cannot say anything about Cann being struck.

23666. You are positive that the man who spoke quietly was Harding?—Yes.

P.C. T. Deller.

6 Dec. 1906.

23667. No doubt about that at all?—No doubt at all.

(*Mr. Eldon Bankes.*) I have three other constables here who came up afterwards, but they did not see anything of it, and they did not see Harding.

(*Chairman.*) I do not think they can possibly throw any light upon it.

(*Mr. Eldon Bankes.*) No, I think not.

(*Chairman.*) Unless Lord Russell would like them to be called.

(*Earl Russell.*) No.

(*Chairman.*) I do not want to throw any burden on Lord Russell.

(*Mr. Eldon Bankes.*) As far as I know, they would not throw any further light on the matter at all.

(*Chairman.*) I may say we have the Notes of the evidence of what took place before the police magistrate in both cases, so I think I know the police constables you refer to.

(*Mr. Eldon Bankes.*) No. They have never been called before.

(*Earl Russell.*) I am quite willing to accept my friend's assurance that they knew nothing about it.

(*Chairman.*) We are content.

(*Mr. Eldon Bankes.*) Then we will call Inspector Wright. As this may be our last witness perhaps I may ask you if we shall sit to-morrow?

(*Chairman.*) We shall take the part heard case in camera at 31, Great George Street at 11 o'clock.

(*Mr. Eldon Bankes.*) I assume the lady will be there, because I think there are some questions which by your leave I shall have to ask her.

(*Chairman.*) Very well.

Inspector Arthur Wright, sworn.

23668. (*Mr. R. D. Muir.*) You are an Inspector of the H Division, and you were in charge of the Commercial Street Police Station shortly after midnight on the 12th and 13th September last?—Yes.

23669. When Police-constable Cann and other constables brought Williams and Callaghan to the station?—Yes.

23670. And those prisoners were charged?—Yes.

23671. Did any of the officers, first of all Cann, make any statement with regard to Harding?—Yes.

23672. What statement did Cann make with regard to Harding?—Cann informed me that after he had released his prisoner, or rather had been relieved by Police-constable Ashford (207), he faced the crowd for the purpose of keeping them back from the prisoner, and that Harding, who was foremost in the crowd, struck him a blow on the left ear, and it was bleeding profusely when he came to the station.

23673. You saw his ear?—Yes.

23674. Was the police surgeon called in?—He was.

23675. Did you hear anything said in the presence of the police surgeon by Cann with regard to the assault?—No, I did not; I was very busy that night, and I did not wait on the Divisional Surgeon as I should have done.

23676. Did you hear other officers who came in with Williams and Callaghan make any statement with regard to Harding?—Filbee (164), and Ashford (207), gave a similar version of the assault.

23677. Did you report those facts to the Subdivisional Inspector Hewison?—Yes.

23678. I do not know whether you saw the Subdivisional Inspector's report before it was sent off on the 14th September?—No, I did not.

23679. (*Earl Russell.*) This conversation about Harding took place, I suppose, after you had finished the charge dealing with Callaghan's case?—No.

23680. While they were telling you the particulars of Callaghan's case?—Yes.

(*Earl Russell.*) May I have the charge-sheet?

Mr. R. D. Muir.) Certainly. *(Handing.)*

23681. (*Earl Russell.*) Callaghan and Williams were charged together, were they not?—Yes.

Inspector A. Wright.

23682. For behaving in a disorderly manner, and further with assaulting Cann by throwing him to the ground, and kicking him about the arms and legs whilst in the execution of his duty?—Yes.

23683. Then you have got the names of the witnesses. They were given to you at the same time?—Yes.

23684. "A. Wright" is your signature?—Yes.

23685. While they were telling you about the trouble they had had in bringing Callaghan to the station they mentioned the trouble they had had in Sclater Street?—They gave me a version of the affair right from the first arrest.

23686. From the trouble in breaking the window right up to going to the station?—Yes.

23687. And they told you that they had had special trouble in Sclater Street?—Yes.

23688. Did you make any written note at the time of what they told you?—Their statements?

23689. Yes, their statements so far as it concerned the affair in Sclater Street?—None.

23690. You did not make any written note of that?—No.

23691. Cann told you, of course, that he had been assaulted by both prisoners when he first arrested them?—Yes.

23692. In Bacon Street, or wherever it was started?—Yes.

23693. And that the prisoner Callaghan, whom he brought in, had given trouble all the way with violence?—Yes.

23694. Did he tell you there was a very hostile crowd most of the way?—He did.

23695. And that he was very much exhausted?—Yes.

23696. Are you able to charge your memory with certainty that when he told you about the injury in Sclater Street he did not say that someone in the crowd had struck him?—No, he gave me the name.

23697. Arthur Harding?—Yes.

Inspector A. Wright.
6 Dec. 1906.

23698. Did he tell you whereabouts it took place?—Yes.

23699. Did he tell you where Harding had struck him?—The locality.

23699A. No; whereabouts in the face?—He pointed to the injury on his left ear.

23699B. And said that it was Harding?—Yes.

23700. Filbee, I think you told us, told you something about it, too?—He gave me a similar version of the assault.

23701. Did any of the three constables say anything to you about what was shouted out by anyone?—No, the constables did not, so far as my memory serves me. They might have done, but I cannot remember.

23702. Nothing like "I know you, Harding," or "All right, I know you, Harding," or "Don't kill the man," or anything of that sort?—No; a private witness said that to me.

23703. He told you that that sort of thing had been shouted out?—Yes.

23704. A private witness did not say anything about "All right, Harding, I know you," did he?—No.

23705. He told you the crowd had been shouting out because they thought the man had been ill-treated?—Yes.

23706. Did you hear the charge against Harding at the police court?—I did not.

23707. You did not go there?—The Sub-divisional Inspector went.

23708. Hewison?—Yes.

23709. Where is the Certificate of the Divisional Surgeon when he examined Cann?—There was no certificate.

(*Mr. R. D. Muir.*) He put him on the sick list.

(*Earl Russell.*) Who made out this sheet called a charge-sheet?—I cannot say whether I did now.

23710. It is signed by "A. Wright Inspector on duty." That would be you?—Yes.

23711. Let us take the memorandum of assault. In case of (——), "charged at 12 a.m. on the 13th September, 1906, for disorderly conduct and assault—medical aid—Dr. Clark Divisional Surgeon certified—called to (——)." Has this anything to do with the case or not?—Is there no name inserted in it?

23712. No, there is no name inserted in it. Do you mind looking at it? (*Handing.*) He did not give it to us. We knew his name. I entered it afterwards.

23713. Is that a certificate of Callaghan's condition, or of the police-constable?—Callaghan's condition.

23714. There is no name filled up?—He did not give his name when charged.

23715. This has nothing to do with the injury to Cann?—No, it is merely a memorandum to the Magistrate that the expense was incurred.

23716. This has nothing to do with Cann himself?—No.

23717. Was there a similar one made out for Cann, or is not that necessary?—It is not necessary.

23718. Were you told by any of these three Constables anything about an attempted rescue?—Yes.

23719. Which of them told you?—I was told by two or three of them that there had been an attempt at rescue, but no individual person was mentioned.

23720. You did not hear Harding mentioned by any of them as having attempted to rescue the prisoner?—They told me several persons had attempted to rescue the prisoner.

23721. I quite understand that. You did not hear Harding mentioned by name?—No, I did not.

23722. Nothing was said to you by the last witness about his conversation with Harding?—No.

23723. Was he there while you were being told this story by the other constables?—Yes, he gave his version.

23724. He gave his version of Callaghan?—Yes, nothing whatever about Harding.

23725. He heard them tell you about Harding. Perhaps he was there while they were telling you?—Yes.

23726. He said nothing whatever about Harding?—No.

23727. Not that he had spoken to him or anything?—No.

23728. I understand it was not your business to take a charge against Harding because he was not in custody?—No.

23729. Nor to make a written note of it?—No.

23730. And you did not, in fact, make any report of Harding, did you?—No.

23731. To whom did you leave it to report?—To the constables, and to the Sub-divisional Inspector.

23732. You made no note either formally or informally of what they told you?—No.

23733. Did you give them any orders in consequence of the complaint of Harding? Did you tell them to put it in writing or forward it, or anything of the sort?—No, they made out a report. That was with reference to the allegation made by private persons who came to the station.

23734. Yes, because members of the public said Callaghan had been ill-used—nothing to do with the Harding affair?—No.

23735. (*Chairman.*) Let me understand this. Complaints were made by members of the public that Callaghan had been treated badly by the police?—Yes.

23736. That meant that unnecessary violence had been used in effecting the arrest and in bringing him to the station?—Yes.

23737. Then you did ask for reports in the usual way I understand?—Yes.

23738. What became of them?—They were not required. I destroyed them.

23739. They were made, were they?—They were made for my information. I asked the private individuals in the course of my duty to make a complaint in writing against the individual constables whom they had seen using undue violence. They refused to do so. I put their names on the charge sheet, and I requested them to attend at the police court and give evidence.

23740. Did they attend at the police court?—Two of them did.

23741. Who were they?—Two men, but their names are not familiar to me now. I see one was Frederick May and another was Edward Weller. There was also a young lady. She did not attend at the police court. Her evidence would have been favourable to the police if she had.

23742. Did these persons, May and Weller, attend at the police court?—Yes.

23743. Did they make a complaint?—They gave evidence; they made no complaint.

23744. I mean they gave evidence on the hearing of the case on the 13th September?—Yes, the first charge.

23745. (*Earl Russell.*) I understand you called for these reports because of this complaint by members of the public?—Yes.

23746. Did you read the reports when they were made?—Yes.

23747. Did they contain any reference to the conduct of Arthur Harding?—They all referred to the assault on Policeman Cann—the reports of Filbee (164) and Ashford (207).

23748. Filbee's report and Ashford's report referred to the assault on Cann?—Yes.

23749. Did Cann's report refer to it?—Yes.

23750. Did Cann give the name in his report of the person who had assaulted him?—Yes.

23751. Did Ashford give the name?—Yes.

23752. Did Filbee give the name?—Yes.

23753. They all gave the name of Harding?—Yes.

23754. How came that to have anything to do with a report on the treatment Callaghan had received on the way to the station?—It was a general report of the circumstances.

23755. (*Chairman.*) A report was made by the Sub-divisional Inspector on the 14th September?—Applying for a summons.

23756. Your report is dated the 28th September?—I answered a newspaper attack.

23757. It was an extract from the "Daily Telegraph"?—I think it was the "Daily Telegraph."

23758. (*Earl Russell.*) You were the person who had charge of these reports?—Yes.

23759. When did you destroy them?—After the police court proceedings.

23760. Against Callaghan or against Harding?—Against Callaghan and Williams.

23761. They took place on the 13th September, did they not?—The following day.

23762. Did you not, by that time, know that it was a question of applying for a summons against Harding?—Yes.

23763. You still did not think it necessary or useful to preserve these reports?—No, I did not.

23764. Is it usual to destroy these reports as soon as they have served their purpose?—As they were asked for by me merely for one purpose as to the allegation against the police.

23765. Only to satisfy your own mind?—So that I should be in possession of the whole of the facts, and be able to submit them.

23766. If your superiors asked for them?—Yes, or if anything had transpired at the police court.

23767. But your superiors did not ask you for them?—No.

23768. Therefore you never had occasion to make use of them?—No.

23769. And it was not necessary for you to wait longer than the next day to make sure that you would not be asked for them?—I do not follow you.

23770. I understand that at the hearing of Callaghan's case at the police court some of these members of the public did attend, and said the police had been violent?—Yes.

23771. Could you be quite sure that Scotland Yard would not call for a report on that until a few weeks had elapsed?—I did not see any cause. I do not say that I destroyed them the next day.

23772. I thought you did?—I believe I kept them in my desk for several days.

23773. (*Chairman.*) Did the Sub-divisional Inspector or anybody else ask you for a report on the matter?—No. As no complaint was made against the police except by word of mouth, the matter dropped.

23774. I see what is in your mind. I have before me, dated the 14th September, 1906, a report signed "J. Hewison, S.D. Inspector." I suppose that is Sub-divisional Inspector?—Yes.

23775. He makes a report beginning: "I beg to report that at 12 o'clock, 12th inst., P.C. 47 H.R. Cann arrested two men, named Stephen Williams and Charles Callaghan, for disorderly conduct and assaulting him at Bacon Street, Bethnal Green, and while taking the prisoners through Sclater Street on the way to the station Arthur Harding, who is well-known to the P.C., suddenly stepped out from the crowd and struck him on the left ear with his fist and ran away. The P.C. was subsequently seen by Dr. Clark, Divisional Surgeon, who stated he was suffering from a lacerated wound on the ear, and dressed same. The Prisoners Williams and Callaghan appeared before T. Mead, Esq., at Old Street Police Court on the 13th inst., and were sentenced to one and four months' hard labour respectively. The P.C. was unable to arrest Harding at the time, and I respectfully suggest that he be summoned." Had you made any report to Sub-divisional Inspector Hewison at that time?—No.

23776. Did he ask anything about it?—He asked me about it. I presumed the constable would have made that report to him.

23777. Then the report of the Sub-divisional Inspector on the 14th September was not founded upon any document that you prepared?—No.

23778. Upon no report made by you?—No.

23779. (*Earl Russell.*) Nobody but you ever saw those reports that they prepared?—No.

23780. (*Mr. R. D. Muir.*) On the 14th September the Sub-divisional Inspector would have before him the report of the proceedings before the Magistrate on the 13th September?—Yes.

23781. So that he could have that as part of the foundation of his submission that a summons was required?—Yes.

(*Chairman.*) With regard to that, how does that help to clear up the manner in which Harding's name comes into the document of the 14th September.

(*Mr. R. D. Muir.*) That was the next question I was going to put.

23782. In addition to that Cann was in direct communication with the Sub-divisional Inspector on the point of this summons?—Yes.

23783. That was a matter dealt with by the Sub-divisional Inspector?—Yes.

23784. It is just as well to have the process explained. When it is submitted by the Sub-divisional Inspector and recommended by the Acting Superintendent that a summons should be issued that submission and recommendation are sent to headquarters?—Yes, to Scotland Yard.

23785. Then does something come back to the station from Scotland Yard?—An intimation, which is invariably signed by an Assistant Commissioner, approving of the application for process.

23786. Is that what is called the yellow form?—The yellow form.

23787. Is that taken to the police court when you apply for a summons?—Yes.

23788. Is it attached at the police court to the original summons granted, or what becomes of it?—It is retained there, I believe.

23789. It remains in the hands of the police court?—Yes.

23790. So that if it is required it can be obtained?—Yes.

23791. That yellow form is a signed authority for one of your officers to apply at the police court for a summons?—Yes.

23792. That is the usual process?—Yes.

(*Chairman.*) In this case it appears that the summons was recommended by the Acting Superintendent.

(*Mr. R. D. Muir.*) That is recommended to headquarters.

23793. (*Chairman.*) Mr. Monk is at headquarters, is he?—No.

(*Mr. R. D. Muir.*) It is recommended to headquarters, and that is forwarded to headquarters.

(*Chairman.*) Are any inquiries made in the meantime? Before headquarters authorises a summons, is any further inquiry made?

(*Mr. R. D. Muir.*) If headquarters think the information before them is sufficient to authorise a summons being applied for, they authorise it at once, or they refuse it at once, or they recommend inquiries to be made. That is what I understand.

(*Mr. Dickinson.*) In this case there was a presumed suspicion.

(*Mr. R. D. Muir.*) Yes. It seems to have gone in the regular course.

(*Chairman.*) Yes, it seems to have been quite regular.

(*Mr. R. D. Muir.*) And that summons was granted at once.

(*Chairman.*) That is all the evidence in this case.

(*Mr. R. D. Muir.*) Yes.

TWENTY-SIXTH DAY.

Thursday, 13th December, 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).
Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law).
Charles Algernon Whitmore, Esq. (Barrister-at-Law).
J. W. St. Lawrance Leslie, Esq. (Barrister-at-Law), *Secretary*.
J. F. Waley, Esq. (Barrister-at-Law), *Assistant Secretary*.

Mr. Livett: I appear for my friend, Mr. Schultess-Young, who is unavoidably detained to-day in the High Court.

Chairman: Very well.

Edward Emms, sworn.

E. Emms. 13 Dec. 1906

23794-5. (*Mr. Livett.*) You are a flower-seller, I think?—Yes.

23796. Where do you live?—10, Gibraltar Buildings, Bethnal Green.

23797. Do you remember the night of the 22nd October last?—Yes.

23798. Where were you then?—Coming through Brick Lane.

23799. At what time was that?—About five-and-twenty minutes past 12.

23800. Will you tell us what happened?—As I was coming along, I saw two or three people round a constable. I was on the opposite side of the road, and I crossed the road to them. The constable said to me, "What do you want here, Emms—" mentioning me by name.

23801. Did he address you by name?—He said my name like that. He said, "Out of it!" He shoved me. I never went away. He shoved me again. I never went away.

23802. To shove you away?—Yes. I did not go. He shoved me again; I never went then. He shoved me again, and then I shoved him back; and with that he drew his truncheon, and knocked me on the head insensible.

23803. Did you fall down?—Yes.

23804. What was the next thing you remember?—Being in the station. I was sitting in a chair.

23805. What happened there?—They sent for a doctor to attend my wounds. I refused to see the surgeon for the police. I wished to have one outside for myself, but they would not let me; so I refused to be attended by the surgeon for the police.

23806. Where were you?—In the police station.

23807. Where were you when the police surgeon came?—I was sitting in a chair.

23808. What was your condition then?—I was in a shocking condition, feeling seriously ill. I fainted. I could hardly sit in the chair. When they refused to let me have a surgeon on my side I got up off the chair, and I was pushed back into the chair again.

23809. By whom?—A police constable.

23810. By one of the constables there?—Yes.

23811. What did the surgeon do?—He dressed my wounds.

23812. After that what happened?—I was charged with assaulting the police.

23813. Were you charged alone?—Yes.

23814. Nobody charged with you?—No.

23815. Was no mention made of anyone else?—Yes; they mentioned a man of the name of Norrey.

23816. Do you know him?—Yes, I do.

23817. Had you seen him that night?—No; I had not seen him for over a week.

23818. More than a week before was the last time you saw him?—Yes.

23819. Did you see anybody assault the constable?—I never saw anything. I was not there a second before the constable shoved me.

23820. Then, I think, you were detained at the police station?—Yes.

23821. And taken before Mr. Cluer?—Yes.

23822. I think he remanded you on bail until the 30th October?—Yes.

23823. What happened on the 30th October?—Norrey was charged with me then.

23824. Norrey had been arrested in the meantime?—Yes.

23825. What was the result?—Mr. Cluer did not believe——

23826. (*Chairman.*) Before you come to that, were you represented by counsel or solicitor?—Yes, by counsel.

(*Mr. Livett.*) Mr. Schultess-Young, I believe, represented the prisoner at the police court.

(*Chairman.*) Did he represent Mr. Emms and Mr. Norrey?

(*Mr. Livett.*) No; not Norrey—only Emms.

23827. I think you have been convicted several times, have you not?—Yes.

23828. Did the police prove these convictions at the police court?—It was not necessary.

23829. (*Mr. Eldon Bankes.*) This gentleman has asked you about convictions. You have got a shocking record, have you not?—Yes; it is my misfortune.

23830. I mean, you have been constantly in prison since 1899 down to the present year?—Yes.

23831. I may just as well prove them, to show the Commissioners the kind of offences. You have sometimes passed under the name of Fuller, have you not?—Yes.

23832. Sometimes as Emms?—Yes.

23833. And sometimes as Williams. I mean, you were not convicted under the name of Williams, I agree; but you sometimes passed under the name of Williams?—Once; yes.

23834. In January, 1899, you got a month, at the Central Criminal Court, for robbery?—Yes.

23835. In April, 1899, you got 21 days for larceny from the person?—No.

23836. Attempted larceny?—Yes.

23837. I beg your pardon. You are more familiar

with these things than I am. Was that an attempt to rob a man in this neighbourhood of Brick Lane?—No.

23838. Where?—In the City.

23839. In the next year (April) did you get three months, at Worship Street, for stealing a watch?—Yes.

23840. Was that for stealing a watch in this neighbourhood of Brick Lane?—Yes.

23841. In September of the following year you got three months, at Worship Street, for being a suspected person?—Yes.

23842. And in the next year (December) you got three months, at Worship Street, for attempted larceny from the person?—Yes.

23843. Was that in this same neighbourhood of Brick Lane? You were convicted at Worship Street?—Yes.

23844. It must have been in the immediate neighbourhood?—Shoreditch somewhere.

23845. In the next year you got eighteen months at the Sessions for larceny from the person?—Yes.

23846. And in the next year, 1904, you got two months almost directly you came out, for an assault?—Yes.

23847. Was that for an assault in this neighbourhood of Brick Lane?—Yes.

23848. In the next year you got twelve months for attempting to pick pockets?—Yes.

23849. Was that again in this neighbourhood?—No.

23850. Where was that?—Clerkenwell.

23851. That is not very far away, is it?—It is not in the same district.

23852. You mean it is not the same police court?—No.

23853. It is not very far away, is it?—About a mile.

23854. Then there came two acquittals, and I will ask you about them in a moment. In this very year, on the 8th August, did you get a month for assaulting your own wife?—Yes.

23855. Amongst those records there is a charge of cutting and wounding a man in July of this year?—Yes.

23856. You were acquitted then?—Yes.

23857. Did you prove an alibi then?—Yes.

23858. Was Harding one of your witnesses?—Yes.

23859. That is the same Harding whose case we have been considering here?—Yes.

23860. Did Harding come to the police station on this night which you are now speaking about to try and bail you out?—Yes, he said so.

23861. He is a close friend of yours?—I live in his house.

23862. Are you one of his gang?—I do not know about "one of his gang." I never go with him as a rule.

23863. Not as a rule?—No.

23864. But you not infrequently go with him?—No.

23865. You have no regular work, have you?—No.

23866. Now a word about Norrey. You know Norrey very well, do you not?—Yes.

23867. You have known him intimately for eight years?—Yes.

(*Mr. Eldon Bankes.*) I have similar evidence about this man as about Harding, but I do not think it necessary to go through the various statements.

23868. You do, do you not, hang about this immediate locality?—I have lived there all my life.

23869. And you spend all your time in the streets?—Not that I know of. I do not think so.

23870. Except when you are in bed, all your time is spent in the streets?—I do not think so.

23871. Where else do you go?—All over London—anywhere.

23872. The greater part of your time you spend in this immediate neighbourhood?—Of a night time, yes.

23873. And it is in this immediate neighbourhood that all these offences have been committed except the one in the City?—Yes.

23874. On this night in question that we are now speaking about you were with some young woman, were not you?—No.

23875. Are you quite sure you were not with a young woman?—Yes.

23876. Let me read you what the Magistrate's clerk wrote down. You are Edward Emms, are you not?—Yes.

23877. "Out of employment. I was on my way home and saw the P.C. and two or three people arguing, and I went up. My wife was not with me. A young woman was with me"?—No.

23878. Did you not say that?—No, I never said a young woman was with me. I said I was by myself.

23879. It is a very strange thing, is it not, that this statement should have been taken down? Think again?—The constable said I had a woman with me, but I denied that.

23880. No. This is your evidence: "My wife was not with me"?—Quite right.

23881. Did you say that?—Yes.

23882. How came you to say "My wife was not with me, a young woman was with me"?—No.

23883. You did not say anything of the kind?—No. I said my wife was not with me.

23884. Where do you say you were when you first saw the policeman?—Coming down Brick Lane towards Bethnal Green. I came from the Whitechapel district.

23885. You were coming down Brick Lane, were you?—Yes.

23886. On which side of the railway arch were you? On St. John's Street side?—Yes.

(*Mr. Eldon Bankes.*) I will hand to the Commissioners a plan, and you will see that this is close to the locality in which the case we were investigating the other day took place, within a few yards. (*The plan was handed to the learned Commissioners.*)

23887. Do you see Sclater Street, which is the one we were talking of the other day.

(*Chairman.*) Yes.

(*Mr. Eldon Bankes.*) You will see Sclater Street runs into Brick Lane.

(*Chairman.*) Brick Lane runs at right angles to Sclater Street.

(*Mr. Eldon Bankes.*) It runs into Brick Lane.

(*Chairman.*) Yes.

(*Mr. Eldon Bankes.*) Then you will see Brick Lane runs south of the plan and passes under the railway.

(*Chairman.*) Yes.

(*Mr. Eldon Bankes.*) Then on the other side of the railway you come to Pedley Street.

(*Chairman.*) Yes.

(*Mr. Eldon Bankes.*) You will see there is a narrow passage there. Pedley Street is a narrow passage, I think.

(*Chairman.*) Pedley Street is at right angles to Brick Lane.

(*Mr. Eldon Bankes.*) Yes, it is.

23888. Where do you say you were. I think you say you were coming from the north?—Yes; on the right-hand side.

23889. You were coming down on the right-hand side from the north?—Yes.

23890. Had you got so far as the railway arch?—Yes, just against it—just about a few steps.

23891. A few steps from the railway arch?—Yes.

23892. What was the first thing that attracted your attention?—Some people round a constable.

23893. Whereabouts was the constable?—He was standing with the people round him.

23893.* Whereabouts was it—on the further side of the railway arch from you? Supposing *this* is the railway arch, reaching from where you are now to *that* wall, I understand you were just coming to the entrance to the railway arch?—Yes.

23894. And the constable was under the arch, was he?—No, not exactly under the arch; at the end of the arch.

23895. At your end?—Yes.

23896. That means to say he would be somewhere close to you there by your left-hand side?—Yes; he was on the other side of the road. I was on a different side of the road. I was on the right-hand. He was on the left-hand.

23897. He was close to you, you say, only on the other side of the street?—Yes.

23898. And he was at the north end of the railway arch?—Yes.

23899. You are quite sure of that?—Yes, coming from Whitechapel.

23900. Pedley Street is down here and you are coming to the arch?—Yes

23901. We will assume that the arch begins just where *this* gentleman is?—Yes.

23902. You were just about as far off the arch as you are now?—Yes.

23903. Then the constable would be somewhere near where *those* books are?—No, because he was on the other side of the road.

23904. He was on the other side of the road, just where the books are?—Yes.

23905. So that he would be only a few paces from you when you first saw him?—Yes.

23906. Now, there is no mistake about the position, is there?—No.

23907. You are quite sure?—Yes.

23908. Was he only that short distance from you when you first saw him?—I do not know anything about that. I crossed the road when I saw the people round him.

23909. The road is not very wide, is it?—About as far from here to the wall.

23910. About the width of an ordinary street?—Yes.

23911. Do not let there be any misunderstanding about it. You were coming from Whitechapel, were you?—Yes.

23912. Which street did you come through to get to the arch?—I came round Whitechapel and straight through. It is a straight road.

23913. Down which road?—Whitechapel, and turned down Brick Lane.

23914. You got into Brick Lane. Brick Lane leads into Whitechapel?—It is one straight turning.

23915. You know Buxton Street and Pedley Street, do you not?—Yes.

23916. And you also know Sclater Street?—Yes.

23917. On which side of the arch were you? Were you on the Sclater Street side or on the Buxton Street side?—The Buxton Street side.

23918. I think you said you were coming from the north?—I was coming from Whitechapel to Bethnal Green, and I said I was on the right-hand side.

23919. Then you were coming from the south. Perhaps you misunderstood the points of the compass. You were at the other end of the arch?

23920. (*Chairman.*) Had you passed Buxton Street on your right hand?—Yes.

23921. Were you advancing then towards the railway arch?—Yes.

23922. You could see from the corner of Buxton Street and Brick Lane the railway arch?—Yes.

23923. On which side of the street were you walking?—On the right-hand side.

23924. (*Mr. Eldon Bankes.*) We must begin again, because you have got into the wrong position. You are quite sure about that now?—Yes.

23925. You were coming up to the railway arch from the direction of Buxton Street?—Yes.

23926. You are quite sure?—Yes.

23927. You are quite sure you were on the right-hand side of the road?—Yes.

23928. That is the same side as Pedley Street, is it?—Yes.

23929. Do you say that the constable was on the other side of the road?—Yes, on the other side.

23930. Otherwise, is the description correct, that you were a few paces from the railway arch, and that the constable was in a corresponding position just outside the railway arch on the other side of the street?—Yes.

23931. You are quite sure of that?—Yes.

23932. There is no doubt about that?—No.

23933. So that at that time you would only be the width of the street from him?—Yes.

23934. Had you not noticed anything at all until you got that distance away from him?—No.

23935. Nothing at all?—No, and I will tell you for why. You can hardly see much on that side because as you come from the Bethnal Green side to where the constable was, there is a bend round like *that* (*illustrating*); there are some shop fronts like *that*, and you can hardly see round the bend until you get opposite Pedley Street.

23936. Where are the shops?—Near the railway arch. They stand out a yard.

23937. Do the shops go right up to the railway arch?—There is a wall just past there.

23938. There is a blank wall before you get to the railway arch?—A few yards long.

23939. On both sides of the road?—Yes, on both sides.

23940. (*Chairman.*) Brick Lane does widen, according to this plan, by Pedley Street?—Yes, it comes round a bend. You cannot see anything on the left-hand side coming from Whitechapel.

23941. You tell me you could see the railway arch?—Yes, but you cannot see anything on the left-hand side coming on the right-hand side.

23942. But the moment you get to Pedley Street you can see all right?—Yes, you can see all right then.

23943. Then you say, "Before I got to Pedley Street I did not see the constable"?—No.

23944. (*Mr. Eldon Bankes.*) You say nothing attracted your attention until there was just the width of the street betwen you?—Yes.

23945. What was it that then attracted your attention?—Seeing three or four people round the constable. There was one chap pulling one way, and another was calling the constable a name.

23946. One chap was pulling another chap away?—Yes.

23947. And one chap was calling the constable a name, you say?—Yes.

23948. Did you hear that before you crossed the street?—No—when I stopped. I stopped on the side I was on, and walked across to have a look.

23949. Did you hear anything before you crossed the road?—No.

23950. Did you see anything before you crossed the road?—No. I saw the constable standing there, and people round him. That was all.

23951. You saw the constable standing?—Standing with like his back against the wall, and three or four chaps—I think there were some women, too—standing there.

23952. Three or four chaps and some women?—Yes. Standing on the kerb I did not have time to look round properly at all.

23953. As you crossed the road did you hear them call the constable bad names?—Yes. One was pulling another one away, and one was holloaing out.

23954. Did you see anybody strike the constable?—No.

23955. What was the constable doing with his back against the wall?—He was standing with his back towards the wall. He was not standing with his back against the wall, but with his back towards the wall.

23956. Do you know who the constable was?—Well, I knew him by sight, yes.

23957. You had never had any trouble or difficulty with that constable?—No.

23958. Had he ever spoken to you before?—Yes.

23959. He had spoken to you with reference to what?—He said, "Good night" many a time as I passed him going home.

23960. Only speaking to you in a friendly way?—Yes.

23961. Where had you been that evening?—In Whitechapel.

23962. But what had you been doing in Whitechapel?—Nothing particular.

23963. You do not go to Whitechapel for nothing. What had you been doing there?—I had been to see some friends up there.

23964. Who were the friends?—People I know.

23965. Yes, but let us know their names?—Some of them.

23966. I ask you the names of the people you had been with?—We do not call them by their proper names, you know—Mike, and one thing and another.

23967. Let us know what you call them by, their improper names. What names do you know them by?—There was Mike and Dicey, and a few more.

23968. Mike and Dicey. Who else?—A few more. I do not know their names.

23969. You do not pretend to these gentlemen you do not know their names?—I might see one man, and I might stop with him all night, and not know his name.

23970. Mike and Dicey?—Yes.

23971. What were you doing there?—Talking.

23972. Did you go up to Whitechapel to talk?—No.

23973. At what time had you gone up to Whitechapel?—About half past nine.

23974. Did you go up with anybody?—No.

23975. Did you go up to meet anybody?—No.

23976. What had you been doing at Whitechapel between half past nine and something after twelve?—Walking up and down, and one thing and another, and having a drink.

23977. Had you been drinking on and off between half past nine and twelve?—Yes.

23978. You had been drinking on and off between half past nine and half past twelve. How many were there in the company who had been drinking?—About five.

23979. Were you in public-houses practically the whole of the time from half past nine to half past twelve?—From one to another.

23980. The whole of those hours. Then you started to come back?—Yes.

23981. Did you come by yourself?—Yes.

23982. Quite?—I lived up that way. I had to go home. I lived in Bethnal Green.

23983. Was Norrey one of them?—No.

23984. Where had Norrey been that night?—I do not know. I had not seen him for over a week.

23985. Do you say it is quite untrue that you and Norrey and a woman were talking under the railway arch when the constable came up?—Yes.

23986. You have told us that you live in Gibraltar Buildings with Harding?—Yes.

23987. Where does Norrey live?—I do not know where Norrey lives.

23988. Does he live in that immediate neighbourhood?—I do not know where he lives.

23989. Do you know Poyser Street?—Yes.

23990. Do you not know that Norrey lives in Poyser Street?—No.

23991. Poyser Street Buildings are, as a matter of fact, only about four or five minutes' walk from Gibraltar Buildings, are they?—About ten minutes' walk, I should say.

23992. Do you tell these gentlemen that, although you have known Norrey intimately for eight years you do not know where he lives?—He has been travelling for about eight months, only when I see him I speak to him and go away again.

23993. Where did he live when you did see him?—In Gibraltar Gardens.

23994. Had the constable got his helmet on when you got there?—Yes.

23995. According to your story, you know nothing of the striking of a policeman?—I know nothing of the affair whatever.

23996. According to you, there would be seven or eight people there when you got up there?—I should say about that.

23997. Some men and some women?—Yes.

23998. Do you know any of the men or women who were there?—No.

23999. None of them?—No.

24000. Were any of the people whom you called as witnesses at the police-court there?—They said they were. I do not know. Two witnesses I had come to the station. They followed the ambulance, and came as witnesses, so that they must have been there.

24001. I will come to them in a moment. What I am asking you is this: When you got to the place there were seven or eight people there?—Yes.

24002. We know afterwards a large crowd collected?—I do not know.

24003. You do not know it, but we know it. Do you know of your own knowledge whether any of the people you called as witnesses were there when you first arrived there?—When I came to consciousness I could remember nothing hardly.

24004. I am asking you whether or not you are able to tell us who were there of the seven or eight people who were there?—I think I noticed Mrs. Allen, but I would not be sure.

24005. Was she a person you knew well?—No, I never spoke to her.

24006. Did you know her at the time?—Yes; I knew her by keeping a shop in the neighbourhood.

24007. Do you tell these gentlemen you think she was amongst those?—I think so. I would not be sure what happened.

24008. You think she was amongst the seven or eight people round the constable when you got there?—I think so.

24009. Those seven or eight people were close round the constable?—No; not close round him—standing round him.

24010. At any rate, as near as I am to you?—Yes.

24011. Are any of those seven or eight people who were standing round the constable here to-day?—I do not know.

24012. With the exception of Mrs. Allen, there is nobody whom you can suggest was one of that number?—No.

24013. All these people were between you and the constable, were they not?—Seven or eight are not many, if there were seven or eight.

24014. How was it the constable got so close to you, and you to him, that you began pushing each other?—I got to the kerb. He said: "What do you want, Emms?" He shoved me three or four times, and I shoved him back, and then he drew his truncheon and knocked me on the head. I do not remember any more.

24015. What did the shoving consist of on your part?—He told me to go away. I never moved. I never went away.

24016. What did he do?—Shoved me.

24017. What did you do?—I did nothing then. He shoved me again.

24018. You said he shoved you and you shoved him.—Yes, at the finish.

24019. You said he shoved you and you shoved him three times?—No. He shoved me three times, and the third time I shoved him back.

24020. You said just now: "He shoved me, I shoved him, he shoved me again, I shoved him again; he shoved me again, I shoved him again, and then he drew his truncheon and hit me"?—No. He shoved me twice, and I shoved him back, and he drew his truncheon and hit me on the head.

24021. How came you to tell these gentlemen ten minutes ago he shoved you and you shoved him three times?—Did I say I shoved him three times?

24022. Yes.—I do not recollect that. He shoved me, then he shoved me again, and then he shoved me again, and I shoved him back.

24023. You now say it was once you shoved him, do you?—Yes. The last time he shoved me.

E. Emms.
13 Dec. 1906.

24024. And then you were hit with the truncheon?—Yes.

24025. You do not remember anything after that?—No.

24026. Do you know where you were hit with the blow?—On the head.

24027. Where?—*Here.* (*Indicating the top side of the head.*) There is a scar there now.

24028. Did you walk away any distance from the place where you were hit?—I was shoved across the road. That is all.

24029. Who shoved you across the road?—The constable.

24030. After you were hit?—No, before I was hit. He shoved me from one side of the road to the other.

24031. After you were hit, did you move any distance away from the constable?—I do not know.

24032. Where was it you fell?—Against the corner of Pedley Street.

24033. In Pedley Street, was it?—At the corner of Pedley Street, I think. I am not sure.

24034. Where was the first blow struck with the truncheon?—Against Pedley Street—at the corner.

24035. At the corner of Pedley Street and Brick Lane?—Yes.

24036. So that, according to you, he did not strike you at all at the place at which you first went up to him?—No.

24037. According to you, both you and he had crossed the road again before he struck you, and, according to you, the blow was struck at the corner of Pedley Street?—Yes.

24038. What I suggest to you is this, that what happened was you never were on the left-hand side of the road at all, and that where the constable was on the right-hand side of the road under the arch?—Coming from Bethnal Green.

24039. Coming from the way you were to Pedley Street—that where the constable was assaulted, and where you were struck was under the railway arch, on the right-hand side of the road altogether, and on the same side as Pedley Street?—Pedley Street is on the right-hand side, coming from Whitechapel. That is where I was struck.

24040. I suggest that where the constable was assaulted, and where you were struck, was under the railway arch, and on the same side as Pedley Street?—He shoved me across the road, and that makes it the right-hand side coming from Whitechapel.

(*Mr. Eldon Bankes.*) I have not the plan before me, and I think perhaps I have made a mistake. My recollection was that the constable was assaulted on the right-hand side.

(*Chairman.*) No, on the left-hand side. The witness seems to me to be agreeing with your plan in substance.

(*Mr. Eldon Bankes.*) Yes, it was my mistake. I thought from recollection it was the other side.

24041. Now I must ask you a question about what happened at the station. When you got to the station you were bleeding very much, and were dazed?—Yes, I was insensible when I got to the station, I believe.

24042. They took you in an ambulance?—Yes.

24043. When you got there they suggested that the Divisional Surgeon should see you?—Yes.

24044. Did you say that you wanted to be seen by a private doctor?—Yes, for myself.

24045. Had you any means to pay for a doctor?—I could have got it.

24046. But you had not got it then?—No, not on me.

24047. Is there any doctor whom you regularly go to?—Yes, Dr. Rogers.

24048. Did you mention Dr. Rogers' name?—No.

24049. You did not tell them you had any means to pay a doctor, or were willing to pay a doctor?—No. I told them I was willing to pay for the doctor myself, as I did not want to be attended by the Divisional Surgeon.

24050. Did you tell anybody you were willing to pay for a doctor?—I said I wanted to see a doctor. That was as much as to say I would pay for it myself.

24051. Be careful. Did you ever tell anybody you were willing to pay for a doctor?—No, I did not mention that. If I asked for a doctor, it stands to reason I am going to pay him.

24052. It does not stand to reason that a man is going to pay a doctor when he has not any money?—I had means of paying him.

24053. The Divisional Surgeon was there, was he not?—Yes, he was there.

24054. And he came and asked to be allowed to examine you?—No, he did not ask me to allow him to examine me at all. As he walked into the room I got up off the chair, and I said, "I do not wish you to attend to me; if I cannot have a doctor myself, I will go in front of the Magistrate as I am." One of the constables got hold of me by my two shoulders, and put his knee in my stomach, and forced me down.

24055. As a matter of fact, you tried to resist?—I got off the chair.

24056. What do you say the constables did?—One of them got hold of me by the two shoulders. I should not think they wanted two constables to hold a man who was nearly insensible.

24057. I do not say it did require two constables, but two were engaged in assisting you and helping you while the Divisional Surgeon examined you?—Yes, in holding me up.

24058. You do not doubt, do you, that you were in a state in which you required the attention of a doctor?—No.

24059. You have said that the constable put his knee in your stomach?—Yes.

24060. Have you ever said that before?—Yes.

24061. Where did you say that?—At the police court.

24062. Did you say that before the Magistrate?—Yes.

24063. You said, "I was getting up from a chair and the constable knocked me back again"?—Yes.

24064. Did you say anything about his putting his knee in your stomach?—Yes.

24065. Who was the constable?—I know the constable.

24066. Would you recognise him?—Yes. He is that dark man over *there.*

24067. Is that the man *there,* who is standing up?—Yes.

(*Chairman.*) What is the name of the constable?

(*Mr. Eldon Bankes.*) Thomas Hawker.

24068. How many people were in the room at the time?—I did not take any note of it.

24069. At any rate, the Divisional Surgeon was there?—He had just come in.

24070. He was there, and if the constable had done that he could have seen him; he must have seen it?—Yes. There is another one sitting over *there.* He said to me, while I was bleeding in the chair, "You dirty bastard. I would murder you if I had my way."

24071. Is that the man there, who is standing up?—Yes.

(*Mr. Eldon Bankes.*) That constable's name is Payne.

24072. You say that happened when you were in that condition, and the Divisional Surgeon was there?—Yes. And he went like *that* (*illustrating*), as much as to put his two fingers in my face.

24073. You say he put his two fingers in your face and said he would murder you?—Yes.

24074. Was the Inspector there, too?—Yes.

24075. (*Chairman.*) What were the exact words?—"You dirty bastard, I would murder you if I had my way." And he put his two fingers in my face like *that* (*illustrating*). I never mentioned anything of that at the police court.

24076. (*Mr. Eldon Bankes.*) All this was said in a room full of people?—Two or three constables there.

24077. And the Divisional Surgeon?—No, he was not there then. This was while they were waiting for the Divisional Surgeon to come.

24078. Do you mean that that was before you got up from your chair?—Yes, I was sitting in the chair then, or half laying in it like.

24079. You mean that was a purely gratuitous thing; there was no reason for it at all?—Certainly not.

24080. You were merely sitting there in a wounded state, and the man came up to you and made use of that expression?—Yes.

24081. Without any rhyme or reason at all?—Not that I know of.

24082. Had you anything to do with Payne before that occasion?—No.

24083. Was he a complete stranger to you?—Not exactly a stranger, but I had had no trouble with him, or anything of that.

24084. Do you know who were in the room at the time this happened?—No, I could not exactly recollect.

24085. How many minutes was that before the Divisional Surgeon came in?—Perhaps two or three.

24086. At any rate, the other constable was there?—I expect he was. I do not know. Yes, he must have been there. He was holding me in the chair.

24087. You say he was holding you in the chair?—Holding me in the chair. I kept falling forwards.

24088. He was supporting you and helping you?—Yes.

24089. At that time you were in a condition that you needed help?—Yes.

24090. And he was helping you?—Not *that* one, but the dark one.

24091. He was doing his best for you?—He was holding me up in the chair.

24092. And he was doing his best for you, so far as you know?—Yes.

24093. Whilst the constable was being kind to you and doing his best for you you suggest that the other constable came up and without any rhyme or reason said, "You dirty bastard, I would murder you if I had my way"?—Yes.

24094. Let there be no mistake about this. You say the man who was kind to you and was helping you was the man who afterwards put his knee into your stomach?—Yes.

24095. (*Mr. Livett.*) When you were before the Magistrate did you say anything about a woman being there?—They asked me if my wife was with me. I said no.

24096. Did you see any women there?—Yes.

24097. Did you mention that fact at the police court?—I said there were some fellows and some women standing round.

24098. Were they known to you?—No.

24099. And, as a matter of fact, you were quite alone?—Yes.

24100. Are the police in that district well aware of the character you bear?—Yes.

24101. Had anything happened that evening before you saw the constable, which was sufficient to excuse the way in which he struck you?—I had not seen him that night at all.

24102. (*Chairman*). Do you mean you had not seen Police-constable Jeffery?—No, I had not seen him.

24103. What day in the week was this?—Wednesday morning—after midnight.

24104. Then it was on a Tuesday evening that you went to Whitechapel in the way you have told us?—Yes.

(*Mr. R. D. Muir.*) Tuesday was the 23rd October and Wednesday was the 24th.

24105. (*Chairman.*) You told me it was a Tuesday you were thinking of. Mr. Muir says that Tuesday was the 23rd and not the 22nd?—Tuesday morning. It was after midnight you see.

24106. Am I to take it you are quite certain that when you told Mr. Bankes you had been to Whitechapel with four or five men, it was a Tuesday evening you went?—It was on the evening in question.

24107. On the evening in question. I was asking you that question with a view of testing you to see whether you knew one evening from another evening?—I did this, because I have cause to remember this evening.

24108. I know. That is common ground. How often in the week do you go to Whitechapel to spend an evening with your friends?—I go up very nearly every day.

24109. Yes, but I am talking of the evening?—Very often.

24110. About the same time—nine to half past?—Any time—I might get up there at 10, or I might get up there at seven.

24111. Do you generally spend your evenings in the way in which you told Mr. Bankes you had spent this particular evening?—Without I go to a music-hall, or anything of that sort.

24112. How often do you go to a music-hall?—About three times a week. It is only half a night.

24113. On this Monday evening or Tuesday evening, when you received this blow, had you been to a music-hall?—No, I had not been to a music-hall.

24114. Are you quite certain of that?—Yes.

24115. Why?—I remember—I have cause to remember where I went that day. I would not take any notice of another day.

24116. That you have cause to remember what happened when you came into Brick Lane, I suppose nobody will question, but why are you so certain of what took place before that evening?—I know I came away from Whitechapel. I do not know where I came from before, only in the morning part I was at Billingsgate. I came home and went to bed again until five, and I was walking perhaps in the neighbourhood of Brick Lane or Shoreditch that night.

24117. What were you doing about the streets?—Walking about. I have no work, and cannot get any.

24118. What time was it when you got into Brick Lane, do you think?—The top of Brick Lane, leading from Whitechapel?

24119. Yes?—It would take five or ten minutes to walk down there.

24120. From there to the archway?—Yes, it would take about ten minutes.

24121. You think you got there about twenty past twelve?—Yes, something like that.

24122. Where did you part from any of the friends you had been with?—They called at The Blind Beggars in the Whitechapel Road.

24123. What was the name of the last public-house?—That was it—The Blind Beggars, in Whitechapel.

24124. How far is that from the beginning of Brick Lane?—That is about five minutes' walk.

24125. Did you remain at The Blind Beggars until closing time?—No; we left just after 12 o'clock.

24126. It was not closed then?—No.

24127. Who was with you at The Blind Beggars?—Dicey.

24128. Who else?—Nobody else at that time.

24129. Did you and Dicey have drinks together at The Blind Beggars?—Yes, we had a drink.

24130. What was it?—Ale.

24131. Was it beer you were drinking all the evening?—Yes.

24132. No spirits?—No.

24133. Then you walked from The Blind Beggars, I gather, after talking at the corner, towards Brick Lane and towards the archway?—Yes.

24134. There are a good many people about, are there not, at that time of night?—Yes, it is very busy.

24135. Even as late as from a quarter to half-past twelve you see a great many people out in the streets?—Yes, because the public-houses are shutting.

24136. What acquaintances did you meet after leaving The Blind Beggars coming to this archway?—Nobody.

24137. Nobody?—Nobody at all.

24138. You know a lot of people there, do you not?—I know a few people. I might see people I know and pass them and not stop; I might say "Good-night."

24139. Are you certain you did not speak to some

E. Emms.
13 Dec. 1906.

woman, or some lady, or some friend of yours in walking to Brick Lane?—Yes; I spoke to nobody.

24140. That was rather odd, was it not?—I might have seen someone pass and said "Good-night," but not to stop and speak to anybody. I do not exactly recollect whether I stopped and spoke to anybody that night.

24141. But you did say, according to the clerk's note at the police court, that there was a woman with you?—No, not with me. I believe there is some mistake there.

24142. Was your wife out with you at all that night?—No.

24143. Where was she, so far as you knew?—At home.

24144. Do you know whether your wife came to the police station that night?—She never went there.

24145. Not at all,—No.

24146. You are positive of that?—Yes.

24147. Did any friend of yours go that you have heard of?—Yes—the man I am living with—Harding.

24148. When you had passed Buxton Street you could see the whole of the archway, you have told us?—I think you can see all the archway as you get past Buxton Street.

24149. You have told us that you saw the police constable?—Yes.

24150. Was he talking to anybody?—Yes. The crowd seemed to be hostile to him. One man was pulling another way, and another was holloaing out "f—— you."

24151. With whom did he appear to be talking?—The man who was being pulled away. Two or three were together, by the look of it, but I did not take much note: I was not there long enough for that.

24152. You were curious enough to cross the road?—Yes, I think anybody would do that.

24153. I am not suggesting any blame for crossing the road, but something unusual did attract your attention?—Yes.

24154. If it had been a police-constable simply talking to his friends you would not have stopped, I suppose?—No.

24155. Were the two or three men attempting to pull away some man from the constable?—Two or three—they were pulling another way, and another was halloaing out "f—— you," to the constable.

24156. Then your story is that you went up and stood there?—Yes, the same as anybody would do. I went and stood at the kerb, and I had not stood anything like a minute when the constable said, "What do you want, Emms?" I said "Nothing." He said "Out of it."

24157. What had become of the other people there?—They were there then.

24158. The people who had been struggling or disputing with the policemen were still there when he turned his attention to you?—Yes.

24159. For no reason?—For no reason whatever, only my standing there and stopping.

24160. Why did the other people stop disputing with him, or leave him alone, when you came up?—They did not stop. The constable turned his attention to me in a minute.

24161. Then the story you are telling us seems to be this: you cross the road because you see a police-constable engaged in a quarrel or something of the kind with two or three men, and two men are trying to pull another man from the policeman?—Yes. He was not in the constable's hands. The constable was standing there, and they were trying to pull him away, to take him home.

24162. He had been attacking the policeman?—Yes, it seemed like that.

24163. It looked like the end of something; either the policeman had struck him or he had struck the policeman. That was the sort of idea you had got?—Yes, that is what I came to the conclusion it was.

24164. You looked, and then the police-constable turned to you?—Yes, in a minute.

24165. And the other people did nothing?—I do not know what they did. I did not take any more notice of them. The constable shoved me two or three times, and I shoved him back, and then he drew his truncheon and hit me. I remember no more then, and I do not know whether the other people went or anything.

24166. You seem to have had a bit of a struggle with the policeman?—I shoved his hand off me.

24167. He put his hand on you?—He was shoving me. I tried to shove him away.

24168. He tried to shove you first, I understand?—Yes.

24169. Then you shoved him?—Yes.

24170. You do not know where the other people were then?—No; I do not know where they were then. I did not take any more notice of it. It was all done in a tick.

24171. It is rather extraordinary, is it not, that while the other people were still there, the people he had been struggling with, or with whom the dispute had been, he should simply, because you came up, attack you?—If they see the likes of me coming through there at any time of night, and there are three or four constables, they always set about us, and we cannot say anything. All we have to do is to run away. If they touch us we cannot do anything back to them, or we are charged with assaulting the police.

24172. The magistrate dismissed the case against you?—Yes.

24173. You can suggest no reason why the policeman should go for you?—No, only that he knew me; he knew I had a bad character, and knew of my going down Brick Lane. That is the thing I put it down to.

24174. Let me understand this clearly. I understand this man had never arrested you?—No.

24175. You had never been in Court when he was in Court giving evidence in a case in which you were concerned?—No, never.

24176. You had never come across him in the way of business at all,—No.

24177. The only thing you knew of him was seeing him in the street and passing the time, or something like that?—Yes.

24178. Had you ever had friendly conversation with him?—He has said "Good-night" to me when I have gone by. They most all do it.

24179. You think, however, he knew pretty well of the previous convictions?—Yes, he knew; I have not the slightest doubt about that.

24180. Is it your suggestion that because he knew of the previous convictions, he hit you on the head in this way?—He fastened on me. I take it this way: If the other people were working people, he would fasten on me, because he had a better case; it is twenty to one on me not getting out of a case at the police court, or anywhere else.

24181. What do you think he has to gain by it?—I cannot see anything to gain by it.

24182. We will take it that this police-constable knew all about you, that there was a crowd there, and that there had been some kind of disputation. Then, I understand, your suggestion is that he went for you because he would be most likely to be able to get a conviction against you?—Yes.

24183. That is the suggestion you are making?—Yes, that is all I can make, I think.

24184. What was he to gain by that?—I do not know what he could gain by it. They might know what they gain by it, but I do not know what they gain by it.

24185. I suppose you know that in this case the police-constable was himself damaged?—Yes. I did not know anything of that.

24186. But you know that he himself received hurt upon this occasion, so he said. You were not in a condition to judge of his condition, whatever be the truth of the matter?—No.

24187. But you know now, do you not, as a matter of fact, that, somehow or another, he had received injuries on that night?—Yes.

24188. (*Mr. Dickinson*). I understand you to say that the policeman hit you on the head, and you dropped at once?—I do not know if I walked a few steps or not; I do not remember any more after I got the hit.

24189. That took place close to the arch?—Yes.

24190. On the left-hand side of the road?—Yes.

24191. How did the policeman shove you; in which direction did he shove you?—He shoved me across the road to the other side of the road. *There* is the arch, and *there* is Pedley Street. If you shove a man like *that*—(*illustrating*)—you would get right across to Pedley Street.

24192. (*Mr. Eldon Bankes.*) He does not suggest that he had been struck on the left-hand side of the road?—On the right-hand—on the left-hand coming from Bethnal Green.

24193. (*Mr. Dickinson.*) He shoved you across Pedley Street?—Yes. *E. Emms.* 13 Dec. 1906.

24194. What distance is Pedley Street?—From where the constable first started to shove me?

24195. Yes?—It is only the length of the road.

24196. (*Mr. R. D. Muir.*) Thirty yards?—No, nothing near thirty yards.

24197. (*Mr. Dickinson.*) What kind of a road is Pedley Street?—It is very narrow—about two yards wide.

24198. Do you call it a road or a court?—I should call it a court myself. It is called Pedley Street. It leads into the railway station there.

JOHN NORREY, sworn.

24199. (*Mr. Livett.*) You are a labourer, I think?—Yes. *J. Norrey.*

24200. Where do you live?—4, Poyser Street, Old Bethnal Green Road.

24201. Do you know Mr. Emms?—I did know him about a twelve-month ago.

24202. Previous to the 22nd October last, when had you last seen him?—Before that date?

24203. Before the 23rd October—before the last week in October?—I saw him some fifteen or sixteen days before this occurred.

24204. Were you with him at all on that day?—No, only spoke to him as I saw him, and then walked past, and that is all.

24205. You had seen him that day?—I had seen him that day.

24206. Where had you seen him?—High Street, Shoreditch.

24207. (*Mr. Eldon Bankes.*) Does he mean on this day, or fifteen days before?—When I saw him was fifteen days before I was arrested for the assault. Fifteen days before I was arrested I saw him.

24208. (*Mr. Livett.*) You were arrested on the 27th October. You had not seen him at all on the 23rd October, the day the affair took place?—No.

24209. Where were you on the evening of the 23rd October?—Walking about.

24210. Were you at all in Brick Lane?—No.

24211. (*Chairman.*) You said you were walking about?—Yes.

24212. On the evening of what day—on the evening of the 22nd, on which this occurrence took place?—Yes.

24213. The evening before the beginning of the 23rd?—Yes.

24214. You have heard Emms tell his story this morning here, have you not?—Yes.

24215. Had you seen him on the day on which what he has told us happened did happen?—No.

24216. You had not seen him that day?—No.

24217. Where were you on the evening before the 12.30 a.m. on which that occurrence took place?—Walking about.

24218. That is what Mr. Livett was asking you. According to Emms, he was hit on the head at half-past 12; that is to say, at half-past midnight. He has told us what he did on the evening that had just ended. What did you do?—I was walking about all day long.

24219. (*Mr. Livett.*) Where was that?—Shoreditch and Bishopsgate.

24220. What did you do after you had been walking about that evening?—Went home.

24221. At what time was that?—About three minutes to 11.

24222. How do you fix the time?—Because I noticed the time.

24223. You noticed the time when you went in?—Yes.

24224. What did you do when you got in?—Sat down and played a game of draughts.

24225. Who with?—My sister.

24226. Was anybody else there?—No. Just as I got to the room, Mrs. Baker was coming up the stairs.

24227. What time was that?—That was about three or four minutes past 11.

24228. Directly you got in?—Yes.

24229. After you had finished playing draughts, what happened?—I played another game with Mrs. Baker.

24230. What time did you finish altogether?—I sat down in the chair, and went to bed about ten past 12.

24231. Did you go out again at all that night?—No.

24232. I think, on the 27th October following, you were arrested, were you not?—I do not remember the date I was arrested.

24233. You remember being arrested?—Yes.

24234. What was the charge?—A charge of assaulting a constable.

24235. Do you know his name?—I do not know the name.

24236. Had you ever seen him before the date on which you were arrested?—Seen who.

24237. This constable?—No.

24238. (*Chairman.*) Police-constable Jeffery?

(*The Witness.*) No, I never saw him before.

(*Chairman.*) Will Police-constable Jeffery stand up? (*P.C. Jeffery stood up.*)

24239. Had you ever seen that man before you were arrested?—No.

24240. (*Mr. Livett.*) What did you say when you were arrested?—I was walking along Virginia Road on Saturday night, at about twenty—or twelve—minutes past 10. Then I heard some people shout out, "Fire!" and I went to run to see what was the matter. When I got to the corner, the police-constable who arrested me—I do not know his name—said to me, "We want you." I said, "What for?" He said, "For assaulting one of our people last Monday night." I said, "Oh! you have made a mistake. I am innocent, and I can prove an alibi." After that I was taken to the station. I turned round and asked to be put up with other people for identification—to be picked out by the constable that I assaulted. I did not do it.

24241. Are you sure that you had never seen this Police-constable Jeffery before?—No.

24242. When was the first time you did see him?—On the morning when he was giving evidence against me.

24243. At the police court?—Yes.

24244. (*Mr. Eldon Bankes.*) You were arrested on the 27th, were you not?—I forget the date.

24245. What day of the week was it?—The day I was arrested was a Saturday night.

24246. Was that on the Saturday night you were arrested?—Yes.

24247. You are quite sure about that?—Yes.

24248. That was the night you were taken to the station?—Yes.

24249. When you got to the station you asked to be put with other people to be identified, did you not?—Yes.

24250. Who was it you asked—the Inspector or the

J. Norrey. 13 Dec. 1906.

station sergeant?—I asked the constable that arrested me.

24251. Was it not explained to you that inasmuch as you had been taken on a warrant, which was addressed to the constable to arrest you by name, no question of identification arose at all, because the warrant was to arrest you. They explained that to you, did they not? When you asked to be identified, they told you they had taken you on a warrant?—No, they never told me at all about a warrant. When the police constable arrested me, he said he wanted me for assault on one of his people.

24252. Yes, I know, but at the station when you said you wanted to be identified, did they not explain to you that you had been taken on a warrant?—They did not say anything at all about a warrant.

24253. Perhaps you do not understand it. Your name is John Norrey, is it not?—Yes.

24254. And this is the man whose name was in the warrant. There is no other John Norrey, so far as you know, is there?—No.

24255. Did you say that you were a bricklayer?—No.

24256. Or a labourer?—I said I was a labourer.

24257. You do not work regularly, do you?—I do when I get a chance.

24258. It is not often you get a chance, is it?—I do two or three days a week.

24259. Every week?—Yes.

24260. Just give me the name of the last person you have worked for three days a week.—A constant job?

24261. Yes.—Mr. Ingram Perkins, of Chiswell Street.

24262. When was that?—About 18 months ago.

24263. And you have not worked regularly since then?—No.

24264. Was that before you were convicted or after you were convicted?—I think that was before I was convicted.

24265. So that there was a time when you worked regularly?—Yes.

24266. And then you took to bad ways?—No. I did not take to no bad ways at all.

24267. But you attempted to steal a gold watch and chain, and you were sentenced to eight months' hard labour, at the North London Sessions?—Quite right.

24268. Do you not call that bad ways?—I never attempted to steal it; I was charged with being concerned in stealing the watch.

24269. And you got eight months for it?—Yes.

24270. (*Chairman.*) Did you plead "Not guilty?"—I pleaded "Not guilty."

24271. (*Mr. Eldon Bankes.*) You were tried before a jury?—Quite right.

24272. At the North London Sessions?—Yes.

24273. And you were convicted?—Yes.

24274. You were charged with being concerned, with others, in attempting to steal this watch?—Yes.

24275. Were the others engaged in this stealing some of the Harding gang?—No.

24276. Who are the people who were supposed to be concerned with you in attempting to steal this gold watch and chain?—One was named Green.

24277. Who was the other?—I only saw the two men a couple of days before that. I never knew them before.

24278. Who was the other man besides Green?—I forget the other man's name; I only knew him by talking to him.

24279. Were you all three charged together at the Sessions?—Yes.

24280. Do you tell these gentlemen you do not know who the third man was? Be a bit careful. Were you all three convicted?—Yes.

24281. One was Green. Who was the other?—I do not know the man's name, but the name he gave I think was Brown.

24282. Have you seen him since?—No.

24283. Where did this attempt at robbery take place?—In Whitecross Street.

24284. How far is that from Brick Lane?—I should think half an hour's walk.

24285. That happened in 1905, and you got eight months?—Yes.

24286. Then in 1906, this year, in May, you got eight weeks for assaulting a barman?—Yes.

24287. That was in the Crown public-house in Brick Lane?—Yes.

24288. Were you alone on that occasion, or in company with others?—I was alone—by myself.

24289. I suggest to you that you are well known in Brick Lane to the tradesmen there, as associating with Harding and his gang. Be a little bit careful?—I do not associate with Harding or his gang at all. I associate with myself.

24290. You associate with yourself?—Yes—I keep by myself.

24291. Do you spend a great deal of your time in the streets in Brick Lane?—Never been in Brick Lane for the last four months.

24292. Four months is not very long. Four months ago you had a quarrel with these fellows, had you not?—Which fellows?

24293. Emms?—Seven or eight months ago.

24294. Emms is one of Harding's lot?—I do not know; I do not know whether he is; I cannot follow that man about; I cannot tell who he belongs to.

24295. But you know very well that Emms was in the same house with Harding?—I do not know that.

24296. Did they live together before you quarrelled with them?—No; I did not know it.

24297. What day of the week was it that you were playing draughts with Mrs. Baker?—On the Monday night.

24298. You are quite sure it was Monday night?—Yes.

24299. It was a Monday, was it?—On a Monday night.

24300. Have you ever played draughts with Mrs. Baker on any other occasion?—Yes; I had played two or three games the week before.

24301. You are in the habit of playing draughts with Mrs. Baker?—Yes.

24302. Does Mrs. Baker live in the same house?—Yes.

24303. So that there is nothing peculiar in the fact that you played draughts with Mrs. Baker?—No.

24304. You play sometimes on a Monday, sometimes on a Tuesday, and sometimes on a Wednesday, just as it happens?—I do not pick out certain nights to play; I play any night.

24305. And you are in the habit of playing draughts with your sister?—Yes.

24306. And you play any night?—Yes.

24307. You live in Pedley Street, do you not?—In Poyser Street.

24308. How far is Pedley Street from Poyser Street?—I do not know it.

24309. You know Brick Lane, do you not?—Yes.

24310. You know where the railway arch crosses over Brick Lane?—Yes.

24311. How far is Poyser Street from there?—I should think it would be about half an hour and ten minutes' walk.

24312. Half an hour and ten minutes' walk?—Yes, or half an hour and five minutes' walk.

24313. You say to these gentlemen that it is half an hour and ten minutes' walk, do you?—Yes.

24314. Am I to add those two together?—Yes.

24315. That would be 40 minutes altogether?—Yes; some people walk quicker than others. In my opinion I think it is half an hour and ten minutes.

24316. That is 40 minutes' walk?—Yes.

24317. I suppose that would be two miles, would it not?—I do not know. I am not a judge of walking.

24318. You do nothing else but walk now, do you not? You spend your time walking about the streets?—I cannot do that. I have to try and get my living.

24319. You do not work now?—No.

24320. When was the last time you worked for anybody?—Last Thursday, down by the side of Fresh Wharf.

24321. When was the last day before that?—A few days ago before that; Monday or Tuesday—Tuesday, I think it was.

24322. That is this week, is it?—Last week.

24323. You have not worked at all this week, have you?—No, not at present.

24324. And you had worked on Tuesday and Thursday last week?—Yes.

24325. Did you do any work the week before?—Two or three days before.

24326. Can you remember whether you did or not?—Yes, I did; one or two weeks before.

24327. Who did you work for?—If you do a day's work, you have not to put it in a book, have you?

24328. If you play a game of draughts, you do not put that down in a book?—I never put that down in a book at all.

24329. There is no reason why you should put down that you play a game of draughts any more than that you should put down that you do a day's work?—I do not think three or four days is a long time to remember.

24330. The day you were arrested was a Saturday?—Saturday night.

24331. Was that the Saturday in the same week that you had been playing draughts on the Monday?—Yes.

24332. Between the Monday and the Saturday had you heard that anybody said that you had been engaged in this assault on the constable?—No.

24333. You had not heard?—No.

24334. You heard nothing at all about your name being mentioned in connection with this assault?—No.

24335. Had you heard that a constable had been assaulted?—No.

24336. You had heard nothing at all about it?—No.

24337. If you had not heard that the constable had been assaulted, you could not have heard the day on which he was assaulted or the time at which he was assaulted?—No.

24338. And you had not only not heard that a constable had been assaulted, but you had not heard either the day, the time, or the place where he had been assaulted?—No; I heard nothing whatever about it.

24339. That is quite plain, is it?—Quite.

24340. (*Chairman.*) That was, when you were arrested you had not heard?—I had not heard at all before the constable arrested me.

24341. (*Mr. Eldon Bankes.*) What had you been doing that week between the Monday and the Saturday?—I did one or two odd days' work.

24342. Let us see if you can remember what you had been doing that week between the Monday and the Saturday?—I was at work two days.

24343. Which days?—Wednesday and Friday.

24344. On Wednesday and Friday you had been at work?—Yes.

24345. Who did you work for?—Down alongside Fresh Wharf.

24346. Give me some information, so that I can go and test this. What sort of work had you been doing?—Carrying boxes down at Fresh Wharf.

24347. Who had engaged you?—You have to go down there and chance it.

24348-9. You go down and stand on the wharf, do you?—Yes.

24350. Would your name be entered in a book when you are taken on?—No; they give you a ticket.

24351. Do they know your name there?—No.

24352. Do you give your name?—No.

24353. Is there anybody there who knows you by name?—There might be a couple who know me.

24354. There might be one?—There might be two or three people who know me.

24355. What is the name of the wharf?—Fresh Wharf.

24356. Do you know the people it belongs to?—No, I do not.

24357. What sort of work were you doing?—Carrying boxes.

24358. From where to where?—From one place to another.

24359. In the wharf?—No.

24360. Outside?—Yes.

24361. Do you know the name of the ganger?—Lang.

24362. His name is Lang, is it?—Yes.

24363. Is he the man who engages the men?—Yes.

24364. Is he the man who engaged you on those two days?—Yes.

24365. Do you know where he lives?—I do not know where he lives.

24366. Is he in regular work at Fresh Wharf?—Yes.

24367. Can you say when you were there?—It was a Wednesday and a Friday, I think.

24368. You are quite sure about that?—Yes.

24369. No mistake at all?—No.

24370. Were you there the whole day?—No, I left off about half past eleven.

24371. Each morning?—Yes.

24372. How long would you work there?—From about half past eight or eight o'clock, to twelve, according to what there is to do.

24373. On each of these days you were working from half past eight or eight, to twelve?—Yes.

24374. Did you go home those nights?—No, not when I was early.

24375. Did you sleep at home every day that week?—Always did.

24376. You went home and slept at home every night, did you?—Yes.

24377. On the Saturday you were arrested?—Yes.

24378. Do you know the constable who arrested you? Do you know Greenfield?—No, I do not know him.

24379. Would you know him again if he stood up?—Yes, I daresay I should.

24380. Is *that* Greenfield who is standing up?—That is the constable who arrested me.

24381. Did you know him before?—No.

24382. Never seen him before?—I have seen him once or twice.

24383. I mean, you know him by sight?—Yes.

24384. And he knew you by sight?—I should think so, for him to arrest me.

24385. Were you standing in Virginia Road?—I just came along Virginia Road.

24386. Did you see the constable coming towards you?—No.

24387. But, somehow or another, when he was close to you, you started to run up Mount Street, did you not?—No, I never saw the constable.

24388. He must have been very close to you when you started to run?—No. Some people halloaed out "Fire!" I went to run, and, as I got to the corner, the constable said to me, "Oh! you are the fellow we want." I said, "What for?"

24389. Do you mean to say you were running before you saw the constable?—Yes.

24390. Did he not run after you down Mount Street?—I do not know if he ran after me or not.

24391. Think. You are telling these gentlemen you heard somebody call out "Fire!" and you ran accidentally up against the constable?—I did not run up against the constable at all. I ran to the corner and upon that the constable arrested me.

24392. In Mount Street?—Yes.

24393. Had he not been running after you?—No, not that I was aware of.

24394. Were you actually running at the time you fell?—Yes.

24395. You fell in Mount Street?—At the corner.

J. Norrey.
13 Dec. 1906.

24396. You trod on some orange peel and tumbled down?—Yes.

24397. And in a moment the constable was on you?—The constable said, "Oh, you are the fellow we want."

24398. Did you know that he had been running after you?—No.

24399. Then he said, "You are the man we want"?—Yes.

24400. Did he tell you what he wanted you for?—He told me he wanted me for an assault on one of his own people.

24401. What did you say to that?—I turned round and said, "You have made a mistake. I can prove I am innocent. When was it?" He said, "Last Monday." I said, "I can prove an alibi, and that I am innocent."

24402. (*Chairman.*) "You have made a mistake; I am innocent; I can prove an alibi"?—Yes.

24403. Then you went on to say, "I was at home on Monday"?—Yes.

24404. To the police-constable, then?—Yes.

(*Mr. Eldon Bankes.*) I think the man said the policeman told him it was Monday.

24405. What I am suggesting to you is that when you fell down, directly you got up he spoke to you?—Yes.

24406. And then, before he said anything, you said to him, "I am innocent, and can prove an alibi"?—Yes.

24407. Do not do yourself an injustice. I suggest to you that the constable, when he came up to you, said he wanted you, and then you at once said, "I am innocent, and can prove an alibi"?—When he told me what it was for. He told me it was for assaulting one of his people. I said, "When?" He said, "Last Monday." I said, "You have made a mistake."

24408. Were you astonished at being taken by the constable?—I was that.

24409. Were you flustered?—What do you mean—excited?

24410. Yes, upset?—I was thoroughly surprised at being taken for nothing—what I did not know anything at all about.

24411. I suggest to you, you have made a mistake as to what took place, and that you said, before he had time to say anything to you, you were innocent and could prove an alibi?—I did not. I never thought of it until he arrested me and told me what he arrested me for.

24412. He never told you the time at which the assault happened?—No.

24413. So, for all he told you, it might have happened in the morning?—He told me it was for an assault on one of his own people on the Monday, and he said, "You know." I said, "I know nothing about it."

24414. Do you say he told you the time?—He did not say the time. He said, "Last Monday night."

24415. Not any time at night at all?—No, not any time.

24416. It might have been 8 or 9 o'clock?—I did not know what time it was.

24417. Of course, this alibi of yours would not apply to that. If you had known beforehand at what time the constable was assaulted this alibi of yours was all right, but if the assault had taken place at 8 o'clock the alibi you are talking about would not apply?—No.

24418. When you spoke to the constable and said, "I can prove an alibi," were you thinking of Mrs. Baker and your sister and the draughts?—No, I was not.

24419. What did you mean by an alibi?—I could prove that I was at home last Monday night at 11 o'clock when he told me it was done at 12 o'clock.

24420. You say now it was done at 12 o'clock?—He told me it was done last Monday night late.

24421. As I have pointed out to you, it might have been 8 or 9 or 10 o'clock?—I do not know. I do not know what time it was.

24422. You had no alibi which applied to 9 or 10 o'clock?—No.

24423. You say the alibi you were talking about was an alibi which applied after 11?—Yes, 11 and after.

24424. And you had got it in your mind that that was what you were going to prove—that Mrs. Baker and your sister had been playing draughts with you after 11?—Not when he came to arrest me. I did not think about Mrs. Baker or about my sister, but I was thinking I was at home at that time.

24425. Did you play draughts with Mrs. Baker or with your sister any other night that week?—Two or three nights before that—the week before.

24426. Can you fix a day?—I cannot.

24427. So that the week before it may have been either on Thursday or Friday?—It might have been Thursday or Friday or Wednesday.

24428. It might have been Wednesday, Thursday, or Friday the week before?—Yes.

24429. But this week it must have been on Monday?—You have to refer back, do you not.

24430. Did you play draughts with them any night that week between the Monday and the Saturday?—Yes.

24431. What night that week did you play draughts with them?—Wednesday night, I think.

24432. Are you sure of that?—Yes.

24433. You played draughts with both Mrs. Baker and your sister on Wednesday night?—Yes.

24434. You are sure?—Yes.

24435. Saturday night was when you were arrested?—Yes.

24436. Do I understand you to say point blank that you were never in Brick Lane, or never under that arch, or near the arch, on Monday night at all?—Yes.

24437. That is your story, is it?—Yes.

24438. One more question about these draughts. Did you play draughts on any other night in the week you were arrested, except on the Monday and the Wednesday?—Friday.

24439. Friday, now you remember?—Yes.

24440. So that you played the night before you were arrested?—I am talking of the Monday or Tuesday morning. I was playing that same week.

24441. I am speaking of the same week in which you were arrested. You were arrested on Saturday?—Yes.

24442. How many nights a week did you play draughts with Mrs. Baker and your sister?—Twice.

24443. Only twice?—Or three times at the most.

24444. Cannot you remember whether you played draughts more than twice or three times?—About three times.

24445. But was it twice or three times?—I cannot remember whether it was three nights or two nights.

24446. You cannot remember whether you played two nights after the Monday or one night?—I played three times in the one week.

24447. Are you quite sure about that?—Yes. I am certain.

24448. Three times in the week in which you were arrested?—Yes.

24449. Which nights?—I do not know the nights for certain. I know one night was the Wednesday night. I do not know whether it was on the Monday or Tuesday I was playing in the same week. I know I played three times that week.

24450. You are certain you were playing on Wednesday night in the week in which you were arrested?—Yes.

24451. But you are not sure whether it was the Monday night or the Tuesday night of that week?—Yes. I played three different nights that week, but I cannot say for certain whether it was Monday or Tuesday night.

24452. I do not want to catch you, but I want to be quite sure that you understand what I am asking you about. I understand you now say you played three times in the week in which you were arrested?—Yes.

24453. That is clear?—Yes.

24454. The only night you are quite sure about is the Wednesday?—Yes.

24455. And you are not sure whether it was the Monday or the Tuesday?—That is right.

24456. You are quite sure of that?—Yes.

24457. So that you are sure you played on Wednesday?—Yes.

24458. You are not sure whether it was the Monday or the Tuesday you played that week?—Yes.

24459. And you played one other day, but you are not sure which day it was?—Friday that was.

24460. Friday, you think?—I am sure that it was Friday.

24461. So you are sure it was the night before you were arrested?—Yes.

24462. You are quite sure about Friday, the day before you were arrested?—Yes.

24463. You are quite sure about the Wednesday?—Yes.

24464. But you are not quite sure it was Monday or Tuesday?—Yes.

24465. There is no mistake about that at all, is there?—No.

24466. You understand my question?—Yes.

24467. You are giving me now what your recollection is?—Yes.

24468. Now, let me point out to you that if you do not remember whether it was Monday or Tuesday——?—It is no good my saying it was Tuesday if I am not quite certain, is it?

24469. No, but I want to know what you are certain about. You are certain it was Friday and Wednesday, but you are not sure whether it was Monday or Tuesday?—No.

24470. (*Mr. Livett.*) You have been asked certain questions about what happened that week. Is the story you have told us to-day the same that you told at the police court on the 30th, when the facts were comparatively fresh in your memory?—Yes.

24471. Will you tell us once more what happened when the policeman arrested you?—Before the constable arrested me, or when he did arrest me?

24472. When he did arrest you?—He turned round and said to me he wanted me for an assault on one of his own people.

24473. And what did you say then?—I turned round and said, "When?" He said, "Last Monday night." I said, "You have made a mistake, because I was at home last Monday night at 11 o'clock."

24474. Are you sure that is all he said when you asked him about it?—Yes.

24475. (*Chairman.*) Let me know a little more about you, please. You say you live at Poyser Street?—Yes, at No. 4.

24476. Have you got a room there, and is that what you and your sister have?—No, we have three rooms—one room for me, and one room for my sister and her husband.

24477. One room for yourself?—Yes.

24478. And one room for your sister and her husband?—Yes.

24479. Is his name Gibbons?—Yes.

24480. Therefore, your sister is Mrs. Gibbons?—Yes.

24481. What is the third room used for?—That is the kitchen.

24482. How does Gibbons earn his living?—He is a market porter.

24483. Does Mrs. Gibbons, your sister, do anything?—Yes.

24484. What does she do?—She hawks.

24485. Does Mrs. Baker live at No. 4, Poyser Street, too?—In the same house as I do.

24486. She has got another room there, I suppose?—Yes.

24487. What is her business?—I do not know. I do not know her business at all.

24488. How long have you been living at Poyser Street together with the Gibbons?—About eight or nine months.

24489. And Mrs. Baker's acquaintance you have made since then, have you. Is that the case?—Yes.

24490. You told, I think it was Mr. Livett, that you had seen Emms about 15 days before this occurrence?—Before I was arrested.

24491. Where did you meet him?—I saw him in High Street, Shoreditch.

24492. Did you speak to him?—I nodded my head to him and walked on.

24493. No conversation with him?—No conversation.

24494. Have you not spoken at all since this dispute?—No, we had a row about six to eight months ago.

24495. Was there a row also between you and Harding?—No.

24496. No row?—No.

24497. No row with anybody else?—No. Only me and Emms had a few words together, and since then we never spoke for about six to eight months ago.

24498. What were the few words about?—About the drinking, and we had a row over a game.

24499. Did you come to blows?—No.

24500. Then you are perfectly certain you had not come together in any way and become friendly again?—No. We do not take notice of one another. If he is one side of the road and I am on the other I nod my head, but we have no conversation with one another.

24501. You are certain you never met Emms when you were both in the company of a woman?—Yes.

24502. Since the row, I mean?—Yes.

24503. The row had nothing to do with a woman?—I do not know. What row?

24504. The row with Emms?—I do not know what it was about. I never heard it.

24505. I am going back now to six or eight months ago, when you had this dispute. I do not quite gather what it was. Was it about a woman?—No.

24506. But about a game?—About a game.

24507. The reason I am asking you is this: That Police-constable Jeffery said at the police-court (you were there, and I daresay you heard him) that Emms and you, Norrey, were quarrelling?—No.

24508. With a woman, or, at any rate, that there was a woman with you, and that there was quarrelling going on on this very night?—No. I never saw Emms. The first time I saw Emms after I had a row was 15 days before he was charged.

24509. So you have said. Did you hear Jeffery give evidence at the police-court.—Yes.

24510. You were not defended, were you?—No.

24511. Not by counsel or solicitor?—No.

24512. Nobody appeared for you then?—No.

24513. Did you take any part in the proceedings? Did you ask any questions?—In the proceedings? Being charged?

24514. At the police-court, when you were before the magistrate?—Yes, I told him I was perfectly innocent.

24515. But you heard Jeffery say, did you not, that you and Emms and a woman were under the archway, or near the archway; that the woman was crying, and that he came up. You heard him say that?—Yes.

24516. All that, according to you, is untrue?—That is untrue, every word. Every word is untrue. I had not been to the place he said.

24517. If you were not there, you cannot be certain every word is untrue, because Emms and a woman may have been there?—I mean about me.

24518. That is another point. That is why I want to be very careful. You say you were not there, whatever Jeffery may have thought?—No.

24519. Had you been very much with Emms until this row took place?—We were very great friends. We knew one another for about six or seven years.

J. Norrey. 13 Dec. 1906.

24520. Did you know Harding as well?—I have known him by being about; that is all.

24521. Emms you were very friendly with?—Yes, for six or seven years before we had a row.

24522. You used to be about the streets a good deal together?—Yes.

24523. Spending the evenings together?—Yes.

24524. That evening, I think you said, you had been walking in Virginia Road?—On the night I was arrested?

24525. No; on the night in question, we will call it?—I had been walking there by myself.

24526. You had done no work that day?—No.

24527. It was not one of the days which you gave to the learned counsel on which you did work recently?—No.

24528. What had you been doing all the day?—Walking about down there to see if I could get a day's work. I could not get any work, so I came back.

24529. You do not walk about at four or five in the afternoon to see if you can get a day's work?—I mean in the morning.

24530. You had been out early to try to get work?—Yes.

24531. And, not being able to get work, what did you do?—Walked about, and when I found I could not get work down there I went home.

24532. You did not go home to dinner?—Yes, I did go home to dinner.

24533. About what time was that?—About half-past twelve.

24534. Is that the usual hour?—I do not make it a rule, a practical thing, to go home to dinner.

24535. You generally get home to dinner?—Yes.

24536. How did you spend the afternoon after you had dinner?—Sat at home till about four.

24537. When you went out at four, where did you go to?—Took a little walk.

24538. What kind of a walk?—I walked up Bishopsgate.

24539. Did you go out to meet some friends, or did you go out for a solitary walk?—I went out for a walk by myself.

24540. Without any purpose at all?—Yes.

24541. You met nobody you knew?—I met one or two that I knew.

24542. Do you mean that from four o'clock you were simply loafing about the streets, not meeting any friends or talking to anybody?—I met one or two. I meet plenty of friends that I know.

24543. Then you spent the time with your friends when you met them?—No; I only just spoke, that was all, and then took a little stroll again. It is a usual thing for me to be walking about by myself. I can enjoy myself the same as I can being in company.

24544. Do you go into public-houses by way of varying the solitude of your excursions?—Yes; I go into a public-house. If I meet a friend I should go into a public-house just the same.

24545. On that Monday did you go into several public-houses with friends?—I knew one or two people by sight.

24546. Then you would naturally go to a public-house?—Yes.

24547. And spend a little time there?—Yes.

24548. Then you would meet some more friends, and then you would go into another public-house?—You cannot always be going into a public-house.

24549. I quite agree. How many public-houses do you think you visited on this Monday before you went home and played draughts with Mrs. Baker and Mrs. Gibbons?—About three or four.

24550. Was that the usual number?—It might, perhaps, be eight or nine times, but this was about four times.

24551. Visits to public-houses I am talking about—meeting in public-houses?—Yes, to have a drink.

24552. Sometimes you go to eight or nine in the course of an evening?—In the course of the day.

24553. And in the course of the evening you think you went to three or four?—Yes.

24554. Which was the last one you went to?—The last one was the King's Head.

24555. You are sure it was not the Blind Beggars?—No, I do not know the Blind Beggars.

24556. But you have an extensive acquaintance. I should have thought you would have known the Blind Beggars?—There are plenty of different public-houses I do not know.

24557. There might be, but it is conceivable that you would know that one. The King's Head, you say, was the last one?—Yes.

24558. Where is the King's Head?—In Church Street.

24559. Where is the Blind Beggars—where was that said to be?

(*Mr. Eldon Bankes.*) In Whitechapel Road, I think, that was.

24560. (*Chairman.*) Do you know the Whitechapel Road?—Yes.

24561. Is that a place where you sometimes walk as you describe?—No; I never go there.

24562. Why not?—It is a place that don't suit me.

24563. Is that since the quarrel you have referred to?—No; before that.

24564. Why does it not suit you?—It is my idea, I suppose.

24565. It is a personal dislike you have to Whitechapel Road?—Yes.

24566. It is no personal dislike to the people who spend their time there?—No.

24567. But it is a dislike to the road itself?—I do not dislike it, but it is a road that I never trouble.

24568. Trouble or travel?—Or walk.

24569. What time did you leave the King's Head on this Monday?—Half-past ten.

24570. What friends had you been with at the King's Head?—There was a man I knew by sight.

24571. You do not know his name?—I do not know his name.

24572. Did you stand him a drink?—He stood me a drink.

24573. Did he come away with you?—We came together out of the public-house. We were there about two or three minutes. He went home and I went home.

24574. He went home?—Yes; he said he was going home.

24575. Have you ever seen him again?—I have not seen him since.

24576. Had you seen him before?—Yes.

24577. You had seen him before?—Yes.

24578. Where did you part with him?—Outside the public-house we came out of.

24579. Outside the King's Head?—Yes.

Mrs. Elizabeth Baker, sworn.

Mrs. E. Baker.

24580. (*Mr. Livett.*) You are a married woman, I think?—Yes.

24581. Where do you live?—4, Poyser Street.

24582. Is that where the last witness lives?—Yes.

24583. Do you remember the night of the 22nd October?—Yes.

24584. Had you been out that evening?—Yes.

24585. What time did you get home?—About nine o'clock.

24586. Did you see Mr. Norrey that evening?—Yes.

24587. When did you see him?—I met him in the passage.

24588. About what time was that?—It might have been three minutes to eleven.

24589. Will you just tell us what happened after you saw him?—I went upstairs and I sat with his sister and him too.

24590. Who is his sister?—Mrs. Gibbons. He asked me to have a game of draughts.

24591. Did you have a game of draughts?—Yes.

24592. How long were you playing?—I sat up there till twelve o'clock, but I was not playing all the time.

24593. You were in the room till twelve o'clock?—Yes.

24594. What did you do then?—I went downstairs then.

24595. Did you go out?—No.

24596. When you had been downstairs, did you return?—No, I sat reading till ten minutes past 1.

24597. Where?—In my room.

24598. Where was Mr. Norrey when you left?—Upstairs in the kitchen with his sister.

24599. Did you hear anyone go out?—No.

24600. Could you have heard if anyone had gone out?—Yes, they would have had to pass my door.

24601. (*Mr. Eldon Bankes.*) Do you live on the ground floor?—Yes.

24602. Does your husband live there too?—No.

24603. You live alone, do you?—Yes.

24604. Are you separated from your husband?—Yes.

24605. How long have you been separated from him?—Since last Christmas.

24606. Where does he live?—I do not know. I could not tell you.

24607. When were you married?—When was I married to him?

24608. Yes?—Eight years ago.

24609. Did you live with him all the eight years until last Christmas?—Yes.

24610. Did you live in your house in Poyser Street when he lived with you?—No.

24611. Where were you living with him?—I lived in Tyrrell Street, Bethnal Green Road.

24612. You lived there with him, did you?—Yes.

24613. Since he left you at Christmas last, have you being doing anything?—Yes.

24614. What do you do?—I have worked at Lipton's, and then I got the sack for slackness, and I went out selling flowers and selling things.

24615. You have been keeping yourself, and earning your own livelihood?—Yes.

24616. Have you had this room in Poyser Street?—Yes.

24617. How long have you had that?—It might be four months, or it might be longer—from four to five months.

24618. Do you know Brick Lane?—Yes.

24619-20. How long would it take you to walk from your house in Poyser Street to where the arch crosses in Brick Lane?—It generally takes me about half-an-hour and five minutes.

24621. I am told it is about ten minutes' walk?—I could not do it in ten minutes.

24622. We will look at the map and find out. Of course, I am asking you if you went the shortest way, and not if you went all round. If you go the shortest way just tell these gentlemen how long it would take you to walk. Try again?—To Brick Lane arch?

24623. Yes. You know Brick Lane arch well, do you not?—I could not do it under half-an-hour.

24624. Did you know Norrey before you went to live in this house?—No.

24625. Did you know his sister?—Yes, I had spoken to his sister.

24626. You had spoken to his sister before you went to live in this house?—Yes.

24627. But you did not know him?—No.

24628. Are you a friend of his sister?—Yes.

24629. Do you often go up and sit with her?—Yes.

24630. I suppose you go and sit with her most nights of the week?—Yes, it is a regular thing. If I sell out, I go up and sit with her and keep her company.

24631. I mean most nights of the week you go up and sit with her?—Yes.

24632. And Norrey is very often there, is he?—Yes.

24633. So that you see Norrey in his sister's room most nights of the week?—Yes.

24634. And, as a rule, you do not pay particular attention to what time you go up and see the sister, or to what time you come down?—No.

24635. Unless there was some special reason for it, you would not take any notice?—No.

24636. Do you often play draughts with them?—Yes, I played it the week before that Monday.

24637. A pretty good hand at it, are you?—No, I do not understand the game much.

24638. However, you play it pretty often with Norrey, do you?—It makes four times I have played.

24639. Four times altogether?—Yes.

24640. Have you played draughts with his sister?—Yes.

24641. More than four times?—Yes.

24642. Did you hear anything about this assault or bother during that week?—No, not until the Sunday morning.

24643. And there was nothing that happened on the Monday itself which could cause you to pay any attention to what time you went up there, or to what time you came down. Monday was just like any other day?—I went to get the sister some supper on this night. This is a thing I never hardly do. She asked me to go and get her some fish.

24644. On this Monday night?—Yes.

24645. Where did you go to get the supper?—At Cambridge Heath.

24646. How far is that away?—Three minutes' walk.

24647. What time did you go and get the supper?—I think it was about a quarter to 11 when I went to get the supper; and they kept me at the fish shop.

24648. Were you kept there some time?—It wanted about three minutes to 11 when I got back.

24649. What makes you remember that as Monday?—I had been out all that day.

24650. So you were on Tuesday?—Yes, every day. There were some flowers left from Saturday; that is what makes me remember it so well.

24651. You might have some stale flowers on Tuesday?—You could not have stale flowers from Saturday to Tuesday.

24652. You might have stale flowers sometimes on a Tuesday from the previous Saturday?—Yes.

24653. The fact that you had stale flowers would not enable you to tell whether it was Monday or Tuesday, would it?—No.

24654. Is there any other reason which makes you remember it was Monday, and not Tuesday, that you went to get the fish?—No.

24655. So that really this night when you played draughts with Norrey may have been a Monday, or a Tuesday, but you cannot remember?—I know it was on Monday night.

24656. Just tell us why. If you are sure about it there must be some reason why you are sure?—There is one reason why—I went and got supper for her.

24657. But you told me it may have been Tuesday you got the supper?—No.

24658. Why?—That is a thing I hardly ever do, because she goes and gets it herself.

24659. She goes and gets her supper every night?—Yes.

24660. Only on this particular night she did not go, and she asked you to go?—Yes.

24661. That might have happened just as well on a Tuesday as on a Monday?—No, because it is a thing I never do.

24662. You remember it was Monday rather than Tuesday?—I never went errands for her only on this

Mrs. E. Baker.

13 Dec. 1906.

Monday night. That is the only time I ever got anything for her. That is what makes me remember.

24663. I want to know why you say it was Monday rather than Tuesday? Have you any reason for remembering it was on Monday? You told me about the flowers. We have got rid of that?—I had to pay my rent. That is another reason why I remember. I did not pay my rent before half-past eight.

24664. On the Monday?—Yes.

24665. Did you pay your rent on the Monday?—Yes.

24666. Do you always pay it on that day?—Not always.

24667. Sometimes you pay your rent on a Tuesday?—Yes, when I can.

24668. Have you got your rent book?—No, I have not got it.

24669. The rent book would show whether you paid it on Monday or on Tuesday?—Yes.

24670. Can you remember whether that week you paid it at the time or not?—Yes; I paid it on Monday, because I had sold out what I had to sell.

24671. If you happened to sell out you would have no stale flowers?—I sold out the flowers on Monday, as I paid my rent on the Monday.

24672. You think you paid your rent on Monday?—I am sure I paid it on the Monday.

24673. You think you went for the supper the same night?—Yes, I am sure I went for the supper the same night.

24674. Let us come to some other night? What did you do on Tuesday night?—I was out very late that night. I was out till past ten. I am not always early.

24675. What happened when you got home, do you remember?—I went in my own room that night.

24676. Are you sure?—Yes.

24677. What makes you remember that?—I do not know.

24678. What did you do on the Wednesday night?—I think I went to sit with Mrs. Gibbons that night.

24679. You think so?—Yes.

24680. You do not remember very clearly?—No.

24681. Were there any draughts on the Wednesday?—I do not know, but I never played on the Wednesday.

24682. And you do not remember whether the others played on the Wednesday?—No, I do not.

24683. What did you do on the Thursday? It is getting nearer the Saturday when Norrey was arrested? Do you remember what happened on the Thursday?—No.

24684. You do not remember whether there were any draughts on the Thursday?—No.

24685. Or the Friday? Do you remember any draughts on the Friday?—No; I know there was not on the Friday, because I did some washing when I came home.

24686. Now we come to a domestic event which you remember?—Yes.

24687. You had some washing on Friday and some draughts to follow?—No, I had to do my washing.

24688. So that if Norrey says he played draughts with you on Friday he must be wrong, because that was washing day?—I did not play draughts on Friday. It may have been the week before.

24689. Did you hear Norrey tell us that he was quite sure he played on Wednesday and Friday this week. You are quite sure he did not?—No. The week before I played.

24690. You think it was the week before you played on Friday?—Yes.

24691. You are quite sure you did not play draughts with him on Friday before he was arrested?—Yes.

24692. I think you were examined before the magistrate, were you not?—Yes.

24693. Just let me read you what you said, "I live in the same place as Norrey. Norrey came in at 11 and stayed in till 12. We played draughts. Him and his sister played two games, and I played one with him. Just after 12 I went to bed"?—No; I went downstairs to go to bed.

24694. How came they to get this—"I went to bed"?—No, I went downstairs to go to bed.

24695. "Just past 12 I went down to go to bed. I have played with him before. It is a common thing." That was not quite right, was it?—That was the week before.

24696. You told us that you had only played four games before with Norrey?—With Norrey, but I played with his sister three times the week before.

24697. "We played Wednesday and Thursday nights last week"?—Yes, but that was the week before the row.

24698. No. You were before the Magistrate on the Monday. You heard about Norrey being arrested on the Sunday?—Yes, on the Sunday morning.

24699. To test your recollection, what day was it you went before the Magistrate. Norrey was arrested on Sunday morning?—On Saturday night.

24700. Yes, on Saturday night he was arrested. What day did you go before the Magistrate?—On the Tuesday.

24701. That is right. The week before that would be the week you have been telling me about the washing, would it not. You were before the Magistrate on the Tuesday, and you told me that on the Friday before you were washing. When you were before the Magistrate this is what you said: "We played Wednesday and Thursday nights last week." That was the week before the Tuesday when you were before the Magistrate. Then, you went on to say: "Norrey was there. I do not think I played the week before. We played all the evening on Wednesday night. He was in Wednesday and Thursday nights." Just now you told me you could not remember playing at all on Wednesday, and you were certain you had not played on Friday, but that you had played the week before; and what you told the Magistrate was rather different. Does not that show that your recollection is not very clear about these different days. Is not that right?—Yes.

24702. That is a fair answer. Now, let me ask you this one question. You went before the Magistrate on Tuesday, did you not?—Yes.

24703. When was it they asked you if you recollected about what had happened on the Monday night?—On the Tuesday morning.

24704. Just before you went to the Magistrate, was it?—No; no one asked me.

24705. Somebody asked you to go before the Magistrate, did they not?—Outside?

24706. No. You live in Poyser Street, do you not?—Yes.

24707. When Norrey was up before the Magistrate you went to the court, did you not?—Yes.

24708. Who asked you to go?—His sister.

24709. When did she ask you to go?—On the Sunday morning she asked me if I would be a witness for him.

24710. So that it was on Sunday morning she asked you if you would go as a witness for him?—Yes.

24711. Norrey had been taken by the constable late on Saturday night, had he not?—Yes.

24712. And he had been taken on a warrant, and locked up, had he not?—Yes.

24713. He had not been home?—I did not know that before his sister told me on the Sunday morning.

24714. We know now that Norrey was locked up on Saturday night, and remained locked up till Tuesday. His sister came to you on Sunday morning and asked you to be a witness for him?—On Sunday she came and asked me.

24715. What did she say to you?—She said to me, "You can prove my brother was at home last Monday night."

24716. How did she get to know that the row had taken place on Monday night?—I do not know.

24717. She knew it on Sunday morning?—Yes.

24718. Did she come and say to you, "You can prove that he was at home last Monday night"?—Yes.

24719. (*Mr. Eldon Bankes.*) I was just asking you what took place between you and Mrs. Gibbons on

the Sunday morning. You remember I was asking you about that?—Yes.

24720. Have you been to lunch just now while we were out?—Yes.

24721. Did you go with Mrs. Gibbons?—Yes.

24722. So I suppose you have been talking over what happened in court?—No, not particular.

24723. Not particular, but just enough. Let me ask you about what happened with Mrs. Gibbons on the Sunday morning. She asked you if you would come as a witness?—Yes.

24724. Did she tell you what she wanted you to come as a witness for?—Yes.

24725. What was it for?—Because her brother had been locked up.

24726. Did she say anything else?—Yes.

24727. What was it?—She said to me, "You know very well my brother was at home last Monday night."

24728. She said that you knew it?—Yes.

24729. Then, did she ask you if you remembered playing draughts with him?—Yes.

24730. Did she ask you if you remembered anything else?—No.

24731. Did she ask you if you remembered what time he came in?—Yes.

24732. Did she say, "Do you not remember he came in just at 11 o'clock"?—No.

24733. She did not say that?—No.

24734. What did she say?—She said, "You remember the time my brother came in, because you met him in the passage."

24735. And you said you did recollect that?—Yes.

24736. Of course, that may have been either Monday or Tuesday?—No, it was Monday night.

24737. What else did she say to you?—She asked me if I could come as a witness, and I said, "Yes, I would."

24738. She reminded you of those incidents—that you played draughts and met him in the passage?—Yes.

24739. Did she remind you of anything else?—No, only that I went and got her supper.

24740. Did she tell you which day of the week it was?—No. I knew myself which day of the week it was.

24741. She told you he had been locked up for assaulting the constable last Monday night?—Yes.

24742. That is how it began?—Yes.

24743. And you talked it over together, and you thought it was Monday night, and so you went to say so?—Yes.

24744. Norrey told us he could not remember whether he played draughts on the Monday or Tuesday. Did you hear him say that?—Yes, I heard him say it.

(*Mr. Norrey.*) I beg your pardon, I thought you meant the week beforehand.

(*Mr. Eldon Bankes.*) No, I object to that statement. You have been out talking it over together.

(*Chairman.*) If Mr. Livett would like Norrey to come back we will consider such an application, but Norrey must not interrupt in any way.

(*Mr. Livett.*) If there is any doubt about it, perhaps he had better come back.

(*Chairman.*) Do you re-examine Mrs. Baker, Mr. Livett?

(*Mr. Livett.*) Yes, I wish to ask one or two questions.

24745. You have told us, I think, how it was you remember what facts brought this particular Monday night to your memory, and how you remember what happened on that day. I think you said that you had paid your rent upon that day?—Yes.

24746. And that your rent is entered in a book, is that so?—Yes.

24747. Have you that book with you?—Not with me, but I could bring it.

(*Mr. Livett.*) Will you allow me to recall this witness to-morrow to produce the book.

(*Chairman.*) You can produce the book at any rate, and the witness had better be in attendance.

24748. (*Mr. Livett.*) (*To the Witness.*) I think you told us that you had played with Norrey once before?—Yes.

24749. When was that?—A week before.

24750. How many times had you played the week before altogether?—It might have been two or it might have been three times.

24751. (*Mr. Eldon Bankes.*) She said before the Magistrate, "I do not think I played the week before."

(*The Witness.*) Yes, I did play the week before.

24752. (*Mr. Livett.*) I think you said before the Magistrate that you played on Wednesday and Thursday nights. Was that you and Mrs. Gibbons, and Norrey?—Yes.

24753. You do not remember playing upon Friday night?—No.

24754. Would it be possible for Norrey to have a game with his sister upon the Friday night?—He might have done.

24755. He might have done, without you knowing it?—Yes.

24756. (*Chairman.*) What is the size of the house that you live in at No. 4, Poyser Street? How many rooms are there? Let me judge of the size by that?—There are six rooms and three kitchens.

24757. How many storeys is it?—Three.

24758. And you are on the ground floor?—Yes.

24759. I suppose people can come in and go out when they like—I mean, people living in the house can come in and go out?—Yes; but the last one up has to bolt the door.

24760. Supposing I were a lodger in this house, or living in one of those tenements, and having a kitchen, how am I to know, when I arrive at the door at half-past 12 at night, that everyone is in?—We generally holloa out "All in?" If they are not all in they say.

24761. When I arrive at the door, say, in the dead of night, I call out "All in"?—No; there is a string through the door, and you pull it; and if it is very late, you holloa out "All in," and you bolt the door.

24762. Supposing that has been done, there is nothing to prevent anyone who has gone in from going out again?—If you are up late, you can hear anybody going out.

24763. Of course, it is possible. But, supposing you are all in bed at a quarter to one, or at one o'clock, do you mean to say that no one could leave the place or come in without your hearing?—Well, they could do so.

24764. If you are asleep, you would not hear them?—I would not hear them if I was asleep.

24765. On this occasion which you are talking of, so far as I can make out, you think it was Monday night, and you had been out for the supper at about 11 o'clock, you say?—Yes.

24766. You are certain Norrey was there then?—Yes.

24767. There was nothing, I suppose, to prevent him going out afterwards?—No; but I am sure he did not go out because I sat reading until between 10 and twenty past 1.

24768. You went on reading?—Yes.

24769. Is that what you generally do?—Yes, I generally read of a night.

24770. Up to twenty past 1?—Not always to twenty past 1.

24771. But till quite late, like that?—Yes.

24772. Why do you do that?—Some nights I cannot sleep.

24773. Then it is nothing unusual for you to read?—No; it is the usual thing for me to read.

24774. If you heard anybody going out, you would not try to stop him or her?—Certainly not.

24775. So that as far as I can see, you cannot be quite certain that Norrey may not have gone out on this occasion?—Yes; because I bolted the door that night.

24776. Why did you bolt the door on that particular night?—I thought I was the last one out. It was all

Mrs. E. Baker.

13 Dec. 1906.

quiet in the house, and I holloaed out "Are you all in?" Mr. Gibbons answered me, and said "Yes."

24777. You knew she was in. Why did she answer "Yes"?—I cannot say that.

24778. Are there other people in the house?—Yes.

24779. They did not speak?—They generally go to bed early.

24780. Then you are what I will call three parties in the house, or three sets of people?—Yes.

24781. Yourself, Gibbons and Norrey, and another party?—Yes.

24782. One set of people to each kitchen?—Yes.

24783. Those people go to bed early, and do not answer. I do not see still why Mrs. Gibbons answered on this occasion. Is it the custom, do you mean—is it usual for somebody to answer when you holloa out?—Yes, they generally answer.

24784. What does Norrey do to earn his living?—That I cannot say—I do not know what he does.

24785. Do you know him by any nickname?—No.

24786. Have you never heard him called Ginger Norrey?—Yes. I do not know that that is his name, but I have heard people say Ginger Norrey.

24787. (*Mr. Dickinson.*) Do you wholly occupy the bottom flat?—No, only the back room.

24788. Who else lives at the bottom?—Mrs. Deering.

24789. Have you spoken to her about this case at all?—No.

24790. She was in that night?—Yes, but she goes to bed early, because her husband has to get up early in the morning—at 5 or 6 o'clock.

24791. Then there are four families in the house?—Yes.

24792. Between the Tuesday and the Saturday did anyone come to your house to ask you about this case?—No.

24793. You never spoke to anyone about it before the Sunday morning?—No.

Mrs. Mary Ann Gibbons, sworn.

Mrs. M. A. Gibbons.

24794. (*Mr. Livett.*) Where do you live?—No. 4, Poyser Street.

24795. I think you are a relative of Norrey?—Yes, a sister.

24796. You have heard Mrs. Baker give her evidence about what happened on the 22nd October?—Yes.

24797. Do you agree with that?—Yes.

24798. I think you played draughts for some time during that evening. What time did you finish?—About 12 o'clock.

24799. What did your brother do then?—He sat up for a little while by the fire, and then went to bed a little after twelve.

24800. Did you see him in the morning?—Yes, I went in and woke him.

24801. You woke him up in the morning?—Yes.

24802. What time was that?—About nine o'clock.

24803. (*Mr. Eldon Bankes.*) Is nine o'clock in the morning the time you usually wake him?—No. It is earlier if he has any work to go after.

24804. Unless he has a job over night you do not wake him until nine o'clock in the morning?—Sometimes I do.

24805. Was your husband at home this night?—Yes.

24806. Was he there all the time you were playing draughts?—He was in bed and asleep.

24807. Is he in regular work?—No, only now and then.

24808. What do you call now and then—one or two days a week?—Yes, when he can get it to do.

24809. You knew by the Sunday morning what your brother was arrested for?—It was on the following Saturday night. I was out selling, and as I came along somebody said "Your Johnny is locked up." I said "What for?" and they said they did not know. As it was late, and I was coming home from selling, I did not trouble to go and ask until next morning—that was Sunday morning. When I asked, they told me he was charged with an assault on the police.

24810. Did you go to the police station to get the information?—Yes, at Commercial Street.

24810*. Did you see the constable there?—I did not take that much notice.

24811. You saw somebody?—Yes, who answered me.

24812. You made inquiry, and they gave you the information you wanted?—Yes.

24813. And they behaved quite civilly and nicely to you?—Yes.

24814. Do I understand that the policeman told you that he had been charged with assaulting a constable?—Yes.

24815. Is that all he told you?—Yes, that is all.

24816. Could you recognise the man you spoke to?—No, I did not take that much notice. I had enough trouble on my mind to get out and earn a shilling again.

24817. Did he say anything more to you?—No. I turned round and said "Oh, my God, why he was at home at the time."

24818. According to you, all he told you was that it was the last Monday night?—Yes.

24819. You are sure that is all?—Yes.

24820. So he did not tell you the time?—No—yes, he did tell me the time.

24821. You must be a little more careful. First of all, you did not tell us that he told you it was Monday, and then I asked you three or four times if that was all he told you, and you said yes. Now be a little bit careful?—I have no occasion to be careful in speaking the truth.

24822. I ask you again to be a little careful. Begin again. What did the constable say to you?—I was answered at the police station that he was charged with an assault on the police last Monday night at eleven o'clock. I turned round and said "Oh, my God, he was at home at the time."

24823. Have you told us all?—That is all at the police station.

24824. You are quite sure?—Yes.

24825. Did they tell you eleven o'clock?—Yes.

24826. You are quite sure of that?—Yes. Then he was supposed to be brought up at Old Street. Then it was supposed to be twelve o'clock. And then a little after twelve o'clock. They did not give me a satisfactory answer. They suit themselves whether they do or not.

24827. What time was it you went on the Sunday morning to the station?—I could not exactly tell you the time; it might have been from eight to nine.

24828. Between eight and nine, you think?—From eight to nine.

24829. Between eight and nine; is that right?—Yes, eight to nine.

24830. That is something that happened after this Monday. Can you not give these gentlemen at all any idea what time it was on the Sunday?—No, I did not take that much notice. I know I was up early.

24831. Is all you recollect about going to the police station that you got up early that morning?—No, I am always up early, because of my work.

24832. Was it between eight and nine or nine and ten or ten and eleven; which do you say?—Eight to nine. I do not know exactly the time; I did not take that much notice. I was too much upset to think he was there.

24833. You are a person, are you not, who does not take much notice of time?—I did not take much notice of anything when they had such a kind of thing as that against him.

24834. Are you not a person who naturally takes very little notice of time? (*A pause.*) Can you answer

that? (*Another pause.*) Just think. Are you refusing to answer or are you thinking?—I do not always take notice of the time.

24835. Are you not a person who, as a rule, does not take notice of the time?—That may be so.

24836. But you know better than I do? Is it not so?—I do not know whether it is or not.

24837. Did you not tell the magistrate "I do not take notice of the time"?—I do not know whether I did or not.

24838. You do not even remember that?—No.

24839. Is your memory a pretty good one?—No, it is not.

24840. What time did you get up yesterday morning?—I do not know. I did not take notice of the time I got up.

24841. You cannot remember even what time you got up yesterday?—No.

24842. How is it you are so very precise as to the time Norrey came in that night?—The woman downstairs came up and said it was eleven o'clock when she came up with my fish supper. I had a clock in front of me.

24843. Have you a clock?—Yes.

24844. Does it go?—Yes, it is a little time-piece.

24845. Do you often play draughts?—Now and then I and my brother play if he is home early—it is all according.

24846. Do you remember at all how many times you played draughts that week?—About three times, me and him—three times or twice.

24847. There is a difference between three times and twice, is there not? Are you not able to say whether it was three times or twice?—No.

24848. Your memory is not good enough?—I have not taken so much notice.

24849. Unless this thing had happened you would not have remembered at all what happened on that Monday night?—No, I should not have if this had not happened.

24850. Of course, you were anxious to help your brother—I am not suggesting anything wrong—if you could properly?—It is only natural, but it is not because I am helping him that I am telling lies.

24851. It is not a question of telling lies; it is a question of whether your memory is accurate?—I would sooner be 10 miles away from here than come up in this place.

24852. Can you tell us at all how many times it was that week?—No, I cannot tell you exactly. It was twice or three times.

24853. Can you remember what you were doing on the Tuesday night of that week?—Sitting at home.

24854. I suppose you always do that?—Sometimes I read.

24855. I mean sitting at home; you do that every night?—Yes.

24856. So that that is a safe answer. Do you remember what time your husband came in on the Tuesday night?—Yes, 9 o'clock.

24857. Is that the time he always comes in?—No, he comes in at all times.

24858. Why do you remember he came in at 9 o'clock on Tuesday night?—I do not know.

24859. Do you remember what you had for supper that Tuesday night?—No, I do not.

24859a. That is the very reason I ask you if you remember what happened on the Tuesday. I could understand if there was anything special why you should remember; but if there is nothing special I want to know why you should remember?—I do not know.

24860. Do you really say that you remember he came in at 9 o'clock on the Tuesday?—Yes. *Mrs. M. A. Gibbons.* 13 Dec. 1906.

24861. You do remember it?—Yes.

24862. What makes you remember it?—I do not know what makes me remember it.

24863. You are quite sure he did?—Yes.

24864. You do not speak very confidently?—Yes, yes.

24865. You are quite sure?—Yes.

24866. What did he do after he came in?—He sat round the fire with me.

24867. And for how long?—Till he went to bed.

24868. When did he go to bed?—I do not know what time. I know he went to bed that night, but I do not know what time.

24869. I suppose he goes to bed every night?—Certainly he does.

24870. (*Chairman.*) What night of the week are you talking about?—That gentleman is asking me about the Tuesday night. That is what you are asking me about?

(*Mr. Eldon Bankes.*) Yes.

24871. (*Chairman.*) But it was on the Monday night your brother was arrested?—Yes. I am answering that gentleman. Now he is asking me where my husband was on the Tuesday night. What has that Tuesday night to do with the affair or my husband either?

24872. The question is what sort of a recollection you have. What time did your husband go to bed Tuesday night?—He is very bad with his chest, and he has been in Bethnal Green Infirmary. He was not out that night.

24873. (*Mr. Dickinson.*) What time was he in that night?—He was not out that night.

24874. Do you mean all day?—No, from 6 o'clock.

24875. (*Mr. Eldon Bankes.*) There was nothing to call your attention to that particular night these events happened until the following Sunday morning?—No, nothing at all.

24875. (*Mr. Livett.*) Can you remember whether your husband was in bed during the evening any other night that week?—He generally goes to bed early.

24877. (*Chairman.*) What is your husband's occupation?—Market porter.

24878. Is he in regular employment?—No, only a job when he can get it.

24879. Had he been in pretty good work the week before your brother was arrested?—No, not for a long while. He was too ill to work, in a manner of speaking.

24880. His work is not regular because of the state of his health?—That is so.

24881. He could get the work if he were strong enough to do it?—I believe he could.

24882. You have been telling us about the Sunday after the Saturday on which your brother was arrested?—Yes.

24883. Had your husband been in work much that week, or had he been at home a great deal?—He was home a great deal with his chest.

24884. He is at home a great deal, and being, as I understand, often ill, goes to bed very early?—Yes.

24885. There is nothing special in his going to bed at six o'clock?—No. He only turned himself out of the Bethnal Green Infirmary yesterday morning. He has been over there for some time.

24886. I will put it to you frankly. On the Monday night when you played draughts with your brother and Mrs. Baker brought your supper you say your husband went to bed at six o'clock that night?—Yes.

24887. But there is nothing special in that: he often goes to bed at six o'clock?—Yes.

Mrs. Esther Bloom, sworn.

24888. (*Mr. Livett.*) I think you keep a stall?—Yes.

24889. Where?—Just next door to Mr. Southey's.

24889*. In what street is that?—In Brick Lane.

24890. Were you at your stall on the evening of the 23rd October?—No, not at that hour of the night. It was twenty-five minutes past twelve when I saw what happened. *Mrs. E. Bloom.*

Mrs. E. Bloom.
13 Dec. 1906.

24891. Were you in Brick Lane?—Yes, I was coming from Whitechapel away from Hanbury Street. I live in Hare Street. I had been to a concert with my sister.

24892. What did you see when you got to the archway?—I heard the whistle blow, and I ran and I saw a policeman and the prisoner struggling. With their struggling they fell to the ground.

24893. Was that struggle between the constable and Emms?—Yes, the prisoner. They fell to the ground, and the policeman hit him. What caused the policeman to interfere I do not know, but that is what I saw first of all.

24894. What did the policeman hit him with?—With his truncheon. When the bull's-eye shone on him the blood made a big show, and I knelt down by the side of the prisoner.

24895. What happened to him?—He was lying down, and looked horrible when the bull's-eye was shone on him. They both fell down.

24896. Did you see the policeman do anything after the man fell?—No; after the man got the blow the policeman got up. I only came up just at the time. I saw the policeman and the prisoner struggling together. They fell to the ground, and the blow fell to the prisoner.

24897. How many blows did you see struck?—I only saw one blow. I was not there to see the start.

24898. Was Emms standing up or on the ground?—Emms was on the ground lying down when the policeman put his bull's-eye down, and the blood made a show, and I said "My God, that man is dead." That is the answer I made.

24899. Did you know Emms at all?—I knew Emms. He has been past the stall. I have had that stall for 10 years, and I have seen him frequently pass. I never have anything to say to any of those chaps. In fact, I make no associations with anybody.

24900. Did you see anyone strike the constable?—I did not. Whether they did it previous to my getting there or not I do not know. I am just telling you what I saw.

24901. Did you speak to anybody?—Of course, the policemen came running up with the stretcher and put him on the stretcher, but I did not go to the police station. I went home, and I knew nothing more about it until I was spoken to by these gentlemen.

24902. Did you hear the policeman say anything?—No, or if I did I did not notice. The blood seemed to frighten me—I was really frightened.

24903. Did you give evidence at the police court?—Yes. I think you will find it just word for word with what I have said.

24904. Do I understand that you came up at the time when Emms was in the act of falling?—No, they were struggling together, as I said before, and they fell down, and the policeman struck him. What caused it I do not know. Whether he started with the policeman or the policeman with him I do not know.

24905. You say he fell down?—They both fell down.

24906. And the policeman struck him?—Yes.

24907. After he had fallen down?—Of course, while they were down. I do not know whether it was done because he was interfered with, or whether the other one did it in self-defence. I cannot answer that, because I was not there.

24908. Were there many people about there at the time?—A tidy few; there seemed more Jews than English people.

24909. How many?—I should think there were 30 people round. Of course, the stretcher was there very quickly. I never saw anything done so quickly.

24910. Did you go to the station?—I went to Old Street. I was asked to go to the police station, and I went.

24911. With the ambulance?—No, not to the police station with the ambulance. I went home, I just told you. It did not concern me to go to the police station. I ought to have been home before I was. I was out too late then.

24912. (*Mr. Eldon Bankes.*) I understand you had been out to a concert and were coming home?—Yes.

24913. Then you heard the whistle?—Yes, and then I ran.

24914. That was the first you heard?—Yes.

24915. Whereabouts were you when you heard the whistle?—I reckon I was outside Freeman's, the hat shop.

24916. You were coming from Buxton Street that way?—Yes.

24917. How far would you be from Pedley Street when you heard the whistle blow?—Do you mean where the railway station is?

24918. Yes?—I am no scholar, and although I live about there I do not know the names of the streets.

24919. How far would you be from the railway?—Only a second or two. Freeman's is close by; it was just outside there.

24920. At the same time you heard the whistle you noticed a crowd?—Yes, there was a crowd there.

24921. There was a biggish crowd there at that time?—I should think about 30 people; there seemed to be a lot of Jews, because they seemed to be frightened.

24922. The first thing, as I understand, that you saw was the man and the constable in the act of falling to the ground together?—Yes, they were struggling, and fell to the ground together.

24923. Up to that time you had not seen any blow struck?—No; it was like two men fighting.

24924. There was no blow with the truncheon?—Not until they got to the ground.

24925. They were struggling, of course?—Yes.

24926. They had both got hold of each other?—I suppose they were each trying their best. If anyone hit you, in self-defence you would try your best.

24927. Yes. Where were they when you saw them in that position?—Just by the post in the courtway.

24928. That is the little narrow street?—Yes, by the railway station.

24929. They were a little way down that?—Yes, outside a lot of hoarding or woodwork.

24930. How far would that be down from Brick Lane—how many yards in the court?—That is in Brick Lane. It is all Brick Lane.

24931. I mean how far down the court?—About eight or nine yards from there, or it might be a little more.

24932. You think at the time you saw them struggling they were eight or nine yards down the court?—Yes, from the gutter really in Brick Lane.

24933. I suppose there was a good deal of confusion, was there not?—I did not notice anything more than that I saw the policeman and Emms when they were falling.

24934. Do you say the blow with the truncheon was struck when they were both on the ground?—Yes, when they were both on the ground.

24935. They were both on the ground then?—Yes.

24936. Was the struggling still going on?—When I spoke and said "The man is dead," he shook his head. That was after the blow, of course.

24937. But at the time the blow was struck they were both on the ground according to you?—Yes.

24938. Did you notice the condition of the policeman?—No, I did not notice.

24939. Do you know Kemp?—I know them all by having my stall; they all pass together.

24940. Have you seen Mr. Kemp here to-day?—No, I have not. I have been by myself. I have been really to see my mother while I have been here.

24941. Did you hear Kemp give evidence at the police court?—No, I was not there then. I was called in afterwards.

24942. You did not notice particularly the state the constable was in?—No.

24943. Was his helmet on?—No, he had not got his hat on.

24944. Did you notice whether his armlet, which they put on on duty, was there?—I did not notice that.

24945. I suppose when you saw the blood you were rather upset?—I was frightened rather. I never have anything like that at my own home. Of course it is no use my coming here and telling you one thing and then another. I knew the chaps really because of having my stall there for 10 years. You know the

people that pass, but the constables, no, I do not have them round my stall.

24946. Harding and his friend are very often near your stall?—Yes, I see them passing frequently.

24947. But you have nothing to do with them?—No, indeed I have not.

24948. I do not suggest that. You do not know who blew the whistle?—No, I only heard it. I was too far off.

24949. You have really told us all you know about it?—That is all I know.

24950. I suppose when the ambulance came up you went home?—I went home. The ambulance went round by the tobacconist's just under the arch. That went a different direction altogether to me, because I live at No. 6, Hare Street.

24951. (*Chairman.*) You had passed Buxton Street on the right hand when you heard the whistle?—Yes. I had got to a Jewish female hat shop, by the name of Freeman. That is about two seconds' walk from the place where the fight was.

24952. Did you actually see them fall down?—I did.

24953. And you said it was eight or nine yards down the courtyard, I gather?—It would be really from the gutter to the corner; it might have been more, but it was a little way down past the post.

24954. Nine yards?—It might have been longer; it was right out by some hoardings or some woodwork.

24955. You must have got up to the entrance to where the court turns from the street?—Of course. I knelt down by the side of the young man.

24956. I understand that when you heard the whistle you had passed Buxton Street, in Brick Lane?—Yes, you have to pass Buxton Street before you can get to there.

24957. When you heard the whistle did you still keep on?—I ran to see; like most other folks, I ran. If I had minded my own business I should not have been here.

24958. I am sure you are doing a public duty in coming here?—I am not very pleased to, I can assure you.

24959. I understand you had actually got up to where the court turns from Brick Lane and you looked down the court?—Yes, where they were struggling. I looked down, and I knelt down and said "Oh, my God, the man is dead."

24960. They were a considerable distance from the archway by that time?—Yes, it is a good way from the archway.

24961. I only want to follow your story?—Let me tell you—you do not know the neighbourhood, perhaps. It is not the railway archway that I came to. I came from Hanbury Street and Buxton Street.

24962. Buxton Street turns on the right hand towards Brick Lane if you are coming from the archway?—Yes. I am trying to direct you; and it would be this way if you were coming from Whitechapel. I am not a scholar, and you must excuse me.

24963. I mean you saw nothing of the policeman standing in the archway then?—No. It is no good coming and telling lies. I did not. I never saw whether it was the policeman's fault or the prisoner's. I do not know anything about it. I only say what I saw.

24964. You know nothing of how the matter began, but you told us exactly what you saw?—Yes.

24965. You told us to-day that you only saw one blow struck with the truncheon?—I saw them fighting together, like other men. If you were going to have a hiding yourself you would protect yourself, of course.

24966. You wish me to understand to-day that the policeman only hit him once with a truncheon?—In the struggle he may have hit him more or he may have hit the policeman previous to the struggle.

24967. You only saw one blow?—Yes, that is when they fell down.

24968. Is that what you said at the police-court?—Yes.

24969. Now let me read to you what the clerk wrote down, and which has been sent to us:—"12.30, on the 23rd, I was in Brick Lane, and saw police-constable struggling with a man in the courtway, and the police-constable hit the man with his truncheon, and the man fell"?—They both fell. That is where the mistake is. I have heard that from someone else.

24970. I am reading what the clerk took down:—"The policeman knelt, and hit him again"?—I did not say that.

24971. That is what the clerk took down at the police-court?—That is a mistake. I am sure I have told you the truth.

24972. I am not, at present at any rate, suggesting that you did not wish to tell the truth then and that you do not wish to tell the truth now. The clerk did take down what you were saying at the police-court; you know that?—Yes.

24973. That is the note that is sent from the court to us?—Yes.

24974. You think if you said that it is a mistake?—I am just telling you how it was. Whether I was excited on the day I was fetched I do not know, but that is really the truth. I said there, as I say now to-day here, I do not know who was in fault at all—I was not there.

24975. That I can quite understand, but you told Mr. Livett to-day that you saw the policeman, when they had both fallen, hit the man with the truncheon?—That is what I meant to have said. I have not explained myself enough.

24976. You told Mr. Bankes that, and you have also told it to me. Now I am putting to you for your explanation the note of what you said in the police-court?—Well, that is really the truth, I can assure you. Perhaps I did not explain myself enough then. I was told the other day I ought to have said that. When I said he fell I meant they both fell.

24977. That does not matter. So far the story you told in the police court agrees with the story you have told us. Where the story disagrees is in the following sentence: "The police constable knelt and hit him again"?—He hit him when he was down, but I only saw the one blow. They must have been exhausted through the struggle, and they fell down.

24978. You see your story to-day is very much more favourable to the police constable than the story you told at the police court?—I did not know that I made any difference.

24979. Stop a moment; just let us see, "The police-constable knelt and hit him again." If the man was down it was a very cruel thing for the police constable to do?—But they were both down.

24980. That is what you say now. I am referring to what you said at the police court. You will agree with me if the blow with the truncheon that felled the man had been given as you say, it was undoubtedly given, I think, in your presence?—Yes, I saw it.

24981. If the police-constable knelt down and hit the man on the head with the truncheon again, that would be a cruel thing?—Yes, of course; he hit him when they were both down.

24982. Would it not have been a cruel thing?—Yes, very cruel.

24983. That is what you said in the police court, and now to-day you do not repeat that evidence. I am asking you this question: Is not your story to-day very much more favourable to the police than the story you told before the police court?—I have no reason to speak more for the one than the other; neither has done me any harm.

24984. Has anyone spoken to you about this since?—Never; I have not spoken to anyone.

24985. You are too impetuous; I have not finished my question. Has anyone spoken to you since about the evidence you gave at the police court?—No.

24986. Nobody at all?—No. I did not know I was wanted until Tuesday, when an old gentleman came up to my stall and handed me this paper—(*exhibiting*)—and asked me to be here on Tuesday. I came here Tuesday and there was nothing here, and the gentleman outside knew I was here at 11 o'clock. Of course I had to bring it with me because I am no scholar, and had to ask people where the place is.

24987. Have you had any conversation with people as to what you said at the police court?—I heard last

Mrs. E. Bloom.

13 Dec. 1906.

week there was a case about one of the young men. My son read it to me, because I could not read it myself. I was told I should be wanted—the other young man was going to be up this week. I said, "How could that be?" I knew nothing, and did not say above those words "Why should they want me?"

24988. (*Mr. Dickinson.*) On which side of the road was it you were walking before you got up to the courtway?—On the same side as the courtway.

24989. Could you see the railway arch before you heard the whistle?—Well, it is a few yards from the arch—a good distance; they could not have fought all that way.

24990. Before you heard the whistle, or when you heard the whistle, were you so near that you could see the arch?—I could see the arch if I really wanted to, but I had not looked that way.

24991. You were walking towards the arch?—Yes.

24992. Could you see the archway?—Yes, of course; it was not many yards from it.

24993. Could you see people in the roadway between you and the archway?—There was a lot of people; they all seemed to be in the roadway.

24994. Then the people you saw were in Brick Lane?—Yes.

24995. Was there any struggling and fighting going on there?—No, I did not notice.

24996. So that you did not notice anything of fighting until you had got round the corner?—Of course I saw the struggling as I got round the corner—that was the policeman and this prisoner.

24997. Did you see any struggle before you got round the corner?—No.

24998. You simply saw a crowd of people?—Yes.

24999. When you got up to the corner how did you manage to see what was going on in the corner?—I rushed up and had a look.

25000. There must have been a lot of people there?—There were several people there—a tidy few.

25001. Were they not stopping the way?—There were a lot of Jews there, and I pushed through them.

25002. You were anxious to see what happened?—Yes.

25003. How was it you were able to see so accurately what happened with people all round?—Because I was so set upon the very one person I did not look to see who the others were. I could not tell you them now because he was put on the stretcher before I came out of the court, and they went this way and I went that way towards my home. I live at the third house down Hare Street.

25004. Do you remember saying this at the police court: "I came up as the blow went. I was about three yards away"?—Yes; well it would be about that. There are not above four shops. Four shops would not be three yards, of course. I am not going to say I did not say that.

25005. You said: "I came up as the blow went. I was about three yards away." Does that not mean you were three yards away from the policeman when the blow was struck?—No, I was quite close to them. I was being pushed about. The Jews were all pushing this way and that way.

25006. You got quite close?—Yes, I knelt down by him when the bull's-eye was put on his head.

25007. Then you said: "The police-constable fell to the ground too" (this is the second time this was put to you) "and then knelt down and hit the man again"?—They both fell to the ground, and the policeman struck him.

25008. Then you went on to say: "I saw a short man strike a blow"?—No, I did not say that. I could not say that.

25009. But the clerk would hardly have invented that?—I could not have said that. It would have been wicked to have said that. I never saw any blow struck. I could not stand here and say that.

25010. This is what we have taken down by the clerk who was listening to what you said: "I saw a short man strike a blow"?—I did not say that.

25011. Did you see that?—I knelt down by the man. Whether that happened when I was kneeling down I do not know.

25012. No doubt you are trying to tell us the truth. Did you not see anyone hit the policeman?—No, I did not, any more than seeing that young man and the constable together. Whether they did previously to my getting there I do not know.

25013. Can you say at all what you said before the magistrate which made the clerk put this down?—I never said that. I would go right in front of that gentleman again. I never said it. I would not come here and tell you a lie like that. I never saw it, and how could I say it if I never saw it? It is as I say; I never mix up with any of them. They passed my stall frequently, and that is all I know.

25014. You know Emms, do you not?—I know them all by passing by like many young men do.

25015. You knew Emms?—I only know him just passing my stall.

25016. You knew Emms when you saw him on the ground?—I knew him when the bull's-eye was shone. When they were struggling I did not. When the light was shone on Emms' head, I said: "My God, that is Emms!"

25017. You knelt down?—Yes, I asked him if he knew me, and he shook his head and he fell back.

25018. You wanted to see if he was unconscious?—Yes; the blood made a big show too. Which side's fault it was I could not say.

25019. You said before the magistrate: "The ambulance came afterwards. The police-constable said: 'I did not know it was you. I thought it was one of our men.'" What did you say?—I did hear him say that. I heard the constable say as he came up: "I did not know it was you. I thought it was one of our men." They thought it was a policeman lying down and they ran for the ambulance.

25020. Which police-constable said this?—The young man that fetched the stretcher.

25021. Not the one that began the fighting?—No. They were really sweating with running; you could see they had been running. When he came he said: "I did not know it was you; I thought it was one of our men."

25022. Did he not know it was Emms?—No; he thought he was assisting one of his own men.

25023. How light or dark is it there?—It is very dark. It is shocking; I should not like to go down there of a night; it is a horrible place.

25024-5. When you saw them struggling you told me just now you could not recognise Emms at that time?—Not then.

25026. Was that because it was too dark?—Yes.

25027. Was it light enough for you to recognise any faces at all?—Yes. I did not see anybody but all these Jews—a lot of Jews live round there. I rushed as the bull's-eye shone on the man, and I looked down and said, "My God!"

25028. Do you happen to know Norrey, who has given evidence here?—I know them by passing my stall.

25029. You have seen Norrey in the box?—Yes.

25030. You have heard him give his evidence?—Yes.

25031. Do you know him by sight?—Yes; I have not seen him down Brick Lane for some time lately.

25032. I was going to ask you that. Can you tell whether he was there at that time?—No, I do not think so.

25033. I suppose it would have been too dark for you to distinguish?—I kept in the courtway. Of course, the crowd of people followed with the stretchers, and I do not know any more. I went home on my business, and did not think of anything like this.

25034. Did you see anyone run away at all?—No.

25035. All the crowd were looking on?—Yes. Whether it happened before I got there I do not know.

25036. Did you see the policeman standing after this in a dazed condition?—No.

25037. While the ambulance was coming?—No; I was kneeling down.

25038. What did the policeman do?—I do not know. I did not pay any attention to him.

25039. You did not see whether his face was battered or not?—No.

25040. What was he doing with his bulls-eye?—The policeman was standing up, and he shone his bulls-eye on the young man as he was lying down, and I saw the blood and said "My Lord, it's Emmsy." The policeman must have heard me say that.

25041. (*Mr. Eldon Bankes.*) Do you mean the policeman who came up or the policeman who had the struggle?—A tallish policeman came up and shone his bulls-eye.

(*Mr. Dickinson.*) I am speaking of the policeman who had been struggling with the man.

25042. What did you see him do?—I did not see him do anything.

25043. It was not he who shone the bulls-eye?—No, the young man that was struggling had no hat on. *Mrs. E. Bloom.*

25044. You seem to have lost sight of that policeman?—Yes, I did not see him. Evidently the other policeman thought it was him who was on the ground. 13 Dec. 1906.

25045. (*Mr. Livett.*) When these two men fell to the ground who was underneath?—Emms.

25046. Emms was on the ground, and the policeman was on top of him?—Yes.

(*Mr. Livett.*) I have two other witnesses subpœnaed to attend to-day, but they are not here. Will you allow us to call them to-morrow morning, if we can get them here?

(*Chairman.*) Yes.

PERCY JOHN CLARK, sworn.

25047. (*Mr. Eldon Bankes.*) I think you are the Divisional Surgeon at the Commercial Street Police Station?—Yes.

25048. What are your qualifications?—A member of the Royal College of Surgeons and licenciate of the Society of Apothecaries.

25049. I think you were appointed by the Home Office to your present position of Divisional Surgeon?—Yes.

25050. How long have you occupied that position?—I was appointed Divisional Surgeon on the 11th January last. I had previously done a great part of the police work for nine years as assistant for the late Mr. Phillips.

25051. Have you a private practice of your own in the neighbourhood?—Yes.

25052. I think you were called to the Commercial Street Station about one o'clock in the morning of the 23rd October to dress a woman's head?—Yes.

25053. Some woman had been brought in injured, and you were sent for to attend to her?—Yes.

25054. When you got there you found that Emms was there?—Yes.

25055. Did the Inspector ask you to examine him?—The station sergeant did.

25056. Where was Emms at that time?—Sitting on a chair in the charge room.

25057. As you got into the charge room, did he remain sitting, or what?—No, he half got up out of the chair.

25058. What happened then?—He was told to sit down. He said he would not have his head dressed.

25059. I do not know whether you were here, but he says that when he was told that you were the Divisional Surgeon coming into the room, and that you were going to attend to him, he rose from the chair, and then the constable who was looking after him kneed him in the stomach and forced him violently back in the chair?—That is not so. He pushed him by the shoulder.

25060. Is there any truth in the suggestion that the man used any improper or undue violence?—None whatever.

25061. Did you go up to Emms and tell him who you were?—No.

25062. He knew you?—I think he should do so.

25063. Have you any reason for knowing he knew you?—I have given evidence agains thim at the Old Bailey.

25064. You have given evidence against him in previous cases?—At a previous case.

25065. Did he express any disinclination to be examined by you?—He said he would not have his head dressed; he wanted the Magistrate to see it.

25066. Did he say anything in your presence about wanting a private doctor?—No.

25067. Then you proceeded to examine the wound, did you not?—I proceeded to dress the wound.

25068. At that time, who was looking after him—one constable or two?—There was a constable on reserve at the station, and another one—I am not sure whether they were both reserve men.

25069. At any rate, there were two men helping you at the time?—Yes. *Dr. P. J. Clark.*

25070. Was any improper or undue violence used to him whilst you were examining him?—Not at all.

25071. When you examined him, what did you find?—He had a contused wound on his forehead about ¾ in. in length, just at the commencement of his hair; he had another at the back of the head, about 1½ in. in length. They were both lineal wounds in a straight line.

25072. Were both bleeding?—Yes.

25073. Did they give the appearance of wounds inflicted with the truncheon, or not?—They did not.

25074. Why not?—I have seen truncheon wounds before, and they have almost invariably been a starred wound.

25075. Is the surface of the truncheon serrated?—No; it is perfectly smooth.

25076. But in the cases you have had before you, you have found they were starred wounds?—Yes.

25077. Would you explain what you mean by a starred wound?—A wound running in about four directions.

25078. You mean not one single clean cut?—Not a straight line.

25079. Of course, you are not able to say whether those were truncheon wounds, or not?—I could not say.

25080. But, assuming they were truncheon wounds, from your previous experience of that class of wounds, should you say they were delivered with a man's full force?—I should not think so.

25081. Assuming they were truncheon wounds—we do not know whether they were or not—did they give the appearance of wounds inflicted by a man himself exhausted, who could not hit with his full strength, or at a short distance?—If they were caused by a truncheon, they were not given with the truncheon's full force, in my opinion.

25082. Apart from the wounds, what was Emms' condition?—He was very excited, and talking the whole time, and protesting. He wanted to tell me all about the case. I told him it had nothing whatever to do with me.

25083. I think you dressed the wounds?—I did.

25084. And you gave directions as to what might be done with Emms?—Yes. I said he was fit to be detained in the cell.

25085. You did not examine Emms again after that?—No.

25086. After you had examined Emms, was it reported to you that Constable Jeffery had been injured?—After I had dressed Emms' wounds, I dressed the woman's wounds.

25087. I was leaving that out for the moment. After that, were you asked to look at Constable Jeffery?—Yes.

25088. What condition did you find him in?—He was in a very exhausted condition, as if he had been in a severe struggle.

25089. Were there any marks or bruises on him anywhere?—Yes; his face was bruised. One of his artificial teeth had been broken. He complained of injury to his chest, and to his legs, and to his head.

Dr. P. J. Clark.

13 Dec, 1906.

25090. Did he present all the appearance of a man who had been through a severe struggle?—Yes.

25091. Had he any wounds that required dressing, or were they only bruises?—Only bruises.

25092. What did you tell him to do?—Did you put him on the sick list?—I put him on the sick list. I told him to go home and bathe the bruises with warm water, and keep quiet.

25093. Did you see him again after that?—Yes, I saw him for 13 days afterwards.

25094. Do you see a man every day who is on the sick list?—No. During the 13 days I saw him every other day.

25095. Did he remain off duty for 13 days?—Yes.

25096. Was that rendered necessary owing to what he had gone through that night?—It was.

(*Chairman.*) Do you wish to cross-examine, Mr. Livett?

(*Mr. Livett.*) No.

25097. (*Chairman.*) You, I gather, expressed at the time, and have expressed since, some doubt as to whether the two wounds that you examined on Emms' head were caused by the truncheon or not?—What I wished to express was that they were not typical truncheon wounds. I do not say they were not caused by a truncheon. They might have been caused by any blunt instrument, or even by coming in contact with the pavement.

25098. You have anticipated my next question. Do you think that the wound on the back of the head might have been caused by falling on the pavement?—It might have been.

25099. Looking at it, do you think that was likely?—It is just such a wound as one does see from such a cause.

25100. Have you heard some of the evidence in this case?—I heard the last witness' evidence.

25101. There seems to be some doubt whether two blows were struck with the truncheon or only one; do you think it is possible the truncheon blow might have been the one on the forehead causing the man to fall, and the wound on the back of the head might have been caused by coming in contact with the pavement?—Yes, it was more typical of that than a truncheon wound.

25102. But a similar remark applies to the other wound as well, does it not?—No, it was not so severe as you get with a man falling with his whole weight on the pavement.

25103. Then the wound on the back of the head was undoubtedly the severer of the two?—Yes.

25104. (*Mr. Eldon Bankes.*) There is a question I ought to have asked—which of those wounds is more likely to render the man dazed or unconscious?—The wound on the back of his head.

25105. (*Chairman.*) Then what you say is quite consistent with the policeman and Emms having a struggle, the policeman knocking him on the forehead with a truncheon, and the man falling and getting a wound on the back of his head?—Yes.

25106. You think that is a possible explanation?—Yes, quite.

Police-constable HARRY JEFFERY, 369 H, sworn.

P.C. H. Jeffery.

25107. (*Mr. R. D. Muir.*) Are you stationed at the Commercial Street Police Station?—Yes.

25108. How long have you been in the police force?—Fifteen months.

25109. How old are you?—23 years and 9 months.

23109*. What were you employed at before you went into the police force?—I served as a gunner in the Royal Marine Artillery for six years and two days.

25110. That is what you did before you came into the police?—Yes. For a few months previous to that I had been out of the Marine Artillery—about nine months, when I joined the police force, and I had about three months' employment as a motor-car driver.

25111. During the time you have been in the police have you been at this station?—All the time.

25112. Did you know the man named Norrey?—I knew him quite well.

25113. What name did you know him by?—Ginger Norrey I knew him as.

25114. Did you know Emms?—I did not know his name until he was charged.

25115. Did you know him by sight?—I had seen him several times.

25116. Had you ever seen him and Norrey together?—Yes, I had seen them together several times.

25117. When last about, do you remember, before the 22nd or 23rd October?—I could not say; I could not fix any date.

25118. Can you say whether you have seen them together within the last six or eight months or not?—Yes, I had seen them. I should think the last date was in June or July. I could not speak with certainty.

25119. Together?—Yes, together.

25120. In the summer-time?—Yes.

25121. Were you on duty in Brick Lane about half-past 12 on the morning of the 23rd October?—Yes, I was.

25122. Were you near the railway arch?—Yes.

25123. What was it you noticed there?—I saw two men and a woman. They were quarrelling, and the woman was crying.

25124. You have seen this plan, I think (*exhibiting plan*)?—Yes, I saw the rough sketch of it before it was made.

25125. I daresay you pointed out the position to the man who made it?—Yes, I did.

25126. Will you point out where it was you first saw the two men and a woman who were quarrelling?—At the north edge of the arch, on the right-hand side, going south.

25127. That is on the left-hand side or west side of the map?—Yes.

25128. I believe it is marked with a dot and with a statement upon it?—Yes, "Position of P.C. 369 H when he saw two men and a woman quarrelling."

25129. That was your position?—Yes.

25130. What was the position of the two men and the woman?—They were at the further end or south end of the arch.

25131. Is that marked with a dot?—Yes.

25132. What is written opposite that?—"Position of men and woman in doorway."

25133. What did you do?—Seeing the woman crying I spoke to them.

25134. Did you go to the spot where they were?—Yes, I went to the spot where they were.

25135. What did you do?—I said, "What is the matter here?" The man Emms replied, "This is my wife."

25136. Emms was one of the men?—Yes.

25137. Who was the other?—The other man was known to me as Ginger Norrey at the time.

25138. Have you seen them here to-day?—Yes, he is here to-day.

25139. That is the man Norrey?—Yes.

25140. Emms spoke?—Yes.

25141. What did he say?—He said, "This is my wife. This is my brother-in-law. It is nothing to do with you." I then said, "If it is your wife, take her indoors. Do not keep a woman crying in the street at this hour of the night." The woman and the man Norrey walked away a few yards. The man Norrey almost immediately returned, and the two men assaulted me, striking me in the face and pinning me to the wall. The man Emms hung on to my throat and knocked the back of my head against the wall. Norrey kicked me just below the left knee, and beat me about the left side of the face and body. An artificial tooth was knocked off the plate, and my whistle and armlet were torn away in the struggle. My lamp

was also damaged. I tried to get them to desist assaulting me, and to surrender to me, but they would not, and finding that I was being overpowered by them, I drew my truncheon. I struck the man Emms a light blow on the forehead. It did not cause him to desist, so I struck him again on the head with the truncheon. The man Norrey ran away to the south, down Brick Lane, and the man Emms released himself from me and ran down Pedley Street, and there he fell to the ground. I followed him, and stood over him. In the meantime someone had informed another police-constable, and he came to my assistance.

25142. Did you hear a police whistle blown?—There was no police whistle blown.

25143. You heard none?—No.

25144. Did you ever recover your whistle?—I could never recover that whistle.

25145. Or your armlet?—No.

25146. You do not know what became of it?—No.

25147. And your helmet?—My helmet was knocked off, and was given to me by a bystander.

25148. When was your helmet knocked off?—At the commencement of the struggle.

25149. Was it P.C. Death who came up?—Yes; he was the first police-constable to my assistance.

25150. And then the ambulance came?—Yes.

25151. Did you get to the station yourself?—I walked to the station.

25152. And Emms was taken on the ambulance?—Yes. *P.C. H. Jeffery.*

25153. At the police station, when you got there, what state were you in?—I was very exhausted. The station sergeant, seeing my condition, told me to sit down in the Inspector's office. 13 Dec. 1906.

25154. After the Divisional Surgeon had attended to Emms and a woman who was there, did he examine you?—Yes.

25155. And you were placed on the sick list?—Yes.

25156. And remained on the sick list for some thirteen days?—Yes.

25157. Do you know Mrs. Bloom?—No, I did not know her until I saw her at the Police Court.

25158. Did you strike any blow at all in Pedley Street on the man Emms?—No.

25159. With regard to the map, where was Emms when you struck the two blows which you have mentioned?—At this spot on the opposite side of the road. (*Indicating on map.*)

25160. How is it marked there?—It is marked here with a dot and a statement, "Spot where the police-constable struck Emms with the truncheon."

25161. That is the correct spot?—Yes.

25162. You pointed it out to the officer who made the plan?—Yes, I did.

25163. Did you tell the station sergeant who the other man was when you got to the station?—Yes, I did.

TWENTY-SEVENTH DAY.

Friday, 14*th December* 1906.

PRESIDENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).
Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-law).
Charles Algernon Whitmore, Esq., (Barrister-at-law).

J. W. St. Lawrance Leslie, Esq. (Barrister-at-law), (*Secretary*).
J. F. Waley, Esq. (Barrister-at-law, *Assistant-Secretary*).

(*Chairman.*)—I understand there are one or two witnesses in what we have called the Wells' case who have come this morning?

(*Mr. R. D. Muir.*) Yes.

(*Chairman.*)—I think we will interpose them now in order that they may get back to their work.

John Miller, sworn.

25164. (*Chairman.*) Where do you reside?—53, Cannon Road, Blackstock Road. *J. Miller.*

25165. What is your occupation?—Watering motor buses for the Road Car Company.

25166. You are generally stationed outside the public-house at Highbury Barn, are you not?—Yes.

25167. Do you know Mr. Edward Wells, who made a complaint to us?—Yes.

25168. Have you known him for some time?—Yes, for very nearly 20 years.

25169. And you have seen him about the place getting orders from the busmen and talking to them about his business, and so on?—Yes.

25170. Do you remember his being arrested?—Yes.

25171. On what day was that, do you remember the day?—No, I do not.

25172. On a day in October?—Yes.

25173. Do you remember that it was on the 13th October that Mr. Wells was arrested?—Yes.

25174. About what time in the afternoon, according to your recollection?—I should have said about 5 o'clock.

25175. About 5 o'clock you think?—I should think so.

25176. Did you see Mr. Wells actually arrested?—Yes.

25177. Tell me what you had noticed before that?—I did not notice anything before that. I was watering my motor.

25178. You noticed nothing before?—No.

25179. Did you see Mr. Wells talking to a busman, named Hill?—No.

25180. You did not then, I understand, hear any extraordinary noise?—No.

25181. No noise of an altercation or the use of bad language?—No, I never heard him use bad language.

25182. Where was he arrested, according to your view?—In the middle of the road.

25183. What was it that called your attention to it?—I did not hear what was going on, but after I had watered the motor car I went to see what was the matter, and I saw the constable taking Wells away, and I was surprised to know what he was taking him away for.

25184. You were surprised at Wells' arrest?—Yes.

25185. Did you hear anything that passed between the constable and Wells?—No.

J. Miller.
14 Dec. 1906.

25186. That is really all that you know about the case?—Yes.

(*Chairman.*) Do you wish to ask any question, Mr. Muir?

(*Mr. R. D. Muir.*) No, sir, I do not.

25187. (*Mr. Dickinson.*) What does watering the motor bus consist of; how do you do it?—Pour the water in a funnel from a water-can.

25188. Does that make any noise?—It does. That is the reason why I did not hear what was going on. Then I was called away to another one.

25189. Does it make such a noise that when people are shouting at the top of their voices you would not hear?—No, you would not.

25190. (*Chairman.*) I thought the water was poured into a radiator?—That is right.

25191. (*Mr. Dickinson.*) Does the pouring of the water into the radiator make any noise?—No, but if you keep the engine going it does.

25192. But pouring the water in does not make a noise?—No.

25193. But the engine does?—Yes.

25194. Do you remember whether the engine was making a noise then?—Yes, it was making a noise. That is the reason I did not hear the noise.

25195. You are perfectly certain of that?—Perfectly certain.

25196. We have been told that the engine had been stopped?—No, not the one I was watering.

25197. (*Chairman.*) Was that just before the arrest or while the arrest was going on?—While the arrest was going on.

25198. (*Mr. Dickinson.*) After you poured the water in, was it still going on—when you saw the policeman take him away?—The car was ordered off the rank.

25199. Do you mean the car never stopped working the whole time?—No.

25200. You are certain of that?—Certain of that.

25201. Have you had any conversation with anybody since this happened?—With the inspector.

25202. When was that?—I do not know whether it was the next day after the hearing or not.

25203. You do not know if it was the next day, but it was soon after the hearing, was it?—Yes.

25204. The arrest took place on the 13th October, and the hearing took place on the 15th?—Yes.

25205 It was after the hearing, and not before. You are sure of that?—No.

25206. You are not quite certain?—No.

25207. Do you remember at all what he said to you?—Yes.

25208. Tell us what he said?—The inspector came and asked me whether I had heard anything of Wells' case. I only said I saw Mr. Wells going away with the constable, and I was surprised to know what he was going away for. That is all I know.

25209. That is all?—That is all.

25210. Have you had any communication with anybody since that?—I only had a letter.

25211. You have had a letter from the Secretary o this Commission, asking you to come here?—Yes.

25212. Have you ever spoken to Wells about it?—No, I have not spoken to Wells about it.

25213. Have you ever spoken to any of the drivers about it?—No.

25214. Or to anybody connected with the police?—No, I merely told the drivers I was coming here, and I should not be there till the evening.

25215. You warned the drivers that you would not be there?—Yes, I warned the drivers that I was comin here.

WILLIAM HUME, sworn.

W. Hume.

25216. (*Chairman.*) Where do you reside?—19, James-street, Mile End, E.

24217. What is your occupation?—A puller-up to the London General Omnibus Company outside Highbury Barn Tavern.

25218. You are a puller-up?—Yes; looking after horse 'buses.

25219. You are in the employment of the London General Omnibus Company?—Only in the summer months; then they pay me.

25220 You mean at Highbury Tavern, I suppose?—Yes.

25221. It is there that you generally do your work?—Always.

25222. Were you employed by the London General Omnibus Company in October looking after horse 'buses?—Yes, for very nearly four years there.

25223. Do you remember the incident of Mr. Wells being arrested on the 13th October?—Yes.

25224. What did you see about it?—I saw Wells having a few words with driver Hill; it was concerning money matters I believe, and when he got out in the middle of the road Mr. Wells certainly got a little bit excited, but no more than a great many more people do. Driver Hill said something to him that I could not catch, and Mr. Wells said to him, "Oh, won't I then; I'll see about that on Tuesday." Thereupon the constable came and caught hold of his coat collar and arrested him.

25225. Have you known Wells for some time?—For some years.

25226. Are you friends?—No.

25227. Has Wells been, so far as you know, a peaceable man?—I never knew him otherwise.

25228. Did you hear any bad language used on this occasion?—No; never.

25229. Did you see the arrest?—Yes.

25230. What did you do? Were you surprised?—Rather surprised. I simply walked to the end of the road and saw Wells going down the road with the constable, and, of course, I walked back again. That is all.

25231. That is all you can tell us about the matter?—That is all,

25232. Were you spoken to by the police about the matter at all?—After the second hearing here the inspector came to me and spoke to me. That is all.

25233. And you told him what you have told us, I suppose?—I believe so, to the best of my recollection. I do not think the inspector asked me many questions, if I remember rightly.

25234. What did he say?—He asked me for my name and address, and I gave it to him.

25235. (*Mr. Dickinson.*) When the inspector came to you was after the hearing here?—Yes. If I remember rightly, it was after the second hearing.

25236. The second hearing before this Royal Commission?—Yes.

25237. Before that had the police spoken to you about it?—I had no communication whatever about the matter. I did not trouble my head about the matter at all.

25238. I understand you are there always?—Yes; from 9 o'clock in the morning till just 10 o'clock at night I am there.

25239. You have been there for very nearly four years?—For very nearly four years.

25240. Do I understand you have seen Wells there for some time?—Wells comes there sometimes once or twice a week on business matters.

25241. Do you remember where you were standing on that occasion?—Yes, perfectly well.

25242. Just tell us where you were standing?—Of course, it was on the pavement.

25243. Just describe to us how you were standing?—The 'buses were standing *here*. I was on the pavement, and when the altercation, if it was so, took place, it was in the centre of the road, Wells being in the road and the driver on the seat of the omnibus.

25244. There is a urinal there, is there not?—There is.

25245. Where was the horse omnibus standing?—On *this* side of the urinal going towards Islington, as it may be.

25246. Where was the motor omnibus?—In front, and one behind.

25247. Am I right in saying that the horse 'bus, in order to pull out, had to pull to the right of the motor omnibus?—Yes.

25248. Between the urinal and the motor omnibus?—Leaving the urinal behind.

25249. With that picture in your mind's eye, tell me where you were standing?—On the pavement, directly opposite the public-house.

25250. That is to say between the omnibus and the urinal?—No. The urinal is in the centre of the road, and the omnibuses come between the urinal and the pavement. I was standing on the pavement.

25251. Then do I understand that the omnibus was between you and the urinal?—Decidedly.

25252. Did you see Wells and the driver go into the urinal?—No.

25253. Could you have heard anything that was going on in the urinal?—No.

25254. Would you have heard it if there had been shouting there?—Yes, I could hear the shouting.

25255. Did you see them come out of the urinal?—Who?

25256. Did you see Hill, the driver, come out of the urinal?—No.

25257. The first thing you saw was when Hill was on the box?—On the omnibus.

25258. Where was Wells?—Standing in the middle of the road.

25259. Did he move at all?—No. I believe he had one hand in his pocket. I am not positive, but I believe he had. He simply looked up at the man in *that* way, and said: "I'll see about that on Tuesday."

25260. Did the omnibus pull away?—He made an attempt to pull away, but he did not do so. The motor 'bus went on and allowed him to follow on without pulling out of the rank.

25261. Did you ever see Wells get in front of the horses?—Certainly not. He stood by the side of the horses.

25262. That you could see?—Yes; because I was standing in line with the horses' heads and where Wells was standing.

25263. Did Wells make any movement as if to prevent the horses going on?—No He could not have done it if he had.

25264. But he did not?—No.

25265. Did you hear Wells cry out: "You b——tyke"?—No, I did not.

25266. You are certain about it?—I am positive of it.

25267. You know the words "f——g" and "b——g"?—Yes.

25268. Did you hear those words used by anybody?—No.

25269. You are perfectly certain of that?—I am certain of that.

25270. One of the witnesses said to us that "When they came out the London General driver got on his box because his time was up to go away, and his 'bus pulled out from behind mine and Wells followed round and kept shouting at him all the time"?—That may be, but I did not see the driver come out of the urinal at all.

25271. After he got on the box the 'bus pulled out?—He got on his box to go away.

25272. "His 'bus pulled out from behind mine" (that is from behind the motor 'bus) "and Wells followed round and kept shouting at him all the time"?—The omnibus did not pull out until after Wells had gone away with the constable. Wells was taken away before the omnibus moved.

25273. Is your recollection good enough to make you certain of that?—Yes, it is. Wells had gone away.

25274. You say the motor 'bus had gone away?—The bus was round the corner when Wells was some few yards down the road.

25275. Had the motor 'bus gone away?—That I would not be certain of.

25276. Were you quite close to the 'bus?—Within ten yards of it, I suppose, or something like that.

25277. You had been there all the morning?—Yes.

25278. And Wells had been there all the morning?—No.

25279. How long had he been there?—Wells generally stays there about two or three hours as a rule.

25280. He had been there two or three hours?—Yes.

25281. You had seen him there?—Yes, I had seen him there.

25282. Had there been any kind of disturbance before that?—Never.

25283. He had been doing his business?—Doing his business with other men, but in a quiet manner, of course. There was no disturbance whatever before that.

25284. On this occasion Wells seems to have been, as you say, excited?—Yes, he was excited. Perhaps something was said to him by the driver. I cannot say that it was, but it may have been that. You see you cannot hear very distinctly.

25285. Did you see what happened when the constable took him up?—I saw the constable catch hold of his coat collar, and the words were, "Now then, out of this, I have had enough of that." Wells passed the remark, "What have I done?" I believe it was. "I am not drunk." That was it.

25286. You are telling us this from your memory?—From my memory.

25287. You have not spoken about it?—No.

25288. Wells said, "I am not drunk." What did the constable then say?—Then the constable walked him off.

25289. One witness said the constable said, "'We cannot have anything here of that, get away out of it. Wells said 'I am not drunk.' The constable told him then two or three times to get out of it. Wells said, 'No, I will not.'"—Not in my hearing.

25290. Were there a lot of people there?—When the constable got hold of him there were about twenty, I suppose—not more. Of course, there are always some few people—a dozen people or so—standing about the 'buses.

25291. Was there enough row to attract people passing by?—No, I do not think so.

25292. Not before the constable got hold of him?—No.

25293 (*Mr. R. D. Muir.*) I want to know about your duties. You are one of the pullers-up for the horse 'buses?—Yes.

25294. How many pullers-up are there for the horse 'buses?—Only one—myself.

25295. How do you do about getting a holiday in the week. Does somebody come to relieve you one evening in the week?—No.

25296. So that you are always there, are you?—Yes, I am always there.

25297. Do you remember Inspector Smith coming there and talking to the pullers-up and to the watering man?—I told these gentlemen that Inspector Smith spoke to me once after the second hearing here.

25298. Do you know Inspector Smith?—Yes.

25299. Did you see him on any occasion come to Highbury Barn, and talk to the horse 'busmen and motor 'busmen?—Yes, I saw him there.

25300. Did you see him making enquiries?—Yes.

25301. I daresay he made a note of them?—I believe he did.

25302. Taking down the names and addresses?—Yes.

25303. Did you go up to him?—No.

25304. Did you know what he was enquiring about?—No.

25305. Did you see the other men, the timekeepers and so on, speaking to him?—I saw Inspector Smith talking to the timekeepers.

25306. To all of them?—Yes.

25307. You never went near him?—Certainly not.

25308. Why did you not go and enquire what he was

W. Hume. 14 Dec. 1906.

asking about?—Me enquire into that gentleman's business?

25309. Yes?—No.

25310. You were all fellow workmen—the timekeeper, and so on?—The timekeeper is not my fellow workman. There is only one—Mr. Miller; he looks after the motor 'buses and I look after the horse 'buses.

25311. Did you see the Inspector speaking to Mr. Miller?—I did not.

25312. Did you never have the curiosity to enquire from any of these people what the Inspector was asking about?—I did not.

25313. So far as you know the Inspector did not know of your existence as a man connected with the 'buses?—Possibly not.

25314. There was some shouting, was there not?—Yes.

25315. Who was doing the shouting?—Both of them.

25316. Both Wells and the driver?—Yes.

25317. Did you hear Wells shouting, "You don't mean to pay me"?—Yes, I believe he did make use of those words.

25318. He did?—I believe so.

25319. Was there any "f——g" and "b——g"?—I did not hear it.

25320. You know a good deal about 'busmen. Some of them do use language of that kind, do they not?—I admit that. I did not hear them use those words, but there is a certain amount of swearing going on amongst them, you know.

25321. There was shouting, there was excitement, and there was a 'bus driver taking part in it, and Mr. Wells who is associated with bus drivers?—He does business with them.

25322. And I dare say you know he has been a 'bus driver in his day?—Yes.

25323. You say there was no bad language used at all?—I never heard any—not then.

25324. Not a single "f——" or "b——"?—No.

25325. Not then?—Not then.

25326. What do you mean by "not then"?—Not when Wells was arrested. There may have been during the day.

25327. You mean from 8 o'clock in the morning there may have been one or two?—Yes, occasionally.

25328. During these excited moments there was no bad language used?—Not in my hearing.

25329. You say it is a fact that Wells shouted to the driver of the 'bus, "You don't mean to pay me"?—Yes, words to that effect.

25330. Could you hear the shouting going on in the urinal?—No.

25331. Outside the urinal?—Outside.

25332. You could hear the shouting going on outside the urinal?—Yes. You could not hear it inside.

25333. There is no doubt at all that Wells was shouting at the 'bus driver?—He had to make him hear because of the noise of the motor.

25334. It is true that he also shouted at him, "You will see what I will do"?—Yes.

25335. Just see if this is not what he said, and I will leave the "b's" out, because you say there were not any: "If I don't hear from you before Tuesday you will see what I will do"?—That is correct.

25336. This is a question which was put to Mr. Wells. It is Question 16379: "Would it be true that in his hearing you said to the driver of the 'bus who you were speaking to" (I will leave out the "f's" and the "b's") "'You twister, you don't mean to pay me.'" Did you not hear that?—I did not hear that.

25337. You did hear him say, "You don't mean to pay me?"—Yes, I heard that.

25338. No "twister" in it?—I do not remember word for word as far as that goes. What I told you just now was what I heard Wells say—"If I don't hear from you by Tuesday——"

25339. I am speaking of another thing altogether. I am coming to that in a moment. You told me you heard him shouting, "You don't mean to pay me?"—Yes.

25340. It may be a denial directed to the bad language but Wells' answer was that that was absolutely untrue. That is Question 16381: "Is it true that you were shouting at the driver as he was getting on to his box?—I was talking to him in a loud voice. Shouting at him?—Certainly not." What do you say to that?—He was speaking in a very loud manner.

25341. Was he shouting?—He had to speak loud.

25342. Was he shouting?—Shouting sufficient so that the driver should hear him.

25343. Was he shouting?—I do not know what you term "shouting."

45344. You have already said that he was?—Yes shouting so that the driver could hear him. I could hear him.

25345. On the other side of the 'bus?—Yes, on the pavement.

25346. "Would it be true that when the driver was about to pull his 'bus off the rank you were standing near the horses' heads and shouting: 'If I don't hear from you before Tuesday you see what I will do.'" You did hear that?—I heard it.

25347. Wells said in answer to that question "Certainly not." You do not agree with Wells?—No.

(*Chairman.*) Would you, Mr. Wells, like to ask any questions of this witness?—(*Mr. Wells.*) No, Sir.

25348. (*Mr. Dickinson.*) Did you hear any shouting or any loud altercation before the coachman got on the box?—No.

25349. Of that you are perfectly certain?—I was talking to somebody else at the time, I expect.

25350. When it is stated that Wells was halloaing and shouting and using the most filthy language to this 'busman at the urinal, are you in a position to tell us whether that is so or not?—I should say it is an untruth. He was not using any bad language, I know, because I was quite close enough to have heard it if he had been.

25351. This was before the driver got on the omnibus at all. Were you in a position in which you could not have heard it?—I did not hear anything of it until I saw the driver on the seat of the omnibus. I did not hear any shouting or anything else no more than ordinary.

25352. Are you able to say whether you saw the policeman speak to the driver before he got on to the omnibus or not. Do not tell us if you do not know?—No, the constable walked from Highbury Park direct to Wells and took hold of him by the collar and coat. Had he have spoken to the driver of the omnibus I think I should have seen him from the position in which I was standing.

25353. You remember when the policeman walked up from Highbury Park to Wells the 'busman was on the box?—Yes, he was on the box.

25354. You are perfectly certain of that?—Yes, the driver was on the box.

25355. Did you see the policeman walk from Highbury Park to Wells?—He was on the other side of the street and the constable walked in the road.

25356. Then you cannot be quite certain where this policeman came from?—No, but he came from that direction.

25357. You saw him come up to Wells the first time after the driver got on the 'bus?—Yes, after the coachman was on the box.

25358. (*Mr. Wells.*) Do you think I shouted loud enough to make people think I was mad or drunk?—Certainly not.

CHARLES MATLEY; Sworn

C. Matley.
14 Dec. 1906.

25359. (*Chairman.*) What is your address?—Devonshire House, Cross Street, Islington.

25360. What is your occupation?—Timekeeper in the service of the Road Car Company, stationed at Highbury Barn.

25361. Do you remember the 13th October last?—I do not know the date, I remember the affair concerned.

25362. You remember the day Wells was arrested?—Yes, I do.

25363. Did you see him arrested?—I saw the constable take him away. I did not see him lay hands on him in the first place.

25364. Tell us what you know about the matter?—I know very little about it because my duties take up all my time; I am noting and figuring all the time I am there, and I have no time really to look after other people's business.

25365. What first attracted your attention to the road and to what was going on there?—I heard some loud shouting in the urinal, but that is a common thing, because when drivers come up there they make for there, and if they have a quarrel they generally settle it there. It is not unusual to hear shouting That did not attract my attention at all.

25366. Did you hear anything that took place between the driver Hill and Wells?—No.

25367. Did you see Hill on the box of his 'bus?—I do not remember that. I saw him there, but I do not remember whether he was on the ground or on the box.

25368. Then all you saw was Wells go away with the police constable?—Yes.

25369. Have you known Wells for some time?—Many years.

25370. What sort of a man is he?—A very respectable man. I have always found him so.

25371. Is he in the habit of using strong language or of getting excited in conversation?—I have known him for about 13 years, and during the time he was driving a horse omnibus I saw him several times a day, and latterly, since he has been in business for himself, I have seen him almost daily, and I have never known him make use of a bad word ever since I have known him.

25372. (*Mr. R. D. Muir.*) Where were you standing when you heard the loud shouting in the urinal?—I was passing backwards and forwards from one to another, because the men are always round me having their numbers entered.

25373. On the pavement?—Yes.

25374. The 'buses would be between you and the urinal?—Yes.

25375. And yet you heard the loud shouting there?—Passing, I suppose I heard it. I get the first one away, and then I walk to the last one that arrives, to take particulars, and I suppose that is where I heard it.

25376. (*Mr. Dickinson.*) You are a timekeeper of the Road Car Company?—Yes, of the motor omnibuses.

25377. Who is timekeeper for the horse omnibuses?—There was a relief man there at the time, and I believe his name is Preston.

25378. Have the police asked you anything about that case at all since it happened?—I have seen Mr. Smith twice. He came to me on the first occasion and said he was making enquiries with reference to this affair, but I told him I knew very little about it. It ended at this. He came one night, after the second hearing, I think it was, and he said he should like me to give him my name and address as he thought it likely the Commissioners would like to see me down here. I gave him my name and address. Very little more passed than that.

25379. Was there any conversation about this at the time it occurred, or immediately afterwards?—No, everybody seemed to say "What is he taking him away for?" Somebody said "for kicking up a row" or something of that kind, but not more than that.

25380. You did not even see him taken up?—No, I saw him pass by the end. I saw him in custody, but I did not know what led up to it until afterwards.

25381. You do not know whether the horse omnibus had gone?—The motor bus stood first, then the horse omnibus, and then a motor.

25382. I think your recollection is that the policeman took him before the 'bus went?—I believe so. The motor man got attending to the machine, I was endeavouring to get him away, and then the constable passed with Wells.

25383. You cannot remember whether Wells got in front of the horses of that omnibus or not?—No, I did not see that, I saw Wells a short time before, ten minutes, or perhaps a quarter of an hour before, but I do not remember seeing him again until the constable had him in custody.

25384. Were you in a place from which you could have seen it if it had happened?—I was passing backwards and forwards. Perhaps I was in one position for two or three minutes, and then I would go down again to another man. By chance I might have been in a position to see it, but I did not see it.

25385. We were told he was in front of the horses with the intention of preventing them coming out. Did you see that?—I do not think that was so. He could have got out if he had wanted to. The horse omnibus stands alongside the urinal, and there is plenty of room to get out when the motor is in its proper place. I think if there had been much row in the street I should have heard it, although my attention was taken up with my own duties.

25386. You think you would have heard a shouting between Wells and the driver when he was on his box?—I think I should, had it have been out of the way. They do shout and call out to each other in a way, and sometimes in a passion, but I do not take any notice of it.

25387. You do not take any notice of it?—No, I did not. I went on with my own duties.

25388. (*Mr. Wells.*) You have known me, I think, for 12 or 13 years?—All that.

25389. You have seen me under many different circumstances?—Yes, I have.

25390. During that time, have you ever known me, in the course of your knowledge, to swear at all?—I never heard you use bad language.

25391. If I had spoken that which has been said loud enough, shouting, do you think, standing where you were, or walking up and down, that you would have heard it?—I should think I should.

25392. You do not think I was speaking louder than was really necessary according to the noise the 'buses were making at that time?—Nothing unusual, I think.

HARRY PRESTON, sworn.

H. Preston

25393. (*Chairman.*) Where do you live?—Kelvey-street, Mile End-road.

25394. What is your business?—Ticket inspector to the London General Omnibus Company.

25395. Were you on duty at Highbury Barn on October 13th?—Yes, from two to four relieving the timekeeper while he went to his dinner.

25396. Have you known Wells for some time?—Yes for some 10 or 12 years.

25397. Did you see him arrested on the afternoon of the 13th October?—Yes.

25398. You actually saw the arrest?—Yes.

25399. Did you notice any of the circumstances that preceded the arrest?—No.

25400. Do you know the 'bus driver still?—Yes.

25401. Did you observe Wells in conversation with him?—Yes, in the ordinary manner.

25402. Where did the conversation begin according to

H. Preston. 14 Dec. 1906.

your recollection?—In the middle of the road. Wells was standing in the middle of the road.

25403. Did you see the driver come from the urinal?—The driver was on his box, to my order, some time before the altercation commenced.

25404. You did not notice them together come from the urinal?—No.

25405. The first time you noticed them just before the arrest was after Hill had got on to his box?—Yes.

25406. What took place then?—Mr. Wells was in conversation with the driver talking a bit loud. That is a common thing for a 'busman. I very often get called over the coals at home about speaking loud. It is a common thing for a 'busman to holloa.

25407. Did you hear what passed?—No.

25408. Did you notice Wells at all particularly?—No.

25409. Was he excited?—No. He was looking up and in conversation with the driver, of course speaking a bit loud. That is a common occurrence.

25410. Did you catch any of the words?—No.

25411. If you caught none of the words it is no good my asking you whether bad language was used?—No.

25412. You could not hear?—No, I was signing the conductors' tickets and everything else.

25413. I take it what you wish us to understand is that, although you heard loud talking between the driver and Wells, nothing of an unusual kind was going on?—No.

25414. Then you were surprised when the constable took Wells?—Yes.

25415. (*Mr. Dickinson.*) Where were you standing at this time?—On the pavement walking up and down, from the horse 'bus to the corner and back again.

25416. Then the omnibuses were between you and the urinal?—Yes.

25417. Therefore you could not have seen everything that took place?—You could see across the horses' backs. Wells was standing a little further off than the off-side horse.

25418. Where were you standing in relation to that 'bus?—Level with the 'bus. Wells was standing *there*, and I was standing *here*.

25419. Were you standing a little in front of the driver?—Yes; I was walking up and down between the horses' heads and the motor 'bus in front.

25420. Where was Wells standing?—In the middle of the road.

25421. You saw him across the horses' heads?—He was standing on the off-side of the off-side horse.

25422. You saw him there?—Yes.

25423. Did you give the signal for that 'bus to move off?—No.

25424. Who did?

25425. (*Chairman.*) The ticket inspector?—The motor 'bus went first according to my knowledge.

25426. (*Mr. Dickinson.*) We have had this stated:—"When this happened did the 'bus driver move away or not?—The timekeeper put up his arm for the horse bus to pull out." That would have been you?—Yes, and in the meantime I think the motor 'bus driver moved off.

25427. You are certain that the motor 'bus moved off?—Yes.

25428. Leaving the place perfectly free for the horse 'bus?—Yes, to come up behind; and when this one came up away went the motor.

25429. Therefore the horse 'bus had not to pull round the motor 'bus?—No.

25430. That you are certain of?—Yes.

25431. It followed on?—Yes.

25432. There was this altercation going on?—While the driver was on the box.

25433. You gave the signal yourself?—Yes.

25434. You gave the signal while the altercation was going on?—Yes, during the time when the fourth motor 'bus came up and the horse 'bus pulled out. There was a motor *here*, a horse 'bus *there*, and a motor 'bus *there*; and another motor 'bus came up.

25435. You gave the signal. The statement that was made at the time was: "The timekeeper put up his arm for the horse 'bus to pull out. He turned his horses out—a slight triangle." Do you recollect that?—I have no recollection of that.

25436. Is your recollection sufficiently clear to say that that did not happen?—The man pulled off the stand.

25437. It was stated that Wells was there to prevent his coming out, and that he was still shouting at this man. This question was also asked:—"Did he make any effort to prevent the horses coming out?" and the answer was: "He stood there in front of them; no doubt if the 'busman had gone on the horses would have knocked him down?"—No.

25438. That you are perfectly certain of?—Yes; there was not room for a man to stand between. Wells was standing on the off-quarter of the off-side horse.

25439. The account here is that he tried to pull his horses out to the right of the motor 'bus?—That is the regular course. They always pull their horses that way so that people can get into the motor omnibuses behind.

25440. Is your recollection sufficiently clear for you to say that Wells did not at any time stand in front of the horses' heads?—Yes. He did not.

25441. You are sure of that?—I am positive he did not.

25442. Did you see the policeman come up to Wells?—Yes.

25443. Had the 'bus driven off at that moment?—No, the 'bus was standing there when he was arrested.

25444. Did he come up to him before or after the driver had got on to his box?—The driver was on his box some time—two or three minutes—before the affair happened.

25445. You are sure the policeman did not come up to Wells until after the driver was on his box?—Yes. After the 'bus driver was on his box the policeman came round to arrest Wells; he came round in front of the motor 'bus in that way and arrested him.

25446. Are you able to say whether the policeman had spoken to Wells before that?—Not to my knowledge he had not.

25447. You did not see where he came from, I suppose?—The constable?

25448. Yes?—He came from the corner point duty. He arrested him in the road.

25449. You saw him leave the point?—Yes, certainly; he came round by the side of the motor 'bus, and there was a horse 'bus standing there.

25450. How far was the point from where Wells was standing?—About 10 or 12 feet.

25451. So far as you are able to say you are pretty sure the policeman did not speak to Wells before he arrested him?—No, he did not, not to my knowledge.

25452. After he arrested him did Wells go quietly?—He made a bit of a show so (*illustrating*). I stood dumbfounded at the way he went.

25453. Were you astonished?—I was. I was surprised, and so were other people standing there. It would upset anybody.

25454. Was there any conversation about it afterwards?—No. They all could not make head or tail of it. They were surprised.

25455. Have you been asked about this by anybody?—No. I have not heard a word until I received a letter on Tuesday from the Commission.

25456. From Mr. Leslie?—Yes.

25457. Therefore the police never came and asked you anything about it?—No. I had not heard anything until I received this letter.

25458. Have the facts of this matter been investigated and talked about by yourself and others?—No.

25459. Not at all?—No.

25460. You are not generally at that place?—No, only once in three weeks. This week I am doing two hours from two to four. That gives the timekeeper a chance to go to dinner.

25461. I suppose you knew this case was coming before the Commissioners?—Yes; I read it in the paper.

25462. (*Mr. R. D. Muir.*) Were you there on any occasion when Inspector Smith was making enquiries among the 'busmen?—No.

25463. What are your hours of duty?—I have three turns. I have a middle turn, a late turn, and an early turn.

25464. In October, how many days a week were you at Highbury Barn?—Seven days.

25465. Seven days a week?—Yes.

25466. What hours on the Saturday?—From half past seven in the morning to six o'clock at night, and two hours' time-keeping at Highbury Barn, from two to four, relieving the timekeeper.

25467. At Highbury Barn, what were your duties?—From two to four.

25468. I am asking you about your duties at Highbury Barn?—Very good.

25469. How many days a week were you at Highbury Barn?—Seven days—from Sunday to Saturday.

25470. What are your hours on the other days of the week?—I work on the roads as a ticket inspector.

25471. That is what I am trying to get from you, but you will not listen to the question before you answer it. At what hours of the week are you on duty at Highbury Barn?—From two to four.

25472. On what days of the week?—From Sunday to Saturday.

25473. So that it is only between two and four that you are ever to be found at Highbury Barn?—Yes.

25474. You say you were never there on any occasion when Inspector Smith came inquiring among the 'busmen about this case?—No, I was on late duty.

25475. (*Mr. Wells.*) Do you think it possible if the constable had come up and had spoken to me and asked me several times to go home, you would have been able to see me and hear it?—Certainly.

25476. Did he caution me before he put his hand on me at all?—No.

25477. (*Chairman.*) Did you see the actual arrest?—Yes, collar and cuff.

25478. How long was the constable talking to Wells before he actually took him?—Not two minutes; that is where the surprise came in.

25479. Then they did have a conversation lasting two minutes, I understand?—It seemed like two minutes Of course, I saw him march him down the street.

25480. Could you hear what the constable said?—No. *H. Preston.*

25481. That is what I rather gather. How came you to answer Mr. Wells so positively that the policeman did not caution him?—Because Wells was on the pavement before he spoke to the driver, Hill. 14 Dec. 1906.

25482. Very likely; but we have gone to a point several minutes after that. I suppose you agree with the other witnesses that the arrest took place in the road?—Certainly.

25483. You have told me that you did see the constable and Mr. Wells talking for a period you said of two minutes?—Yes.

25484. Do you say perhaps not so long as that?—No.

25485. Take it so. You have also told me you could not hear what the constable said?—I was standing away from him.

25486. How many yards away?—I should say four or five yards away and attending to my business at the same time.

25487. Then how came you to answer Mr. Wells as you did a moment or two ago? Mr. Wells asked you whether the constable told him to go away several times?—I never heard the constable say a word about going away.

25488. He may have done for aught you know?—Not to my knowledge.

25489. You could not hear what the constable said?—No.

25490. (*Mr. Dickinson.*) What is your recollection of what happened when the policeman arrested him. The policeman told us this: "Having refused to go away, having asked him several times, I caught hold of his arm and said 'I shall take you away.' He threw himself round and was very wild, and as he resisted and tried to get away I caught hold of his collar." Is that what you saw?—He took him by the collar and arm and took him away.

25491. Was there any resistance?—Wells went like *this* (*illustrating*), and said, "What are you doing?"

25492. You would not say it was correct to say he was very wild?—No.

25493. (*Chairman.*) That finishes the four witnesses in Wells' case, and I think that is all the evidence that we are likely to have. We will now go on with Emms' case.

Mrs. Martha Allen; Sworn.

25494. (*Mr. Livett.*) Where do you live?—55, Bacon-street, Bethnal Green

25494*. Are you married?—Yes.

25495. I think you keep a shop, do you not?—Yes.

25496. Where were you when you first saw anything of this affair?—I was coming along Brick-lane from Whitechapel end.

25497. From the Buxton-street side?—Yes. It is all on the road. I saw a few people standing and, of course I went to have a look.

25498. Whereabouts were they standing?—Just before you come to the archway opposite Pedley-street on the other side.

25499. On which side were you?—On the left hand side.

25500. Were they on the same side as you?—As I came down, yes.

25501. Just tell us what you saw?—I saw a few people standing, and, of course, I went to have a look. When I went there, there was a constable and a young man. I saw the police-constable had got hold of him, and he said, "Move on," and shoved him. He said, "Go away."

25502. Where was that?—Opposite Pedley-street—on the other side.

25503. What did he say?—The constable said, "Go on." He said, "All right." The constable kept pushing him until he got to the corner of Pedley-street, and all of a sudden I saw the policeman draw his truncheon, and he struck the man on the head with it. Of course the man fell.

25504. Where was that?—At the corner of Pedley-street. He pushed him across the road to the corner of Pedley-street. *Mrs. M. Allen.*

25505. Was he in the road then?—On the other side; on the pavement.

25506. In Brick-lane?—Yes.

25507. And opposite Pedley-street?—Yes, opposite.

25508. What then?—The man said, "Oh," and he fell, and as he went to raise himself up the policeman took his truncheon and hit him on the head again.

25509. Where did he fall?—At the corner of Pedley-street.

25510. What happened then?—He said, "Oh!" and, of course, he hit him again and knocked him unconscious. On my seeing the blood I went back a little, it frightened me so. All of a sudden some man in the mob struck the constable in the face, and ran away. Of course, I saw no more of that man.

25511. Did you continue to remain there?—Yes, I did. I heard the whistle blow, but who blew it I cannot say.

25512. When did you hear the whistle blow?—When the man was unconscious on the ground; who blew it, I cannot say.

25513. Were there many people there then?—Not so very many. I should think about a dozen, or something like that.

25514. Did you stay there any longer?—Yes, I did. I stopped until the ambulance came along, and they took the man on the ambulance unconscious to the

Mrs. M. Allen.

14 Dec. 1906.

surgeon. In the meantime a young woman asked me to go to the station with her, and of course I went.

25515. Who did you see there?—I saw the inspector, I expect; a gentleman there that answered us.

25516. Should you recognise him again?—I do not think I should, for I was too much upset; I did not take much notice.

25517. Did you speak to the inspector?—No, I did not, but the other young woman did.

25518. What was the result?—The other young woman said, "Please can I speak to the man?"

25519. Never mind about that.

25520. (*Chairman.*) Yes, I think she had better tell us what passed?—She mentioned the man's name, I think, but I did not know his name.

25521. "Can I speak to the man"?—To the man, mentioning his name.

25522. Were you in the charge room at the moment when she said that?—No, but I could see the man sitting in a chair.

25523. You were not in the charge room, but you could see Emms from where you were?—Yes.

25524. What did the constable say?—The inspector said, "What do you want to say to this man; tell me, and I will tell him." "No," the young woman said, "I would like to speak to him myself, if I could." Then he said, "You can't; get outside." She said, "I would like to speak to him," and he said, "Outside," and he got hold of us at the back of the neck, the two of us, and threw us out of the door.

25525. He did what?—And shoved us out of the door. We could not help being pushed out so quick.

25526. Do you know the inspector?—No, I do not.

25527. By sight?—No, I do not think I should recollect him. I was too much upset to take any notice.

25528. (*Mr. Livett.*) I want to take you back again to the time at the close of the struggle when the man was on the ground. How close were you to him?—I was about a couple of yards away, or about a yard and a-half, or something like that.

25529. When he fell?—Yes.

25530. Did you remain close to him until the ambulance came?—Yes, I did. I stepped back when I saw the blood. I remained there until the ambulance came

25531. What did the constable do?—He did not do anything. He stood by the side of the man. That was all.

25532 After the man had fallen he stood by the side of the man?—While the man lay on the pavement.

25533. How long was the man on the pavement?—I should think ten minutes or a quarter of an hour as well as I can recollect.

25534. Until the policeman came up with the ambulance did you see any other official there?—No, they were mostly women standing there with the constable and the man was on the ground then.

25535. How many policemen were there when the ambulance came?—Two or three as well as I can recollect.

25536. Did you hear anybody talking to Jeffery?—I do not know Jeffery.

25537. (*Chairman.*) There is police-constable Jeffery standing up?—I do not know his name, of course not.

25538. (*Mr. Livett.*) Is he the man you saw who used the truncheon?—Yes.

25539. (*Chairman.*) Do you recognise him?—Yes, I can recognise him now.

25540. (*Mr. Livett*). Did you or anybody speak to him?—No, I did not hear anybody speak to him, only some women in the crowd said "What a shame!" or something of that sort. That was all. Of course, what happened between the constable and the man beforehand I do not know, and I do not know what caused him to use his truncheon.

25541. Did you hear police-constable Jeffery say anything? No.

25542. I am talking now about while the man was on the ground, and before the ambulance came?—No, there was nobody for him to speak to, to my knowledge; I did not see any other constable there.

25543. Had you known Emms before this occurrence? No.

25544. Had you ever seen him before?—No, I had not

25545. (*Mr. R. D. Muir.*) I understand you are married. Is that right?—Yes.

25546. When were you married?—Seventeen years ago come next August

25547. Do you live with your husband?—I believe I do.

25548. You do?—Yes.

25549. Were you living with him on the 30th October last?—Yes, I have been living with him ever since I got married.

25550. When you were before the magistrate did you describe yourself as a widow?—No.

25551. Did you not?—No.

25552. Can you account for the magistrate's clerk writing down "Martha Allen, 55, Bacon-street, widow"?—No, I cannot. I never gave myself as a widow. I could not.

25553. That is a mistake?—It must be.

(*Chairman.*) A similar contradiction between the witnesses in the notes of evidence occurred yesterday. There are several indications that these notes are possibly wrongly copied, but, as a rule, I think they have been very accurate.

(*Mr. R. D. Muir.*) Yes, they have.

(*Chairman.*) I should think that must be a mistake.

(*Witness.*) That is quite a mistake.

25554. (*Mr. R. D. Muir.*) Probably it is a mistake of hearing rather than of copying.

25555. You keep a coal shop?—Yes.

25556. In Bacon-street?—Yes.

25557. That I am told is north of the plan. It is straight up Brick-lane, is it?—Yes, it leads into Brick-lane.

25558. How far north of Sclater street?—Sclater-street is two or three minutes walk from my house.

25559. It is two or three minutes walk from the corner of Sclater-street?—Yes.

25560. Do you know Harding?—No.

25561. By sight?—No.

25562. Do you know either of these two men there (*pointing*) by sight?—I saw them at Old-street when I was up on the case. That is all I know them by.

25563. You do not know them except by having seen them at Old-street?—No.

25564. How did you come to give evidence at Old-street at all?—I had a gentleman come to my house for information. How he came to me I could not tell you.

25565. Did you know his name?—No, I did not.

25566. Had you ever seen him before?—No.

25567. Have you ever seen him since?—No, not since he came to my house.

25568. Have you any idea at all how he came to know you could give evidence?—No, I have not. I was very much surprised when he came to me.

25569. When did he come to you?—About two or three days before I went to Old-street.

25570. You went to Old-street on the 30th October, which was a Tuesday?—Yes, on a Tuesday.

25571. When did the gentleman come to you to ask you to give evidence?—He came on the Saturday before I went on the Tuesday.

25572. Did he come to your shop, 55, Bacon-street?—Yes.

25573. You have no notion of how he came there?—No, none whatever.

25574. When you were coming up Brick-lane towards the Arch, had you got to Pedley-street?—Yes, on the other side, opposite.

25575. On your left-hand side or on the right-hand side?—On the left hand side.

25576. You were walking on the left-hand side of the way?—Yes.

25577. When you first saw the constable use the truncheon where was he?—When he used his truncheon he was at the corner of Pedley-street.

25578. When you first saw the constable he was on the left-hand side?—Yes.

25579. Any people round him?—About eight or nine, I did not exactly count them. There were not such a great many.

25580. Any women there?—Yes, mostly all women.

35581. Any men?—I do not know. I did not look much to see who they were.

25582. Was this young woman who afterwards went to the police-station one of the women?—She was one standing there.

25583. Round about him on the left-hand side of the pavement?—Yes.

25584. How near was she to Emms when you first saw Emms?—She stood by the side of him.

25585. You were quite close, were you?—Yes.

25586. Did you ever learn that young woman's name?—No, I did not.

25587. Have you ever seen her since that night?—No, I have not.

25588. She knew Emms' name?—I do not know if she mentioned his name exactly in the station. I rather think she did.

25589. You swore before the magistrate that she did, did you not?—No, not that I know of.

25590. Did you not say that she asked for him by name?—It is rather a long time since it happened. I forget.

25591. Did you say this before the magistrate: "My friend asked to see Emms"?—I do not know that I said "Emms." I said the lady that was with me asked to see him.

25592. It has been taken down "my friend asked to see Emms"?—Yes, she did ask to see Emms.

25593. Is that how you described her when you were before the magistrate?—No, I think I said "the lady."

25594. It has been taken down as "My friend." That is the young woman, anyhow?—Yes.

25595. The young woman asked to see Emms?—Yes.

(*Chairman.*) I have had an opportunity of reading these notes of evidence, and with regard to the cross-examination I cannot help thinking that the clerk in more than one instance took part of the question and then adapted the answer to what he had already written. You know what I mean. Whoever was cross-examining used the word "friend," and he said "Did your friend ask to see Emms?" Then she said "The lady with me asked to see Emms." I cannot help thinking that the writer of the note began by saying "My friend," and did not alter it afterwards.

(*Mr. R. D. Muir.*) I have no guide at all except the notes themselves.

(*Mr. Dickinson.*) It is evident, to my mind, on reading this cross-examination, that it is the questioner's word, and that the answer either in the affirmative or in the negative has been put down.

(*Chairman.*) Mr. Muir would agree, I am sure, that nothing is more difficult to take a note of than cross-examination, and if it is to be used afterwards it ought to be taken down verbatim. I am not referring to the taking of a note of the examination-in-chief but of the cross-examination.

(*Mr. R. D. Muir*) Yes.

(*Mr. Dickinson.*) Three lines above that it says: "The woman with whom I went to the station was a stranger to me."

25596. (*Mr. R. D. Muir.*) Yes. She asked to see Emms.—Yes.

25597. And she named him?—Yes.

25598. That young woman you have never seen since?—No.

25599. She did not give evidence at the police-court?—No.

25600. You say she was standing alongside of you at the time that the whole affair took place?—Yes.

25601. And she could see everything that you saw?—Yes.

25602. When you saw the constable first, how many people did you say were there?—I say eight or nine. I did not exactly count them.

25603. Did the crowd increase?—Yes, when the whistle was blown two or three more came.

25604. The whistle did not blow until after Emms was on the ground, I understand?—No.

25605. Before the whistle blew did the crowd increase?—No.

25606. At the time that you saw the constable pushing Emms, was there a crowd of about 40 people there?—No. I do not think so. I took it about a dozen or eight or nine. I did not count them. I could not tell you how many there were there.

25607. There could not possibly have been 40?—I should not think so.

25608. Did you say this before the magistrate?—"I saw a mob of people. I looked and saw the police-constable shoving Emms to get along. This was at the turning before Brick-lane—Pedley-street, I think, The man said 'All right,' and was going along"?—Yes.

25609.—"There were about 40 people there?"—I may have said so, but I did not count them. I did not look round to see who was there, and who was not there, or how many there were.

25610. Is it true that there were 40 people there?—I do not think there were 40. I may have been mistaken, I did not count them.

25611.—About 40 people?—About 40 you say, but I say I did not count them.

25612. "All at once the whistle blew"?—Yes.

25613. Before the constable was hit and before the man was hit?—No, after.

25614. "All at once the whistle blew." This is your account of it before the magistrate. "The police constable hit the man on the head with his truncheon, and he fell down——"?—Yes.

25615. So that in the account you gave to the magistrate you put the blowing of the whistle before the hitting of the man?—I do not think so.

25616. That is what appears to have been taken down?—I do not think I did.

25617. At that time, when the blow was struck with a truncheon, where was the man himself?—The policeman was holding him by the side, and then he hit him on the head, and, of course, the man fell to the ground.

25618. The policeman was holding him, was he?—Holding him by the side, and saying "Move on." That is all I heard the constable say.

25619. He was holding him by the side?—Yes.

25620. What was he doing?—I could not tell whether he had him, but he was shoving him—at the back of the neck.

25621. Shoving him from behind?—Yes.

25622. Was it at that time the constable struck him with his truncheon?—Yes, he struck him all of a sudden on the head with his truncheon.

25623. At the back?—I could not say whether it was in the front or at the back.

25624. Was the man facing the constable at the time the constable used his truncheon, or had the man his back to him?—No, not his back. He was facing him.

25625. How do you reconcile that with the constable pushing him from behind?—He would not push him in front. He had him at the back of the neck with one hand. He might have struck him with his hand.

25626. He might have done anything?—People rushed in to see, and I got back a bit.

25627. What did you do?—I have told you, what I say.

25628. Was the man with his face towards the constable?—Face to face.

25629. The constable was not pushing him then?—No, he could not have been.

25630. How long had he been pushing him before he struck him with his truncheon?—I could not tell you that. I saw the constable draw his truncheon and strike him. It was done in about five minutes altogether—the striking him, and the whistle blown, and all.

25631. What was this man doing while he was being shoved?—He was only saying "All right." That is all I heard him saying.

25632. What was he doing?—I could not tell you

Mrs. M. Allen.

14 Dec. 1906.

what he was doing—nothing else but moving on as the policeman asked him to do.

25633. Saying "All right," and moving on?—Yes.

25634. If he was moving on how did the constable get in front of him?—I could not tell you.

25635. You cannot explain that?—No.

25636. But he was moving on all the time?—Yes, and saying "All right." That is all I heard the man say.

25637. And the constable behind him?—Yes.

25638. Did the man turn round and face the constable?—Yes, of course. He said "All right."

25639. He stopped moving on, did he?—Yes, he stopped at the corner of Pedley-street, where the blow was struck.

25640. The man stopped at the corner of Pedley-street?—Yes.

25641. And turned round?—Yes.

25642. What did he do then?—I never saw the man do anything.

25643. He stood still?—Yes, what the blow was struck for I cannot tell you.

25644. How long did he stand still before the blow was struck?—Not many minutes.

25645. Five?—No, not five.

25646. How many?—I should think about two or three minutes.

25647. For two or three miuutes the man and the constable were standing face to face?—Yes.

25648. What was taking place between them while the man and the constable were standing face to face?—The man was saying "All right."

25649. He was not saying "All right" when he was standing face to face with the constable for two or three minutes?—He never said anything else. I never heard the man say another word.

25650. Did he use the words "All right" when he stood face to face with the constable?—Yes.

25651. How often did he say "All right" to the constable when he asked him to move on?—About twice.

25652. About once a minute or once in a minute and a-half?—I could not tell about once a minute.

25653. Do you ask these gentlemen to believe that that was what occurred, and that this man and the constable stood face to face for two or three minutes, the man saying nothing but "All right." Is that all that happened then?—That is all that happened then?—.

25654. What was the constable doing to the man during the two or three minutes?—He was doing nothing to him then.

25655. What was the man doing to the constable then?—Nothing—talking.

25656. Saying "All right"?—Yes, saying "All right."

25657. Twice in three minutes. Was this young woman, who was beside you, saying anything?—No, not at that time, only when he was taken on an ambulance she asked me to go to the station with her.

25658. There was no struggle at all between the constable and the man?—No struggle.

25659. There was no struggle between the constable and any man?—No.

25660. Had the constable got a whistle?—I cannot tell you. I do not think it was the constable who blew the whistle.

25661. Had the constable got a hat on at that time?—I did not notice. I did not take much notice whether he had a hat or not.

25662. Did you swear to the magistrate that he had his hat on?—I might be mistaken. I think he had a hat on.

25663. Did you swear to the magistrate that he had his hat on?—I cannot say, it is such a long time ago, but I think he had his hat on.

25664. Can you swear he had his hat on?—I think I could.

25665. Will you?—Yes.

25666. You swear he had his hat on at that time?—Yes.

25667. Did the constable appear to be damaged at all?—No. A man struck him in the face. I did not see what was the matter with him.

25668. He appeared to be all right?—Yes, to me. I did not look much at him.

25669. After he had stood there for two or three minutes he drew out his truncheon and hit the man on the head?—Yes.

25570. Are you sure the man was facing him at that time?—Yes.

25671. Absolutely certain?—Yes.

25672. No struggle going on?—No.

25673. When the man fell down did the constable fall down?—No.

25674. The constable stood up?—The constable leant down when he had him like *that* (*illustrating*).

25675. The constable was holding him when he struck him?—He must have been.

25676. Do not say "he must have been." Did you see the constable holding him?—Yes.

25677. With which hand was he holding him?—I think it was his left.

25678. What was he holding him by?—Just *here* (*illustrating*).

25679. You remember it quite distinctly?—Yes, it was just *here* (*illustrating*), and he struck him with his hand. That is quite right.

25680. So that he was actually holding him by the throat or by the collar at the throat with the one hand and he hit him on the head with his truncheon with the other hand?—Yes.

25681. Did he hit him hard?—Hard enough to drsw blood, and to cut him open.

25682. You know a gentle blow from a hard one. Did he hit him hard?—As I say, it was hard enough to draw blood. I cannot tell you how hard he hit him. I did not see how hard he hit him.

25683. But you could hear it yes?—Yes.

25684. Was it a loud blow?—It was not over loud, but it was loud enough to hear, because I was close to him.

25685. You could hear the crack of the blow?—Yes, I could, because I was so close to him I could not be off hearing it.

25686. The man dropped at once, did he?—Yes.

25687. Like a stone?—Yes.

25688. How long did he remain on the ground?—About 10 minutes.

25689. He dropped down. What happened next?—He said "Oh!" as he fell, and then he went to rise up again.

25690. How much did he get up again?—Not very much.

25691. Sitting up?—He just raised his head up from the pavement.

25692. Sitting up?—He came up like *that* (*illustrating*).

25693. Half sitting up?—Yes, half sitting up.

25694. Did he raise himself with his hands on the ground?—He raised himself up in that manner.

25695. And got his head well off the pavement?—Yes.

25696. Had the constable got hold of him then?—No, he had not got hold of him then.

25697. You are sure of that?—Yes.

25698. Was the constable standing up?—Yes.

25699. With the truncheon in his hand?—Yes.

25700. What did he do then?—He struck him another blow.

25701. Was that harder than the first one?—No, I do not think it was so hard.

25702. Where did it hit him?—Both on the head.

25703. What happened after the second blow?—Then some man who was behind punched the constable in the face.

25704. What happened to the man on the ground, Emms?—He lay unconscious.

25705. The blow made him absolutely unconscious?—Yes.

25706. The constable was standing up then, was he?—Yes.

25707. A man hit the constable, did he?—Yes.

25708. How soon after the constable had hit the second blow did the man strike the constable?—He struck him almost immediately.

25709. One blow, or more than one?—One blow.

25710. Where did it take effect?—I could not tell you. He hit him in the face.

25711. Was his helmet still on?—Yes.

25712. It still remained on?—Yes.

25713. Did the constable seem much damaged?—I did not look to see.

25714. He stood there?—He stood by the side of the man after he was struck. I do not know whether he was hurt much or not.

25715. It was not much of a blow?—I cannot say.

25716. What is the description of the man who struck the blow at the constable?—He was rather a short dark man.

25717. Do you know Esther Bloom?—No.

25718. Have you ever seen her?—Esther Bloom who sells pot-herbs in Brick-lane?

25719. I should think so?—Sometimes I go to buy things of her. I do not know her by any other name.

25720. Was she there that night?—Yes.

25721. She saw what you saw?—I do not know. I did not ask her what she saw.

25722 She was close to you?—Yes, but I had no conversation with her.

25723. You never had any conversation with her?—No.

25724. You went up to give evidence at the police court. The witnesses for the defendant, I suppose, were all outside together, were they not?—I should think there were three or four witnesses there walking up and down inside.

25725-6. You were one?—Yes.

25727. Mrs. Bloom was another?—Yes.

25728. Did you have any conversation with Mrs. Bloom?—Only passing the time of day to one another walking up and down.

25729. Did you mention to Mrs. Bloom that you had seen a short dark man or a short man hit the police constable?—I could not tell you. No, I do not think I did.

25730. Did Mrs. Bloom mention to you that a short man made a blow at the constable?—No.

25731. You gave your evidence before Mrs. Bloom gave hers?—Yes.

25732. Did you hear Mrs. Bloom give her evidence?—No, we were not in the court together; we were called in one at a time.

25733. But you remained in court after you had given your evidence, did you not?—No, we came out.

25734. You are quite sure about a short man hitting the constable?—Yes.

25735. Where was the man who hit the constable?—Standing behind the constable.

25736. He hit him in the face?—Yes.

25737. How did he manage that?—He went somehow like that—sideways (*illustrating*).

25738. You are sure the constable was standing up at the time that he hit the second blow at Emms on the ground?—Yes.

25739. He was standing up?—Yes.

25740. He was not kneeling down?—I beg your pardon—yes, he was kneeling down like *that*. He was kneeling by the side of Emms like *that*, with one knee down (*illustrating*).

25741. Why did you tell these gentlemen that he was standing up if he was kneeling down?—You forget that it is a long time ago, and I never thought I should have to come up on an occasion like this, and I did not think any more about it.

25742. You remember what took place?—Yes, but you forget if you have a lot of children to look after your mind is more on your children and husband than anything else.

(*Mr. Dickinson.*) I took her to say that the constable "leant" down.

Mrs. M. Allen.

14 Dec. 1906.

(*Mr. R. D. Muir.*) Yes, but I asked her several questions afterwards as to whether the constable was standing up, and she said it was quite clear that the constable was standing up.

(*Chairman.*) Of course there is an ambiguity about that. She did not use the word "knelt" down but "leant" down. If a man leans he is still standing, in a sense; he is on his feet.

(*Mr. R. D. Muir.*) Certainly. I put it to her quite distinctly on several occasions as to whether the constable was still standing up.

(*Chairman.*) If a man is on the ground, in order to deliver a blow with a truncheon some leaning would be necessary.

25743. (*Mr. R. D. Muir.*) Yes, but the question between kneeling and standing is a very distinct one. Do you say he was kneeling?—Bending down.

25744. Which was it. Which way will you have it now?—When I saw the blood, I drew back a bit. I could not say exactly whether he was kneeling or bending.

25745. Now you do not know whether he was kneeling or bending?—I drew back a bit when I saw the blood on the pavement; it frightened me, and I drew back.

25746. Was it after the first blow you drew back?—No, after the second.

25747. That would not prevent your seeing the second blow. Which way do you say it was—was he kneeling or bending?—He was like *this* somehow (*illustrating*). I could not tell you whether he was on his knees or not, but I know he was like *that*.

25748. So you do not know whether he was kneeling or not?—No.

25749. When you got to the station you saw Emms in a chair, did you?—Yes.

25750. Was his head dressed at that time?—No.

25751. You were admitted, were you, to the station?—Yes, we went inside.

25752. Were you in a room or a passage?—I could not tell you what it was. It was a big place by the side of where Emms was sitting; we went in *this* way.

25753. Could you see Emms sitting in a chair from where you were?—Yes. As we passed by the door we saw him.

25754. It was through a door you saw him?—Yes.

25755. Were there any officers there?—Yes, I think there was an inspector.

25756. Why do you say there was an inspector?—I do not know what he was. He came in and asked what she had to say to him and he said he would tell him.

25757. Is that the gentleman (*pointing*)?—I cannot say whether it was that gentleman or not who came in.

(*Mr. Dickinson.*) Who is that?

25758. (*Mr. R. D. Muir.*) Sergeant Anderson. One officer only came in and spoke to you?—That is all.

25759. You call him an inspector, but you do not know whether he is an inspector or not?—No, I do not know what you call them.

25760. Why do you say he was an inspector?—I do not know what you call them.

25761. But why did you call him an inspector?—I should say so now. I do not know what made me say he was an inspector. I took it in my own mind he was an inspector.

25762. Do you know an inspector's uniform?—No, I do not? I do not take much notice of them

25763. Do you know the difference between a sergeant's uniform and an inspector's uniform?—A sergeant has stripes, has he not?

25764. Yes?—That is all I go by.

25765. A station sergeant has got four stripes?—That is all I go by. I have never been in the hands of the police.

25766. Did you see his stripes?—I had no conversation with this gentleman at all when he came in. It was the other young woman. I had my head down.

25767. It is very important that we should be able to identify the person that you say came into the room and

Mrs. M. Allen.

14 Dec. 1906.

spoke to you. Cannot you tell us how he was dressed?—No, I cannot, I did not take any notice.

25768. Had he got stripes on his arm?—I could not tell you.

25769. Will Inspector Smith stand up for one moment? (Inspector Smith stood up.) Had he a coat on like that inspector has?—I could not tell you, I did not take any notice. I was not talking at all. I had my head turned the other way. It was the other young woman who was talking to him.

25770. Was it an ordinary constable who came in?—I do not know; I could not tell you.

25771. Can you explain to us at all, if you do not know the difference between a constable, a sergeant, and an inspector, how you came to tell the magistrate that it was an inspector?—As I tell you, I took it in my mind to call him an inspector. I do not know the difference between inspectors, sergeants, or anybody else. I think he had a long black coat on that night.

25772. All of them have that, have they not?—I could not tell you. That is what I go by.

25773. How long were you in this room before the inspector came in or before a person came in and spoke to you?—Not many minutes.

25774. Did you pass through the room that Emms was in?—No, we passed by the door.

25775. (*Mr. Dickinson.*) You have not a plan of the police station here, I suppose?—No.

25776. (*Mr. R. D. Muir.*) How long did you see Emms while you were there?—Not a minute. Just as we passed by we saw him bleeding in the chair. We only passed by to the other room.

25777. Do try to give us some idea of the time. How long were you there before the police officer came in and spoke to you?—About two or three minutes, that is all.

25778. Who spoke first—you or the young woman?—The young woman. I did not speak at all—not one word.

25779. Who spoke first—the young woman or the police?—I could not tell you. I did not speak at all.

25780. What did the young woman say?—She asked if she could speak to Emms.

25781. What did the officer say?—He said, "What you want to tell him tell me, and I will tell Emms." She said, "Oh no, I cannot; I want to speak to him myself." That is all that was said, and we were pushed outside.

25782. I want to know exactly what you say happened. Did the young woman say anything about bail?—No.

25783. Nothing at all?—No.

25784. Did she say she wanted to give evidence?—No.

25785. Did she say she knew anything about the case?—No, she never said one word. When we came outside she left me.

25786. All that she said to the officer was that she wanted to speak to Emms personally?—Yes, that was all.

25787. He offered to take a message, and she declined?—Yes.

25788. Tell us exactly what was done by this officer or by any officer to you personally. First of all, was any hand laid on you?—As we were going out of the door, then he pushed us out.

25789. Do not say us?—Me and the other young woman.

25790. Speak of yourself. First of all, as distinguished from the other young woman, what was done to you either inside or outside. Was anything done inside?—Nothing until I was coming out of the door, and then he pushed me.

25791. (*Chairman.*) Out of which door?—Outside Commercial-street police station.

25792. (*Mr. R. D. Muir.*) The street door?—I do not know what they call it, it is rather a big door.

25793. The door is on the street, is it?—Yes.

25794. Just describe exactly what he did?—He just pushed me, I must have missed the step, I suppose, and I fell to the ground.

25795. Was it a violent push?—No, not a violent push to hurt me.

25796. Were you walking out of the station at the time?—He said "Outside, outside." We made for outside, and he gave us a push, and the other young woman was pushed behind me.

25797. Let us deal with one at a time, or we shall get confused. You were pushed?—Yes, on to the pavement.

25798. What part of your body was pushed?—Between my shoulders.

25799. A hard push?—No, not such a very hard push, not to hurt me.

25800. What happened to you?—I fell on the pavement, but I got up again.

25801. Was that because of the push?—Yes, I do not know whether I caught my foot in the step and that caused me to fall, but I know I fell on the pavement.

25802. Was it because of the push that you fell on the pavement?—I expect it was.

25803. Was it?—I did not fall afterwards. I know I fell on to the pavement.

25804. Was it a gentle push?—Yes. It was not a push to hurt me.

25805. Is this what you said before the magistrate, "I went to the station and saw Emms in the chair"?—Yes.

25806. "A young woman said she would like to speak to him."

(*Chairman.*) "To us" it is in my copy.

25807. (*Mr. R. D. Muir.*) Yes, but it must be "to him:" A young woman said she would like to speak to him. That is right, is it?—Yes.

25808. "The inspector came and threw us both on to the pavement and we fell"?—So we did. We both fell. She fell on the top of me.

25809. Is that a correct description of what took place at the police-station?—Yes.

25810. "The inspector came and threw us both on to the pavement, and we fell"?—Not before he asked her what she had to say. He said, "Tell me, and I will tell him."

25811. I am not asking when it was. I am asking you whether that is a correct description of what took place?—Yes, it is.

25812. "The inspector came and threw us both on to the pavement, and we fell"?—We did fall on to the pavement.

25813. Do you remember a few seconds ago you told these gentlemen that it was only a gentle push?—We both fell down, but we did not hurt ourselves.

25814. What did the inspector do to the other young woman?—He shoved the other young woman immediately after me.

25815. Did you see him shove the other young woman?—I could not see behind me, but I know she fell on the top of me.

25816. Was anybody there at that time?—No, I do not think so.

25817. Except this person you call the "inspector"?—That is all.

25818. Nobody else at the door?—I did not see anybody; the door was closed.

25819. No other constable about at all?—Plenty in the other room.

25820. But no other constable saw what was done?—Not to my knowledge.

25821. This street that you were thrown into in this way is Commercial-street?—Yes.

25822. Is that a busy thoroughfare?—I could not tell you; I very seldom go up that way, although I live near to it.

25823. Were there any people about?—I could not tell you.

25824. It would be about one o'clock in the morning. What time was it?—I should think it was getting near that way.

25825. Were there many people about?—I did not see any.

25826. No constables at the station door?—To the best of my knowledge I never saw any.

25827. Only the one man who you had anything do with at all in the station—one policeman?—That is it.

25828. Who interviewed you first and threw you out afterwards?—Yes.

25829. Do you think you would know him again?—No; I told you I should not; I did not take much notice.

25830. You could not give us any description of him either?—No, I could not.

25831. (*Mr. Livett.*) Although the push was a push, that did not do you any harm; was it a push which caused you to lose your balance?—It must have done, as I fell.

25832. Was it when you were descending the step?—No; just as he opened the door to let us out he gave us a push.

25833. Is there only one step?—I think there is only one step.

25834. Whether it was an ordinary constable, a sergeant, or an inspector, did he give you the impression of being a superior official?—I do not know what you mean.

25835. Did he seem to you to be somebody in authority?—He only said, "Outside," and as we were going outside he gave us a push. He did not seem to have much authority to push us out.

25836. You have been asked several questions about the time which elapsed when the constable struck Emms. Had you any reason to take special note of the time?—No, I had not.

25837. I think you told us that at the police-station you saw Emms as you passed the door?—Yes.

25838. And you said you saw him for a minute?—Yes, just as we passed the door we saw him sitting in the chair bleeding.

25839. You saw him as you passed?—Yes.

25840. You also told my friend that the time occupied in the struggle was five minutes?—Yes. It did not last more than ten minutes or a quarter of an hour altogether.

25841. You have told us that during the space of two minutes the policeman and Emms were standing face to face?—Yes.

25842. Might it have been less time than two minutes;—I could not exactly tell you the time. I did not take much notice of the time.

25843. You could not say exactly how long it was?—No, I could not.

25844. Any more than you could say it was a whole minute that you saw Emms at the police station——

(*Chairman.*) I understand you mean it took rather a long time. From your point of view ten minutes or a quarter of an hour is a good long time.

(*Witness.*) Yes; but I mean it ended then, because the ambulance came and took him away.

(*Chairman.*) Mrs. Bloom told us that the whole thing went so quickly that she could not be quite positive about any of the details.

(*Mr. Livett.*) That is my point—that the witness says two minutes was occupied by that conversation.

(*Chairman.*) Yes; but two minutes is a long time for two men to stand up to each other. This is not an adverse comment on the witness, but I do not think you will get any further by the re-examination. I do not want to stop you.

(*Mr. Livett.*) That is all I have to ask.

25845. (*Chairman.*) What is your husband's business?—A dustman.

25846. This was on the morning of the 23rd; but I suppose you do not remember the date?—No, I do not remember the date.

25847. It was a Tuesday?—Yes.

25848. It was rather late for you to be out, was it not?—Yes; but I can account for that, I came out late that night. That night my sister came to see me, and I went to see her a little way home to Whitechapel. At the other end of Brick-lane I left my sister, and on returning home I saw this.

25849. Your home is at 55, Bacon-street?—Yes.

25850. Your sister had been spending the evening with you?—Yes.

25851. About what time did you and she leave home that night?—I should think she left my home about five or ten minutes past twelve. It did not take us long to walk along Brick-lane.

25852. Which way did you come upon the scene of this fight or disturbance?—I was coming down Brick-lane. I must come straight along Brick-lane to get home.

25853. Where did you part from your sister?—At Whitechapel—at the top of Brick-lane.

25854. In order to come along Brick-lane to the archway, and Pedley-street where this took place you had to pass Buxton-street on the right?—Yes.

25855. When you had parted from your sister, you were walking along the pavement on the side opposite Buxton-street and past Pedley-street?—Yes, on the left-hand side.

25856. I will come back to that directly. Do you know at all what time it was when you got to the police station when you went with the young woman?—No, I could not tell you.

25857. You can tell me perhaps what time you got home?—I should think it was about a quarter to one, or something like that when I reached home, or it may have been just on one o'clock. It was no later I think than one o'clock.

25858. Was your husband at home?—Yes, in bed.

25859. Had he gone to bed before you and your sister went out?—Yes; he was in bed before my sister went home because he has to get up early in the morning. He goes to bed about eight o'clock at night.

25860. Was he surprised when you did not come home till just one o'clock?—He knew my sister was coming to stay late, after he went to bed, because I do not often see her.

25861. We have it that the blow was struck at 25 minutes to one?—I do not think it was quite so late.

25862. If the whole incident lasted ten minutes or a quarter of an hour, as you have said, and you went to Commercial-street police station, you cannot have been home by a quarter to one?—No, I think it is a mistake. I do not think it was so late as that. It was about 25 minutes past 12, as near as I can put it when it happened.

25863. How long did it take you to walk back from the police station to Bacon-street?—About five minutes.

25864. I suppose you went pretty fast?—Yes, I did.

25865. Where did you part from the young woman?—I left her outside the station.

25866. On the ground?—No.

25867. She had picked herself up?—She had picked herself up the same as I did.

25868. It was rather an odd thing. Did you have no conversation about it?—She said, "That is all right." She said, "Good night," and I said, "Good night" to her.

25869. Then she had not been much disturbed by this shoving down the steps?—No.

25870. In fact you did not think much about it, did you?—I was not hurt, and that is why I did not take much notice.

25871. The account that you give to-day does not suggest to me that the inspector, or sergeant, or police constable, or whoever it was, was intentionally rough?—I do not think he did it intentionally—to push us down to hurt us.

25872. You seem to have had a very sensible conversation with him?—Yes, he was all right. He told the young woman to tell him what she wanted to say, and she would not tell him.

25873. She would not do that?—No.

25874. Then he said, "You had better go outside," and as you went you fell down the step?—Yes.

25875. And you said, "Good night"?—Yes; I do not think I should know the young woman again.

25876. It looks a much more serious thing than you are now representing it to be when I come to read the notes of the evidence taken before the magistrate: "The inspector came and threw us both on to the pavement, and we fell"?—He shoved us out, and we both fell to the pavement.

25877. You rather agree with me, do you, that it sounds rather a serious thing for an inspector to come and throw out two ladies on to the pavement?—Yes.

Mrs. M. Allen.

14 Dec. 1903

25878. That does not read very nicely, does it?—No, it does not read very nicely.

25879. Did you tell the clerk that?—Yes, I did tell the clerk.

25880. The account you have given us to-day, whether it be accurate or not, is a very different one Did you wish the magistrate to think that you and the young woman had been treated badly at the police station?—No, I did not think that. We were not treated badly. We could not say we were treated badly.

25881. So I gather from you to-day?—No, we were not treated badly. She refused to tell the inspector what she wanted to say.

25882. He may have been right or wrong, we will not discuss that, but he said civilly enough: "I will tell him any message you like to give"?—Yes, he said: "I will tell him—I will tell Emms what you say."

25883. What you now wish to say is that at the Police Court you did not wish to make any charge against the police at all with regard to that?—No, it was nothing to do with me; I make no charge against the police for that.

25884. You did not mean it as a serious charge against the inspector, whoever he was, that he had treated you either uncivilly in the station, or brutally by throwing you out of the station?—No.

25885. It is an unfortunate form of words if they are accurately taken down?—Yes. I did *not* mean any harm to the inspector, because I was not hurt, and I am sure the other young woman was not.

25886. However, that is your explanation. Now, about this young woman. What aged woman was she? You have called her "a young woman."—I think she was a woman about my own age, that is, 35.

25887. I agree that is young. Did you gather that she was a married woman?—She had a wedding-ring on her finger.

25888. You did not know Emms before this night at all, I understand?—No.

25889. You did not know Mrs. Emms. We hear that there is a Mrs. Emms?—That I could not tell you.

25890. She was a married woman?—Yes, a married woman.

25891. About the same age as yourself—about 30 to 35?—Yes.

25892. Did not it strike you as rather odd for a lady whom you did not know, to ask you to go to the police-station with her?—Yes, I thought it rather funny, still I went. I did not like to see her go by herself.

25893. I am not suggesting it was not very kind, and very proper on your part to go, but still there were a lot of women there. Mrs. Bloom was there, and you said there were other ladies there?—I could not say whether they followed to the station.

25894. No, I am not suggesting that, but this young woman apparently picked you out, and she said, "Will you go to the station with me?"—Yes.

25895. You have told me that that was rather a surprise to you?—Yes.

25896. But you thought it was a kind thing to go?—Yes.

25897. On the way to the station did you not talk at all to her?—We were having a little conversation to ourselves about ourselves, about trade, business, and one thing and another, but we were not talking about that.

25898. When the young woman asked you to go to the station, did it not occur to you to think, whether you asked or not, "Why on earth does she want to go to the station?"—I thought that to myself, although I did not ask her.

25899. It was rather an odd thing that you should go to the station about a man that you did not know anything of, but you explain it in a very proper way—that this young woman asked you to go to the station with her?—Yes.

25900. It was a very kind thing of you to do, but do you mean to say you did not ask her why she wanted to go to the station?—No, I did not.

25901. Did she not say anything about her relationship to Emms, or why she took an interest in him?—No, she never mentioned a word to me going along, nor me to her, about that.

25902. You must have wondered why she wanted to go to the station?—That is what I say—I wondered to myself, although I did not say it.

25903. You thought it nicer not to say it?—Yes.

25904. What did you really think?—I thought to myself, I wonder why this lady wants to go to the station perhaps it is his wife.

25905. That is what I was going to suggest to you. You thought she was a married woman, and you thought she was his wife?—Yes, I thought so. I could not say whether she was or not.

25906. You thought she was his wife, and you did not make any further inquiries, but you went with her?—Yes.

(*Mr. Livett.*) Would you mind asking the witness the height and appearance of this other woman?

25907. (*Chairman.*) You shall ask any questions if you like afterwards in reason; I do not mean to say that you can go on for ever. I want you to bring your mind now to Brick-lane when you had just left your sister. Where did you leave your sister?—At the other end of Brick-lane, at Whitechapel-road.

25908. How far would that be from the archway where the disturbance took place?—About ten minutes' walk, I should think.

25909. Then you walked on the pavement for about ten minutes before you came in sight of the archway?—Yes.

25910. You think it was not as late as half-past 12?—No, I would put it about 25 minutes past 12 as near as I can tell.

25911. What was the first thing that attracted your attention?—I saw these people on the left-hand side.

25912. It was a group of people that first attracted your attention?—Yes.

25913. You did not run, did you, when you saw this group of people?—No.

25914. Did you hasten your footsteps?—I walked just the same as I did before.

25915. Then there was nothing very remarkable?—No.

25916. How near to you was the group of people when you first noticed anything that was out of the common, and when you first noticed the police-constable with a helmet on?—I noticed him within a few yards. I could see the policeman's hat above the ground.

25917. Up to that time you had only seen a group of people. Then when you got up a little further near the group of people you distinguished a policeman's helmet?—Yes.

25918. Was he surrounded by people at that time?—There were not so many people there, but I could not tell you how many.

25919. I did not understand you to say there were many. Were there more than four people besides the constable?—Yes, there were more than four.

25920. Do you think there were, at any rate, two men there?—I could not tell you how many men there were there.

25921. But as you got nearer you saw the group more clearly, and you saw the constable. Was there any particular man besides the constable that attracted your attention?—No, only the man named Emmsy was standing there in the crowd with the policeman.

25922. At that time, I understand, they were on your side of the road—on the left-hand side that you were walking on?—Yes.

25923. When you got near them what did you see that led to their going over to the other side of the road—to Pedley street?—I heard the constable say to Emmsy: "Move on; Move on." That was all.

25924. Was the police-constable standing with his back to the wall, and Emms facing him then on the pavement.?—On the left-hand side.

25925. (*Mr. R. D. Muir.*) I do not know whether it has escaped your notice that she calls Emms "Emmsy"?—I said the man Emmsy.

25926. (*Chairman.*) That is the name he is known by?—I do not know. That was the name given to me when I had to go to the Court—Emmsy, or something like that.

25927. Are you quite certain you did not know such a man as that before this night?—No, I did not.

25928. When that took place had the constable got his back to the wall?—I could not say. He said "Move on."

25929. As I understand it when first your attention was attracted to this place at all you saw a group of people?—Yes.

25930. When you got nearer you saw a constable?—Yes.

25931. And distinguished whom you now know to be Emms or Emmsy?—Yes.

25932. Was the constable standing on the wall side, and Emmsy on the road side?—Yes, Emmsy was more to the kerb, with the constable with his back to the wall.

25933. What did you see take place?—I only saw him shoving Emmsy, and saying "Move on; move on."

25934. And they gradually went across the road?—Yes, the constable forced Emms to go away; and he was saying: "All right."

25935. Did the constable loosen his grip on the man when they got to the other side of the road?—I could not tell you. The people were following up.

25936. So far as you know, the police-constable might have had hold of Emmsy all the time, and forcing him gradually across the road?—Yes.

25937. Until they got to the corner of Pedley-street?—Yes.

25938.—Then no truncheon blow was struck until they got across the road?—No.

25939. What was the effect of the first blow on Emmsy so far as you could see. Did he fall?—He did not fall till he had the blow.

25940. The first blow?—Yes.

25941. Are you certain of that?—Yes, I am quite certain.

25942. How far were you from the police constable and Emmsy when that blow was struck?—About two or three yards.

25943. You crossed the road, too?—Yes.

25944. Did you see the people make a movement?—Yes, to cross the road.

25945. So that what you say you saw was the police constable pushing or shoving Emmsy across the road to where the blow was struck?—Yes.

25946. And all the people following them; you amongst the number?—Yes.

25947. This was at night time. Was it rather dark?—Yes, it was about 25 minutes past 12.

25948. What sort of gas lamps have you got there?—It is not a very light place near the arch.

25949. It is not very easy to distinguish faces, I suppose?—No, it is not. It is at the corner of rather a narrow court.

25950. Do you know a man called Ginger Norrey?—I did not know him until I saw him at Old Street.

25951. Did you see him that night in Brick Lane?—No, I never saw the man they called Ginger Norrey there.

25952. Had you ever seen him before that night?—No.

25953. Had you ever heard him before that night?—No.

25954. Had you ever heard of him before that night?—No, I had not.

25955. Where did the man who struck the constable in the face come from as far as you could see or as far as you recollect?—I could not tell you any more than that he was standing right behind the constable.

25956. Did he come from your side of the crowd?—Yes, he followed on as well.

25957. In order to strike the constable did he come from behind where you were?—No, he was closer to the constable than I was.

25958. Had you noticed him before he struck the blow?—No, I had not.

25959. Which direction did he come from?—He was pushing between so as to get close up to us.

25960. From the archway direction?—Yes.

25961. He ran away?—As soon as he struck the constable he ran away.

25962. Where was the young woman standing when Emmsy fell?—At the side of me.

25963. Therefore about a yard and a half or two yards?—About a yard and a half or two yards, I suppose.

25964. Did she seem concerned then?—No.

25965. Was any exclamation made by you or by her when Emms fell?—No.

25966. (*Mr. Dickinson*): The evidence you gave this morning to us about what happened at the police station was this: "The Inspector said: 'You can't; get outside'; he got hold of us two at the back of our neck and threw us out of the door." That is what you said this morning. What did you mean when you said: "Got hold of us at the back of our neck"?—He put his hand at the back *here*, and shoved us out.

25967. Do you say he put his hand on your neck?—Between my two shoulders—about *here*. (*Illustrating.*)

25968. How was it you did not come here yesterday?—I had my baby very ill.

25969. You had the summons?—Yes.

25970. How is it you are here to-day?—The gentleman came again this morning or I should not have come. I had to get somebody to mind my baby while I came.

25971. When you were walking to the police station with this young woman did you give her your name?—No

25972. Have you no idea how it was that anybody found you out?—No, I have not. I do not know what they found out about me—only the gentleman came on Saturday.

25973. What did he say to you when he came on Saturday?—He asked me for particulars—all what I knew about this affair.

25974. What was the first thing he said?—He said: "Mrs. Allen?" I said: "Yes."

25975. What did he say?—He said: "I have come for information about what you saw about a constable striking a man in Brick Lane." He had a pen and ink, and he put it down. That is all I know.

25976. Did you give him a description of the man Emms?—No, I did not.

25977. Was the name of Emms or Emmsy mentioned?—No, there was no mention of the name. I did not know no name whatever; he only said "the man" to me.

25978. The man ——— what?—The man that got knocked about.

25979. On this particular night?—Yes.

25980. He then took down what you said?—Yes.

25981. Did you say anything to him about the other man hitting the police constable?—Yes.

25982. Are you sure of that?—Yes, I am almost sure I did. I have had a lot of trouble since then, and I forget what I really did tell the man.

25983. We are trying to get your memory now?—Yes.

25984. You say you did tell him?—Yes.

25985. What made you say that?—He wanted to know all particulars from the beginning almost to the end of what I saw, and of course I told him.

25986. I suppose he asked you questions very much like the questions we are asking you now?—Yes.

25987. Did he say to you, "Did you see another man strike him?"—No, he did not ask me, but I told him.

25988. You volunteered that?—Yes.

25989. Did you give him a description of the man?—No, I could not give him a description of him.

25990. I do not think you mentioned that at the police court. Did you mention that at the police court?—Yes.

25991. "A man behind the police constable hit him in the face and ran away"?—Yes.

(*Mr. R. D. Muir.*) And in cross-examination she describes him as a short man.

25992. (*Mr. Dickinson.*) Just describe to me the police station. You went in at a door. Did you go up steps?—Only one step, I think it was.

25993. One step from the level of the street?—Yes.

25994. Then what did you go into?—We went by a lot of rooms. There is a room *there*, and a room *there* and we went *this* side.

25995. There was a passage in front of you?—Yes.

Mrs. M. Allen.

14 Dec. 1905.

25996. A room on the right side and a room on the left side ?—Yes.

25997. Where did you go to ?—On *this* side.

25998. On the left side ?—Yes.

25999. Why did you go in on the left side ?—I think we were told to go there. I followed behind.

26000. You think you were told to go in on the left ?—Yes.

26001. Where was it you saw Emms ?—Sitting in a chair.

26002. In which room ?—On *this* side.

26003. On the right ?—Yes.

26004. Was there anybody in the room at the time ?—There were other police-constables.

26005.—Where was the chair ? Could you see through the door or through the window ?—There was no window, and I do not think there was any door.

26006. You could see into the room ?—Yes, as we went by.

26007. Where was the chair ?—Like in front of a table like *that*.

26008. In the middle of the room ?—Yes.

26009.—How was Emms sitting ?—He was sitting in a chair.

26010. Looking which way ?—I think he was looking towards the door.

26011.—Looking towards you ?—Yes.

26012. Did you recognise him ?—I did not hardly recognise him. When I saw a man bleeding, I put it down it was him.

26013. You saw a man bleeding ?—Yes.

26014. Was he sitting quietly in the chair ?—No, I think he went to get up, and the policeman said : "Sit down."

26015. You saw that ?—Yes, I saw that as I went by. He went to get up and the policeman said "Sit down," like *that*. (*Illustrating.*)

26016. Was the policeman holding him down ?—I did not see him holding him down after that because we passed by. I know he said "Sit down" as we went by. He saw the young woman.

26017. Do you think he recognised her ?—I cannot say whether he did or not. I know he went to get up.

26018. Did he see you ?—I cannot tell you. He did not know me. He had never seen me before.

26019. Would he not know you ? How long have you been in business there ?—I have been in my place where I am now about two years or two years and a-half.

26020. That is close to Brick-lane ?—Yes.

26021. I suppose the people about there do know you by sight ?—I could not tell you. I daresay we know one another by sight.

26021*. I was just asking you about the police-station. You said that you went in and you saw on the right-hand side a room in which there were some policemen, and Emms was sitting down ?—Yes.

26022. Now tell me what you saw on the left side ?—I went in the other room. There was no one else there except the young woman.

26023. You went in the other room ?—Yes.

26024. I want to know why you went in the other room ?—When the inspector opened the door, he said "Enter, please."

26025. What door did he open ?—The door in Commercial-street.

26026. Was the front door shut ?—Yes.

26027. Did you have to ring ?—No, I think we only just tapped and went in.

26028 You tapped and the inspector opened that door ?—Yes.

26029. You walked in ?—Yes ; he said "Come in," and we walked in.

26030. Then he motioned you into the side room ?—Yes, the other room.

26031. On the left hand side ?—Yes.

26032. Did he follow you in ?—Yes.

26033. You were not going first ?—No, the other young woman went first.

26034. And you went second ?—Yes.

26035. And he went in third, you say ?—Yes.

26036. When you were in that room just tell us exactly what happened ?—The inspector, as I say, came into the room.

26037. Was that the same man who had admitted you ?—Yes.

26038. Did he ask you what you wanted ?—Yes, and this young woman said could she speak to Emmsy. He said, "You cannot speak to him. What you want to say to Emmsy you tell me, and I will tell him." She said, "No, I would like to speak to him myself." That is all that passed. He said, "You cannot speak to him. Outside !"

26039. He said to you "outside" when he was in the inner room ?—Yes.

26040. And you went out and he followed you out ?—Yes.

26041. Out of that room ?—Yes.

26042. Was the front door open or shut then ?—Shut.

26043. Did he open it to let you out ?—The inspector as we went out said, "Outside," and just gave us a shove.

26044. He was opening the door when he did that ?—Yes, with one hand.

26045. How did he have his hand on the backs of both of you ?—Well, one after the other—not both at once ; me first, and the other young woman after.

26046. You went out first ?—Yes, I went out first and the other young woman after me.

26047. His push, you think, made you fall in the street ?—Yes.

26048 Did the other young woman come tumbling on top of you ?—Yes.

26049. Do you mean you were underneath her ?—Yes.

26050. Then the policeman must have seen you fall before he pushed the other one ?—I do not know whether he saw or not, I could not answer for that.

26051. You have no doubt that it was the push that caused you to fall ?—No. I do not know whether we slipped over the steps or there was a piece of wood over the steps and we fell over that, I never noticed. There was only one stone step to go down ; it was not very high.

26052. Would you recognise the policeman whom you saw ?—No, I would not.

26053. You did not look at him sufficiently ?—No.

26054. Was the room light ?—Yes, it was light.

26055. You cannot tell whether he was a man with a moustache ?—No, I cannot tell you what sort of a gentleman he was at all.

26056. What did you say to this woman when you picked yourselves up, because you must have been rather irritated then ?—She said, "That's all right, isn't it." I said, "Isn't it." She says, "I must be off." I said, "So must I or I shall get in a row for being late." She said, "Good-night," and I said, "Good-night," and he went her way and I went mine.

26057. She went her way and you went yours ?—Yes.

26058. Which way did she go ?—I think she went to the right to go to the top of Commercial Street. I came across under Wheeler Street arch through Sclater Street into Brick Lane.

(*Mr. Dickinson.*) Have you a map there, Mr. Muir ?

(*Mr. R. D. Muir.*) Yes. It does not show Commercial Street, but it shows Sclater Street and Brick Lane. (*Handing map.*)

26059. (*Mr. Dickinson.*) Coming out of Commercial Street Station did you walk together at all ?—No, we only just went two or three steps together to the edge of the kerb. That is all.

26060. Was that because your paths parted at that time ?—Yes.

26061. You went in which direction, do you say ?—I had to go across the road and that brought me to Wheeler Street arch. As you go under Wheeler Street Arch you are in Sclater Street, and I have only to go down Brick Lane to my home.

26062. She went in what direction ?—She turned to her left to go up Commercial Street to the top end.

26063. Do you know where Emmsy lives?—No, I do not.

26064. Have you never heard?—No.

(*Mr. Dickinson.*) Is there any assistance in the map, Mr. Muir?

(*Mr. R. D. Muir.*) If I may have that map back I may assist you. It is at the end of Quaker Street, in this direction (*indicating*).

(*Mr. Dickinson.*) Your map does not show me the direction these two women went in when they went out of the Commercial Street Police Station.

(*Mr. R. D. Muir.*) No, I am afraid it does not.

(*Chairman.*) But the police station is towards the end of Quaker Street.

(*Mr. R. D. Muir.*) Yes. The end, I understand, faces the end of Quaker Street.

26065. (*Mr. Dickinson.*) Which way did you have to go home? Where did you live?—In Bacon Street.

26066. Therefore you had to go home up Brick Lane again?—Yes, just into Brick Lane.

26067. And through the archway?—Yes.

26068. You went past the scene of this fight?—No, not again going home. You turn to your left when you get into Brick Lane, and that would be turning to the right coming under the arch. I did not have to go that way again.

26069. I understand the police station is at the end of Quaker Street. Do you know Quaker Street?—Yes, I know Quaker Street.

26070. Where did you cross the railway?—I crossed Commercial Street, and that brings you to Wheeler Street arch, and that is right up against it.

26071. That is a railway arch?—Yes. I came under that, and then turned to my left, and then I was in Sclater Street.

26072. (*Chairman.*) That I follow. You would avoid the scene of the occurrence?—Yes.

26073. (*Mr. Dickinson.*) Now which direction did the other woman go in?—From me she turned to the left to go up the open road into the Whitechapel Road. I do not know whether she went there or not, but she left me there—that is all I know.

26074. I want to ask you a little bit more about what you saw exactly. I understand, from the answers you gave to the learned Chairman, that you saw the police-constable pushing Emms across the road?—Yes.

26075. In the direction of Pedley Street?—Yes.

26076. What was the exact spot where you saw him strike Emms on the head?—It was just into this little court at the corner of Pedley Street. It leads down into a railway station. It was just at the top end near Brick Lane—near the corner—right against the corner.

26077. They had got into Pedley Street?—Yes, just into it, and that is all.

26078. Had any blow been struck before they got into Pedley Street?—Not to my knowledge.

26079. You saw the policeman before he crossed the road?—Yes, on the left-hand side.

26080. Did you cross the road with them?—We all followed across.

26081. You got up then, when they were on the left hand of the pavement?—Yes.

26082. And then they crossed, the policeman pushing Emms in front of him?—Yes.

26083. Was Emms trying to get away?—No, he did not seem to me to try and get away. He was only saying, "All right, all right." That is all I heard Emms saying.

26084. What made them go into the court?—I could not tell you.

26085. Had the policeman got hold of Emms the whole way across the road?—No, he was shoving him across like that with his hand (*illustrating*).

26086. Emms did not try to run away?—No.

26087. You did not see Mrs. Bloom at all?—No, I never noticed her there.

26088. But you do know her?—Yes, by buying pot-herbs from her.

26089. And you know her now. Did you see anybody with a bull's-eye lantern?—No.

26090. Was there another policeman with a bull's-eye lantern making it shine on the face of the man?—I did not see that. Of course, when I saw the blood I got back a bit. I did not like to see the blood.

26091. When did you see the blood? Was this flow of blood immediate?—Yes, as soon as the blow was struck almost the blood was on the pavement. Then, of course, when I saw that I got back.

26092. Was there so much blood that you got back on the pavement?—Yes.

26093. Another policeman did come up. Did you see him come up?—I never noticed him until the ambulance came up. I never noticed any more police.

26094. Before you saw them cross the road you say there was a crowd round them?—Yes, a few people.

26095. So that something must have been going on before you got there?—Yes, before. I could not answer for that, because I know nothing at all about what happened before then.

26096. When did you first see this woman?—She was standing on the other side of the road when I came along. She was there before me.

26097. Was there anything in her appearance which made you notice her at all?—No.

26098. Was she crying?—No, I did not notice her crying—not the person who spoke to me. She says to me, "What a shame." I said, "It is a shame. He is not doing any harm, poor chap." That is all I could know the woman by.

26099. She said, "What a shame"?—Yes; of course, I did not know what it was for.

26100. I suppose she seemed peculiarly interested in him?—I did not take much notice of that. That is all she said. She did not seem to be upset.

26101. Did you think she was a mere stranger, like yourself, or had anything to do with it?—At the time I took her for a mere stranger.

26102. When she asked you to go to the court you thought there must be something in it?—She looked a nice respectable woman. I thought she was too experienced to interfere in a thing like that. I did not think she knew them.

26103. When the man struck the policeman did you see his face—was it light enough?—No, I could not. It was very dark in the court. I could not see his face. He was a darkish man, and short. He no sooner struck the blow than he ran away.

26104. You have seen Norrey since then, have you not?—No, only to-day, when I saw him sitting here.

26105. You have seen him sitting here since?—Yes, to-day. That is the first time I have seen him.

26106. Was the man who struck the blow like Norrey?—No, he was not so tall.

26107. But Norrey is a dark man?—No; that gentleman sitting there looks rather carroty to me.

26108. You are sure that is not the man?—I am positive it is not.

26109. (*Mr. Livett.*) With regard to this woman, did you notice anything about her dress?—No.

26110. Could you say how she was dressed?—She was dressed in black, I think. It was a very dark dress if it was not black.

26111. Was there anything special about her dress?—No, I did not notice anything special about her. She was merely a woman something like myself.

26112. You did not notice the colour of her hair, for instance?—It was about the same colour as mine—it was dark; and she was a little taller than I am.

(*Mr. Livett.*) I have one other witness, who is not here, as I mentioned just before lunch.

(*Chairman.*) I understand that is Mr. Kemp. Will you hand in his full name and address?

(*Mr. Livett.*) Yes, I have done so.

(*Chairman.*) We will consider whether it is necessary to summon him or not. We will now proceed with the cross-examination of Police-Constable Jeffery.

P C. H. Jeffery.

14 Dec. 1906.

Police-Constable HARRY JEFFERY, H. 369, recalled.

26113. (*Mr. Livett.*) I think you told us you had been in the force for fifteen months?—That is right.

26114. I want to know something more about what happened before this affair took place. You have told us, I think, you were on the Bethnal Green Road side of the railway arch?—Yes.

26115. Were you on point duty?—No, I was on night duty.

26116. Where had you been when you came on duty. Where did you go to first?—I worked through Sclater Street, Brick Lane, and round the beat.

26117. Then you turned to the right down Brick Lane?—Yes.

26118. When did you first see this group of three which you have told us about?—As I approached the railway arch from the north side.

26119. And you were on the right hand side of the road?—Yes.

26120. In the direction you were going?—Yes.

26121. Did you stop there?—No, I just walked straight through to them.

26122. Where were they when you first saw them?—Just under the south end of the arch.

26123. Did you say, when you gave your evidence, that they were standing in a doorway?—Yes, that is right. There is a doorway just at that end of the arch.

26124. Where did it lead to?—Into the Great Eastern Railway goods depôt.

26125. It is just at the edge of the arch where the road begins to go over the other railway?—Yes, that is right.

26126. What is the distance from the one side of the arch to the other?—I could not say exactly—28 or 30 yards probably.

26127. About 30 yards, you think. When did you first recognise Emms?—I did not know him.

26128. You did not know him?—I did not know his name.

26129. Did you recognise anybody?—Yes, I recognised the other man.

26130. At what point were you when you recognised him?—Close to him.

26131. You did not recognise him until you were close to him?—No.

26132. I think you told us they were on the same side of the road as you?—Yes.

26133. Did you get right up to them?—I did.

26134. You say there were two men and a woman there?—Yes.

26135. And the woman was crying?—Yes.

26136. You spoke to them, I think?—I did.

26137. Who did you speak to?—I spoke to them collectively—to the three of them.

26138. Who answered?—The man Emms.

26139. He said, "She is my wife, and he is my brother-in-law," that is what you told us yesterday?—Yes, that is right.

26140. Did you say at the Police Court he said, "She is my wife, but I knew it was wrong"?—No, I do not think I did.

26141. You do not recollect saying that?—No.

26142. You have told us that you did not know Emms?—Not his name.

26143. You did not know him by name?—No.

26144. Did you know him by sight?—Yes, I had seen him.

26145. Did you know him in the way of your business?—No, I had never had any dealings with him.

26146. You had never had anything to do with him?—No.

26147. Had you ever heard of him?—Yes. I had heard of this man named Emms.

26148. Was he a man upon whom you had your eye?—No; in fact, I did not know the man.

26149. You know he had a bad record?—I knew the man had.

26150. But that was no reason to keep an eye on him?—I did not know the man to keep an eye on him.

26151. Was there anybody else about there?—There was no one else in the street at all.

26152. Nobody in sight?—No, no one.

26153. How long were you talking to them on this right hand pavement?—Hardly a minute.

26154. Then there was no time for anybody else to come up?—No.

26155. Do you mean to say that you had never seen Emms before?—I had seen him before, but at that time I did not know his name.

26156. Where had you seen him?—In the neighbourhood of Brick Lane, and in the district.

26157. You knew him by sight, but you did not know him as a convicted man?—I did not know his name then.

26158. But you knew him by sight?—Yes, certainly.

26159. And as a convicted man?—Oh, no. I did not know that he was a convicted man.

26160. You had your attention drawn to him?—Just seeing him with the other man who was with him that night.

26161. Seeing him with the other man?—Yes.

26162. You told us yesterday that the last time you had seen the two men together was about June?—Yes, that is right.

26163. You had not seen him since?—Not with the other man.

26164. I want to know what drew your attention to him in the first case?—Do you mean on that evening?

26165. No, the first time that your attention was drawn to him when you came on that beat?—That was the first night I had seen him during that month.

26166. Had he been pointed out to you in any way?—Not in that month.

26167. Had he at any time been pointed out to you?—No, he had not.

26168. Now about this woman who was with him. When you were asked about her you said, "This woman was not Emms' wife. I know Emms' wife." How did you come to know Emms' wife?—I knew a woman who was pointed out to me as Mrs. Emms.

26169. Did you know she was the wife of this man?—No, I did not.

26170. If you did not know that she was the wife of this particular man, how did you come to say that this woman was not Emms' wife—not the wife of this man here?—When the man was charged then I knew that he was Emms, and then I knew the woman he was talking to that night was not his wife.

26171. But you told us that you knew Emms' wife, but you did not know her as the wife of this particular man?—Not until he was charged, and then I became aware of whom he was.

26172. I fail to see how that brought the fact any more clearly to your mind. Did Emms know that you knew his wife?—I cannot say that he did.

26173. He might have done?—Yes, he might.

26174. He probably would have done?—I do not know.

26175. When did your acquaintance with Mrs. Emms begin?—You would hardly call it an acquaintance.

26176. When did you first know anything of her?—About two months before the occurrence.

26177. Was she pointed out to you?—Yes, I believe she was.

26178. Who pointed her out to you?—I could not say who it was then.

26179. When you turned round the corner into Brick Lane, was this the first sight that you saw?—Yes.

26180. You saw these people standing on the pavement. Is it a well-lighted place?—Yes, very well lighted.

26181. How many lamps are there there?—On the right hand side of the road there are two gas lamps under the arch.

26182. And further on towards Buxton Street?—Further on there is one lamp on the left hand side of the road, at the corner of Pedley Street.

26183. At the corner of the passage?—Yes. Overhead there is a lot of electric lights on the Great Eastern goods yard.

26184. You said when you were before the Magistrate that you would not know this woman again. How is it that you are so certain as to the identity of Emms and Norrey?—I am positive it was those two.

26185. You had plenty of time for seeing them?—I knew the man Norrey. The man Emms never got away. When he was charged his name was given as Emms.

26186. You did not take any particular notice of the woman?—I could not. The woman went away as soon as I spoke to them.

26187. She went away?—Yes.

26188. And you did not see her again?—No.

26189. When Emms told you she was his wife, you had no reason to disbelieve him?—No, none.

26190. Did the woman go away alone?—No, the man Norrey walked away a few yards with her.

26191. How far?—About three yards, I should say, at the most.

26192. Then he turned back?—Yes.

26193. And she went on?—Yes, she went right away.

26194. Where did the struggle, according to you, commence?—About six feet on the outside of the arch.

26195. Which side of the road?—On the right hand side of the road.

26196. (*Chairman.*) The right hand side looking which way?—Coming from the north looking to the south.

26197. (*Mr. Livett.*) Coming from Sclater Street?—Yes.

26198. (*Mr. Dickinson.*) It is on the west side?—Yes.

26199. (*Chairman.*) That would be on the left side of Mrs. Martha Allen and the other woman?—Yes, as they came up from Whitechapel.

26199* (*Mr. Livett.*) On which side were you pinned against the wall —The west side.

26200. Did you not tell us yesterday that it was on the left side of the road that you were assaulted?—I told you yesterday that I was assaulted on the right hand side of the road, and during the struggle I was pulled from the wall, and we got across on to the other side, to the left side of the road.

26201. How did you get across the road?—Walked across.

26202. How was the whole affair taken across the road?—The man Emms had me by the throat. My left hand was on his shoulder or the front of his coat. The other man was hanging on my left arm, and so we went across in a bunch.

26203. Who went across the road?—The three of us.

26204. Did they pull you across the road?—Well, we struggled across; probably I did most of the pulling.

26205. Do I understand as you went across the road you had hold of Emms with your left arm?—Yes, with my left hand.

26206. Where did you strike Emms first?—With the truncheon?

26207. Yes?—On the forehead.

26208. Whereabouts; in the road?—On the left hand side of the road now.

26209. (*Chairman.*) That is on the east side?—Yes.

26210. (*Mr. Livett.*) So that Mrs. Allen was quite correct to-day when she said you held Emms with one hand and hit him with the other?—Yes.

26211. That is quite correct?—Yes. I held him with one hand and hit him with the other.

26212. You held him with one hand as you went across the road, and at the other side, finding you could not get rid of him, you hit him?—Yes.

26213. Did you say anything to him, when he assaulted you?—Yes, I told him when he assaulted me I should arrest him and take him to Commercial Street, and charge him with the offence.

26214. You told him all that?—Yes, of course.

26215. While you were struggling across the road?—No, before that, as he struck me. I got hold of him by the front of his coat, and said, "I must take you down to Commercial Street, and charge you with this."

26216. Did you use the words "move on"?—No.

26217. Not at all?—Not at all.

26218. And you did not hear him say "All right"?—No, he did not.

26219. According to you there was no provocation whatever for this assault upon you?—No, none at all.

26220. You had merely spoken to this group, and the next thing was they assaulted you?—Yes.

26221. Absolutely no provocation at all?—None whatever.

26222. You had never spoken to Emms before?—No.

26223. Had you spoken to Norrey before?—No, I had had no dealings with him either.

26224. They had no grudge against you?—No, I do not suppose they had beyond my being a policeman.

26225. And you certainly had nothing against them?—No, I had no grudge against them.

26226. Do you really say that you struck no blow in Pedley Street at all?—I struck no blow in Pedley Street.

26227. So that the three or four witnesses who have sworn you did are absolutely false?—They have not told the truth.

26228. They have not told the truth. It was on the right-hand side of the street where you say Norrey hit you in the face?—Yes, at first.

26229. Both blows in the face on that side of the street?—Yes.

26230. And you said at the police court you were dazed at the time?—Yes, I was.

26231. Was everything in confusion?—Not from those two blows—no.

26232. Were you at all confused by any blow?—Not at all, it was finished then. I felt the effects of the blow.

26233. When it was finished?—Yes.

26234. You have a perfectly clear recollection?—Yes, I became dazed only when the assault ceased and when there was no excitement to keep me still going.

26235. How long did the whole affair take in your opinion?—Probably five or seven minutes.

26236. From the time you were first assaulted?—From the time I was first assaulted until the man ran away and the other man fell.

26237. Five minutes?—Five or seven minutes.

26238. Was your truncheon drawn before the struggle took place?—No, certainly not.

26239. According to your story Emms had you by the throat?—Yes, he had, he had also knocked my head against the wall.

26240. You also had Emms by the throat?—No, I had him by the front of the coat.

26241. Listen to this, it is the evidence at the police court: "The first blow had no effect, Emms went on struggling. I had Emms by the throat with my left arm"?—That was some time after, that was not the commencement of the struggle.

26242. "Norrey had my right arm" you go on to say?—That is a mistake there.

26243. Whereabouts were you when you freed yourself from Norrey? Norrey had hold of your right arm, had he not?—No, holding on my left.

26244. Norrey I am talking about?—Yes, Norrey.

26245. They were both on the same arm?—The man Emms was in front with both hands on my throat, the other man was on the left-hand side.

26246. Two or three witnesses have sworn that a whistle was blown?—Yes.

26247. I think you said that your whistle was gone?—My whistle was gone; it was not blown.

26248. You heard no whistle blown?—There was no police whistle blown at all there.

P.C. H. Jeffery.

14 Dec. 1906.

26249. As far as you know?—Certainly there was no whistle blown.

26250. You have told us that you felt very dazed after the man was down, at the end of the whole thing?—Yes.

26251. And that is when the whistle is said to have been blown. May not it have been blown without your hearing it?—Unless a man were unconscious he would hear a police whistle.

26252. You were very much exhausted then?—Yes, I was very much exhausted.

26253. You were not able to take much interest in affairs for a few minutes?—No, I did not.

26254. (*Mr. R. D. Muir.*) Did you see Mrs. Allen there at all?—No.

26255. Did you recognise her?—No.

26256. Did you see her at the station?—No.

26257. Did you see any woman who called at the station for the purpose of seeing Emms?—No, I saw no woman at the station.

26258. Will you look at this plan which we have had prepared in the interval. (*Plan handed to witness.*) As the office was arranged then the charge room was on your left hand, is that right?—Yes.

26259. As it is arranged now, that is the Inspector's office?—Yes.

26260. At the top—there is a door at the top right-hand corner?—Yes.

26261. That door has been made since October?—This one *here*. I cannot follow this.

(*Mr. Dickinson.*) I do not know that anyone can, there is no name on the door. You had better put where the front door is.

26262. (*Mr. R. D. Muir.*) You see the words "new door" written there in red?—Yes.

26263. Is that a new door made since October?—Yes.

26264. It was not there before October at all?—No.

26265. At the words "old door"—that is the door that faces Quaker Street?—Yes.

26266. That door has been in existence, of course, since the station was built?—Yes.

26267. And is in existence now?—Yes.

26268. A person coming in at that door as the station was arranged in October last would first of all come into the lobby?—Yes.

26269. On the right hand would be the charge room?—Yes.

26270. It is now the Inspector's office?—Yes.

26271. Facing them as they entered from the outside door is a little waiting-room?—Yes.

26272. That may be said to be on the left as compared with the charge room?—Yes.

26273. Of course, the furniture was different at that time?—Yes.

26274. Whereabouts was Emms sitting?—He would be sitting in the charge room on the furthest side, I believe, but I am not quite certain.

26275. And a person coming in from the outer door would be able to see, if the door were open, Emms sitting in his chair?—I could not be quite sure of that, because when I went into the station I was given a seat in the Inspector's office, and I could only see him as he went in first. He may have been shifted or not.

26276. You saw no woman come in to the station to inquire for Emms?—No.

(*Mr. Dickinson.*) It is clear upon this plan anyone coming in through the lobby could see the greater part of the charge room.

(*Mr. R. D. Muir.*) Yes.

(*Mr Dickinson.*) That agrees with Mrs. Allen's statement.

26277. (*Mr. R. D. Muir.*) Certainly. Does anyone remain in that little room called a waiting-room there—any police officer?—No, that room was hardly in use then, I think.

26278. Just look at the room, it is marked "waiting-room"—it is just opposite the main entrance—would there be any officer there?—No.

26279. Would there be any man on the door?—There should be a man opposite to the door.

26280. On this 23rd of October, before Emms was charged, did you know that there was a man with a bad police record called Emms?—I knew there was such a man as Emms.

26281. Did you know he was identical with this man that you knew by sight?—No, I did not.

26282. Did you learn that at all before Emms was charged?—No.

26283. Do you remember when it was that Mrs. Emms was pointed out to you, if she was pointed out?—I could not fix the date.

26284. Was she pointed out as being the wife of the man who had the bad police record?—No.

26285. Just explain how it was she was pointed out to you?—There were two women walking down the street. I cannot say who it was now, which police officer, or whether it was a private individual, said, "That is Emms' wife."

26286. Meaning the man with the bad police record?—Yes, meaning that man.

26287. Had you seen Mrs. Emms at all in connection with the charge against Emms of assaulting his wife?—No.

26288. You had not seen her in connection with that at all?—No.

26289. That is the only way in which you knew her—by sight?—That was all.

26290. (*Chairman.*) You were well enough when you got to the police station to make a charge against the men, were you not?—Yes.

26291. What did you charge them with?—I charged the men with assaulting me in the execution of my duty.

26292. That was the charge which was entered in the charge sheet, I think?—Yes.

26293. You told the Police Magistrate in substance what you told us yesterday to the following effect:—"I saw the prisoner and another man quarrelling with a woman. Prisoner said it was his wife, and that it was nothing to do with me. She went away." Then I take it that the first thing that attracted your attention when you were proceeding to your beat in Brick Lane was the fact that these two men were quarrelling with a woman?—Yes.

26294. You saw no blow struck?—I saw no blow struck.

26295. May I ask you why you felt it your duty to go and speak to them?—The woman was crying, and, knowing the man Norrey, I thought that probably they might be up to some mischief with her, so I asked as she was crying what was the matter.

26296. Knowing the man Norrey?—Yes, knowing the man Norrey.

26297. If you had not known the man Norrey you would not have felt called upon to interfere?—I should have done in that place at that time of night, seeing there were only those three persons in the street.

26298. In any case you would have interfered?—Yes, in any case I should have interfered.

26299. What do you mean by your answer—by saying "knowing the man Norrey"?—That was an extra event which would call attention to it.

26300. An extra event?—Knowing that man.

26301. Yes. I am only trying to ascertain what was in your mind. You wish me to understand, quite apart from what you knew of Norrey, you would have felt it your duty to interfere?—Yes, I should have done so.

26302. Why?—Because seeing the woman crying, with two men very close to her in a lonely part of the neighbourhood, I was naturally suspicious.

26303. Suspicious of what?—Of some wrong being done.

26304. The woman did not feel that suspicion, as I understand?—No, she did not.

26305. Please do not assume I think you are wrong from my question—you must not assume that from my question—but whether you are right or wrong in speaking to them, it was perfectly clear that no offence had been committed by them in your sight?—No offence had been committed in my sight.

26306. It would have been quite wrong for you to

arrest the man or woman, or all three, on that which you had then seen?—Yes.

26307. The man who turns out to be the man Emms does not appear to have resented your interference?—No.

26308. He answered you, did he not?—Yes, he told me it was his wife.

26309. "It was nothing to do with me"?—Yes.

26310. That answer was given civilly, was it?—Yes.

26311. It seemed reasonable, did it not?—Yes.

26312. Did you say anything further?—I said, "Well, if it is your wife, why do not you take her indoors? Do not keep the woman crying in the streets at this time of night."

26313. Was there any reason under the circumstances you should have said that?—No, except for the lateness of the hour.

26314. And the character of Norrey?—Not taking that into consideration, of course.

26315. Well, we will exclude that. Do not you think it was a little provocative when the man said it was his wife, and the wife made no appeal to you? I am only trying to find out how the affair began. Do not you think it was a little provocative?—No, I do not think so.

26316. It was advice?—It was intended that way.

26317. Did they resent that?—Only that the woman walked away. There was nothing more said.

26318. And Norrey walked away?—Norrey walked about three yards.

26319. Did Emms move on?—No, he remained there.

26320. Why do you think he remained there?—He stood in the same position.

26321. Why should not he?—There was no reason why he should not.

26322. What happened next?—I was preparing to walk away, and I should have carried on round my beat, but these two men at once assaulted me. The man Norrey returned almost immediately.

26323. Who assaulted you first?—The blows were struck almost together, it would be difficult to say which one struck first, but I believe Norrey struck the first blow.

26324. Had you given them any cause, do you think, for it?—No.

26325. And you had never taken Norrey into custody, or had any dispute with him, as I understand?—No.

26326. And you did not know the man before you was this man of bad character?—No, I did not.

26327. Does it not strike you even now as an extraordinary thing for them to have done?—No.

26328. Why should they do it?—Because when I found out who the other man was, no doubt they knew I was a young officer, and they thought they would be able to give me a thrashing and leave me there discredited.

26329. When you have been using the words "bad character" and "record," and so on, I rather was taking it (correct me if I am wrong) that you were thinking of offences against property, and that they were thieves, and that was principally the reason of their bad character?—I do not quite understand.

26330. You have said Norrey was a bad character?—Yes.

26331. And that there was a man named Emms whom you knew as a bad character?—Yes.

26332. By that I rather gathered that you meant persons who had been convicted for larceny and offences of that kind?—Yes.

26333. And that they were thieves and criminals belonging to the criminal class?—Yes.

26334. Taking it so, does it not strike you as an odd thing that two members of the criminal class should, if your story be true, without any provocation on your part assault you?—They thought I did not know them.

26335. What was their object in assaulting you?—Just to leave me discredited, I take it.

26336. You take it that it was part of a warfare against the police?—Yes, I should describe it in that way.

26337. And you think that these men were only too glad of the opportunity, apparently with impunity, of assaulting a policeman?—Yes, of assaulting me.

26338. This was in a thoroughfare, Brick Lane, where people were coming and going, were they not?—There was no one in that street at the time of the occurrence, the street was perfectly empty.

26339. (*Mr. Whitmore.*) When it began?—Yes, when it began.

26340. (*Chairman.*) The view you took, or take, of the origin of this disturbance is that it was an absolutely unprovoked attack by two persons of the criminal class upon a policeman who happened to be alone?—Yes.

26341. At the same time you had gone up to them, had you not?—Yes, I had spoken to them.

26342. I have been asking you these questions upon the assumption that you have asked me to make—namely, to put the character of Norrey out of consideration—but I ask you again, supposing you had not known Norrey to be one of these criminals, would you have spoken to the man?—Yes, I should have done.

26343. Did you make a report of this case?—Yes, I did.

26344. Did you, in the report, feel it necessary to explain how the disturbance began?—I explained in the report that I saw the two men and the woman, that I spoke to them, the answer that I received, and the answer that I gave, and a description of the assault.

26345. Yes. You made your report on the 31st October. That was the day after the police court trial?—That was a copy, I expect. I made a report out the same evening as the occurrence.

26346. But you were very ill then, and put on the sick list?—It was after the charge had been taken. It is usual in the case when a constable has to use his truncheon that a short report should be made on the occurrence.

26347. I know that is so, and you made a report on the morning of the 23rd?—Yes.

26348. Was that before you went away?—Yes, before I left the station.

26349. The report I am thinking of is the report that was made after the police court proceedings; that is to say, after the case had been dismissed by the Police Magistrate?—Yes.

26350. You made a report then?—Yes.

26351. I have been rather pressing you as to your reasons for going up and talking to these men, and why I did so was because of a sentence which I find in the report. Just listen to this: "With reference to the report called for, I beg to state that while on duty at Brick Lane, Bethnal Green, at 12.30 a.m. on the 23rd instant, I saw an altercation between two men and a woman. The woman was crying. Knowing the men's character I thought there might be something wrong between them and the woman." You put down in your report, "Knowing Emms' character"?—That was a report which I made when I was called upon to explain, as you are asking me to do now, the reason I spoke to them.

26352. But you felt it necessary in making that report to give as a reason for your going up to speak to them, "knowing the men's character." Look at the report yourself (*handing*)?—Yes, it is there.

26353. What I understand by that report is that you, knowing Norrey was a criminal, and knowing Emms was a criminal, and that they were talking together to a woman, and that she was crying, you thought yourself justified in going up to speak to them?—Yes.

26354. Did you know Emms' character?—No, I did not. I did not know the man at the time.

26355. You see in the report which you made on the 31st October you say nothing about the men's characters. You do not distinguish in your report between Norrey and Emms?—You can take it that the other man, being an associate of Norrey, that would be a just inference.

26356. What I infer from your report of the 31st October is that you thought you could hardly have justified your going up and interfering, except by reference to your knowledge of the character of the two men?—Yes, I understand your meaning.

26357. That was your view on the 31st October

P.C. H. Jeffery.
14 Dec. 1906.

evidently, was it not?—On that date even I should consider myself justified in speaking to them if I had not known their character.

26358. You put it in the report, and you are inaccurate even in your report, because you did not know that Emms was Emms?—No, I did not.

26359. Therefore you did not know the character of the man?—Not that man.

26360. He was a man simply to you at that moment. There is one thing which strikes me about your account, and that is with regard to the whistle. These two men were attacking you, I understand. I am not going over that again; you have given the account twice if not three times. I do not understand why you did not blow your whistle?—The whistle was snatched as soon as the struggle began. I could not use it; it was taken from me.

26361. That does not seem to me to quite follow the story which you told us to-day. Of course, from the very nature of the thing it is very difficult to give an account which would be strictly in chronological order, because we are dealing with three men, but I certainly should have gathered from the account which you gave that at first Norrey and Emms were so busy striking you and pinning you to the wall that there was no time to pull the whistle away at the beginning?—With the first two blows Emms pinned me to the wall, the other man beating me, and the whistle went at that time. I had no opportunity of using it.

26362. Where was the whistle kept?—Here, in this position (*explaining*).

26363. Was it Norrey who pulled the whistle away? Do you know that, or do you infer that?—I should think it was him from being on the left side of me.

26364. Of course, it might have been thrown away. When Emms was taken to the station I presume he was searched, but we have no evidence about that?—Yes, he was searched.

26365. No point turns on it, but I suppose it would have been found on him?—Yes.

26366. You think it was Norrey who took it?—I should think it was him.

26367. Did you feel for the whistle?—I tried to get it, but it was gone.

26368. At what point did you feel for your whistle?—At the first opportunity I could get my right arm from the wall. There was about that amount of chain hanging (*indicating*), and the whistle was broken off from there.

26369. No whistle was blown so far as you know?—No whistle was blown that night.

26370. You heard Mrs. Bloom say she heard a whistle?—Yes, I did.

26371. You were pretty heavily engaged, according to your story, and the whistle may have been blown without your hearing it?—I could have heard it. There was no noise but the struggle. There was no noise sufficient to drown a police whistle.

26372. Was Norrey engaged with you until you got right to the place where you used the truncheon the first time?—Yes.

26373. Still holding on to you?—Yes, still holding on to me.

26374. Right across the road?—Yes.

26375. And the whole thing, you say, took from five to seven minutes?—Yes, about that time.

26376. From the time you began the conversation until the time when the man fell under your blow?—Yes.

26377. You seem to have hit him, according to your own story, twice on the head?—Yes.

26378. Was that not rather a serious step to take?—It was necessary to release myself from this man.

26379. Could you not hit his arm first or his leg first before you touched his head?—With that man hanging on to me by the throat I had no time where to judge to hit him. Had I hesitated much longer I should probably have been strangled.

26380. Have you the truncheon here?—Yes. (*The Witness produced the truncheon.*)

26381. Is that the same truncheon?—Yes.

26382. You had your right arm free enough to get at it?—Yes.

26383. The reason I am asking you about that is because I recollect what is said in the white book about the use of the truncheon?—Yes.

26384. Do you remember it: "If necessary, a constable will blow his whistle for assistance"?—Yes.

26385. You say you could not blow your whistle because you had lost the whistle?—Yes.

26386. "Truncheons are supplied to the police to enable them to protect themselves if violently attacked, and if a constable is likely to be overpowered he may draw his truncheon and use it, taking care to avoid striking anyone on the head"?—Yes.

26387. You do not seem to have taken care to avoid that in this case?—I had no time to.

26388. You said you did not know exactly where you were hitting?—Well, if you had no time you would not be able to.

26389. "The arms and legs should be aimed at to disable the prisoner or parts of the frame least likely to suffer serious injury"?—Yes.

26390. You say you did use every care to avoid hitting the man on the head?—No, I cannot say I used every care. I had no time to be that particular.

26391. (*Mr. Dickinson.*) You told me that you knew Norrey?—Yes.

26392. And you could see quite clearly that it was he?—When I got to them closely I recognised him.

26393. How soon did you recognise him? You were walking under the arch, were you not?—Yes.

26394. I understand there is a lamp at the south end of the arch?—Yes, there is a lamp at both ends of that arch.

26395. There is one at the south end where they were standing?—Yes.

26396. Were they standing in the full light of the lamp?—The men were. The woman was partly in the shadow. The gateway in question just goes back about the width of a brick—about six or seven inches.

26397. Do I understand you to mean that this is the gateway? (*Pointing on a plan.*) There is the arch, and this is the way you were coming?—Yes.

26398. You have the spot marked "Where P.C. 369 was assaulted." With regard to where they were in the doorway, that is the doorway they were in?—Yes.

26399. Where is the lamp?—The lamp would be just about here. (*Pointing.*)

26400. They stood on that side of the doorway?—Just by the side of that doorway.

26401. The south side?—Yes.

26402. Could you see the lamp from where you were walking through the archway?—Yes, you could see the lamp.

26403. They were between you and the lamp?—Yes, they would be.

26404. When you came up you say you could see the two men, but you could not see the woman?—She was in the shadow. I could see it was a woman.

26405. Could you distinguish her features?—No, I could not. She had her hands up to her face, as she was crying.

26406. How are you able to say she was not Mrs. Emms?—When she moved away I got a glimpse of her face.

26407. You were certain she was not Mrs. Emms?—I am certain she was not. This woman was probably taller.

26408. I understand you are not sure that the Mrs. Emms you think you knew was the wife of Emms?—I am sure she is now.

26409. How are you sure?—Because I have been told so by other people. I have not seen them together at any time.

26410. You have been told the woman pointed out to you as Mrs. Emms is the wife of this man Emms?—Yes.

26411. That you have been told?—Yes.

26412. So you are perfectly certain now the woman who was here on this occasion was not that woman?—That is so.

26413. Now to go back to Norrey. You say you knew

Norrey. How long have you known him?—About 12 months.

26414. How did you first come across him?—He was pointed out to me by a police officer on duty in Brick Lane as being Ginger Norrey, and one of the gang that hang about that neighbourhood.

26415. I suppose you have seen him often since?—I have seen him on and off during that 12 months.

26416. If he hangs about the neighbourhood you would see him very often, I presume. Have you always been on that beat?—Not always on that beat. I have been shifted around.

26417. How often have you seen him in the 12 months?—Perhaps eight or nine times, and perhaps more; it would be difficult to say.

26418. Have you ever spoken to him?—No.

26419. I suppose he would know you?—Yes, he should do during the time I have been there.

26420. I suppose he would know that you knew him?—I could not say about that.

26421. You said just now you thought the reason they attacked you was because you think they thought you were a young constable, and wanted to thrash you and get you into disgrace?—Yes.

26422. But then, even if they thrashed you, if they knew that you could find out who they were, was it not a rash thing?—If they knew I knew them they would not have attempted it.

26423. You think they did not know that you knew them?—That is so.

26424. Do you know where Norrey lives?—No, I could not say where he lives, except that he gave his address as 4, Poyser Street.

26425. You mentioned Norrey's name at a very early stage?—Yes.

26426. When did you first mention Norrey's name?—I think when the other police constables came to my assistance they asked me what was the matter. I told them I had been assaulted by that man and by Ginger Norrey, and that he had run away.

26427. That you said that very same evening?—At the time before we went to the police station.

26428. Then you have no doubt yourself that this was Ginger Norrey?—I have no doubt at all.

26429. Who was it ran to call the other policeman?—I could not say.

26430. Somebody did?—Somebody informed him.

26431. And he must have come very rapidly?—Yes.

26432. He came almost immediately as it happened, did he not?—I should think the man had been lying there for perhaps two or three minutes when the first police-constable arrived.

26433. What was it exactly that happened according to you between the time that they got you with your back against the wall on the east side of the road?—It was on the west side to start with, on the right hand side coming down.

26434. I understand you to say that they pinned you to the wall on the east side?—Yes, after we crossed the road.

26435. Had they done it before on the right side?—Yes, on the west side of the archway.

26436. The first thing they did was to pin you to the wall?—Yes.

26437. How did you manage to get across to the other side then?—By great exertion on my part in getting rid of their weight and freeing myself from between them and the wall. During the struggle I was worked into the road, and seeing I was getting into an exposed position where I could be attacked from every side, I made for the wall on the other side.

26438. When you were crossing the road there were people round you?—I saw no people there.

26439. You saw no people?—Not until the man had fallen in Pedley Street.

26440. According to you the story we have heard from these women that there was a crowd of a few people on the west side of the road where it was first seen is untrue?—It is untrue. At the most when the man fell and the second police-constable came to my assistance there were not seven or nine persons in Pedley Street at the same time.

26441. But before you got to Pedley Street there was no one there?—I saw no one, and when I was assaulted there was no one in that street except us three people engaged in that struggle.

26442. The description Mrs. Allen has given of your crossing the road and saying that there were people around you then is untrue?—Yes, it is untrue.

26443. When you got across the road I understand you to say you got your back against the wall in self-preservation?—Yes.

26444. At that time were both the men on you?—Both the men were on me, and beating me on the left side of the body then.

26445. Beating you on the left side of the body; how were they beating you?—With their fists, punching me on the chest. I was kicked on the left knee, beaten about this side of the face—(*indicating*)—and a tooth was broken from *here*.

26446. I know you got a serious blow on the face, but do you mean to represent with what must have been a very serious struggle going on, two men against one, struggling across the road, that they did not belabour you a good deal more than they did?—The thickness of my tunic would soften the blows.

26447. They were fighting for their lives, so to speak. They would not hesitate to hit you on the face?—I was beaten about the face.

26448. You had one blow which raised a lump on the side of the face and you had a tooth knocked out, but that was all?—That was all. I could not say, of course, the number of blows I was struck on the face.

26449. These men must have had one arm at least free each?—Yes.

26450. They were both hanging on your arms?—The man Emms was hanging on my throat, and Norrey was on my left arm.

26451. And that is how you were able to get your truncheon out?—Yes, that is how I got my truncheon out, after I got away from the wall a second time.

26452. But going across the road you had both arms occupied?—Yes. I was trying to force them away. I used my truncheon as the last resource.

26453. When you fought with them on the east side of the road with your back to the wall, what was exactly the next thing that happened?—I found I was being overpowered, and I drew my truncheon and used it.

26454. You used it first on Emms' head?—Yes, on Emms' head, on his forehead.

26455. That made Emms drop hold of you?—No, he still hung on, and the two men continued to try to get at me.

26456. Then what did you do?—Then, finding that he would not leave go or the other man would not go away, I struck him a harder blow. When he got the second blow he let go of me. The man Norrey ran to the south of Brick Lane, and the man Emms ran into Pedley Street, and fell a short distance down.

26457. The man Norrey ran away to the South?—Yes, to the south towards Whitechapel.

26458. And Emms also ran away? Therefore you were free from both of them?—Yes.

26459. And he ran away and turned into Pedley Street?—Yes.

26460. What made him fall?—He must have stumbled.

26461. Were you following him?—I was close behind him when he fell.

26462. Trying to arrest him?—Yes, trying to arrest him.

26463. And you saw him fall?—I saw him fall.

26464. But he fell almost unconscious?—No, he was not unconscious the whole time.

26465. You say he was not unconscious?—He was not unconscious.

26466. Not unconscious when he was on the ground?—No.

26467. Do you mean to say you think he was shamming?—Yes, I do, because when the other police constable came a few persons were standing there as he laid on the ground, and he said, "Have I got any witnesses?" or something which I took to be that.

P.C. H. Jeffery.
14 Dec. 1906.

26468. (*Chairman.*) What did he say about witnesses?—It sounded to me as if he said, "Have I any witnesses here?"

26469. (*Mr. Dickinson.*) At that time there was a certain number of persons there?—About nine, at the most, because as the other policemen came more people came with them.

26470. You say in your report, "Emms also ran a few yards into Pedley Street, and I at once arrested him"?—Yes, when he fell.

26471. What did you do to arrest him?—I stood over him to see that he did not get away. I put that down as arresting the man. I saw that he made no fresh attempt to escape.

26472. He was lying on the ground then. You say you stood over him?—Yes, I stood over him.

26473. Did you send for any assistance?—No, I was leaning against the wall. I thought he would not get up, and, being completely done, I leaned against the wall like that. After a few minutes P.C. 409 Death came, and when he came he took charge.

26474. That you have called in your report arresting?—I put that down as arresting.

26475. Where is this report which you made on the evening itself?—It would be in the Occurrence Book and in my official note-book.

26476. Let me see that. What does your official note-book say?

(*Mr. R. D. Muir.*) It is embodied in Sergeant Anderson's first report, which you have there, but it is in the Occurrence Book.

26477. (*Mr. Dickinson.*) The Occurrence Book says: "Harry Jeffery reports at 12.30 a.m., 23rd inst., whilst on duty at Brick Lane, Bethnal Green, he saw two men and a woman having an altercation. The P.C. spoke to them, and requested them to go away, whereupon the man not in custody, who is known to the P.C. as Ginger Norrey, struck him a violent blow in the face. The other man, Edward Emms, also struck the P.C. in the mouth, breaking a tooth and knocking his head against the wall. Norrey then kicked the P.C. on the left knee and struck him on chest and body. Then they both pinned the P.C. against the wall. The P.C., feeling that he was being overpowered, drew his truncheon and struck Emms on the head, causing him to release his hold. He (Emms) was then taken into custody, and Norrey made good his escape. In the struggle the P.C. lost his whistle and armlet, armlet strap off tunic torn off, also right sleeve torn, and lamp number 46 damaged. The P.C. was seen by Dr. Clark, and placed on the sick list." Was that taken down from your statement that evening?—Yes, from the pocket-book.

26478. You reported this?—Yes.

26479. Had you written it out in your pocket-book first of all?—Yes, after the man had been brought in.

26480. I see it was a mistake in the police report. They speak of "a man not in custody," but the report here is "the man not in custody."

26481. (*Mr. Whitmore.*) Tell me about your whistle. When was the new whistle supplied to you?—I cannot remember the exact date. It would be perhaps a fortnight after the occurrence.

26482. You reported the fact, I suppose, that you had lost your whistle?—Yes, at the time.

26483. Was a new chain supplied to you at the same time?—Yes.

26484. Do you remember what you did with the old chain?—I believe it is in an old serge pocket of mine at my home.

26485. It was broken off?—Yes, it was broken off.

26486. Supposing you had not used your truncheon at the time you say you did, and in the manner you say you did, what do you think would have happened?—I should have been strangled.

26487. And you used it at that time in that way because you really thought it was absolutely necessary for your own self-protection?—Yes, for my own safety.

26488. (*Chairman.*) Are you quite sure that Emms, when you struck him the second time, did not fall to the ground at the second blow?—Quite sure.

26489. I think other witnesses have said when Emms was struck the second time he fell, and remained on the ground?—Yes, they have said that.

26490. Whether he was shamming or not we will not inquire for the moment, but was not the blow violent enough to fell him to the ground?—No, it was not.

26491. Where was the second blow struck—just show me on the plan?—The spot is marked where I used my truncheon, and there is also a spot here where the man fell.

26492. I did not gather that you used your truncheon twice at the same place?—In the same place both blows were struck.

26493. The first was what I may call an ineffectual blow?—The first blow was struck on the forehead. Then, seeing that did not have any effect, I struck him a second time on the same spot.

26494. Then the shoving and so on and the struggling ceased at that point; Norrey ran one way and Emms ran another, according to you?—Emms ran into Pedley Street. The distance between where I struck the man and where he fell would be 20 or 25 yards.

(*Mr. R. D. Muir.*) I have the original notes now. The copy is correct so far as it says that the young woman said she would like to speak to us, but the widowhood of Mrs. Allen is the invention of the copyist; in the original notes she is described as married.

(*Chairman.*) Very well.

TWENTY-EIGHTH DAY.

Wednesday, 19th December, 1906.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).
Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law).
Charles Algernon Whitmore, Esq. (Barrister-at-Law).
J. W. St. Lawrence Leslie, Esq. (Barrister-at-Law), *Secretary*.
J. F. Waley, Esq. (Barrister-at-Law), *Assistant Secretary*.

(*Mr. Eldon Bankes.*) Would you allow me, Sir, before we proceed to call the next witness in Emms's case, to mention the case of the constable Cann. You will remember he was the witness in Harding's case who was assaulted, and who gave evidence here, and who appeared by his demeanour not to be what I should call himself. Since then he has been examined by the Divisional Surgeon and by the Chief Surgeon as to his condition, and he has been returned as unfit to continue in the service owing to his condition, resulting largely from these injuries, and the surgeons state in their reports, which I will hand in, "The police-constable is in a nervous state, and complained of pains in his head, and his mental condition is, we

think, worse." I think I ought to mention that with reference to your remark as to his condition when he gave evidence before you.

(*Chairman.*) Certainly. You will put in their reports.

(*Earl Russell.*) May I mention the matter of the clerk's notes in the case of Mrs. Braham? It was said that those notes should be supplied to me at some time so that we might see if there was any discrepancy between them and the evidence given here. If the Commissioners have them I should be glad to have a copy. We did not have them during the inquiry here, but it was understood they should be handed in later.

(*Chairman.*) The Secretary now says he has got them. I do not know that I have seen them yet, but there is not the slightest objection as far as the Commissioners are concerned, and there can be no objection in any quarter, to your seeing a copy of the notes of evidence in the police court proceedings.

(*Earl Russell.*) It was understood it should be so, but I did not know they had been handed in.

(*Chairman.*) We will now proceed with Emms's case.

Mr. Schultess-Young and *Mr. Livett* appeared on behalf of the complainant.

(*Mr. Schultess-Young.*) Will you allow me, Sir, to recall P.C. Jeffery to ask him one or two questions further in cross-examination?

(*Chairman.*) We will consider that.

(*Secretary.*) Is Mr. George Kemp here?—(*No answer*).

(*Chairman.*) Mr. George Kemp has been summoned before the Commission; he has, as I understand, been served personally, but he does not appear. Mr. George Kemp must understand that if we think it right and proper and necessary to have his evidence we shall take steps to compel his appearance before us. Meanwhile we will go on with the other witnesses.

(*Mr. Schultess-Young.*) I think Kemp is a very important witness. He was before the magistrate.

(*Chairman.*) The Commissioners will consider the matter. Who is the next constable you call, Mr. Bankes?

(*Mr. Eldon Bankes.*) The next constable I propose to call is P.C. Death.

(*Chairman.*) If Mr. Schultess-Young has any further question to ask P.C. Jeffery I think this is a convenient time. The examination of P.C. Jeffery was exhaustive the last time, but the Commissioners want to sift the matter to the bottom.

(*Mr. Eldon Bankes.*) I think it would save discussion afterwards if my learned friend would indicate now the fresh point upon which he wishes to ask Jeffery questions, and upon which he has not previously questioned. I have not the slightest objection to any further questions being asked that are new, but I respectfully submit Jeffery was asked every question that was reasonable and necessary on the last occasion.

(*Chairman.*) I do not think we will put the terms as high as that. We will stop Mr. Schultess-Young if we think he is overdoing the matter.

(*Mr. Eldon Bankes.*) There are three private witnesses here, and I said I would endeavour to get their evidence taken at the beginning of the sitting, as Christmas time is a very busy time with tradesmen. Would you, Sir, have any objection to their being called at once?

(*Chairman.*) Not in the least. The police-constables must remain, of course, but if we can release these three gentlemen we will do so with pleasure.

Mr. John William Ward, sworn.

Mr. J. W. Ward.

19 Dec. 1906.

26495. (*Mr. Eldon Bankes.*) I think you carry on business as a stationer at 41, Church Street, Bethnal Green?—That is so.

26496. I think you are a member of the Bethnal Green Borough Council?—That is so.

26497. Have you been a resident and ratepayer in Church Street for over 20 years?—That is so.

26498. And a member of the Council for four years?—About four years.

26499. Have you come here voluntarily to give your evidence as to what you know about these two men, Emms and Norrey?—Yes.

26500. Do you know them as associates together?—Yes.

26501. Do you know them as associates of Harding?—Yes, I know them to be associates of Harding.

26502. How recently have you seen Emms and Norrey together?—Not since the Commission has been sitting.

26503. But before the Commission sat?—I should say about four months.

26504. Have you ever known Emms or Norrey to do any work?—Yes. I might say that I have known Norrey from his infancy. He was born at the back of my premises, and up till about six years ago he was in honest employment as a timber porter for Mr. Diamond. He was then double-ruptured, and was laid up for some considerable time. After that he was out of employment, and that is how I believe he drifted into his present living.

26505. For the last six years how has he employed himself?—As far as I know by associating with thieves and picking pockets.

26506. And how has Emms employed himself during the time you have known him?—The same game.

26507. Have you ever yourself actually seen Norrey do anything wrong?—Yes.

26508. When was that?—On the 1st November, 1902, the day Mr. Kensit died. I was standing at my shop door waiting for my boy, who had gone an errand for myself, and I saw two men run down the street. I looked, and I at once recognised Norrey as the foremost of the two. I wondered what they were running for. I looked, and I saw a foreign Jewess in front, and I also noticed that she had got her purse in her jacket pocket. It was on a Saturday afternoon about three o'clock, or shortly after. I immediately came to the conclusion that was what they were after, and I called out to her, "Look out for your pocket; they are after your purse." But she did not take any notice, because I found out afterwards she did not understand the English language. The next minute I saw Norrey dive his fingers in and take it, and he immediately went across the road. I turned round and said, "You ought to be ashamed of yourself to rob a poor devil like that."

26509. (*Chairman.*) You are going a little far away now. I think in an inquiry like ours it is quite right that a person in the position of Mr. Ward should say that the person Emms is a person of bad character and that Norrey is a person of bad character. (*To the Witness.*) That is what you mean to say, is it not?—Yes, quite so, Sir.

26510. (*Mr. Eldon Bankes.*) With reference to your observation as to the conduct of the police in that district, have you ever known them guilty of unreasonable violence towards people?—Never.

26511. And, speaking generally, what would you say as to their conduct in your district from your observation?—It is as well as you can expect, considering the treatment they receive themselves in return. If they arrest a prisoner and he is taken to the station, of course we know very well there is no difficulty in getting people to come forward and swear that they were not there, and so on, and they do not get fair treatment, I consider, at the police court.

26512. Speaking from your general observation, do the police appear to you to do their best under difficult circumstances, and to act without unreasonable or unnecessary violence in cases where they have to apprehend people?—That is so.

26513. (*Mr. Schultess-Young.*) What opportunities have you had of knowing what takes place when the police arrest prisoners and take them to the police station?—I am not referring to the police station. I am referring to the police court. I have been to the police court and heard cases.

26514. Never mind the police court for a moment. What opportunities have you had of knowing what takes place when policemen arrest a prisoner and take him to the police station?—I am not referring to the police station.

Mr. J. W. Ward.

19 Dec. 1906.

26515. I am asking you what opportunities you have had. Have you had any?—I have—the same as any other civilian.

26516. The same as I have had?—Exactly so.

26517. That is nothing—I know nothing about it at all. Are you in the habit of attending police courts?—I have attended the police court.

26518. And you have not been satisfied with the justice meted out by the Magistrates?—Certainly not.

26519. Is that what you have come here to tell us?—I have stated the question myself.

26520. I do not want you to state any question, but to give me an answer?—I consider that the police are not properly treated by some of the London Magistrates.

26521. Under the experience you have had?—Yes.

26522. What has that been?—I have been present in the police court and have heard prisoners tried.

26523. How often?—Several times.

26524. For what purpose did you go there?—I have gone there to pass the time away sometimes.

26525. You have not been satisfied with the treatment of the police by the Magistrates—is that what you mean to tell us?—It is.

26526. Have you taken any steps previous to this to make any complaint to headquarters?—No.

26527. You have been calling this man Norris all the time. Why did you call him Norris?—Norreys, I said.

26528. You said Norris?—No, Norreys. He is known as "Ginger Norreys" all round the neighbourhood. I have known him ever since he was one or two years old.

26529. And you say that to your knowledge he has associated with thieves and pickpockets all this time?—I said five or six years.

26530. When do you say you knew him in work?—He worked for Mr. Diamond.

26531. When?—Some years ago.

26532. Not recently?—Not recently.

26533. What is your knowledge of his picking pockets?—My knowledge of Norrey is this, that nearly every day throughout the week he can be seen in Church Street.

26534. I did not ask where he could be seen. I asked you what your knowledge was?—If you will allow me, I will try and enlighten you on the subject. My knowledge is this, that nearly every day in the week I can see him associating with thieves; and not only that, but when people pass along they get two or three together, and if the man who is coming down the street tries to avoid them one way they go the same way, and they pick their pockets in that manner.

26535. That is what you see every day—you see them pick pockets?—I say I see him with them trying.

26536. You see these men every day trying to pick pockets?—I said they could be seen.

26537. My friend Mr. Bankes said you meant that you saw them. Can you tell the Commission that you have seen these men every day trying to pick pockets?—I will not say every day.

26538. Every other day?—No; I will not say that, but almost every day, I will say.

26539. But not every other day. How many times a week have you yourself seen these men trying to pick pockets?—Several times. I have never paid any particular notice of the number of times.

26540. Several times?—Yes.

26541. Three times a week?—Perhaps so.

26542. That would be every other day?—That may be so, but it would not be every week so. I am not always at the door to see it, but whenever I am in the street I have seen it.

26543. You have seen him several times a week with other men making an obstruction and trying to pick pockets?—Yes.

26544. What steps have you taken to remedy that as an honest citizen?—The same as any other individual would take.

26545. No you have not—not as I understand an honest citizen?—I have told them of it.

26546. Told who?—Themselves.

26547. The men?—Yes.

26548. You have tried to be a missionary to them?—Not at all.

26549. What have you done with regard to the police authorities? Have you given them information about these men who you yourself say you knew by sight and who you yourself have seen trying to pick pockets?—I have complained of them.

26550. Have you laid any information of any kind?—No, I have not laid an information. I have complained to the police about their being allowed to congregate there.

26551. That is all?—That is all.

26552. Do you mean to tell the Commission that having seen these men actually trying to pick pockets you have gone to the police and only complained about their congregating?—Certainly.

26553. Then I ask you nothing more.

26553*. (*Mr. Eldon Bankes.*) Is their conduct as well known to the police as it is to you?—I should presume it was.

26554. One question about your opportunities of seeing what goes on. Have you seen people arrested in your neighbourhood at different times?—Frequently.

26555. When you told me you never saw any unnecessary violence, you were referring to arrests which you yourself had seen with your own eyes?—Exactly so.

Mr. Thomas John Ward, sworn.

Mr. T. J. Ward.

19 Dec. 1906.

26556. (*Mr. Eldon Bankes.*) Are you any relation of the last witness?—No.

26557. I think you have for fifteen years been the licensee of the "Duke's Motto," 137, Brick Lane?—Yes, and a ratepayer.

26558. How long have you known Emms?—About five to six years.

26559. Has he ever done any work, to your knowledge?—Not to my knowledge.

26560. How have you seen him occupy himself?—Loitering, patrolling with sections of gangs—two or three or four or five.

26561. Do you know him to be an associate of Harding's?—I take them as one gang.

26562. You take them all as one gang?—Yes.

26563. With regard to Norrey, have you known him?—About three years he has come under my notice.

26564. What name do you know him by?—"Ginger Norrey"; some people call him Norrey, but when he has been asked for it has been by the name of "Ginger Norrey."

26565. Have you ever known him to do any work?—No.

26566. How have you seen him occupied?—The same as the other man Emms.

26567. Do you come here voluntarily to give evidence?—I do. I think it is my duty to do so.

26568. I want you to give the Commission your experience of the way the police endeavour to carry out their duties in your district. Are you satisfied with it?—More than satisfied. If this gang would let the police do their duty we should have a better neighbourhood, but as it is, it is a disagreeable one now for tradespeople.

26569. Have you ever seen the police guilty of unnecessary violence?—Never. I was a witness on one occasion last Boxing Day of the way they served a policeman.

26570. Do they seem to you to endeavour to do their duty under difficult circumstances with moderation?—Yes, and very gently.

26571. (*Mr. Schultess Young.*) You are not the only witness, I suppose, of respectable character, who can come forward and say the police never use violence?—I have never seen any violence used in the neighbourhood since I have been there for fifteen years.

26572. You do not watch the police constantly, do you?—When I have the opportunity; I have as much chance of seeing the police as a good many others.

26573. I dare say. Are you a licensed victualler?—I am a beer and wine retailer.

26574. Drunk on the premises?—Not if I know it.

26575. But I want to know?—Not so far as my eyes will allow me to prevent it.

26576. You are busy in your shop all day?—I have my rest as other people have.

26577. But except when you are taking your rest you are busy in your shop all day?—Not all day.

26578. How much of the day?—I put in ten hours a day, I suppose.

26579. You are open at what time?—Half-past seven in the morning.

26580. That is nice and early for the wine. What time do you close?—Half-past 12 at night, bar Sundays and Saturdays.

26581. What are those ten hours you are employed in the shop?—I am behind the bar serving my customers, and sometimes I go round and walk round and collect the glasses and do what I think best. I have servants to do my work as well as myself.

26582. You say you have plenty of opportunities of interviewing policemen?—Yes.

26583. You do interview a good many policemen, I suppose?—Those who go on the round.

26584. And you are a witness for them, too, as occasion arises?—I am here as a witness, as a tradesman.

26585. And a licensed man?—Certainly.

26586. You say that last Boxing Day you were a witness for the police, too?—No, I did not make that accusation. I said I saw a policeman cowardly used.

26587. No, I have got it down here, and you said you were witness for the police last Boxing Day?—I said no such thing.

26588. We will take your correction, I must have made a mistake. Then you were not a witness for the police last Boxing Day?—I was not a witness for the police.

26589. What did you do for the police last Boxing Day?—I did nothing at all.

26590. You said something about being a witness?—I said I witnessed an assault last Boxing Day.

26591. What happened about that assault. Can you give us any information?—No notice was taken of it.

26592. It was not a severe assault?—Was not it? I daresay the police can give you more information about that than I can.

26593. Then it was a very severe assault you witnessed?—It was.

26594. And nothing else came of it?—No.

26595. Did you volunteer your evidence?—No, I did not go off my doorstep.

26596. Do you mean to tell me you were a witness to a most severe assault on the police last Boxing Day and took no steps whatever to communicate with the police and say you had seen it?—I could not.

26597. Could you not call at the police station?—No.

26598. What was the difficulty? Were you afraid to?—This gang is a notorious gang, and if you were there they would set about you.

26599. I do not think I am frightened at anything, but supposing you were frightened at these gangs have you ever asked for protection from the police against these gangs?—No.

26600. It is a strange thing in a civilised country?—It is.

26601. You are frightened at these gangs of men, and so much so that having witnessed a severe assault on the police you took no steps with regard to it?—No.

26602. You are not, at all events, frightened about them to-day?—No.

26603. You can come here and tell us all this?—Yes, now I can.

26604. What has been the protection that has been afforded you?—Because all these matters are going to be looked into. We know who they are.

26605. You think the Commissioners are going to protect you?—I do not say that.

26606. You think the police are going to do it?—As far as they can.

26607. Did not they do that last Boxing Day?—No, there was only one policeman by himself. He was on his beat and tried to clear the mob away from the corner.

26608. Did you not go to the police station because you were afraid of these gangs?—Certainly not.

26609. You are not afraid of them to-day?—Certainly not.

26610. Have you made any provision for police protection to-night?

(*Mr. Eldon Bankes.*) Do you mean to say your people are so dangerous that it is necessary to have protection?

26611. (*Mr. Schultess Young.*) I am asking this witness what he says and contrasting his statement with his evidence. Have you made any special provision to-night for police protection?—Certainly not; not more than the police give us.

26612. Then you are not really afraid?—No.

26613. When was your fear removed? It was in full operation last Boxing Day, was it not?

(*Mr. Eldon Bankes.*) He did not say so.

(*The Witness.*) No. If you will put any question to me I will answer you.

26614. (*Mr. Schultess Young.*) I asked you why you did not go to the police station and tell them that you had seen a policeman assaulted, and you said you were afraid to do so because of these gangs?—Simply because there was nobody arrested.

26615. How did you know that?—The police were on the scene to try and find out, and they could not find anybody from the gang.

26616. Did you have any talk with the police?—Certainly not.

26617. Nothing to say to them?—No.

26618. If you did not see anybody arrested then you thought, in addition to the fear you had of these gangs, that it was not worth while to go to the police station in case somebody was arrested later?—Because the police were on the scene soon after.

26619. You give us two different reasons. You first of all say you were afraid of the gangs?—We are afraid of the gangs when they are altogether in their strength.

26620. We will take it that was the reason you gave. I want to know when your fear of the gangs began to die off?—When we have proper protection we look to them to look after us.

26621. You did last Boxing Day, did you not? That was when your fear began?—I had no opportunity of being in fear then, because I was not outside. How could I be in fear if I was not outside?

26622. You told us you were in fear.

(*Chairman.*) I do not follow the use of this cross-examination.

(*Mr. Schultess Young.*) It is to show this witness was really not in fear at the time when this occurrence took place with regard to the assault on the police, and that the statement he has made is not worthy of credence.

(*Chairman.*) I do not think he has said that.

(*Mr. Schultess Young.*) I understood him to say that the reason he did not go to the police station and give evidence and inform the police of his being willing to give evidence with regard to this severe assault upon the police was because he was in fear of the gangs.

(*The Witness.*) No such thing.

(*Chairman*). Supposing that is the case, the fact remains that we should form our own opinion as to Mr. Ward's courage or timidity in the matter.

(*Mr. Schultess Young.*) I am using this cross-examination for the purpose of attacking his credibility.

(*Chairman.*) You were not here when Emms and Norrey gave their evidence.

Mr. T. J. Ward

19 Dec. 1906.

(*Mr. Schultess Young.*) I was at the police court when they gave their evidence.

(*Chairman.*) But not before us. They gave us an account of their careers, and they substantially tally with what this witness has said.

(*Mr. Schultess Young.*) I do not dispute that these persons were persons who the police might be supposed to be able to assault with impunity. They are persons who have been convicted, and convicted persons are the very persons who we, in our experience, have found the police most frequently do assault.

(*Chairman.*) The evidence given by Mr. Ward absolutely confirms the evidence given by Emms and Norrey about themselves, coupled with the previous convictions.

(*Mr. Schultess Young.*) I did not understand Mr. Ward was called with regard to that, because my friend would not dream of calling Mr. Ward to confirm what Emms and Norrey admitted.

(*Chairman.*) The effect of Mr. Ward's evidence is that Emms and Norrey are bad characters. We have that already; that they loiter about the streets, that they are a danger to the peace of the neighbourhood, and that he thinks the police have very great difficulty in dealing with them, and that, so far as he has observed, the police do not treat the people who they arrest brutally.

(*Mr. Schultess Young.*) That is not what he does say, and that is not what he has been called to say. What he says is that the police generally treat prisoners with gentleness and forbearance, not with regard to this particular instance, because he has not seen them in the custody of the police. He has not said for a moment that he has ever seen Emms and Norrey in the custody of the police.

(*Chairman.*) You cannot have been following what I have just said. The witness has said that he has observed the police do not treat any of these men in his district with unnecessary violence.

(*Mr. Schultess-Young.*) Not Emms and Norrey especially?

(*Chairman.*) No. I did not say one word in that regard about Emms and Norrey.

(*Mr. Schultess-Young.*) I am taking this man as being called generally to testify to the forbearance of the police in the district, and he has said that on one occasion he has seen the police used with great violence.

(*Chairman.*) If you attack that proposition we will listen to the cross-examination, because that may be relevant.

(*Mr. Eldon Bankes.*) May I make an appeal to you, Sir, and that is that you will kindly protect independent witnesses who come to speak on behalf of the police from offensive and irrelevant cross-examination?

(*Mr. Schultess-Young.*) I have said nothing offensive to this witness.

(*Chairman.*) I grant that appeal. I have already explained to Mr. Schultess-Young that the only cross-examination we want to listen to is cross-examination that will shake the credit of the witness in regard to the evidence he has given.

(*Mr. Schultess-Young.*) And that I am wishing to do. The witness says that he did not give information at the police station because he was afraid of the gangs of these men.

(*Chairman.*) If he did it really is so remote from the inquiry and is so irrelevant that we need not pursue that line of cross-examination.

26623. (*Mr. Schultess-Young.*) You have a daughter who is engaged to a policeman, have you not?—That is my business, and not yours.

26624. I ask you not with the slightest intention to be offensive to you?—I shan't answer that question. I have not come here for child's play; I have come here for business.

(*Mr. Eldon Bankes.*) Really is that a question that ought to have been put to the witness?

(*Chairman.*) I must beg of you, Mr. Schultess-Young and Mr. Bankes, to remember the conditions under which learned counsel appear. I will not stop you, Mr. Schultess-Young, from putting that question if you really think it is important.

(*Mr. Schultess-Young.*) I think it shows a certain amount of bias, and we should put it in a civil court.

(*Chairman.*) If you like to put it you shall put it, so that it cannot be said we have shut out anything important.

26625. (*Mr. Schultess-Young.*) It is not very important, but it shows an amount of bias. (*To the Witness.*) There is nothing objectionable in my question and nothing offensive?—If you put the question in a proper manner I will answer it.

(*Chairman.*) The fact that this man's daughter is going to marry a police-constable may set this witness against the police.

(*Mr. Schultess-Young.*) I will add the words "with his consent." If you do not think that shows any bias I will not put the question, but it is a question put every day as to whether there is any relationship present or proposed with a person involved. The question is constantly being put, "Are you a relation of So-and-so?"

(*Chairman.*) The Commission have expressed their view of the matter.

(*Mr. Schultess-Young.*) Mr. Eldon Bankes asked this witness whether he was any relation to the last witness; but if you think this question is not a necessary question I will not put it.

(*The Witness.*) May I ask you, Mr. Chairman, whether it is necessary for a question like that to be put to me?

(*Chairman.*) I have indicated to Mr. Schultess-Young what my view is.

(*The Witness.*) I will answer it if you wish it.

26626. (*Mr. Schultess-Young.*) I will take it that it is to be omitted. There is nothing offensive in the question, or intended to be. (*To the Witness.*) Have you, too, seen these men going about in gangs?—Certainly.

26627. What have you seen them doing in these gangs. Have you seen them trying to pick pockets?—I have not seen that.

26628. Have you as many opportunities of seeing them as the last witness?—I see them constantly day after day.

26629. You have seen them day after day together?—Yes.

26630. You have never seen them trying to pick pockets?—Not exactly.

26631. "Not exactly"—what do you mean?—I have not seen anything direct by my eyes.

26632. Not directly. Do you give that as an honest answer?—I have seen them cover a person, but never seen them actually do anything further than that.

26633. Have you seen any person with them trying to pick pockets?—No, no more than that they have all been together.

26634. (*Mr. Dickinson.*) What made you come here to-day?—I think it is right I should come.

26635. What did happen. Tell me exactly?—If these people were driven away from the neighbourhood and from hanging about in the gangs they do we should have a better chance of getting a better class of people down the Lane to do their marketing.

26636. When did it first occur to you to come here?—Since the inquiry has been on, and before.

26637. What did you do? Who did you see and who did you speak to?—I thought it necessary I should come up. One or two of the tradesmen put their heads together and determined that it should be thrashed out.

26638. When was that?—It might be a fortnight or three weeks ago.

26639. Before this last case was mentioned?—Yes.

26640. You decided among yourselves to come up?—We thought it was necessary.

26641. What steps did you take?—No more than to come up here.

26642. Who did you communicate with?—We went to the station first.

26643. (*Chairman.*) What Mr. Dickinson means is this, you were not summoned through our Secretary?—No, not at all.

26644. Who did you communicate with?—I went to the station to make my accusation.

26645. (*Mr. Dickinson.*) You went to the police?—Yes.

26646. When did you do that?—It may be a week ago or a little more. I could not exactly tell what day it was.

26647. It was not before Norrey's case came on?—No.

26648. It was after you knew what had been happening here with regard to Norrey?—Yes.

26649. What was it that you spoke of among yourselves?—The man next door at the oil shop and certain tradesmen opposite said this thing ought to be stopped, and these gangs ought to be broken up.

26650. That was your object?—Yes, to try and see if we could stop this gang loitering about as they do.

26651. How long has this gang gone on?—A good time.

26652. What do you call a good time?—Several years, because some come and some go. The gang still remains.

26653. Do I understand you to say that there is a regular system of picking pockets going on?—Yes, along the Lane and in the market place.

26654. Are there a great many complaints that have come to your ears about it?—You have to hear what people say when they come in the house—"Somebody has been robbed."

26655. To what extent does that come before you?—Three parties came in the course of a week, and I have heard the same remark.

26656. So much as that?—It may be a week and you would not hear anything.

26657. Is there anything else besides picking pockets?—Yes, a watch going—"Someone has lost their watch."

26658. Is there much violence used in the streets against people?—No, the violence only seems to be against the police. I have never witnessed the gang assault any man—not a private person.

Mr. I. J. Ward.

19 Dec. 1906.

26659. How do you know this gang have a regular system of thieving?—One can see from your own house if you are upstairs for a quarter of an hour, they are right under your nose by the window. You must see it; you cannot shut your eyes.

26660. It seems, if that is so, a thing to be possible to stop?—It does not seem as if it can be stopped. It does not seem to me that the police can cope with them. The police tell them to move on, but they have a way of being saucy, and it seems to me the police are not quite strong enough in that neighbourhood.

26661. Do respectable people about there combine to assist the police?—There are so many foreigners in the lane that it is very difficult to go to your next-door neighbour. We do not know the foreign language, and we cannot be friendly with them.

26662. Is there any thieving from the shops?—I have never heard of any complaint from the shops.

26663. And not much violence, except against the police?—No; if one of them gets locked up the other gang tries to get them away. That is my explanation of it.

(*Mr. Eldon Bankes.*) I have another witness, if you would like to hear him.

(*Chairman.*) We will hear him, if you think it worth while.

(*Mr. Eldon Bankes.*) Personally, I do not think it is material, but I did not know whether Mr. Dickinson would like to hear him.

(*Mr. Dickinson.*) I do not think any of this is material for this particular case.

(*Mr. Eldon Bankes.*) Very well, sir. Last time, you remember, Mr. Southey, a draper, came, and he said there were fifteen tradesmen here in Harding's case, and I made a selection. The witness was not one of the fifteen, and that is why I selected him. He was a fresh one. Then there is one question I should like to put to Norrey. I have the details of another conviction which I did not ask him about.

JOHN NORREY, recalled.

26664. (*Mr. Eldon Bankes.*) Were you convicted on the 22nd November for an assault on a constable, and sentenced to six weeks' hard labour before Mr. Cluer?—How long ago?

J. Norrey.

26665. 1902—four years ago?—Yes.

26666. That was an assault upon a police constable?—Yes.

26667. And you were sentenced to six weeks' hard labour?—According to the constable's evidence.

26668. It was Mr. Cluer who convicted you?—Yes, Mr. Cluer convicted me, but it was a number of falsehoods; they said so.

26669. (*Mr. Schultess Young.*) I should like to ask him whether he knows these two Wards. (*To the Witness.*) Mr. Cluer was the same magistrate who dismissed this case?—Yes.

26670. Do you know these two gentlemen, Messrs. Ward, who have given evidence?—Yes.

26671. As far as you know have they laid any complaint against you?—Never.

P.C. WILLIAM DEATH, 409 H, sworn.

26672. (*Mr. Eldon Bankes.*) Are you P.C. 409 H, stationed at Commercial Street Station?—Yes.

P.C. W. Death.

26673. I think on the night when this assault took place you were on duty in Sclater Street?—Yes.

26674. How far is Sclater Street from the place where this occurred?—About 120 yards.

26675. What called your attention to the matter?—A private individual came up to me.

26676. Somebody came up to you?—Yes.

26677. In consequence of that did you go to the Arch in Brick Lane?—Yes.

26678. Did you hear any whistle blown?—No.

26679. Did you blow a whistle yourself?—No.

26680. When you got to the place what did you see?—I saw Constable Jeffery leaning up against a fence.

26681. Look at the plan. Do you recognise that?—Yes.

26682. Whereabouts was the constable leaning up against the fence?—Just about here (*pointing on the plan*).

26683. Was that in Pedley Street?—Yes.

26684. Just at the end of Pedley Street?—Yes.

26685. What was the state of light there?—Very good indeed.

26686. Where is the lamp?—There are a couple of street lamps and the Great Eastern electric lights above it on the goods depot. There is almost light enough to read by.

26687. He was leaning up against the fence, was he?—Yes.

26688. Was he by himself, or was anybody immediately close by him?—There was the prisoner lying on the ground and people round him.

26689. Emms is the man you call the prisoner?—Yes.

26690. Was he lying on the ground in Pedley Street?—Yes.

26691. How far from the constable was he?—About a yard, that is all.

26692. What did you notice? Did you notice anything about the condition the constable seemed to be in?—He looked terribly wound up, and appeared as if he had had a rough handling. He had a swelling under

P.C. W. Death.

19 Dec. 1906.

the left eye, his uniform was damaged, and his whistle was gone.

26693. He seemed as if he had been having a rough time?—Yes.

26694. Did you speak to him or did you look at the man on the ground next?—I spoke to him, and asked him what was the matter, and he said: "I have been assaulted by the man who is lying on the ground and Ginger Norrey, who has run away."

(*Mr. Schultess Young.*) Is what was said in the insensibility of the prisoner, if I may put it so, evidence?

(*Mr. Eldon Bankes.*) It is not a question of whether it is evidence.

(*Chairman.*) It would not be evidence in a case *inter partes*, but in a case of an inquiry of this kind, where we are sifting facts in every direction, it is, I think, receivable.

(*Mr. Schultess Young.*) Very well, Sir.

26695. (*Mr. Eldon Bankes.*) Did you then look at Emms?—I looked to see who it was.

(*Chairman.*) Besides which, Mr. Schultess Young, for what it is worth, it may be said that Emms was present, and there is some evidence that he was shamming, in which case it would be admissible.

(*Mr. Eldon Bankes.*) I do not suggest he was shamming.

(*Chairman.*) No, but there is some evidence before the Commission that he was shamming.

26696. (*Mr. Eldon Bankes.*) (*To the Witness.*) Did you notice Emms' condition? Was he bleeding?—There was some blood on his head, but I cannot say whether he was bleeding or not. It may have left off.

26697. You noticed the blood on his head?—I noticed a little blood.

26698. Did he seem to be sensible or insensible at the time, or did you not notice sufficiently?—I should say he was shamming, because he spoke.

26699. What did he say?—He said: "If there are any witnesses round here I want them at the police court to-morrow morning."

26700. He said that to you?—He said that to anybody.

26701. What did you do then? Did you go for the ambulance?—I sent for it.

26702. Did you stand there till the ambulance came?—Yes.

26703. I think it was brought by P.C. Wood?—Yes.

26704. I think you and he then took Emms to the station?—Yes.

26705. Did you notice whether Jeffery had got his helmet on or not?—No, because a private individual came to me with his helmet in his hand.

26706. Did the private individual bring the helmet into Sclater Street, where you were?—He brought it to me in Sclater Street.

26707. Then I think you took the man to the station and left him there?—Yes.

26708. And then you were sent off to bring in another woman who had nothing to do with this case, who was drunk?—Yes, that is right.

26709. Then you brought her to the station and took her into the charge room?—Yes.

26710. Was Emms there at that time?—Yes.

26711. And did you remain in the charge room with the woman?—Yes.

26712. Were you there when the Divisional Surgeon came in?—I was.

26713. I think he examined the woman you had in charge and Emms?—Yes.

26714. While you were there?—Yes.

26715. It is suggested that the constable ill-treated Emms while the Divisional Surgeon was there, and put his knee in his stomach to force him into a chair. Is there any truth in that?—No.

26716. Did any woman come into the charge room while you were there to make complaint about the case?—No, only the matron.

26717. She came in to look at the drunken woman?—Yes.

26718. Did you notice Emms when the Divisional Surgeon came in?—Yes.

26719. The constables are here who were looking after him?—Yes.

26719*. You did not help to look after him?—No.

26720. Did they hold him in the chair while the Divisional Surgeon was attending to him?—Yes, he had to be restrained while the Divisional Surgeon attended him.

26721. Was there any unnecessary violence used?—No.

26722. Or did they hold him down or restrain him at all except in the presence of the Divisional Surgeon?—That is all.

26723. He stood by himself till the Divisional Surgeon came in?—Yes.

26724. (*Mr. Schultess Young.*) Did he not ask for another doctor to be called?—He said he would like a private doctor.

26725. That request was not complied with?—No.

26726. You told us to-day that Emms was shamming, and that he said "If there are any witnesses here, I want them up at the police-court to-morrow morning"?—That is what he said, or words similar.

26727. You gave evidence before the police-court before Mr. Cluer?—Yes, on the remand.

26728. Did you say a single word as regards Emms shamming?—I was only cross-examined on a statement.

26729. Did you say a single word?—I was not asked. I was only cross-examined on a statement.

26730. You did not say this in cross-examination, but you said it in examination in chief. Did you say a single word in cross-examination at the police-court about Emms shamming?—No, I was only cross-examined on a statement.

26731. Did you say a single word in your examination about Emms making a statement that if anybody was there he wanted them at the police-court to-morrow morning?—No.

26732. Until the remarks that fell from the learned President in this court, you never said a word about Emms shamming?—No.

26733. (*Mr. Eldon Bankes.*) The question about shamming arose in this way: Somebody asked Jeffery whether it was necessary to take him on the ambulance. But you saw Emms lying there?—Yes.

26734. And he had got his eyes open, and he spoke?—Yes.

26735. He was not pretending to do anything. He was simply lying there with a bad head?—That is all.

26736. (*Chairman.*) Where was he lying when you came up?—On the ground, against the fence, in Pedley Street.

26737. Was he lying flat on the ground?—Yes, at full length.

26738. Was his head on the ground?—Yes.

26739. On the pavement?—Yes.

26740. Did you examine him at all?—I had a look at him. It was not much.

26741. How do you mean you had a look at him—simply that you bent down?—No, I turned his head over to see if he was bleeding.

26742. Then you had an opportunity of seeing the wounds?—There was only a small wound.

26743. Where was it?—There was one at the back of the head and a small one on the forehead.

26744. Did he, when you turned his head, make any remark?—No.

26745. Did he seem in pain?—No.

26746. Not in pain?—No; he did not appear to be in pain.

26747. Did he groan or sigh?—No.

26748. Did he try to get up?—He raised himself up when he asked if there were any witnesses around him.

26749. Did you notice while you were there any other incident?—No.

26750. None at all?—No.

26751. Nobody touched him?—I did not see anybody.

26752. No woman spoke to him?—No.

26753. There were some women near by when you came up?—No, I did not see any.

26754. No women at all?—I did not take particular notice. There were only about five persons there when I got there.

26755. Did you observe anything as to the sex?—I believe they were all Jews, if I remember rightly.

26756. But what sex?—Males.

26757. All male Jews. Did any of them speak to you?—No.

26758. Or you to them?—No.

26759. You are positive of that?—Positive.

26760. (*Mr. Eldon Bankes.*) Do you mean you are positive nobody spoke to you?—Yes.

26761. (*Chairman.*) Are you positive there were no women there at all?—I could not be absolutely certain on that point.

26762. That means that there may have been?—There may have been.

26763. Some, or one or more, of the five persons may have been a woman or women?—Yes.

26764. Did you see any lady raise his head?—No.

26765. In fact, I gather from you that your impression is there were no women there at all?—There may have been; it is eight weeks ago, and I do not recollect now.

26766. I know there may have been?—It was very late.

26767. Am I to understand from that that you are not in a position honestly to pledge your recollection as to whether there was a woman there?—No.

26768. One witness has told us that she raised Emms' head, and said, "Do you know me?" But he made no answer?—I should have seen it if she had done so.

26769. (*Mr. Eldon Bankes.*) That is, while you were there?—That is, while I was there.

26770. (*Chairman.*) How long was it from the time you were first fetched by the private person to the time when you got to Pedley Street?—I was not many seconds going round. I ran all the way.

26771. You are positive that no such incident took place while you were there?—Not while I was there.

26772. Did Emms speak with an effort, or clearly, when he used the sentence about the witnesses?—In the ordinary way.

26773. You made a report in this case, did you not?—Yes.

26774. When did you make that report?—I believe it was about the 30th October.

26775. As a matter of fact, it is dated the 1st November, and the police-court proceedings were on the 30th October, so it seems that it was after the police-court proceedings that it was made?—Yes.

26776. How came you to make that report?—I was asked to do so.

26777. By whom?—By Station-Sergeant Andrews.

26778. At the police-station?—At the police-station.

26779. And did you make it at the police-station?—Yes.

26780. Where did you write it out?—In the library.

26781. (*Mr. Schultess Young.*) We have not seen that report. It has not been supplied to us.

(*Chairman.*) What time of day did you make the report?—During the night. I was on night duty.

26782. But about what hour?—Between 2 and 4 in the morning, I believe it was.

26782*. That would be between 2 and 4 a.m. on the 1st November, and the police-court proceedings had taken place in the morning?—Yes.

26783. You were at the police-court during the hearing of the case?—Yes.

26784. You yourself gave evidence, I notice?—I was cross-examined on a statement I made.

26785. But you yourself gave evidence?—On the remand.

26786. That was on the 30th October. Did you hear the witnesses called for the defence?—No, I was out of court.

26787. What witnesses did you hear?—Only Station-Sergeant Andrews. He was called after me.

26788. What were you asked to make a report upon? What were the exact words used by the station-sergeant to you?—I believe it was owing to an allegation made by two women saying they were ejected from the station.

26789. My question to you is what the sergeant said to you in ordering you to make the report?—He told me to make a report out of what took place inside the station that night that Emms was brought in.

26790. He told you to make a report of what took place inside the station?—Yes, on the night in question.

26791. Was your report to be limited entirely to what you had seen at the station?—From the time of the arrest.

26792. You were not there at the time of the original arrest, as I understand?—From the time I got to Emms.

26793. Then you were to make a report of what you had observed and knew about the matter from the time that you came upon the scene?—Yes.

26794. That was the effect of what the station sergeant said to you?—Yes.

26795. Did you say in your report anything about Emms raising himself up?—No.

26796. Did you say that Emms spoke while he was on the ground?—No.

26797. That is rather important, is it not? Do not you think that if it was alleged that a constable had used his truncheon too violently, that it is of some importance that it should be known that the person hit spoke a minute or two afterwards?—I did not think it was at the time.

26798. As a matter of fact you do not say one word in your report upon that matter. All that you say is, "I was called to a disturbance in Pedley Street, when I saw the prisoner Emms lying on the pavement. I sent a private individual to Commercial Street Station for a police ambulance, and it was brought to me by P.C. Wood. Together we placed the prisoner upon it, and at once returned to the station." You do not say one single word about your having turned his head and found that the wounds were slight or that he raised himself or that he spoke. How came you to omit such matters as those?—That is chiefly for the information of what occurred inside the station that evening.

26799. That is why I asked you particularly what you were asked to report upon?—That is where I commenced to report.

26800. No; you commenced to report with your coming to the disturbance. Have you any doubt that what the Station-Sergeant Andrews asked you to report upon was the whole of the incidents connected with the arrest of Emms?—That is what I understood him.

26801. That you were to report upon all the incidents connected with the arrest of Emms?—Yes.

26802. How came you to omit so important a thing as the fact that Emms spoke while he was still on the ground, and was so collected that he could think about police court proceedings the following morning?—I did not think of it.

26803. It is important, is it not?—Yes.

26804. Have you been before this Commission during the time the other witnesses were examined last week?—Yes.

26805. You remember the story told by Mrs. Martha Allen, for instance?—Yes.

26806. She did not say one single word before the Police Magistrate about Emms speaking. Are you prepared to definitely pledge your recollection to the fact that Emms did speak then?—Yes.

26807. The point is his saying those words to you while he was on the ground?—Yes; he raised himself and spoke.

26808. He may have spoken while he was in the ambulance? We know, in fact, he spoke when he got to the station?—No, in Pedley Street.

P.C. W. Death.

19 Dec. 1906.

26809. Did you make any note at the time in your notebook about this matter?—No.

26810. None at all?—No.

26811. Have you got your notebook here?—Yes.

26812. Would it apply to the 21st October?—No.

26813. Just show it to me. (*Book handed to the learned Chairman.*) This is an old book, is it not? I do not find on the first page any month named at all. I see "25th and 29th instant." Then the 1st August, 1906, and the 13th August there is an entry. You told me that you had no entry relating to this matter?—The same one as in my report.

26814. I asked you whether you had any entry of this occurrence in your notebook?—I did not understand you then.

26815. I asked you most distinctly, and you said "No."

(*Mr. Eldon Bankes.*) You asked him if he made a note.

(*Chairman.*) I think those were my exact words. I asked you did you make a note of the transaction in your book?—I did not understand you.

26816. As a matter of fact there is a very full one?—There is my report in there.

(*Mr. Eldon Bankes.*) He says it is a copy of the report.

26817. (*Chairman.*) Which did you write first—the entry in the notebook or the report?—I believe it was that one in the book.

26818. You do not say anything about Emms speaking, or anything as to his condition. Reading this I should certainly have inferred that Emms was practically unconscious. Let me read you your words: "I at once ran to the place directed, and there, in the entrance to Pedley Street, saw the prisoner Emms lying on the ground; Jeffery was leaning against the fence and appeared dazed and greatly exhausted. His mouth was bleeding, and there was a swelling under the left eye." You gave a very full description of Jeffery's condition—"his whistle and lamp were broken, and his tunic torn; he told me he had been assaulted by the man lying on the ground and a man named Norrey. I asked Jeffery if he could walk to the station, and told him I would see to the prisoner. I then sent for the ambulance, and another police constable conveyed the prisoner, who was suffering from a cut head, to the Commercial Street station, where he was charged." I understand that that note was made after you had been asked to make a report. Is that so?—About the time, yes.

26819. "About the time"? Was it made before or after you had been asked to make a report?—I believe it was before.

26820. Then that note or entry, call it whichever you like—you seem to have thought it was not a note—was made before even you were asked to make your report?—I believe so, Sir. It is dated.

26821. "28—10." Where do you say it is dated?—28th October, where it is initialled.

26822. (*Mr. Dickinson.*) That is not your writing?—No.

26823. (*Chairman.*) There is another ambiguity. When you told me it was dated I rather gathered it was dated by you. As a matter of fact the "28—10" applies to the time when it was initialled by your superior officer, does not it?—He received it immediately after I wrote it.

26824. That does not mean that the entry was made on the 28th October?—That is when I made it.

26825. In whose writing are those figures, "28—10"?—Station-Sergeant Anderson.

26826. It looks to me like, "A. W.," or something like that. The next entry is initialled, "A. W." Just look at it again, and see if that is Andrews' writing (*handing*)?—Yes, those are Station-Sergeant Anderson's initials.

26827. Let us see that there is no mistake at all about this. The incidents occurred on the early morning of the 23rd October?—Yes.

26828. Five days afterwards, that is, on the 28th, and two days before the police court proceedings, you made this entry in your book?—I was asked to do so.

26829. So it was before you had been asked to make the report? I asked you twice?—I was asked to make that report.

26830. I know you were asked to make a report, and you did make a report, in fact, on the 1st November, 1906?—Yes.

26831. You have told me that you were asked to make a report after the police court proceedings had concluded, and you made it between 2 o'clock and 4 o'clock on the morning of the 1st November. That is what you told me?—The other report.

(*Mr. Eldon Bankes.*) He means he was asked to make both.

(*Chairman.*) I do not think you ought to suggest anything to the witness.

(*Mr. Eldon Bankes.*) I am only anxious to get at the exact facts.

(*The Witness.*) That report I made two or three days before the other one.

26832. Why?—I was asked to do so.

26833. By whom?—By Station-Sergeant Anderson.

26834. But at that time the prisoner was under remand?—I do not know why. I was directed to do so.

26835. Where did you make this entry or note in the book?—In the charge room.

26836. When?—On the 28th.

26837. About what hour and what time on the 28th?—Between 10 and 11 in the evening.

26838. Is it customary at this police station, or is it customary on the part of Station-Sergeant Anderson to ask you to make reports and enter them in your note-book, between the time of the arrest and the police court proceedings?—It has not occurred to me before.

26839. On the 28th October Emms was under remand?—Yes.

26840. That you knew?—Yes.

26841. You had not, in fact, in your note-book, made any entry at all, up to that time?—This was not my prisoner.

26842. You had not made any entry in your book?—No.

26843. You say the reason you had made no entry in your book was that he was not your prisoner?—No.

26844. You did not take his name and address and say you arrested him, and all that?—No.

26845. I understand that the station sergeant asked you to put a note in your book?—Yes.

26846. Is that a common practice?—It has not occurred to me before.

26847. I suppose this note-book is a book that you refer to when you are giving evidence sometimes, for the purpose of refreshing your recollection?—Sometimes.

26848. Do not you know that, if you are going to use the book for that purpose, you ought to make the entry at once?—I was not going to use it for that purpose.

26849. You were not going to use your note-book for the purpose of making these long entries after the occurrence. Is that what you mean?—Yes.

26850. It was only at the sergeant's request that you put this entry in the note-book?—That is it.

26851. Take that to be the case. I see that you very fully described the police-constable's condition. Why did not you describe Emms' condition more particularly?—I mentioned that he had a cut head.

26852. That is a very fair observation, and it is quite right you did mention that, but you do not say that you examined him and turned round his head and found there were two wounds on the head. You say you thought it was sufficient to say he had a cut head?—Yes.

26853. What I was going to put to you was this, and I put it now. I have read this note to you, and I will not trouble to read it again, but would you think it was a wrong inference on my part if I inferred from that note that Emms was unconscious all the time? Just read it through again yourself. Do not you think that the casual reader, or the ordinary reader, going over that would have inferred that Emms was unconscious all the time, was lifted, and put on the ambulance and never spoke at all?—He might walk, for all I know. He was not seriously injured.

26854. I know you say that now, but reading the

account given in this note-book, I should think that many people would infer that Emms had been so seriously cut about the head that he could not walk, and he did not speak?—From the report?

26855. That is what I say. That we are agreed upon.

(*Mr. Schultess Young.*) May I call your attention, with great respect, to the evidence the witness gave—"I tried to pull him up, but he could not get up?"

(*Chairman.*) That was at the police court.

(*Mr. Schultess Young.*) Yes.

26856. (*Chairman.*) I have asked you about the report, and we have got your answer. I now call your attention to the fact that you told the Police Magistrate, "I tried to pull him up, but he could not get up." Did you say that to the Magistrate?—I do not recollect it.

26857. The Clerk was taking down your evidence as usual?—Is that my deposition?

26858. Yes.—I do not recollect saying such a thing.

26859. (*Mr. Schultess Young.*) I have it on my notes also, which were taken independently of the Clerk's notes at the time.

(*The Witness.*) I did not give any evidence.

26860. (*Chairman.*) You did not give any evidence?—On the remand I was cross-examined on a statement; that is all.

26861. Then, your recollection is faulty, because, according to the note of the Clerk of the Court, you deposed as follows, in chief:—"At 12.30 a.m. on 23rd October, I was at Sclater Street, and received information from a private person, who had a police-constable helmet in his hand. I went to Brick Lane, and at the entrance to Pedley Street I saw Emms lying on the pavement. The police-constable was about three yards away, leaning against a fence, appearing dazed and exhausted; his left eye was swollen, mouth bleeding, his whistle gone and lamp broken"—that is exactly what you have put in the note-book, and what you have consistently told us—"Emms seemed injured, so I sent for the ambulance"—not a word about your having turned round his head and examined the two blows yourself—"I tried to pull him up, but he could not get up." Did you say that?—I may have done.

26862. The clerk took it down, and the clerk had no interest in taking down anything that you did not say. You do not suggest that, do you?—No.

26863. That is what you told the magistrate. How do you reconcile that statement with what you have told us to-day as being your recollection?—You do not always recollect all that occurs at a time like that.

26864. That I entirely agree. No man can recollect all that occurs. What the honest witness does is to report, according to the best of his recollection, the things that struck him, but here you see at the police court either you volunteered this statement, or you were asked this question: "I tried to pull him up, but he could not get up"?—He raised himself up when he spoke, too.

26865. That is what you tell us to-day. That is inconsistent with what you said to the police magistrate—at least, I put it to you that it is—"I tried to pull him up, but he could not get up"?—He may have swooned away and fainted, for all I know.

26866. After he had spoken, you mean?—Yes, or before.

26867. You are inclined to think now that you did try to pull him up?—I may have done.

26868. But what is your recollection? If you do not recollect you had better say so?—I cannot swear that I did pull him up.

26869. Are you positive that he did speak?—I am positive.

26870. And did raise himself up?—Yes.

26871. Why are you so positive about the one, and so uncertain about the other?—I do not know.

26872. Is your recollection very fresh about the matter? If you will say to us candidly that your recollection is not very fresh, and that you have to rely on the note that you made in the book, I should not ask you any more questions?—My recollection is all right.

26873. Which recollection? Do you say that you did try to pull him up, but he could not get up, and yet that he did raise himself and did speak?—He did raise himself up.

26874. He did raise himself up?—Yes.

26875. That is the best explanation you can give of the discrepancy or inconsistency between your statement to the police magistrate and your statement to-day. You will not put it on your recollection?—I think I have told you all I know and saw of what took place.

(*Chairman.*) I do not think it is worth while pursuing it any further.

26876. (*Mr. Dickinson.*) I want to understand a little more clearly how these notes come to be in this book. You told the learned Chairman that Station Sergeant Anderson asked you to put this note in your note book?—Yes.

26877. Did he specially say that you were to put it in your note book?—Yes, he asked me to make an entry of it in my note book.

26878. Did he give you any reason for that at all?—No, I never asked him.

26879. What did he say to you exactly?—"Report on what you know about last week's affair."

26880. In the ordinary course there would have been an order for you to write it down on a separate piece of paper?—He told me to put it in my note book.

26881. Why did you do so?—He asked me to do so.

26882. Has what you have written in this book ever been copied out into a formal report?—It may have been put in the Occurrence Book. I do not know.

26883. (*Chairman.*) Do you mean that answer?

26883.* (*Mr. Dickinson.*) You say it may have been put in the Occurrence Book?—I expect it is in the Occurrence Book.

(*Mr. Eldon Bankes.*) I will call the sergeant.

26884. (*Mr. Dickinson.*) You were asked on the 1st November to make a report?—Yes.

26885. On that occasion you were asked to make an ordinary report on another piece of paper?—Yes.

26886. You did not put that in the book?—No, I had already an entry of it. There are two reports similar.

26887. This report was drawn up by you on the 1st November in which you say the report is chiefly with reference to the question of the women coming to the station?—This is the report of the occurrence.

26888. This report was drawn up after instructions by the sergeant to you to draw up a report?—Yes.

26889. That is to say, pointing out what you knew about the women coming there?—Yes.

26890. In order to do that you drew up a formal report, and that report was handed in to the proper quarter?—Yes.

26891. You did not draw up a report at that time in connection with the occurrence?—No, I reported the occurrence there in the book.

26892. And you say you do not ever remember being asked to take that course before?—No.

26893. When the station sergeant said, "Write it down in your note book," did it occur to you as being an unusual thing?—No.

26894. What did you understand he wanted when you had not had to do it before?—He asked me to report on the occurrence, and I did so. I did not ask him why.

26895. If he had asked you to report the occurrence I suppose you would have sat down in the library at the police station and made out your report?—Yes. He told me to put it into the book.

26896. He gave you no reason for asking you to put it into the book?—No.

26897. After you had put it in the book would the station sergeant initial it?—Yes.

26898. How soon after you had written it out?—Immediately.

26899. Do you think it may be in the Occurrence Book?—It should be.

26900. All the reports are put in that?—Yes.

(*Chairman.*) I understand, so far as the Occurrence

P.C. W. Death.

19 Dec. 1906.

Book is concerned, it is a book that records occurrences at the police station.

(*Mr. Eldon Bankes.*) Yes. I think I can give an explanation, if I am not interrupting.

(*Mr. Dickinson.*) No. We had better have it now.

(*Mr. Eldon Bankes.*) Emms was brought up before the magistrate and remanded. Then, I think, legal aid was asked for and allowed. Then the statements of the witnesses had to be taken and supplied to the solicitor. It appears that the station sergeant asked this man for his statement, to put it in the book, and a copy of what appears in this book was supplied to the solicitor.

(*Mr. Dickinson.*) I see that.

(*Mr. Eldon Bankes.*) That is how it came into existence. The man did not know the purpose for which he was asked to do it, but, as a matter of fact, it was to give a proof to the solicitor.

(*Mr. Dickinson.*) We shall want to know why he says it was written in the book. It appears to me that that book is a very important document, and it ought to record the voluntary statements of fact after they occur.

(*Mr. Eldon Bankes.*) I quite agree, but you will see in this particular case the fact of the sergeant initialling this as on the 28th would show that it was not a contemporaneous report of what happened. It may be the book has been used not for the usual or ordinary purpose, but it cannot be suggested that there was anything improper or that they were endeavouring to make a contemporaneous report, because of the date which clearly shows its origin.

(*Chairman.*) That is a matter of argument. We shall hear what the sergeant has to say about it. The point is about the Occurrence Book. I do not know how this could be in the Occurrence Book.

(*Mr. Eldon Bankes.*) We will try and clear that up.

26901. (*Mr. Dickinson.*) You told us you were in Sclater Street?—Yes.

26902. Where were you in Sclater Street?—On the north side of Sclater Street.

26903. How far from Brick Lane?—100 yards.

26904. 100 yards down Sclater Street?—Yes.

26905. You say a man came to you?—Yes.

26906. How did that man come?—I expect he was going to the point; there is a point a little further up Brick Lane, and he saw me first, and he came to me.

26907. A man was going to the point and he saw you down the street?—Yes.

26908. Was he running?—He was running with a policeman's helmet in his hand.

26909. Did he go back with you?—He went back. I went on in front.

26910. You do not know who he was?—No.

26911. Did you take the helmet?—No.

26912. How did the helmet get back to the constable?—I expect the gentleman gave it back to him, or it was sent to the station, perhaps. I do not know how he recovered it.

26913. This gentleman must have got back after you?—After me.

26914. You did not see him?—No.

26915. Do you know Emms?—Yes.

26916. You knew him when you saw him?—Yes.

26917. Do you remember saying to him: "I did not know it was you; I thought it was one of our men"?—No, I did not speak to him at all.

26918. Two other police-constables came up, did they not?—Yes.

26919. Wood and Payne?—Yes.

26920. How did you get Emms on to the ambulance?—Lifted him on.

26921. Did you all three help to lift him?—No.

26922. Who lifted him?—Wood and I.

26923. There is no doubt that then he was unconscious?—No. We thought it was the quickest way of getting him to the station.

26924. You would hardly put a man on an ambulance if he was able to walk?—A very hostile crowd began to gather.

26925. Then, when this happened, there were more than five people there?—Yes, a crowd began to gather.

26926. How many people do you think there were?—A fairly large crowd before we got the prisoner away.

26927. 30 or 40?—Perhaps more than that.

26928. Do you know Norrey?—Yes.

26929. Do you know him by sight?—Yes.

26930. And I suppose you know where he lives?—No.

26931. You have known him for some years, I suppose. You have been there for two or three years, have you not?—Very nearly three years.

26932. Did you hear any police whistle?—No.

26933. Did you whistle yourself?—No.

26934. You were running to rescue the police-constable. That was the thought that was in your mind?—That was in my mind.

26935. Why did you not whistle?—I wanted to see what really was the matter. It was not necessary when I got there.

26936. You are sure you did not blow your whistle?—Yes.

26937. I suppose a police whistle is very loud?—Yes.

26938. You say there was a crowd round you before the ambulance came?—Yes, a crowd began to gather.

26939. How long did you have to wait for the ambulance?—Perhaps about 10 minutes.

26940. In that time the crowd gathered?—Yes, began to gather.

26941. All that time Emms was on the ground?—Yes.

26942. Was Jeffery there the whole time?—Yes.

26943. Until you went away?—Until I went away.

26944. When did the Inspector arrive?—I saw him there before I went away. He stopped and helped to clear the crowd away.

(*Mr. Schultess Young.*) Will you allow me to ask the witness whether he did not say before the Police Magistrate, "I was present when the Divisional Surgeon examined him? He said, 'I don't want to see a doctor.' That was all"?

(*Chairman.*) Yes.

26945. (*Mr. Schultess Young.*) Did you not say before the Police Magistrate, "He said. 'I don't want to see a doctor.' That was all." To-day you tell us he asked to see a private doctor. Which is correct?—He said that, and also that he would not have our doctor—he would go before the Magistrate as he was.

26946. You say here, "He said 'I don't want to see a doctor.' That was all." Was it something more than that, do you think?—He said he would go before the Magistrate as he was.

26947. I ask you what you said before the Magistrate and not what you are telling us now. Did you say before the Magistrate, "He said, 'I don't want to see a doctor.' That was all." Is that correct or not. Was there anything more said?—I do not recollect anything more.

Police-constable ERNEST PAYNE, 285 H. sworn.

P.C. E. Payne.

26948. (*Mr. Eldon Bankes.*) Are you a police-constable at Commercial Street Police Station?—Yes.

26949. Were you called to Pedley Street, Brick Lane, by some private person, whom you did not know?—Yes.

26950. Where were you at the time?—In Hanbury Street.

26951. How far off is that from this particular place?—About 200 yards.

26952. Did you hasten to the place?—Yes.

26953. Did you hear any whistle blown?—No.

26954. Did you get there before Death or after Death?—After Death.

26955. At that time was Emms lying on the ground?—Yes.

26956. At that time were there a number of people collected there?—I should think there were about a dozen.

26957. When you first got up. Is that so?—Yes.

26958. Had the ambulance been sent for when you got there?—It arrived at the same time.

26959. You arrived at the same time as the ambulance?—Yes.

26960. Immediately after the ambulance arrived was Emms picked up and put upon it?—Yes.

26961. Then I think you accompanied it to the station?—I did; I pushed it.

26962. When you got to the station, what did you do?—I heard Jeffery say to the station sergeant "Ginger Norrey is the man we want besides this one we have here." I said to the station sergeant "I know him." He said "Go and see if you can find him." I went out immediately, but I saw nothing of him, and did not return to the station till six o'clock.

26963. I think you did not return again until six o'clock in the morning?—No.

26964. Were you in the charge room at all with Emms. Were you there a little time with him?—Yes, possibly two minutes at the most.

26965. Were you holding him or assisting to hold him in the chair?—Not after we once put him in the chair.

26966. You helped to put him in the chair?—Yes, certainly.

26967. After that did you hold him or touch him at all?—No. I was out of the station immediately.

26968. I think you are the man whom he identified as having said "You dirty bastard, I will murder you," or something of that sort?—Yes, he did say that.

26969. I think you are the man he identified as having put your knee into his stomach?—I do not think so. I think that was another man.

26970. Is it a fact that you spoke to him at all?—No, nothing out of the way.

26971. That you spoke to him at all?—No, nothing out of the way.

26972. Did you say anything like that to him?—No, not at all.

26973. (*Mr. Schultess-Young.*) Did Emms say anything when you arrived with the ambulance?—I had not time to hear him say anything. He was practically on the ambulance when I got there.

26974. Did you put him on the ambulance?—No—just put a strap on him. That is all.

26975. He could not be put on the ambulance until it arrived?—The ambulance arrived with me.

26976. You arrived just at the same time?—Yes.

26977. Did you help to put him on the ambulance?—You could not call it "help." I was there, and when the ambulance came I put the strap over him, and away I went with him.

26978. Did you see any signs of shamming?—I could not possibly say. I thought the man was apparently unconscious when I saw him lifted up, but he had plenty of life in him at the station.

26979. Did he show any signs of shamming when he was put on the ambulance?—I could not say. I should not like to answer that question.

26980. Why should you not like to answer that question?—Because I should not.

(*Chairman.*) The witness has said "I should think he was unconscious." You have got what you want.

(*Mr. Schultess-Young.*) I think so.

P.C. E. Payne.

19 Dec. 1906.

26981. You did not give evidence at the police court?—No.

26982. There is nothing else you can tell me about it?—No.

26983. (*Mr. Dickinson.*) When you went with the ambulance to the station the station sergeant said "You must go and find Norrey"?—To go and find Norrey if I could.

26984. And you went?—Yes.

26985. Where did you go?—Down Brick Lane, Bacon Street and Gibraltar Buildings—just the spot where he hangs about.

26986. Did you not know where he lived?—No, I did not know where he lived then.

26987. You knew him?—Yes.

26988. When you know these men who are criminals do you not know where they live?—I knew where Harding lived and where Emms lived.

26989. But you did not know where Norrey lived?—I knew he lived in the J Division, the Division adjoining ours, but I could not say where.

26990. You would hardly expect to find him out in the streets immediately after the occurrence?—There was a possibility if I left the station immediately.

26991. You walked about the streets and tried to find him?—Yes.

26992. Do you know the addresses of these well-known men?—I could take you to Harding's place, and I could take you to Emms' place.

26993. Now you could take me to Norrey's place?—No, I could not. I have heard the name of the street, but I could not take you to it.

26994. After that day you were looking out for Norrey?—Yes, we were looking after him.

26995. You were all after him until the Saturday?—Yes.

26996. What do you mean by saying you were all after him?—We knew he was wanted, and, of course, we were all looking for him.

26997. Do you mean to tell me that the police cannot find a man who is known to them in this way?—Not always, I expect.

26998. It is said that he was one of Harding's gang?—I believe he left Harding's gang; in fact, I know he did. I was out all day looking for him, and I could not find him.

26999. You were looking out for him every day?—Yes.

27000. But he kept out of your sight?—Yes.

(*Mr. Eldon Bankes.*) He was advertised for amongst people who were wanted.

(*Mr. Dickinson.*) I should very much like to know how it is that when a man is clearly known as a bad character and is always about, it is not known to the police where he lives.

(*Mr. Schultess-Young.*) Ward said he knew him very well and knew all about him.

(*Mr. Eldon Bankes.*) You shall have such information as we have got. If anybody knows where he lives, that is one thing, but we must find out whether anyone did know.

27001. (*Chairman.*) What division do you belong to?—H.

(*Mr. Eldon Bankes.*) Commercial Street Police Station.

27002. (*Chairman.*) Does Jeffery belong to the H Division, too?—Yes.

P.C. John Wood (422 H), sworn.

(*Mr. Eldon Bankes.*) This witness is only material on the question about the women having alleged that they were assaulted at the police station. I was not here myself at the time the witness was examined, but I was given to understand that she did not persist in the statement. Of course, if the Commissioners desire to hear the evidence we can give it.

(*Chairman.*) I think we ought to hear the evidence. Mrs. Martha Allen's statement was quite different to that which she had given at the police court, and it created a different impression in our minds.

P.C. J. Wood.

27003. (*Mr. Eldon Bankes.*) I think on the night of the 22nd October you were on reserve duty at the station, were you?—Yes.

P.C. J. Wood.

19 Dec. 1906.

27004. I think you were sent with the ambulance to Pedley Street?—Yes.

27005. You are one of the men who helped to lift him into the ambulance, are you not?—Yes.

27006. Did you notice anything special about his condition. Did he seem to you at that time to be conscious or unconscious?—He was certainly not unconscious.

27007. He was lying on the ground at the time you and the other man lifted him in?—Yes.

(*Mr. Eldon Bankes.*) I do not know what the materiality of this point is. In this particular case the point is not whether the constable gave too severe a blow, because, if Emms is right, he never ought to have hit him at all.

(*Chairman.*) Quite so.

(*Mr. Eldon Bankes.*) The exact extent to which Emms was injured is not material, because he never ought to have been hit at all, if his story is right.

(*Chairman.*) Quite so; and we have Dr. Clark's account.

27008. (*Mr. Eldon Bankes.*) I think you brought Emms to the station on the ambulance?—Yes.

27009. After that you were directed to remain at the door?—Yes, but I was only there a minute.

27010. White went for the Divisional Surgeon?—Yes.

27011. Then you remained at the door some two or three minutes, I think?—No, I went away immediately for the matron.

27012. After that I think Death brought in a drunken woman?—Yes, the woman was there almost at the same time.

27013. Then you went to fetch the matron?—Yes.

27014. After you had fetched the matron did you remain at the door till P.C. White returned?—Yes.

27015. Did all that take but a few minutes?—Yes. The matron only lives about 30 yards down the street.

27016. After you had fetched the matron, and P.C. White had returned, did you then go and help with the prisoner Emms?—Yes.

27017. That would be in the charge room?—Yes.

27018. After you had finished with Emms where did you go?—I remained on duty at the station.

27019. During any portion of this time did any women came to the station to speak about this case, and is it true that any women were pushed down?—It is not true that any women were pushed down.

27020. *Chairman.*) Did any women come about the case?—Women came there before.

27021. (*Mr. Eldon Bankes.*) I am speaking merely of the time after Emms was brought in?—No.

27022. I am not asking whether women came at any other time, but did any women come about Emms' case after Emms had been brought to the station?—I did not see any.

27023. Were any women ejected from the station at any time during that night?—No.

27024. Just a question as to what was done to Emms. Did you assist in looking after Emms before the Divisional Surgeon came into the charge room or not?—No, not before.

27025. You were assisting whilst the Divisional Surgeon was there?—Yes.

27026. In what way did you assist?—Merely standing by him as he sat in the chair.

27027. And doing anything? Was he held?—Just took hold of his shoulder and steadied his head for the doctor to clip the hair away.

27028. You were rendering such assistance as the doctor required?—Yes.

27029. Was any violence used to Emms?—None whatever. Of course, he was placed in the chair by P.C. 420 and myself, because he got out and refused aid of any description.

27030. You placed him in the chair. Just describe how you did it?—I got hold of his shoulder at the back and Hawker pressed him from the front—just put him into the chair quite gently.

27031. Was that in the presence of the Divisional Surgeon?—Yes.

27032. Was he standing quite close to you at the time?—Quite close to us.

27033. (*Mr. Schultess Young.*) Emms did not want to sit in the chair, I understand?—He did not sit in the chair the whole time. He got up and walked about.

27034. You had put him in the chair?—When the doctor arrived, yes.

27035. He did not want to go in the chair?—He was in the chair and he got out of it.

27036. He did not want to sit in it?—No, he did not.

27037. So you, by gentle means, put him back in the chair?—Yes, we did. It did not take much trouble with the two of us.

27038. The other officer who was helping pushed him in the front?—Yes, just put his hand on him.

27039. Were you present when the ambulance came up?—I took the ambulance to the scene of the occurrence.

27040. You are sure that Emms was not unconscious?—I am quite certain of it.

27041. Let us know why?—Because he raised himself on his arm and said, "Have I any witnesses in the crowd?"

27042. Do you not think that is a very important statement?—Yes, it is.

27043. Were you present in court when the evidence was given?—I have not been to the police court at all.

27044. You thought it a very important statement?—Yes.

27045. Why did you not go to the police court and give evidence?—I was not a witness in the case at all.

27046. Why were you not?—I was not put on the sheet as a witness.

27047. You say it is a very important statement?—No doubt it is.

27048. Did you report that statement?—No, it was not necessary.

27049. I do not want any comment, if you please. Let the learned Commissioners comment if they like. Answer the questions. Did you report that statement?—No.

27050. Were you asked to make any report of the occurrence?—Of the occurrence?

27051. What you knew about it?—No.

27052. You were not asked by anybody?—Not until—I do not know the date, but the 30th, I believe—after all the police court proceedings were over.

27053. Where is that report?—I do not know where it is now.

(*Mr. Schultess Young.*) May I see it?

(*Mr. Eldon Bankes.*) We do not produce it.

(*Chairman.*) I have the report, and I will cross-examine on it if I think it necessary. He says he did not report it, and it is quite right that he did not report it.

27054. (*Mr. Schultess Young.*) You did not report it at any time?—No, not at all.

27055. Although you say it was a very important statement?—My report was "Re women alleged to have been thrown from the station."

27056. You say now Emms was not unconscious?—He was not unconscious.

27057. Because he spoke?—Because he spoke, because he raised himself on his arm, and because he was speaking all the way to the station.

27058. Whatever he was doing he was not shamming then?—He was lying still to gain the sympathy of the crowd, no doubt.

27059. He raised himself, as you have told us, and he made the remark—do you mind repeating it?—"Have I any witnesses in the crowd?"

27060. To ask them to go to the police court next morning?—Yes.

27061. You think it would be very wrong for Death to say he could not get up?—I cannot understand

Death saying that. He was there 12 to 13 minutes before I was. He was there almost immediately. It is 8 minutes' walk from Pedley Street to Commercial Street station.

27062. Did you try to get Emms up?—Yes, I raised him on to the ambulance quite easily. He stood on his feet and sat on the ambulance, and we lifted his legs in.

27063. You cannot in any way explain why Death should say, "I tried to pull him up, but he could not get up"?—That was before I arrived.

27064. "I and P.C. Wood took Emms to the station on the ambulance"?—Yes, there were four of us going to the station with the ambulance.

27065. Did you see Kemp there, who gave evidence at the police court?—No, I did not. There was only one who gave evidence here that I saw there.

27066. How many were present when you were there?—About 40.

27067. There were about 40 people when you came up?—Yes.

27068. Who was the person you saw?—Mrs. Bloom. She has given evidence here.

27069. (*Mr. Schultess-Young.*) She gave evidence, did she not?—Yes, she gave evidence at the court, I believe. She gave evidence here; I recognise her as being there that night.

27070. Have you, or anybody, seen Mrs. Bloom, so far as you know, since the last occasion when she gave evidence at the police court?—I have not seen her until I saw her here.

27071. Do you know if anybody has?—No

27072. You have not heard that anybody has?—No, I have not heard.

27073. I suppose you made your report after the police court proceedings?—Yes, the next day, after the report in the papers.

27074. When the result of the police court was known?—I did not know all that was said at the police court; I only knew what was in the "Daily Telegraph" and in the "Daily Mail."

27075. You read it all?—No, I did not. It is very brief in the "Daily Mail."

27076. Who asked you to make a report?—Station-Sergeant Anderson.

27077. You did not think then it was worth while saying that Emms was quite conscious and was got up?—You know what my report is referring to.

27078. I do not know what it is referring to?—It is *re* women alleged to have been thrown from the police station—down the steps of it.

27079. Were you not expected to make a report as to what you knew of the whole of the circumstances?—No, not at all. I had nothing to do with the case—simply the women—because I was on reserve duty, and therefore if the women were thrown from the station it is quite possible they were thrown by me.

27080. Surely it is necessary for you to give the authorities information as to what you knew from the first, is it not?—On the subject of the report that is called for.

27081. On the subject of all you knew about the case?—That is the case of women alleged to have been thrown from the police station.

27082. Forget that for a moment. Is it not your duty to make a statement in some form or other as to what you know about the case. Have you a note-book?—Yes, I have.

27083. Have you a note in that?—No, none whatever. I was called on to report because of the report in the papers. I do not know whether *that* is the report that contained the paragraph saying that women went to the station and were thrown from it.

27084. Yes, but it says a good deal besides that?—I was only to report on that part that refers to the women alleged to have been thrown from the station.

27085. Were you specially told not to report on anything but that?—Not to report on anything but that?

27086. Were you specially told not to report on anything but what occurred to these women?—No, certainly not.

27087. Then, why did you not report the whole of the circumstances as you knew them?—I did report the whole of the circumstances as I knew them.

27088. From the first?—I answered the report that I was called to answer.

27089. You now tell us that these circumstances were of great importance?—But it is not important when the proceedings are over.

27090. Are they not?—I do not think so.

27091. What was the report made for at all?—What report?

27092. The report you made after the proceedings were over?—Because the report contained a paragraph saying that women attended the station connected with the case and were not seen, and were thrown from the station.

27093. I know, but it said a great deal more than that. It said that the man was not unconscious?—But I had nothing to do with it. I only took the ambulance there.

27094. But you know the man was not unconscious, according to your story to-day, when you took the ambulance?—Yes, I knew he was not unconscious.

27095. Trying to gain the sympathy of the crowd?—Yes, trying to gain the sympathy of the crowd.

27096. Death told us that in his opinion the man was unconscious?—I cannot understand him saying that. I understand he was there at least 13 minutes before I was.

27097. I am talking about the one who gave evidence just now—Payne. He said that, in his opinion, the man was unconscious?—His opinion is different to mine.

27098. You thought it was not necessary for you at any time to report to the station that the man was only shamming to get the sympathy of the crowd?—Yes, and so I did think so. I was not asked to report on it.

27099. Cannot we get away from this red tape, as to your not being asked to make a report?—If I had been asked to make a report from the time of taking the ambulance I should have done it; but when I make a report I do not want to report on anything that is not wanted.

27100. Did you come back to the station and inform your superiors of what you say is of importance?—I took the man to the station.

(*Mr. Schultess-Young.*) It is no use going on with it.

(*Chairman.*) The witness is quite right in his statement. According to the written report he made, the report was only called for "*re* women alleged to have been thrown down the steps of the station."

(*Mr. Schultess-Young.*) I was trying to get at the fact, before he made a report at all in his note-book, or, at any rate to his superiors at the station, why he did not make the statement that he has told us to-day, which he says was of great importance?

(*The Witness.*) It was apparent.

(*Chairman.*) You may attach importance to it: "About 12.35 a.m. 23rd, I was sent by Station-Sergeant Anderson with the ambulance to Pedley Street, where a man had been injured. After bringing him to the station I was directed to remain on the door whilst Police-constable 225 H White went for the Divisional Surgeon." Then, he proceeds to state what he told Mr. Eldon Bankes to-day, in effect.

(*Mr. Schultess-Young.*) I am asking, if he knows anything either for or against the prisoner, when he comes back to the station, why he did not make some report of it in his note-book, or in some other way?

(*Mr. Eldon Bankes.*) It is not for or against him.

(*Chairman.*) It is "*re* women alleged to have been thrown down the steps of the station."

27101. The question put to you is why you did not say you thought the man you put in the ambulance was not unconscious, but that he was trying to get the sympathy of the crowd?—That is my opinion of it.

27102. I know, but the question Mr. Schultess-Young has been putting to you is why did you not say that in your report or in your note-book, or anywhere, at the station?—I do not see where I was to bring it in at all. I was not in the case. I had not assaulted the man, and I had not witnessed it. I simply took the ambulance, which the reserve man does. If the case had been further remanded, perhaps I should have had

P.C. J. Wood, 19 Dec. 1906.

to give evidence. If Emms had said he was unconscious and persisted in it, and Jeffery said he was not unconscious, then, perhaps, I should have been called.

27103. (*Mr. Schultess-Young.*) If you had informed your superiors at the station what you have told us to-day, do you not now think you would have been called at the police court?—I do not think so.

(*Mr. Eldon Bankes.*) The question of Emms' actual condition, whether he was conscious or unconscious, has never been raised until it was raised on the last occasion before the Commissioners.

27104. There was no question about his actual state at the station?—No.

27105. The doctor examined him and he gave evidence?—Yes.

(*Mr. Schultess-Young.*) That is what I say. At the police court there was no question about it.

(*Mr. Eldon Bankes.*) No, but then, why should he be called?

(*Mr. Schultess-Young.*) It was never denied at the police court, and it has never been denied until to-day.

(*Chairman.*) We have the notes of the evidence, and we have, I think it is the "Daily Telegraph" report, so that we pretty well know what did take place at the police court.

27106. I just want to find out a little more clearly what your recollection is as to the position of things when you arrived with the ambulance. Where was Emms when you arrived with the ambulance?—Emms was on the ground, about 4 or 5 yards down Pedley Street, raised on his elbow.

27107. When you say he was raised on his elbow, do you mean artificially raised on his elbow, or supporting himself on his elbow?—Supporting himself.

27108. Then you helped to lift him into the ambulance?—Yes.

27109. Did he speak at all while you were lifting him into the ambulance?—Actually while we were lifting him?

27110. Yes, actually during that time?—I do not think he spoke then. He spoke before we lifted him.

27111. You arrived with the ambulance, and you say he was then resting on his elbow?—His head clear of the ground and his eyes open.

27112. You are positive of all this?—Quite positive.

27113. That does not quite agree with the account given to us by P.C. Jeffery?—Jeffery was not taking much notice. He walked on in front of the ambulance. There was a crowd of about 40 people when I got there, all pressing forward.

27114. Was there blood on the pavement?—I did not notice blood on the pavement. I suppose there would be, for the blood was all in his hat.

27115. There was nothing when you arrived there which would enable you to form a judgment as to how long the man had been on the ground?—Nothing at all.

27116. It might have been 5 minutes or it might have been 10 minutes?—I should say it must have been 12 or 13 minutes, because they had to send to the station for the ambulance, and Payne was out of breath, and I ran nearly all the way with the ambulance.

27117. How long did it take to bring the ambulance?—I suppose about 5 minutes.

27118. Then you think Emms had been lying for at least 10 minutes on the pavement?—Thirteen minutes, quite.

27119. At least 10 minutes?—At least 10 minutes.

27120. Did you see any woman speak to him?—I saw Mrs. Bloom there, but I did not see any woman speak to him.

27121. Were there other women there at that time?—Yes. There were women at the back of the crowd, but I could not say how many.

27122. The phrase you use in your report is: "I was sent by Station-Sergeant Anderson with the ambulance to Pedley Street, where a man had been injured." That is rather an ambiguous way of stating it?—The Jew that came into the station said there was a policeman being murdered.

27123. "I was sent by Station-Sergeant Anderson with the ambulance to Pedley Street, where a man had been injured." You did think it necessary in reporting to say that you were sent by Station-Sergeant Anderson to Pedley Street. Why did you think it necessary to insert that?—That I went with the ambulance to Pedley Street?

27124. Yes?—Because it is quite possible, in my absence, that women might have been to the station. That is to explain my absence from the station.

27125. Your point is that you were on duty at the station, and that your report is therefore bound to account for every movement of your time?—That is right, and to show that there were no women thrown from the station whilst I was there.

27126. Supposing that to be the case, still the phrase "Where a man had been injured" is not quite what one would have put in in the light of what you have now told me?—When the ambulance is required in the street the officer on duty always wants to know what it is required for, so I say where I joined it. The ambulance might have gone out two or three times that night, and then it might be queried which occasion was that?

27127. It may be quite a proper course that you took, but what strikes me here is that this is consistent with the man being injured by falling down from a scaffolding, or anything of that sort?—Yes.

27128. It does not explain it?—No, it does not explain anything whatever.

27129. You have told us, I think, that Emms had to be put in the chair by force?—Yes.

27130. I am not suggesting unnecessary force for my present purpose, but he had to be forced into the chair?—Yes, he was placed in the chair.

27131. For what purpose?—For the purpose of the doctor dressing his wounds.

27132. Was he objecting to have his wounds dressed?—He did decidedly object. He said, "I want to go before the Magistrate as I am." I said, "You cannot go before the Magistrate as you are; you must have your wounds dressed."

27133. Who told you to make that statement to him? What superior officer was present?—The doctor wanted to dress his wounds, and we had to see that he was in the chair. It was necessary for him to be put in the chair, under the light.

27134. Your view is that he was bound to be put in the chair for the purpose of being examined by the doctor, and having his head dressed by the doctor?—Yes.

27135. And it was for that reason that you used the force that was necessary to put him into the chair?—Yes.

27136. Why was he bound to have his wounds attended to? Who told you to use force?—No one told us to use force to place him in the chair, but we knew he had to have his wounds dressed, and we know that all prisoners have their wounds dressed. It is no uncommon occurrence at Commercial Street Police Station to hold a prisoner in the chair to have his wounds dressed.

27137. I do not find that in the White Book. The paragraph in the White Book is this: "If prisoners are insensible from drink or any other cause, or appear to be ill or injured in any way, although they do not complain, the Divisional Surgeon is to be sent for immediately"?—Yes; that course was followed.

27138. We know that that course was followed in this case?—Yes.

27139. "This duty is imperative in all cases where a prisoner appears to be ill, whether or not he has been recently under medical or surgical treatment at a hospital or elsewhere." I do not find any direction that the man is to be medically attended whether he likes it or not.

(*Mr. Eldon Bankes.*) It is difficult, perhaps, but people would be thought to be very inhuman if a man's wounds required dressing and it was not done.

(*Chairman.*) I am not even suggesting that there was blame on the part of the police. I want to know what, according to this constable's view, the exact facts were.

27140. This was clearly a case, was it, in which Emms, who had been knocked on the head, as we know, refused to be treated by the Divisional Surgeon?—He did refuse.

27141. You were acting under the orders of the Divisional Surgeon?—Yes. The Divisional Surgeon was there ready to dress his wounds.

27142. Who else was present?—P.C. 420.

27143. Was not Sergeant Anderson there?—He was in the office.

27144. Did the Divisional Surgeon actually order you to put Emms in the chair?—No. We put him there before.

27145. Then you acted on your own initiative?—On our own.

27146. You say that is the practice?—Yes, we have them attended to.

27147. Even if they do not want the benefit of surgical attendance?—There would be a loud outcry if we put them away bleeding, and they died in the cell or something of that sort.

27148. I daresay there would be a loud outcry. I will not read you the paragraph in the White Book again. I daresay we shall have some of your superior officers called who may be able to throw a little more light on it. I only want to have the facts clearly from you, so that there may be no mistake about it. Emms was definitely refusing to be examined by the Divisional Surgeon?—Yes.

27149. You then think you had the right to put him into the chair, and hold him there while the surgeon was doing his duty?—Yes, I thought I was doing my duty.

27150. (*Mr. Dickinson*) How far can you say that no women did come to the station? After Emms had been brought in you did go away?—Yes. I had to be away for about five minutes.

27151. You went to fetch the matron?—Yes, who lives about thirty yards down the street.

27152. At that time Emms was not in the chair?—Yes, he was in the chair, but he got out of the chair before the doctor arrived. I could see him from the door.

27153. Of course, you have heard the evidence given by the woman who was here that she saw Emms in the chair?—She said she saw him.

27154. You were not there for five minutes?—No. It is not inconsistent with what I am saying.

27155. I want to ask you something about the way in which you keep these books. I see here between the 12th September and the 10th November there is no entry at all in that book. What do you think is your duty to put down in the book?—Occurrences of any description, taking names and addresses, collisions, fires.

27156. As far as I can make out, it occurs about once a month?—Not once a month always. If you are at some points you get a collision every day, or if you are in a rough neighbourhood you will have two or three alleged assaults.

27157. How is it that from the 12th September to the 10th November there is no entry at all in the book?—In October I was on reserve duty at the station.

27158. That would account for a month?—Yes.

27159. Then going back I find there is one in August, and the one before that I find is the 29th July?—They are all dated.

27160. Yes. These are very well kept. Then there are three or four in July?—Yes.

27161. On this occasion you have told us what was said to you, that there was a policeman being murdered?—Yes, the Jew said that.

27162. If there was a case which might have been a murder case—why do you not make an entry in a case like that?—In that case the man would be charged. There is no need whatever for me to make an entry in my book.

27163. Any entry you made that evening might be of immense value supposing it had been a case of murder?—Yes, if it had been a case of murder, but even then I was not the officer who had the case in hand.

P.C. J. Wood. 19 Dec. 1906

27164. I only want to get an idea of what the report is?—The officer on the scene of the occurrence reports. In the case of a large fire the superior officer takes it up.

27165. Then you think that you are only called upon to report about events you have seen?—Yes. When a policeman is called to a collision or witnesses a collision, or is called to take down a name and address, or there is an alleged assault.

(*Mr. Schultess-Young.*) With regard to the last witness, I am not sure whether it was made clear—I do not care which way it is—that when the constable came on the scene Emms was leaning with his head on his hand, his arm on the ground, or whether he was, as the constable first said, lying on the ground, apparently dead, in order to excite sympathy?

(*Chairman.*) When the last witness came upon the scene of the occurrence with the ambulance he saw Emms resting himself upon his elbow.

(*Mr. Schultess-Young.*) That would be inconsistent with the statement that he was lying on the ground.

(*Chairman.*) I do not know. The witness also pointed out there was at least ten minutes during which Emms might have been lying on the ground.

(*Mr. Schultess-Young.*) Not that he himself saw. I understood him first to say he himself saw. Of course, he could only give testimony as to what he saw. I understood him to say he saw Emms lying on the ground, apparently unconscious, in order to excite sympathy.

(*Chairman.*) I did not take that down from him, and I do not think he said it.

(*Mr. Schultess-Young.*) "He was lying still to gain the sympathy of the crowd."

(*Mr. Eldon Bankes.*) That is another witness.

(*Mr. Schultess-Young.*) No, it is the last witness.

(*Chairman.*) The witness said, "Emms was on the ground; he was lying on the ground; he was supporting himself on his elbow. I do not think he spoke."

(*Mr. Schultess-Young.*) That was when he first came up. It is very contradictory if that is so, because in cross-examination he said: "He was lying still to gain the sympathy of the crowd"; and then later he said: "When first I came up he had his head on his hand, resting himself on his elbow."

(*Chairman.*) He said he thought he was trying to get the sympathy of the crowd. I have not got the exact words, but they will be on the shorthand-writer's notes.

(*Mr. Schultess-Young.*) I wanted to get it perfectly clear, because it seems very inconsistent.

(*Mr. Eldon Bankes.*) The next witness, in the ordinary course, would be Police-constable White, but I have a certificate here saying that he is unable to be present. I should desire to put in the certificate: "No. 2, Spital Square, Bishopsgate, E., December 19th, 1906.—I hereby certify that Police-constable White, 225 H, is suffering from a badly blistered instep, and is unable to put his foot to the ground, which will prevent him from attending before the Royal Commission at the Guildhall, Westminster.—Percy J. Clark, Divisional Surgeon of Police." Then the next witness I propose to call is Constable Walker, 420 H.

(*Chairman.*) I understand that one of the witnesses we have summoned, Kemp, is now here?

(*Mr. Schultess-Young.*) Yes.

(*Chairman.*) He has submitted himself to us, and come, and I think we will take him before the next police witness.

(*Mr. Schultess-Young.*) There are two other witnesses, Measures and Hoy, whom you expressed a desire to see.

(*Chairman.*) I think, Mr. Bankes, you will be able to take the police witnesses in this case very briefly.

GEORGE KEMP, sworn.

G. Kemp.
19 Dec. 1906.

27166. (*Mr. Schultess-Young.*) You gave evidence before the police Magistrate, Mr. Cluer, with regard to this matter?—Yes.

27167. You are a table maker, and reside at 4, Granby Street?—Yes.

27168. Will you tell the learned Commissioners what it was you saw on the morning of this day?—I was coming from Whitechapel towards Bethnal Green, down Brick Lane, and, just before the archway, there is a narrow courtway. I saw the prisoner and a constable, who seemed to be rowing with one another.

27169. A scuffle?—Yes. The constable got hold of the young man by the collar like *this* (*describing*), by the shoulder, and the young man pulled away like *this* (*describing*), and then the constable struck him a blow on the head.

27170. Did you see the young man do anything else except pull away, to justify the blow?—No, I could not say I did.

27171. Tell us what you know?—I am only going by what I saw. He knocked him to the ground.

27172. What did he knock him with?—His truncheon. As he fell he went down like *this*, and the constable gave him another blow.

27173. He hit him again as he fell?—Yes.

27174. That you saw?—Yes.

27175. What next happened?—The constable was standing there, near against the wall, and then somebody blew a whistle, and another constable came up.

27176. Did you see a man come out of the crowd and do anything to the constable?—Yes, he struck the constable in the mouth, or somewhere about the face.

27177. Do you know who that man was?—No.

27178. Was it the prisoner Norrey who you saw in the dock?—No, not that I am aware of.

27179. Would you have recognised him if it had been?—Yes.

27180. All this time what happened to Emms?—He was still lying there. He seemed as if he was dead.

27181. Did you see any blood anywhere?—It seemed as you stood at a distance, as if his throat had been cut, because the blood ran round *here* (*describing*).

27182. Do you know anything about Emms. Do you know him at all?—I know him by sight, through living down that way. I was born down there.

27183. Is he a friend or a pal of yours at all?—No.

27184. Had you ever seen Norrey before?—No.

27185. How many people were there when you first came on the scene?—Near about between 12 and 20.

27186. Did any more come up after that?—Oh, yes; a hell of a lot.

27187. Could you see exactly what took place?—Oh, yes.

27188. Did you see any women there?—Yes, plenty.

27189. Did you see any women do anything?—I never took that notice.

27190. After Emms was knocked down, you mean you did not keep an observation on him?—No. I was in a weak position myself. I had just come out of the hospital and been under two operations.

27191. You were in a weak position physically, you mean?—I was.

27192. What did you do next?—I waited there until an ambulance came, and the ambulance passed me with Emms on.

27193. What did he seem like then?—Just the same as if he was dead.

27194. Did you hear him say anything?—Not that I am aware of.

27195. Did you see him move or do anything after he was knocked down at all?—No.

27196. I do not think you went to the police station, did you?—No.

27197. I think some woman came and asked you to give evidence at the police court?—Yes.

27198. And to say what you saw?—Yes.

27199. And so you came?—Yes. I should like to know, Sir, if I can get a note to show my governor that I have been here.

27200. (*Mr. Eldon Bankes.*) You mean an explanation of why you have been away from work?—Yes.

27201-2. Would not the letter you got from the Commission show that?—I showed it to him this morning, but he seemed very upset.

27203. (*Mr. Schultess-Young.*) Why?—Because I had to come.

27204. Were you busy?—Yes.

27205. Was he upset for any other cause?—He does not like me to come to such a place as this.

27206. I hope it is a respectable place?—It is a question. He does not want to be mixed up in anything like this. He is a Christian man.

27207. Cannot a Christian man let his employé give evidence?

(*Chairman.*) The Secretary will write a letter saying that you have attended here by order of the Commission to give evidence?—Thank you, Sir.

27208. (*Mr. Eldon Bankes.*) I understand on this night you yourself were only recovering from illness?—Yes.

27209. How long before was it that you had this operation?—I had been away two weeks in a convalescent home, and I had not long come from the convalescent home. I had come out of the hospital and gone into the home.

27210. It was the Monday night, or the Tuesday night?—Monday night, or Tuesday morning early.

27211. Why was it you were out so late that night if you were only just recovering from illness?—I met a friend and went for a walk round.

27212. Where had you been to with your friends?—Only one friend. We went for a walk round Whitechapel way, and towards home. It was only just a short round.

27213. It was a funny thing to go for a walk at twelve o'clock at night, was it not?—We started earlier.

27214. What time did you start for your walk?—Half-past nine or ten o'clock.

27215. Were you walking till twelve o'clock, or did you go in anywhere?—We went into one fish shop.

27216. Is that all you did between half-past nine and twelve?—That is all.

27217. You were coming from Whitechapel direction?—Yes.

27218. Was that to go home?—Yes.

27219. Where is your home?—No. 4, Granby Street.

27220. Is that the other side of the Arch?—Yes.

27221. You go under the arch?—Yes.

27222. How far were you from the arch before you noticed this, as you call it, scuffling between the constable and the man?—A very short distance.

27223. You were close to them?—Yes.

27224. When you first noticed them?—Yes.

27225. When you first noticed them had the constable lost his helmet?—No.

27226. Had he got it on then?—Yes.

27227. Did he lose his helmet at any time?—When the young man punched him it came off.

27228. Were they actually in Pedley Street when you first saw them?—I do not know the name of the turning, and yet I was born round there.

27229. A little court?—Yes.

27230. They were in that court when you first saw them?—Yes.

27231. You never saw them on the other side at all?—No.

27232. You never saw them crossing the road?—No.

27253. You did not see anything until they were in this court, as you call it?—Nothing at all.

27254. Were there a number of people round there at that time, or close to?—There were some few there.

27255. So that, before you got up, a number of people had collected there?—Yes, but not half so many, or quarter so many, as there were at the last.

27256. There were a great many at the end?—Oh, yes.

27257. But by the time you got up there was a considerable number collected there?—Not so many to speak of.

27258. Were there a dozen or fourteen?—Yes.

27259. Knowing that neighbourhood, would not that indicate to you that this scuffle had been going on for some time?—I could not tell you how long it had been going on.

27260. But, at any rate, sufficiently long to attract ten or twelve or fourteen people?—Yes.

27261. You do not pledge yourself to the number?—No.

27262. There were a number, but not nearly so many as came afterwards?—No, not nearly so many.

27263. Do I understand you to say that when you first came up the constable and the young man were in grip—they had hold of each other?—They were jawing, and one thing and another.

27264. Had they hold of each other?—A second or two afterwards.

27265. Can you say positively whether, when you first came up, they had hold of each other or not?—Yes.

27266. They had?—Yes.

27267. Do not let there be any mistake about this. Your impression is that when you first came up the man and the constable had hold of each other?—Yes, he had got hold of the young man here (*describing*).

27268. Either one or the other had got hold of the other?—Yes.

27269. They were holding each other?—Yes.

27270. You cannot tell what had happened before you got up?—No, not at all; I could not tell you.

27271. Did you notice when you first got up there whether the constable seemed exhausted?—He seemed a bit exhausted after the young man punched him.

27272. I asked you a question as to whether he seemed exhausted when you first got up there?—No, he did not seem exhausted at all.

27273. But, according to your present story, nothing had happened to make him exhausted, except that somebody had hit him?—That is all.

27274. But I think before the Magistrate you said in cross-examination: "I know Emms by sight only. I have known him two or three years by sight. He is not a friend of mine; he is not a pal of mine. I may have spoken to him." Did you know his name?—No.

27275. Where had you spoken to him, do you remember?—No.

27276. But you think you had spoken to him?—I may have done so.

27277. It is not a question of whether you may have done so. Do you think you had? Do you remember having spoken to him?—No.

27278. But you knew him by sight?—Yes.

27279. Where had you seen him?—I had seen him round the neighbourhood I live in—I cannot say how often.

27280. You had seen him about the street?—Yes.

27281. Is he constantly about the street?—That is the only place where I have known him from.

27282. He is constantly about there, is he?—Yes.

27283. Did you say: "I do not know Norrey. I never saw him before"?—Yes.

27284. Then you say this: "The police constable and Emms were a little way down the court, just off Brick Lane, through an arch, when I first saw them." They were not through the arch, were they?—There is an arch *here*, and they were just underneath the arch, and down by the side of the court.

27285. That is what you mean by that. Then you said: "There were plenty of people there"?—Yes.

27286. Is that what you meant to describe—the state of things when you first got there?—Yes.

27287. There were plenty of people there?—Yes, I have just said so.

27288. You describe it there as being "plenty of people." Then you said: "I was nearly the length of the court away." You were describing it by reference to the size of the room you were in when you were giving that evidence?—Yes.

27289. "There were some people between me and Emms"?—Yes.

27290. That is right, is it?—Yes.

27291. Is it the fact there were always some people between you and the constable and Emms all through the time? You never pushed your way to the front?—Yes, I did.

27292. When?—After the first blow was struck.

27293. After Emms was on the ground?—Yes.

27294. Then you pushed your way to the front?—Yes.

27295. But up to that time you had not?—No.

27296. Up to that time there were people between you and him?—Yes.

27297. "I did not see the police-constable with his back against the wall." Did you not see him with his back against the wall at any time?—Yes.

27298. When was that?—After the blow was struck by the constable.

27299. How long do you think elapsed between the time the blow was struck and the time the ambulance came?—I should think between a quarter of an hour and twenty minutes.

27300. And during the whole of that time was the constable standing leaning up against the wall?—Not all the time.

27301. Nearly all the time?—Yes.

27302. Did he appear to you to be leaning there because he was dazed and exhausted?—He seemed a bit dazed.

27303. And there was nothing to account for his condition, that you saw, except the one blow struck by the man?—That is all.

27304. Did not he seem to you to present the appearance of a man who had gone through a severe struggle?—No.

27305. He seemed so exhausted that he was leaning up against the wall?—He was there then, Sir.

27306. You had seen no struggle to produce that state of things, had you? You had not seen the constable struggling sufficiently to make him exhausted, had you?—No, only by the blow.

27307. You said "There were several women there"?—Yes.

27308. Was that at the time you first got up there, or afterwards?—There may have been some when I first got up there, and there were plenty afterwards.

27309. Did you notice whether there were any there when you first got up or not?—I did not take that notice.

27310. Then you said "There were several women there. I think there were nearly a dozen people there, perhaps more." That is, in substance, what you have said to-day?—Yes.

27311. "I saw that the police-constable's helmet was gone"?—Yes.

27312. Now you say that that was after the blow was struck?—Yes.

27313. And not when you first came up?—No.

27314. Did you see a man run away to fetch another constable?—I did not take that notice. There were plenty of people moving about, but I could not say whether I saw a man get a constable.

27315. We know now that somebody who had got the constable's helmet in his hand ran away into Sclater Street, and he had got the helmet in his hand when he got to Sclater Street?—Yes.

27316. Bearing that in mind, do you say the constable had got his helmet on when you first got up there, or are you mistaken?—No, I do not think I am much mistaken about it.

27317. You do not think you are?—No.

G. Kemp.
19 Dec. 1906.

27298. Now I want to put this to you, as to whether it is a thing about which you think you may be mistaken, or whether you are positive?—A decent time has elapsed between now and then.

27299. That is a fair answer. By that, do you mean to suggest that, although you think he had his helmet on when you got up there, you are not able to say for certain?—No.

27300. Is that right?—Yes.

27301. Then I will go on: "I saw a boy with him." Did you see a boy with him?—Yes.

27302. Is that the boy who went for the constable?—I suppose it was. I could not say whether he went for the constable or not.

27303. "I was not close enough to see that his whistle and armlet were gone"?—The helmet had gone—the boy had it.

27304. You said "I was not close enough to see that his whistle and armlet were gone." You were asked whether you noticed whether his whistle and armlet were gone, and you said you were not close enough to see that?—I never noticed it.

27305. "I would not like to say that Emms did not hit the constable in the mouth." That means to say that you were not there the whole time?—You cannot tell whether anybody hits anybody else when there is a scuffle on.

27306. You cannot tell whether anybody hits anybody else when there is a scuffle?—No.

27307. By that you mean that there was a kind of scuffle, and that you really could not tell which it was hit the other?—No.

27308. Then you said: "The police-constable did seem a bit exhausted, as if he had had violent treatment. Emms is the man who scuffled with the police-constable. The scuffle was before the police-constable hit him. After the police-constable hit Emms, the other man came and hit the police-constable. The other man was shorter than Norrey. I can't say who it was. The first blow brought Emms down close to the police-constable. Then the police-constable hit him a second blow, and knelt on him. Then I rushed towards where they were." Are you prepared to say that the constable and Emms did not fall down together?—No.

27309. We have been told that by one witness. We want you to tell us what you are certain about, and if you are not certain about anything you ought to tell us you are not certain. I suggest to you that in the struggle Emms and the constable fell together. What do you say about that?—After the constable hit Emms the blow, he went down, and there was another blow, and the constable went down like *this* (*bending down on knee*).

27310. Did he fall on to the ground?—No, not to fall down properly—not that I saw.

27311. What part of the constable was on the ground?—Like this (*describing.*)

27312. Do you mean bending down?—Yes.

27313. At that time were there people between you and him?—There may have been one or two.

27314. Was the place light or dark?—You could not call it light and you could not call it dark. There was a double light up high from the railway; but there is only one ordinary street-lamp, and the gaslight does not show much light at all.

27315. In your view it is not a very light place?—No, not light to speak of.

27316. Is it light enough to enable you to distinguish accurately what was going on there, do you think?—Yes.

27317. Do you say that the police-constable blew a whistle?—Somebody blew a whistle.

27318. Are you able to say whether it was the police-constable or not?—It may have been somebody among the crowd. I did not take that notice, but I heard the whistle blow.

27319. You heard the whistle blow, but it may have been somebody in the crowd?—Yes.

27320. Did you not say before the magistrate "The police-constable blew his whistle"?—I may have done so.

27321. Is not that an illustration of what I am suggesting to you, that you are one of those people who is apt to say a thing without being quite certain about it. You told the Magistrate as if you were certain that the police-constable blew his whistle?—I may have done so.

27322. And now you tell us fairly enough that it may have been somebody in the crowd?—I did not take much notice of who blew the whistle, but I heard it blow.

27323. You realise that that is a case in which you have said a thing as if you were positive about it when you were really not positive about it, do you not?—When there are a few people there you have not got your eyes on everybody.

27324. But you told the Magistrate positively that the policeman blew his whistle. Were not you wrong in being so positive about that?—I may have been wrong.

27325. I am suggesting to you, and I will come to it again in a moment, that you are equally wrong in being so positive about these blows. I admit it is your impression, but I suggest to you that you are wrong in being positive about it. The next thing I want to ask you is this: You went home, did you, after the ambulance passed you?—Yes.

27326. Did anybody speak to you then and there about giving evidence for Emms?—I walked up there, and there were some people talking.

27327. That night did anybody speak to you about giving evidence?—No.

27328. Nobody?—Not that I am aware of.

27329. Emms's case was before the Magistrate the next day, was it not?—I believe so. I do not know about that.

27330. How came you to give evidence before the Magistrate?—I was spoken to by a young woman in Brick Lane.

27331. How soon after that night was that?—I think it was on Saturday afternoon after I had done work.

27332. On the Saturday afternoon following?—I think so.

27333. So that this happened on the Monday night, and some young woman spoke to you on the Saturday night?—Yes.

27334. Were you in Brick Lane?—Yes.

27335. Did you know the young woman by sight?—Yes.

27336. Do you know who she is?—No.

27337. Do not you know?—No.

27338. Not now?—No.

27339. What did the young woman ask you to do?—She knew I was there, or she would not have come and asked me.

27340. How did she know you were there?—I suppose she saw me there.

27341. She came up to you in Brick Lane?—Yes.

27342. What did she say to you?—She told me that she went up to the police station on the night of the occurrence, and told me about her getting thrown out.

27343. She did, did she?—Yes.

27344. Should you know her by sight?—Yes.

27345. Did you see the woman at the police court who spoke to you and told you she had been thrown out?—Yes.

27346. Do you know what her name is?—I knew afterwards—Mrs. Allen.

27347. That is the woman we have had here?—Yes.

27348. I am asking you about the young woman who spoke to you on the Saturday night. What did the young woman tell you on the Saturday night?—She told me she went up to the police station.

27349. That she herself had been to the police station?—Yes, and she was thrown out.

27350. Have you ever seen that young woman since?—Yes, there she is (*pointing to a young woman in court*).

27351. That is the young woman you saw in Brick Lane?—Yes.

27352. She told you she had been thrown out?—Yes.

(*Mr. Eldon Bankes.*) I do not know, Sir, whether it would be right for you to ask her what her name is.

(*Mr. Schultess Young.*) That is Mrs. Hoy.

27353. (*Mr. Eldon Bankes.*) Did you know her before?—Yes.

27354. You knew her before?—Yes.

27355. How had you known her?—Years, round the neighbourhood.

27356. Where had you seen her?—I had seen her at several places.

27357. Did you know her to speak to?—No.

27358. Did you know her name?—I know her first name.

27359. What is her first name?—Polly, I think.

27360. Had you ever seen her with Emms?—No.

27361. Had you ever seen her with Harding?—No.

27362. Do you know Harding?—No.

27363. Is she known about the neighbourhood as Polly?—Yes. I know her husband.

27364. She said she had been up to the police station and she had been thrown out?—Yes.

27365. What else did she say?—She never told me anything else.

27366. Is that all she said to you?—Yes.

27367. Did she not ask you to go and give evidence?—A young man asked me—a gentleman asked me.

27368. Was that the same night?—No, the same afternoon.

27369. Was he alone then or with somebody else?—He was alone.

27370. Do you know who the young man was?—No.

27371. Should you recognise him?—Yes.

27372. Have you seen him here?—I was taken to a house——

27373. No, no. Have you seen the young man here?—I cannot see him here.

27374. Have you seen him at all since?—I do not think I have.

27375. Do you know what his name is?—No.

27376. Are you sure you do not see him?

(*Mr. Schultess Young.*) It was someone sent on behalf of the solicitor, I am informed.

(*Mr. Eldon Bankes.*) That was on the Saturday afternoon?—Yes.

27377. Was that before or after you saw the woman?—I think it was before or after—I am not sure which.

27378. Where did you see the man?—I saw him in a house writing down on a paper.

27379. Whose house?—I do not know whose house it was.

27380. How did you come to go to the house?—The young woman asked me to go.

27381. Where did the young man meet you?—In Brick Lane.

27382. You met this young man in Brick Lane?—Yes.

27383. Is he a man you had seen before?—Yes.

27384. Where had you seen him before?—In our neighbourhood.

27385. Just see again if you cannot see him here. Look at this man (*pointing to Harding*)?—Yes.

27386. That is the man, is it?—Yes.

27387. That is Harding. Now just be careful. You saw that man before I pointed him to you, did you not?—No, I did not notice him. He was behind another man.

27388. That is him, is it not?—Yes.

27389. Now we have got you in communication with Harding in Brick Lane. That was on a Saturday afternoon, was it?—Yes.

27390. We will just go into this a little further. You had not seen Polly then, had you?—No.

27391. Had you ever spoken to her before?—I may have done so.

27392. In the same way you may have spoken to Emms?—Yes.

27393. In the same sort of way?—Yes.

27394. Did you know what he was?—No; I do not care what people are, so long as I am alright mysedf.

27395. You are not very careful about the people you speak to apparently?—You cannot help speaking to people if you are spoken to by them.

27396. What time in the afternoon was it that Harding spoke to you?—It was after 1, I think.

27397. What did he say to you?—He asked me if I saw it, and I told him. He took me down to a house and I saw a gentleman there.

27398. Where was the house?—In Bacon Street.

27399. Do you know the number?—No.

27400. Then, was something written down?—Yes.

27401. Did they tell you that the constable had struck the man twice on the head?—No.

27402. Are you sure?—Yes.

27403. Have you been at work all this morning?—I have been to my workshop.

27404. What time did you come to this court?—I could not tell you.

27405. I want to know. You arrived here some time after 2. Did you come to the court this morning with Harding and Emms?—No.

27406. Have you seen them this morning?—Not before I got here.

27407. Did you see them when you arrived here?—I saw one of them sitting down here—I think it was Norrey.

27408. Before you came into court did you not see both Harding and Emms?—No.

27409. Have you not been with both Harding and Emms to-day. Did you not go out with Harding and Emms when the Commissioners rose at 1.30?—No. Me and the young woman and this other young man here went out.

27410. And Harding and Emms?—Yes.

27411. You saw Harding here, did you not?—Yes.

27412. And you knew he was here?—Yes.

27413. And you knew he was here when you pretended to me that you could not recognise the man who spoke to you in Brick Lane?—I never saw him. He was behind somebody.

27414. But you knew he was here?—I never noticed him in the court here.

27415. You say you have been to your workshop this morning?—Yes.

27416. What time did you go?—Half-past 8.

27417. What time did you leave the workshop?—When the governor came.

27418. What time was that?—I stayed there about an hour, I think.

27419. You left the workshop at 9.30?—When I saw the governor.

27420. You have been free to come here at any time after 9.30?—I went home.

27421. You have been free to come here at any time since 9.30?—Yes.

27422. Why were you not here at 11 o'clock?—I went home and put my collar on and cleaned my boots, and brushed my clothes, and one thing and another.

27423. (*Chairman*) What time did you get here. You left your workshop at 9.30, and you went home to change your things. What time did you get down here?—I did not take any notice of the time.

(*Mr. Schultess-Young.*) I can tell you.

(*Mr. Eldon Bankes.*) I must ask my friend not to interrupt.

(*Mr. Schultess-Young.*) I was informed at a certain hour when the witness came.

27424. (*Chairman.*) I want to know what the witness says. (*To the witness.*) What time do you say you got here?—I did not notice the time.

27425. Just refresh your memory. You were not here at 11 o'clock?—No.

27426. We called you, and there was no answer. How did you come from Bethnal Green?—On a 'bus.

27427. Cannot you tell us what time you arrived at the court?—I walked from where I live to Liverpool

G. Kemp.

19 Dec. 1906.

Street, and from Liverpool Street up to the Bank, and there I got on a 'bus.

27428. You came all the way by 'bus?—I walked from my house to Liverpool Street, and from Liverpool Street I walked to the Bank, and then I came on a 'bus.

27429. Almost to the door of this court?—No.

27430. Where did you get off in Parliament Street?—Charing Cross, just before you get to where the soldiers are.

27431. (*Mr. Eldon Bankes.*) You did not come alone on the 'bus, did you?—No.

27432. There was a company of you—there were four of you, and some women?—No, there were two women and one young man.

27433. On the 'bus. Who were the two women—was Polly one?—Yes.

27434. And who else?—Her companion.

27435. Who was the young man?—There, he sits there. (*Pointing out a man, who, in answer to the Chairman, stated his name was George Measures.*)

27436. I ask you again, did you not come into this building with Harding and Emms?—No.

27437. Were you asked to sign the statement you wrote down?—I cannot remember now.

27438. Have you ever seen it since?—No.

(*Mr. Schultess-Young.*) I cannot keep anything of that kind back. Here is the statement signed by Kemp. The Secretary of the Society wishes it to be kept for himself, but, of course, the Commission must see it. (*Producing document.*)

(*Chairman.*) But Mr. Eldon Bankes is now cross-examining.

27439. (*Mr. Eldon Bankes.*) You have not seen it since?—No.

27440. Whose house was it in which this statement was taken?—I could not tell you.

27441. You are sure of that?—Yes.

27442. Do you know any of the people who live there?—Not that I am aware of.

27443. Does Polly live there?—I do not know. I know some Yiddish people live there, and some Yiddish young women.

27444. Just listen to this: "I never saw the police-constable against the wall; they were scuffling when I came up. A young man asked me to come here on Saturday afternoon." We know that young man is Harding?—Yes.

27445-6. "So I came last week."

(*Chairman.*) "Here," I suppose, means the police court.

(*Mr. Eldon Bankes.*) Yes. This was on the 30th [illegible] was it, the day you were giving evidence?—

[illegible]w, just listen. The case had been first [illegible] Magistrate on Tuesday, the 23rd?—Yes.

It came up again before the Magistrate on the [illegible]uesday?—Yes.

27449. A week elapsed between the two. Were not you up at the court the first time Emms' case was on?—I was, but I was not called.

27450. But you went there?—Yes.

27451. Did you go there because Harding asked you to go there?—No.

27452. We must go further back, because you told me that you went to the police court because Harding asked you?—That was the following week.

27453. Then how came you to go the first time?—I went of my own accord.

27454. You say you were not called as a witness?—No.

27455. Did you tell anybody you were prepared to give evidence?—Several people.

27456. You told several people?—Yes.

27457. Did you tell Harding amongst others?—I may have done, or I may not.

27458. Did you see Harding on the first day?—I should not say so.

27459. He was in the court, was he not?—I did not go in the court myself.

27460. But you saw Harding the first time Emms was brought up?—I cannot remember.

(*Mr. Schultess-Young.*) I understand Harding was not there.

27461. (*Mr. Eldon Bankes.*) He was somewhere about. Let me read what you said to you again: "A young man asked me to come here on Saturday afternoon, so I came last week"?—Yes.

27462. Is that right. We know the young man was Harding, and did not you go the first time because he asked you?—No.

27463. Now listen, "It was Emms' wife or someone She lives in Bacon Street." Now think. Did not you know quite well that it was not Emms' wife who had anything to do with it, but it was this person you call Polly?—Yes.

27464. And you know now that Emms is separated from his wife, do you not?—No.

27465. How came you to tell the Magistrate that that woman was Emms' wife?—I do not remember saying anything about Emms' wife.

27466. But here it is written down, "It was Emms' wife or someone. She lives in Bacon Street. The woman asked me to go to her house. I went there and a gentleman saw me"?—Yes.

27467. Did you go to the woman's house who asked you to go?—Yes.

27468. Did you?—Yes.

27469. The woman who asked you was Polly?—Yes.

27470. Did you go to her house?—Yes, I suppose it was her house. She was there.

27471. Now did not you tell me a moment ago you did not know whose house it was, and you did not know who lived there?—No, I cannot say whether it was her house or not.

27472. Then why did you tell the Magistrate another thing you were not certain about. Why did you tell the Magistrate it was her house if you did not know whether it was or not?—It may have been her house. I could not say.

27473. It may have been, but there may have been two blows or there may have been none?—Yes.

27474. (*Chairman.*) Did she say, "Come with me to my house"?—She may have said something like that.

27475. That is exactly what you appear to have told the Magistrate. Now which is it. Tell Mr. Bankes which it is. He is asking you.

27476. (*Mr. Eldon Bankes.*) First of all I must go back to the Saturday because you now say it was Harding who first of all spoke to you on that afternoon?—Yes.

27477. And it was Polly who spoke to you afterwards?—Yes.

27478. Now what did Harding say to you?—He only asked me whether I was a witness of it.

27479. Is that all he said?—Yes.

27480. Nothing else?—No.

27481. Absolutely nothing else?—No, not that I am aware of.

27482. And then how long after was it that Polly came?—I think I had had my tea then.

27483. Where were you when Polly came?—In Brick Lane, I think.

27484. The same place that you had seen Harding?—Not the same place; somewhere in Brick Lane.

27485. Do you remember where it was?—Near Bacon Street somewhere.

27486. Then did she ask you to go to her house. Now be careful?—She did not say whether it was her house or not, but she asked me to go and give evidence there.

27487. But what did she say about the house. It was because of something she said to you that you went to a house?—Yes.

27488. Did she ask you to go to her house?—We went to the house together.

27489. You went to her house together?—Yes.

27490. Then it was her house?—I suppose so.

27491. And you thought so at the time, and you have thought so ever since?—Yes.

27492. Then how did you tell these gentlemen you did not know whose house it was?—I do not say it is her house now. I do not know whose house it is.

27493. But if you believed it was her house why should you not have told us unless you had something to conceal about it. Why do you want to conceal that fact that it is her house if the thing is all right and above board?—(*No answer.*)

27494. What is your answer to that. Why did you want to conceal the fact that it was her house if this statement of yours is all right and above board?—I should not like to say whether it was her house or whether it was not, but she took me there.

27495. "The woman asked me to go to her house, I went there, and a gentleman saw me and asked me what I knew. He wrote it down. I don't see him here now. I did not come to this court last week. I knew the woman well by sight, I suppose she saw me there. One of Emms' friends saw me and that was why I came here on Monday week." Monday week was the first time that Emms was up, was it not?—I think so.

27496. Now listen, "One of Emms' friends saw me and that was why I came here on Monday week." Now was not "one of Emms' friends" Harding?—I cannot think now.

(*Mr. Schultess-Young.*) Tuesday was the day of the hearing of the case in court—not Monday.

27497. (*Mr. Eldon Bankes.*) "That was why I came on Monday week." Did you ever go to the court except on those two occasions when Emms was up?—Only twice.

27498. And the second time, you say, you went because of what the woman told you and meeting Harding. That is on the Saturday?—Yes.

27499. The first time you went, I have asked you two or three times, and you have persisted in saying you went of your own accord?—Yes.

27500. Now I read to you what you said to the Magistrate about that: "One of Emms' friends saw me, and that was why I came here on Monday week."

(*Mr. Schultess-Young.*) Go on. "I was not asked to come then."

(*Mr. Eldon Bankes.*) "But I came to see the case. One of Emms' friends saw me, and that was why I came here on Monday week." Was not one of Emms' friends Harding?—I could not say now.

27501. Do you know any other of Emms' friends except Harding?—I may know some by sight. I should not like to say. I know some, and I should not like to say I do not.

27502. Do you know Harding as a friend of Emms'?—Yes, I have seen them together.

27503. I ask you again, when you said that to the Magistrate, "It was one of Emms' friends," did you not mean Harding?—I should not like to say who I meant now, because I forget.

27504. But Harding was the only friend of Emms' that you really knew by name?—No.

27505. Do you know any other by name?—No.

27506. Are you sure?—Yes.

27507. Now I want to go back to these blows. You see that you have on more than one occasion stated things as though you were positive about them when you really were not. You admit that now?—Yes.

27508. Now with regard to these blows, were you near enough or were you in a position to see really what happened?—I was near enough, I think.

27509. Near enough you think?—Yes.

27510. Were you able to see because of the people between you exactly what happened?—I saw what I have said.

27511. (*Mr. Schultess-Young.*) I think you told the Magistrate "One of Emms' friends saw me, and that was why I came here on Monday week"—meaning the first hearing?—Yes.

27512. "I was not asked to come then, but I came to see the case"?—Yes.

27513. You did not tell the Magistrate that one of Emms' friends had asked you to come?—Not that I am aware of.

G. Kemp.
19 Dec. 1906.

27514. When you saw Harding in Brick Lane were there any other men with him?—Not that I know of.

27515. And he conducted you, I think, to this house where the gentleman was who was taking down evidence?—Yes.

27516. All you were asked was what you knew about the case?—Yes.

27517. Did anybody at all, at any time, tell you what to say, because that is what my learned friend's cross-examination amounts to?—No.

27518. When you say a young man punched him, meaning the constable, was it anybody whom you recognised at all?—No.

27519. You have seen Emms occasionally about the street?—Yes.

27520. How often in a month do you suppose you have seen him about?—It would be hard to say. I live in the neighbourhood, I come out in the morning, I go back to dinner, and I come back at night-time and have a talk to one or two of my friends.

27521. You are a hardworking young man?—Yes.

27522. There is nothing against you in any way?—No.

27523. You are no associate of Emms at all?—No.

27524. Nor of Harding? You did not know Harding?—No.

27525. You say that part of the time the constable was leaning against the wall, that was before the ambulance came?—Yes.

27526. Was the part of the time that he was leaning against the wall just before the ambulance came or the first part of it?—Just before the ambulance came.

27527. Just before the ambulance came the constable began to get dazed and weary, and wanted to lean against the wall?—Yes.

27528. So that when the police-constable came up with the ambulance he found the constable, who seemed all right before, leaning against the wall?—Yes.

27529. The whistle that you heard; do you know what the sound of a police whistle is?—Yes.

27530. Was it a police whistle that you heard?—I think so.

(*Mr. Eldon Bankes.*) Somebody took it.

27531. (*Mr. Schultess-Young.*) It was the sound of a police whistle that you heard?—Yes.

27532. Whereabouts did it seem to come from?—Somewhere about the crowd; somewhere among the people.

27533. Were the crowd round about the constable Jeffery?—Yes.

27534. I do not know that it amounts to very much, but is there any reason why you should conceal that you went to this house? Has it ever been suggested to you before that you had anything to conceal about this house where you went to in Brick Lane?—No.

(*Mr. Schultess-Young.*) I will put this in.

(*Mr. Eldon Bankes.*) It is not disputed that it is his signature.

27535. (*Mr. Schultess-Young.*) That is your signature?—Yes.

(*Mr. Eldon Bankes.*) I should like this read.

(*Chairman.*) Then will you please hand it in to Mr. Leslie? You put that in, I understand?

(*Mr. Schultess-Young.*) Certainly.

(*Chairman.*) Then Mr. Leslie will kindly read it.

Mr. Leslie (the Secretary): "George Kemp states—I reside at 4, Granby Street, and work at table-making. On Monday night, 22nd October, I was coming along Brick Lane. In a narrow passage I saw several Jews and" (first "one or two" has been written, and then "three or four") "three or four others and a constable. The constable was having words with a young fellow. Suddenly the constable drew his truncheon and struck the young fellow a blow on the side of the head, and he fell on the ground. The constable fell on him, and, putting his knee on the man's chest, and hit him another blow on the head while he was on the ground. A young man ran from the crowd and called the police man a cowardly b——, and punched him on the face

G. Kemp.

19 Dec. 1906.

and ran away. The mob got so strong as the policeman blew his whistle, and everybody came running up. I was forced away. I saw him brought out on the ambulance. He appeared to be dead; his head was covered with blood, and so was his handkerchief around his neck, as though his throat was cut.—G. KEMP."

27536. (*Mr. Dickinson.*) You have told us that, when before the magistrate, you did not know Norrey, and you had never seen him before?—Yes.

27537. You know Norrey now?—Yes. I have seen him here.

27538. Do you mean to say you have never seen him about there before?—No.

27539. Have you heard of anybody seeing Norrey?—No.

27540. You went to the court on the first day?—Yes.

27541. You went there to see what was going to happen?—Yes.

27542. When this event happened the evening before you knew Emms?—Yes.

27543. And you were in the crowd when this happened?—Yes.

27544. Did you see the girl you call "Polly" there?—I saw her. It was over—when the people had gone away.

27545. Did you speak to her?—I saw her. I might have done, I might not. I should not like to say.

27546. How did you know that the case was coming on at the police-court on the following day?—I thought it in my own mind.

27547. The police court does not sit every day?—I do not know whether it does or whether it does not.

27548. Do you know when it does sit?—No.

27549. How was it you thought of going to the police-court on the following day?—I had nothing to do. I was ill myself.

27550. What I want to know is how you knew that this case was coming on on the following day?—I had no idea of it coming on at all, but I went there. I only thought it in my own mind.

27551. You had no idea this case was coming on at all?—No. I was there, but I was not called.

27552. You say you were there, but you were not called. What I want to get from you is why you were there at all?—Seeing it, I went down there in my own mind.

27553. On account of your seeing what?—What I did the night before.

27554. In consequence of seeing what you did the night before you went down. How was it you knew it was coming on that morning?—I was not sure whether it was coming on at all. I only went up there.

27555. What did you do when you were up there?—Nothing particularly.

27556. Did you wait outside?—Yes.

27557. Did you hear what happened?—No.

27558. You knew what had happened?—No.

27559. Do you mean to say you did not know what had happened?—No.

27560. Where were you?—Going along.

27561. You were coming from Whitechapel?—Yes.

27562. Where were you exactly in Brick Lane?—Near the spot.

27563. Which way did you come?—From Whitechapel towards Bethnal Green Road.

27564. From Whitechapel towards the Archway?—Yes.

27565. On which side of the road were you walking?—On the right-hand side of the way coming towards Bethnal Green.

27566. When you were in Brick Lane itself you could see the archway, could you not?—Yes.

27567. And for some distance down the road?—Yes.

27568. As you were walking along the road towards the archway did you see any people in Brick Lane?—A few ran forward and backward. That was all.

27569. Did you see any crowd?—Not out in Brick Lane.

27570. You did not see anything at all, according to you, until you got up to Pedley Street?—That is all.

27571. How long were you walking in Brick Lane before you got up to Pedley Street?—Brick Lane is a long street. I came from Whitechapel to this spot.

27572. It is a straight road, is it not?—Almost.

27573. Then, I suppose, you were walking for three, four, or five minutes in Brick Lane before you got to Pedley Street?—Yes.

27574. And you say you saw nothing in Brick Lane until you got to Pedley Street?—No.

27575. If you had seen struggling going on across Brick Lane from one side to the other—if there had been a struggle going on across Brick Lane—you would have seen it?—It might have been going on, but I never noticed it. I never saw anything of it.

27576. You never saw anything, although you were walking towards that spot?—No.

27577. Do you know Mrs. Allen?—The coal shop?

27578. You know her?—Yes.

27579. Did you see her there?—No. There were plenty of women there.

27580. Did you see her there?—I did not notice her.

27581. (*Chairman.*) You have no doubt at all, as I understand your evidence, that you saw the policeman hit Emms with the truncheon?—Yes.

27582. And Emms fell?—Yes.

27583. You have no doubt at all about that?—No doubt at all.

27584. You are quite certain that Emms did not stagger or walk away a few yards, and then fall?—No.

27585. Where were you standing when you saw this blow, or where were you walking?—I was not walking at all.

27586. Standing?—Yes.

27587. Where?—At the courtway.

27588. Were you under the archway?—Not under the archway; just before you get to the archway.

27589. From where you were standing, if you turned and looked down the court, you could see the whole length of the court, so far as the light permitted?—Yes.

27590. How many yards from where you were standing was it that Emms fell?—About five or six yards, or something like that—a short distance.

27591. During the scuffle were the policeman and Emms moving at all further down the court?—Moving across.

27592. Moving further into the court?—Yes, *this* way (*illustrating*).

27593. Moving across the court?—Yes.

27594. And therefore further away from you?—It would be a few yards. The court goes like that (*illustrating*).

27595. Were there any people between you and the constable and Emms when the blow was given?—There might be one or two. I was not far.

27596. You think there were one or two?—Yes, there might have been.

27597. From the time that Emms fell until the ambulance came you were observing Emms?—What do you mean by "observing"?

27598. Looking at him?—Yes, I was looking at him.

27599. You watched, you say, what was happening all the time?—Yes.

27600. Could you hear anything that Emms said?—No.

27601. Too far off for that?—People were talking to one another like a crowd would do.

27602. It was continually growing, I suppose?—Yes.

27603. How many people were there when you saw the blow struck?—Nearly a dozen, I should think.

27604. How many people were there when the ambulance came?—A good many.

27605. Did you go near to Emms during the time you were waiting for the ambulance to come?—No.

27606. You remained in the same place?—I stood in the distance.

27607. Did you notice anything further that you think is worth mentioning to us?—No. I saw him coming out of the court on the ambulance.

27608. Did you see Police-constable Death (*P.C. Death stood up*). Did you see him come?—No.

27609. Did you see Police-constable Payne come (*P.C. Payne stood up*)?—I never saw him. There were one or two constables there.

27610. Yes, but they were not there when the blow was struck?—No.

27611. Do you mean you cannot say whether those constables were there?—Not one of those.

27612. You say constables did arrive?—Yes.

27613. But you cannot recognise them?—No.

27614. Did you see Emms move at all?—Not that I am aware of.

27615. Could you see him if he had moved?—Yes, he looked just as if he was dead.

27616. If he had raised himself on his elbow you could have seen it?—Yes.

27617. Did he raise himself on his elbow?—Not that I am aware of. He looked just as if he was dead.

27618. All the time?—Yes.

27619. He never moved at all during the fifteen minutes?—Not that I am aware of.

27620. It is no good saying, "Not that I am aware of." Were you looking at him all the time?—Yes.

27621. If, as you told me, you remained where you were, and did not go nearer Emms, and the crowd kept on growing, then some people got between you and where Emms was lying?—One or two may have got between us.

27622. Forty people had gathered in a quarter of an hour?—Yes.

27623. I asked you whether the crowd was growing, and you said it was growing?—Yes.

27624. It started with about a dozen, and ultimately you say there were forty?—At the end.

27625. You remained exactly where you were?—Unless I was shifted about like this (*illustrating*).

27626. Did you go nearer to Emms?—No, I kept my distance.

27627. Then I understand some people got between you and Emms?—After.

27628. How long after, do you think?—Before the ambulance came up.

27629. Did you see the police-constable come up and go to Emms?—Yes, once. *G. Kemp.* 19 Dec. 1906.

27630. Did you see what he did?—I saw him come through the court where the people were.

27631. What did the constable do when he got near Emms?—I did not take any notice.

27632. You are very particular as to what you noticed, and then when I come to ask you something else, you seem not to have noticed it at all. Why is that? Were you taking an interest in the matter? When you found the man had been knocked down, and was apparently lying dead, did you remain there with a view of seeing what was going on?—Not all the time.

27633. Do you mean you went away between the time the blow was struck and the time the ambulance arrived?—I was not in the same position, I was moving about. That is all.

27634. Moving about in the crowd?—Yes.

27635. Do you remember the first constable coming?—Yes.

27636. You do not recognise him?—No.

27637. You do not deny that *that* was the constable who came?—I do not know.

27638. What did he do when he came up?—I think he spoke to the other constable. I never saw him do anything else.

27639. He did not lean down and raise Emms' head, or do anything?—I never noticed it.

27640. Are you prepared to say he did not do so?—No, I would not like to say he did not, and I would not like to say he did.

27641. Are you prepared to say that Emms did not speak?—No.

27642. You have told us there was more than one woman there. Did any kind woman go up to Emms and raise him?—I never took no notice.

27643. I do not know what you were there for if you were not there to take notice?—I am only telling you what I saw.

(*Chairman.*) Is Mrs. Hoy coming?

(*Mr. Schultess Young.*) Yes.

(*Chairman.*) Do you wish to call her?

(*Mr. Schultess Young.*) If you please. You have subpœnaed her.

(*Chairman.*) Very well.

Mrs. Mary Anne Hoy, sworn.

27644. (*Mr. Schultess Young.*) You are a married woman, and live at 68, Bacon Street?—Yes.

27645. Do you remember, on Monday morning early, on the 22nd October, seeing something in Brick Lane?—Yes.

27646. What were you doing there so late or so early?—I was coming from Mrs. Jacob's shop in Sclater Street. I had been to get some milk for the baby. My mother lives in Code Street, and she had my baby.

27647. Tell the Commissioners what you saw?—I was coming under Brick Lane Arch, and opposite Pedley Street I saw a young man and a constable, and I heard the constable say to the young man, "Move on." He said, "All right." With that the constable pushed him. He said, "Don't push," and with that he got hold of his collar, as he did, and hit him with something in his hand, and he fell to the ground, and as the man fell to the ground the policeman went like that (*illustrating*), knelt on his stomach, and hit him another blow. I said, "Oh, my Lord, you have killed that man."

27648. Did you say that to the policeman?—What policeman?

27649. The constable who you say hit the man and knelt on his stomach. Did you speak to him, or was there any ejaculation?—A few people passing by stopped. I said, "Oh, my Lord, he has killed that man." Somebody in the crowd blew a whistle.

27650. How many people were there then?—About 15 or 20 people. There were a lot of Jews there from Code Street, where mother lives.

27651. You heard a whistle blown?—Yes.

27652. And a lot of people came up, I suppose?—Yes, and three or more police came up. *Mrs. M. A. Hoy.*

27653. When the man was knocked down and afterwards hit, what happened; did he lay where he was?—Yes, he laid flat on his head, and the blood was pouring. He had a white handkerchief on, and you could see the white handkerchief because it was smothered with blood.

27654. What did the policeman do to him after that?—He stood by the side of him. I think he was a dark policeman. You could not see very well. It was dark down there.

27655. Did you go near to the man who was hit?—No, I stood not very far away from him.

27656. I mean after he was hit did you go to see what was the matter with him?—Yes.

27657. Three more police came up?—Yes.

27658. You went up to see the man to see what was the matter with him. Did you speak to him?—Yes, and raised his head.

27659. Did he answer you?—No, he could not; you could not see his face for blood.

27660. Did you speak to the policeman standing by?—No, but there were three other policemen I spoke to.

27661. What did you say to them?—I said to the policemen, "Oh, my Lord, you have killed that man." One of them turned round (the dark policeman; I could tell you the man if he stood up), and said, "A

Mrs. M. A. Hoy.

19 Dec. 1906.

b——y good job. He ought to have been dead years ago." That is the truth.

27662. Do you think you could recognise the policeman who said that?—Yes. He was a dark policeman, with rather a long nose. I think *that* is the policeman that hit the man.

27663. (*Chairman.*) Which one?—The first one.

27664. Jeffery. That is right.

(*Mr. Schultess-Young.*) You say he was a dark policeman, with what kind of a nose?—The policeman who turned round and said, "A b——y good job; he ought to have been dead years ago," was dark, and had a long nose. He was the dark one with a cape on his arm. He is not here. *That* fair young man (P.C. Wood) was there.

27665. (*Mr. Eldon Bankes.*) But the man who said this is not here?—He is not here.

27666. (*Mr. Schultess-Young.*) Was anything said about an ambulance?—Yes; they sent for the ambulance.

27667. Did you stand by?—Yes. I turned round and said to the policeman, "Why don't you take the man to the hospital? I believe he is dead."

27668. Did you wait till the man was taken on the ambulance?—Yes.

27669. Did he show signs at all of consciousness until he was taken on the ambulance?—He did not move. He laid flat in a pool of blood.

27670. It is not true that he raised himself on his hand?—No; I never saw him. I said to him, "Do you know me?"

27671. Do you know him?—No. I knew his wife before he was married to her. We went to school together, and she actually lived in the same street as mother did.

27672. You are friends of his wife?—Yes.

27673. We have been told that he is separated from his wife?—Yes, he is.

27674. Are you a friend of his wife?—Yes.

27675. I need not ask you about that. Did he speak at all before the ambulance came up?—Never a word. He laid in the blood, with his head back on the ground.

27676. Did you think you could recognise the man who came up—I do not mean Jeffery, but the other man?—The fair policeman (P.C. Wood) came up, and there were two more.

27677. Did you go to the police station?—Yes, me and another woman.

27678. Is that Martha Allen?—Yes.

27679. What happened when you got there?—We went to the station, and we asked to see Mr. Emms. We went to the station, and I think *that* gentleman *there* (*pointing*) put us in a little room.

27680. You say *that* gentleman put you in a little room?—Yes, he told us to wait there a few minutes.

27681. You did, I suppose?—Yes; we waited about five minutes.

27682. You were then taken out of that room, were you?—Yes. He said, "Who do you wish to see?" I said, "Mr. Emms."

27683. Were you taken where Emms was?—No. He was sitting in the chair.

27684. You saw him?—Yes. He beckoned to me, and he said, "Polly." He went like this (*illustrating*) and said "Polly." As he did that the fair policeman (P.C. Wood) had him by the shoulders and put him back in the chair, and another dark policeman put his knee in his stomach, and then he said "Oh!"—like that.

27685. He pushed him back in the chair?—Yes.

27686. He wanted to leave the chair apparently?—Yes. The fair policeman (P.C. Wood) had him by his shoulders.

27687. And put him back in the chair?—Yes.

27688. What was his condition then?—Still the blood was rolling down his face. He was smothered in blood.

27689. Do you know Norrey at all?—No.

27690. How did you leave the station after that?—I asked to see Mr. Emmsy, and as I asked to see Mr. Emmsy Mrs. Allen was thrown from the station, or the gentleman turned round and said "You come to see a man like him?" I said "Yes." As I said that he said "Clear out of the station," and he pushed Mrs. Allen, and he pushed me, and we both fell down.

27691. You fell down?—Yes, I fell down on Mrs. Allen, and he pushed me, and we both fell down.

27692. Who said that to you?—*That* dark policeman *there*—the inspector.

27693. The one who put you in the little room?—Yes. He said "You come to see a man like that?" I said "Yes." He said "Clear out of the station." He pushed Mrs. Allen and pushed me, and with that we both rolled out of the station.

27694. (*Mr. Eldon Bankes.*) Who is the man you say said "You come to see a man like that"?—I think it is *that* Inspector *there*. [Station-Sergeant Anderson.]

27695. He said to you "You come to see a man like that"?—Yes.

27696. Who is the person who pushed you out?—*That* man *there*. (*Pointing.*)

27697. The same man?—Yes.

27698. You are sure?—Yes, quite sure.

27699. You understand that you are on your oath?—Yes.

27700. It is not a joke?—It is the truth.

27701. He is the man who pushed you out?—Yes.

27702. Pushed you out of the charge room, was it?—Yes.

27703. You say he pushed you out of the charge room. That is the room Emms was in?—No, I am speaking of the little room. We were put in a little room first to wait. He said, "Wait there a few minutes; you will see him." I think *that* fair policeman—[P.C. Wood]—came and opened the door, and *that* gentleman *there* [Station-Sergeant Anderson]—said, "Who do you wish to see?" I said "Mr. Emms." He said "You come to see a man like him." Emms seeing me beckoned to me, as he beckoned to me *that* fair policeman—[P.C. Wood]—pushed him back in the chair, and another policeman put his knee in his chest, and he said "Oh."

27704. You heard that?—Yes, I saw that.

27705. Whilst you were in the little waiting room?—Yes.

27706. You are suggesting to these gentlemen that they pushed him in the chair because Emms recognised you?—Yes, he beckoned to me.

27707. That is your suggestion. Do you suggest that the station sergeant, *this* man, pushed you out of the waiting room?—Right on the station door.

27708. Do you suggest that he pushed you out of the waiting-room and out of the entrance down the steps?—Yes.

27709. He began to push you in the waiting room?—Not in the waiting room.

27710. Where did he begin to push you?—Just by the door.

27711. Which door?—As you come out of the little room there is like another door where you could see Emms sitting in the chair.

27712. Where did he begin to push you? Were you in the entrance lobby, or where?—No, just by the doorway.

27713. By the doorway of the waiting room?—Yes. He would not allow us to go in to see him.

27714. Could you see from the waiting room into the room where Emms was?—No. We saw Emms standing near the doorway.

27715. Was any other policeman there when you were pushed out by this man?—Not that I know of.

27716. No other policeman?—No.

27717. Was there a fair man there who asked you what you wanted?—No. He had hold of Emms' shoulders, and put him in the chair.

27718. So that there was no other policeman there?—No.

27719. You say, when you went up to see Emms on the ground, you said to some policeman, "You have nearly killed the man," and he said, "A b——y good job—he ought to have been killed years ago"?—Yes; "he ought to have been dead years ago."

27720. I want the constables to stand up one by one.

First of all Jeffery (*P.C. Jeffery stood up*). Was it *that* man?—No.

27721. Death (*P.C. Death stood up*). Was it *that* man?—No.

27722. Payne (*P.C. Payne stood up*). Was it *that* man?—No.

27723. Wood (*P.C. Wood stood up*). Was it *that* man?—No.

27724. It was none of those?—No.

27725. You are quite sure?—Yes.

27726. So that if it was said at all, it must have been said by some man other than those?—It was said by a policeman.

27727. And at the place where this happened?—Yes.

27728. Before the ambulance came or after?—Before the ambulance came.

27729. Now I want to ask you about some other matter. Had you been to this place before?—What place?

27730. This court?—Never in my life.

27731. Did you give evidence at the police court?—No. I would not have been here now, only I received a letter.

27732. Are you the person who is known as "Polly"?—Yes.

27733. Are you commonly known about that part as "Polly"?—Yes. I have not long lived round Bacon Street.

27734. Do you know Kemp?—I have known him, but never to speak to him.

27735. He knows you as "Polly," although he does not know you to speak to?—I never spoke to him.

27736. Does he live in the same neighbourhood?—I do not know where he lives; I could not tell you. I think it is somewhere round the back.

27737. Did you know Emms to speak to before this?—No. I had never spoken to him. I had known his wife. I never spoke to Emms before.

27738. Emms, we know, has been convicted for assaulting his wife?—Yes, he told me that.

27739. Do you know who Emms is living with now?—Living with?

27740. Is he living with Mrs. Callaghan. Do you know her?—No.

27741. But you know Callaghan, the man who was arrested, whom Harding tried to rescue, do you not. Do you know him?—I have heard of his name, but I have never spoken to the man.

27742. Do you know him by sight?—I know him by sight, but I have never spoken to him.

27743. Do you know his wife by sight?—I know his wife by sight, but I never spoke to them.

27744. Have you seen Emms and Mrs. Callaghan together?—No.

27745. Think again?—No, I have never seen them.

27746. Have you seen Emms and Callaghan together?—I may have done, but it is a long while since I have seen them together.

27747. Yes, I expect it is. Do you know Norrey?—No.

27748. Do you know him by sight?—No, I do not know him at all.

27749. You do not know him now by sight?—No.

27750. Do you know Harding?—I have seen Harding. I do not know him to speak to. My husband will not let me speak to none of them, you know.

27751. We will come to that in a moment. But you know him by sight?—Yes.

27752. Your husband will not let you speak to them?—No.

27753. Has he told you you must not?—He is a very jealous man.

Perhaps he has reason to be.

(*Mr. Schultess-Young.*) My friend ought not to make such a suggestion.

(*Mr. Elden Bankes.*) I am going to follow it up.

27754. Has your husband spoken to you about speaking to these people?—No.

27755. Think. You told me a moment ago that your husband would not allow you to speak to them?—Yes. He told me when first I got married to him.

27756. How long have you been married?—Three years.

27757. Did you live in that district then?—No; I had lived in Hackney Road.

27758. At that time you did not know Harding or Emms by sight?—No.

27759. Do you suggest that when you were first married your husband told you you were not to speak to Harding and Emms?—Yes.

27760. When you were first married?—Yes. He told me never to speak to none of the boys.

27761. Was he referring to any particular boy?—No.

27762. Where do you live now?—68, Bacon Street.

27763. What does your husband do?—He is a carman.

27764. And you say you have been married three years?—Three years come April.

27765. Do you do any work yourself?—No. I used to.

27766. Before you were married?—When I was first married I did a good bit.

27767. What?—A cigar maker.

27768. Kemp has told us that you met him on the Saturday afternoon in Brick Lane, and you asked him to go to a house?—I do not remember it.

27769. I must ask you to be a little bit careful about this. You heard him say that in the box just now?—Yes.

27770. Was that the truth, or was it a lie?—I do not remember my saying that.

27771. Be a little bit careful. Did you go to a house with him?—I was bathing my two little children when a gentleman came to my house.

27772. Did you go to the house with Kemp at which his statement was taken?—How could I have gone to the house if I was in my own house?

27773. Was it your house Kemp came to?—It is not my house; it is my landlady's. I live upstairs on the first floor.

27774. Is it the house in which you live?—Yes.

27775. Is that the house to which Kemp came and gave his evidence?—Yes.

27776. How came Kemp to go to that house?—I do not know.

27777. You heard Kemp say that you asked him in Brick Lane to go to that house to give his statement?—I do not remember it.

27778. Is that true or false?—I do not remember it.

27779. But a thing like that does not happen without your remembering?—How could I have asked that man?

27780. Do not argue with me. Could a thing like that have happened and you have forgotten it?—I do not remember it.

27781. Have you ever asked anybody before in your life to give evidence?—Evidence?

27782. Yes. Have you ever asked anybody in your life before to come to your house to have his statement taken down?—No.

27783. Never?—No. This is the first time that such a thing has occurred in my place.

27784. If you had asked Kemp to do that you could not have forgotten it?—I never asked him.

27785. Therefore you wish these gentlemen to believe that Kemp told them a lie when he said that you asked him to come and give evidence—to come to your house?—I never asked him to go to my house.

27786. You are sure of that?—Yes. I was bathing my little children when the gentleman came to my house.

27787. Are you telling these gentlemen positively that you never spoke to Kemp in Brick Lane and asked him to come to your house?—Never.

27788. Listen. Is that absolutely untrue?—Yes, it must be.

Mrs. M. A. Hoy.

19 Dec. 1906.

27789. So that Kemp this afternoon here in this court told a deliberate untruth when he said that you asked him to go down to your house?—I never saw the fellow with my eyes. To tell you the truth, it caused a great bother in my place.

27790. Somehow or other he came to your house?—Yes.

27791. Kemp?—Yes.

27792. How did he come to go there?—I do not know. There was a gentleman there, and he was taking down my evidence.

27793. Did Kemp come in by himself?—I do not remember. I remember seeing Kemp's head outside the door.

27794. But how or why he got there you have not the remotest notion?—No.

27795. Now we will inquire how you were brought into it. You say a gentleman came to your house?—Yes.

27796. Would you recognise him?—Yes.

27797. Is he here?—He was the gentleman who brought this letter yesterday morning. (*The letter was handed to the learned Commissioners.*)

(*Mr. Eldon Bankes.*) I do not know by whom that letter is signed.

(*Chairman.*) It is signed by myself. It is the summons.

27798. (*Mr. Eldon Bankes.*) You do not know his name, you say?—No.

27799. But it is quite plain that the same gentleman who brought you that was the gentleman who came to your house and took your statement?—Yes.

27800. How came he to go to your house?—I do not know.

27801. Was it the first time you had ever seen him?—Yes. I tell you I was surprised when I saw him. They told me a gentleman wanted me.

27802. Can you tell me what day it was?—It was on a Saturday.

27803. How long ago after Emms had been hit with the truncheon—how long after Emms had been assaulted?—I know this gentleman came on a Saturday.

27804. How long after Emms had been assaulted was it?—I think it was the following Saturday, but I am not quite sure.

27805. Had you not the remotest notion of how he came to go to you?—No. I never had such a thing before in my life.

27806. You know absolutely nothing about how he came to go to you?—No.

27807. Had you seen Harding during the week?—No.

27808. Do you know Harding?—No. I know him by sight, but never to speak to.

27809. Had you spoken to him, or he to you, during that week?—No. I have enough to do to look after my children to be out speaking.

27810. Did you go up to the police court the day after Emms was assaulted?—No.

27811. You did not go near the place?—No. I did not know anything occurred like that.

27812. Did you go up the second time?—No. This is the first time.

27813. Although you had given a statement, you did not go up the second time, and were not asked to go?—No.

27814. Did you sign the statement that the gentleman wrote down?—That I gave to the gentleman on the Saturday?

27815. Yes. Did you sign it?—Yes.

27816. Have you seen it since?—No.

27817. And you were not asked to give evidence at the police court?—No. This is the first time I had seen this gentleman—when he brought the letter yesterday morning.

27818. But you had seen him when he took the statement?—Yes. I mean the first time after.

27819. When was it he asked you to come here?—Yesterday morning between 11 and 12.

27820. From the Saturday when the statement was written down to yesterday morning has anybody spoken to you about this case at all?—No.

27821. Nobody?—No.

27822. Have you thought about it at all?—I did not know anything about it until the young man yesterday came to me.

27823. Have you thought about the case at all between the time it happened and yesterday morning?—I was thinking about it. I thought to myself it is a wonder I have not been called up.

27824. Did you read about it in the newspapers?—Yes, I read about it.

27825. Now I must ask you about the night it happened. Where had you been that night?—I was standing talking to Mrs. Jacobs in Sclater Street. She keeps a little provision shop—a grocer's shop.

27826. What were you doing out so late that night?—To tell you the truth of the matter, my mother ran short of milk. She had my baby round there, being bad, and I went to this shop to get some milk. Mrs. Jacobs said, "I have not got any milk—have a tin," so I took a tin of Nestlé's. My mother lives in Code Street, a turning round Pedley Street. She is a caretaker there.

27827. You had been going from Sclater Street with this tin of Nestlé's milk?—Yes.

27828. Where were you going to?—To mother's, near the station, just round the corner.

27829. Does she live in Pedley Street?—No, in Code Street.

27830. To go from Sclater Street to Code Street you had to go under the arch. You walked under the arch and towards Pedley Street?—Yes, to come from Sclater Street.

27831. You had to walk under the arch, and then Pedley Street would be on your left-hand side?—Yes.

27832. Did you see anything, or notice anything, or hear anything before you got to Pedley Street?—No.

27833. When you got to Pedley Street, was there a considerable crowd of people assembled?—There were a few Jew people up the street.

27834. They had been attracted by this quarrelling between the constable and Emms?—Yes.

27835. You judged by that that a quarrel had been going on for some little time before you got up there?—I saw the policeman shove Emmsy.

27836. Before you got there a number of people had collected?—There were a few at the corner of the street.

27837. But they had got there to see what was going on, according to you, had they not before?—No, they came after.

27838. I asked you whether, when you got up there, there were not a number of people, and you said "Yes"?—Not a number of people.

27839. A dozen?—About that. A lot of Jews live round there.

27840. They were looking at what was going on when you got up there?—No, I did not see that.

27841. I am asking you what were they doing when you got up there?—When I got up where?

27842. When you got to where you could see the constable and the young man, were not these people looking on and seeing what was going on between the constable and the young man?—No, they stood by.

27843. They stood by looking on?—Yes.

27844. Then you came up?—No, I was there. I was there when the people came up.

27845. But some of the people got there before you did?—A few.

27846. There were a few people up there when you got there, and those few people were looking on at the constable and the man?—Yes.

27847. Then you came up. How far down Pedley Street were they when you first came up to the corner of Pedley Street?—*Here* is the printer's, and *here* is the Jews' workshop (*pointing*). It happened just *there*.

27848. Were they as far down Pedley Street as from you to *that* wall?—No, not so far—about as far as *that* post *there*. There is a printer's shop at one corner, and there is like a little panelling in wood—that is the Jews' workshop.

27849. On which side of Pedley Street were they?—On the right-hand side where the woodwork is—where the panelling is.

27850. Did you see any struggle between the constable and the man?—I only saw Emms trying to get away when the constable got hold of his collar.

27851. Did you know it was Emms at the time?—Yes. I only spoke to him when he was on the ground and tried to lift his head.

27852. Is the place rather dark?—It is rather a dark place. There is only one lamp there just outside the printer's. The station lamp goes out between 11 and 12 o'clock.

27853. The station lamp is an electric light?—Yes. It is not alight at night.

27854. You say that lamp goes out about 11 o'clock?—11 or 12 o'clock.

27855. So there is no light from the station lamp?—There is a little light from one corner, and there is a little light from the printer's.

27856. Would the printer's be open at that time?—No.

27857. Then, according to you, the place is quite dark at that time?—It is a dark place. When I go through it I run when I go round to mother's.

27858. You run because it is so dark that you are afraid?—Yes. It is dark down that way.

27859. But is it light enough to see everything that goes on between a policeman and a man when they are struggling together?—You can just see, you know. It is not too light. It is the same as John Street.

27860. That does not help me very much. We want to know whether, in your opinion, it is light enough to be able to see distinctly what happens between two men when they are struggling?—Yes.

27861. You think it is?—There are two lamps, one at one corner and one at another.

27862. A moment ago you told me you ran through it because you are afraid?—Yes, it is dark. It is not too light.

27863. Is it light enough to be able to see what happens when two men are struggling?—I think so.

27864. Is it your suggestion that the constable hit the man without any reason at all?—Yes. Emms tried to get away.

27865. The constable was a bigger man than Emms, was he not?—I do not think much bigger.

27866. According to you, there was nobody else there attacking the constable?—No, I never saw them.

27867. Did you notice whether the constable seemed exhausted or not?—No.

27868. Did you notice at any time whether the constable seemed exhausted?—No.

27869. You did not notice that?—No.

27870. Your suggestion is that the constable drew his truncheon without any provocation at all and without any necessity?—Emms tried to get away from him. He had to hold him by the coat.

27871. Which hand had the constable hold of him with?—He had hold of him by the collar.

27872. But which hand of the constable?—I could not say.

27873. Had he got his truncheon out when you got there or not?—Yes, because he hit him across the head.

27874. He had drawn it before you got there?—No, I was at the corner.

27875. Did you see him draw it?—Yes. He hit him on the head with it.

27876. I am asking you whether you saw the constable draw his truncheon. Do you understand what I mean?—Yes.

27877. You saw him draw it, did you?—Yes.

27878. Which hand did he draw it with?—I could not tell you.

27879. At the time he drew his truncheon had he got hold of Emms?—Emms was on the ground, the first blow he hit him.

27880. He was on the ground the first blow. You are quite sure of that?—Yes.

27881. So that Emms was actually on the ground?—Yes, and he had his knee on him like *that*. (*Illustrating.*)

27882. That was the first blow?—Yes.

27883. Are you quite sure about that?—Yes, he fell with the first blow.

27884. A moment ago you told me the first blow was when he was on the ground?—I just now said the same, did I not?

27885. Do not let us have any mistake about it?—I say the first blow he fell to the ground.

27886. Then you misunderstood me, or I misunderstood you?—I have just answered the same thing over again.

27887. You say now you saw the constable draw his truncheon?—And hit him.

27888 Did you see that?—Yes.

27889. At the time he drew his truncheon had he hold of Emms or not?—Yes, he had.

27890. He had hold of him?—Yes.

27891. So that he had hold of him with one hand?—And hit him with his other.

27892. And drew his truncheon with the other?—Yes.

27893. That is right?—Yes.

27894. How near were you to him at that time?—*Here* is the Jews' workshop, and I was at the corner of the lamp post.

27895. How far would that be?—From *here* to *there*. (*Illustrating.*) I was afraid to go nearer.

27896. Was anybody between you and them?—There was like a couple of men passing by on the other side.

27897. The other side is not between you and them?—It is not very far.

27898. Was there anybody between you and the constable and Emms?—There were some women standing there.

27899. Between you and Emms?—Yes.

27900. So that these people were between you and the constable and Emms at the time you say you saw what you are now describing?—What people?

27901. Some women?—They were standing there outside the printer's.

27902. And between you and the constable?—They were standing there, and I was standing at the corner.

27903. Was anybody standing between you and the constable?—No, there was nobody passing. They were down at the courtway.

27904. Do you wish the Commissioners to understand that there was nobody between you?—No.

27905. So that you could see quite well what was happening?—Yes.

27906. And you saw that happen, did you?—Yes.

27907. And there was no necessity for it?—No.

27908. And no reason for it?—No, not that I know of.

27909. Did the first blow knock him to the ground?—Yes, he fell to the ground on the back of his head.

27910. Did the constable hit him on the back of his head?—Yes, like this, *here*. (*Illustrating.*) He fell back.

27911. How could you see that?—He fell back.

27912. Do you not think if a man was hit on the back of his head he would fall forward?—He fell back on the panelling.

27913. Do you say he was hit at the back of his head?—Yes.

27914. What makes you say that?—Because I saw it.

27915. Did you see the blow struck him on the back of his head?—Yes.

27916. You did?—Yes.

27917. And although it struck him on the back of his head he fell backward?—Yes.

27918. Please be careful. Do you say positively that that blow which you saw which knocked him backward struck him on the back of his head?—Yes, just *here*. (*Illustrating.*)

27919. You swear that?—Yes, and the man fell back against the panelling.

27920. We know he had a blow on the front?—Yes.

Mrs. M. A. Hoy.

19 Dec. 1906.

That was when he was on the ground and tried to rise, when the constable hit him again.

27921. You say after the constable had knocked him down in that way the constable knelt on him?—Yes. He tried to rise, and I could see his knee up like *that.* (*Illustrating.*)

27922. He knelt on him with both knees?—No, one knee.

27923. He knelt on him and hit him on the ground?—Yes.

27924. What did you do?—I screamed. I was frightened. There were two or three women and some men there.

27925. Were there a number of people there?—They did gather round. I said, "Look at that man. I think he is dead." He lay in a pool of blood.

27926. Did you see anybody do anything to the constable?—I saw a man hit a policeman. A short man he was.

27927. Was that when the policeman was kneeling on Emms?—No.

27928. When was it?—That was when he was standing at the side.

27929. Before he struck him the first time?—No.

27930. When?—That was after he struck him.

27931. After he struck him both times?—Yes, I saw a short man hit him.

27932. What happened after that? Did you stay there till the ambulance came?—Yes.

27933. How long was that?—That was a quarter of an hour or 20 minutes after.

27934. During that time what was the constable who hit Emms doing?—He went away.

27935. He went right away?—Yes.

27936. Did he go right away?—I do not know whether he went right away or stopped at the corner. I stopped where the crowd was in front of Emms.

27937. Do you say the constable who hit Emms did not remain there?—I did not see him go away, there was such a crowd round.

27938. And you cannot say what became of the policeman?—No.

27939. Do you know Mrs. Bloom, the woman who keeps a stall at the corner?—Yes.

27940. Did you see her there?—Yes, I saw her there.

27941. How long have you known her?—She knows my mother well.

27942. Do you know her to speak to?—I have never spoken to her, I think, but once or twice since I have been living there.

27943. Do you know her to speak to?—I know her just to nod to.

27944. Did you see her kneel down and speak to Emms?—No. It was me who spoke to Emms.

27945. It was not Mrs. Bloom at all?—I could not see Mrs. Bloom at all. I do not know what she did. I knelt down to him and lifted his head, but he could not speak.

27946. If Mrs. Bloom had done that you must have seen it—if Mrs. Bloom had knelt down on the ground?—To tell you the truth, the police would not allow anybody to go near.

27947. That again is something new. Are you suggesting that the police would not let anyone go near?—Yes.

27948. Do you mean that they prevented Mrs. Bloom doing it?—There were such a lot of women there.

(*Chairman.*) I do not think Mrs. Bloom actually said she raised him.

(*Mr. Eldon Bankes.*) No, but she knelt down and spoke to him.

(*Chairman.*) It was Mrs. Martha Allen who did say lady raised his head, but Mrs. Allen did not say was Mrs. Bloom.

(*Mr Eldon Bankes.*) I was speaking of Mrs. Bloom.

27949. However, you did not see Mrs. Bloom?—I saw Mrs. Bloom in the crowd, but I do not think it was Mrs. Bloom who raised his head. It was me.

27950. I understand you to say that you have not spoken to anybody about this between the Saturday you made your statement and yesterday?—Yes.

27951. You have not?—I have never spoken to anybody only to this gentleman who came yesterday morning.

27952. Who did you come to the court with to-day?—Mr. Measures, that gentleman *there* (*pointing*).

27953. Did you know him before?—I have known him a good many years.

27954. Did you two come alone?—Yes.

27955. What time did you get to the court?—I think it was just after 11.

27956. Did Kemp come with you?—I think he did; he was at the back of us.

27957. I ask you whether anybody came with you?—To tell you the truth, I did not know where he was. The gentleman who brought this letter said, "Do you know where it is?" He said, "Mr. Measures will show you where it is."

27958. I asked you a plain question, and that was whether Kemp came with you this morning?—Yes, he came with me.

27959. If he came with you, why did not you say so at first?—I never spoke to the man.

27960. Never mind whether you spoke to him. That was not my question?—I came with Mr. Measures.

My question was whether Kemp came with you, too.

(*Mr. Schultess-Young.*) I do not think that is fair.

27961. (*Mr. Eldon Bankes.*) Did you come on the same 'bus with Kemp?—I came with Mr. Measures.

27962. Was Kemp on the same 'bus?—Yes.

27963. Why could you not have told us so at first?—You never asked me. I did. I said he was at the back of us.

27964. Was anybody else on the same 'bus who is here now?—No, only Mr. Measures and Kemp.

27965. Were there not four of you?—No, not that I know of.

(*Mr. Eldon Bankes.*) May I see the statement that this lady made on Saturday? I believe you have got a copy of it.

(*Chairman.*) I have not got it at all.

(*Mr. Eldon Bankes.*) I am told a copy has been supplied to the Commissioners.

(*Chairman.*) I see what you mean. You had better produce the original, because I do not know whether what we have is a copy.

(*Mr. Schultess-Young.*) This contains my notes.

(*Mr. Eldon Bankes.*) Somebody behind me says they are his notes.

(*Chairman.*) Where is the document signed by Mrs. Hoy?

(*Mr. Schultess-Young.*) Here it is. (*Producing.*)

(*Chairman.*) Will you extract it from your notes, or your proof, or whatever it is, and hand it to Mr. Leslie or to Mr. Bankes?

(*Mr. Schultess-Young.*) On it there are notes for me, and I was simply folding that over so that it could not be read.

(*Chairman.*) Is there a note on the original?

(*Mr. Schultess-Young.*) On the original paper, but not on the original note. It might be torn off, leaving the original notes intact.

(*Mr. Eldon Bankes.*) I ask to see the document in its present state.

(*Chairman.*) As it was signed by the lady?

(*Mr. Schultess-Young.*) Of course, as it was, when it was signed by the lady, it had not these notes on it.

(*Mr Eldon Bankes.*) I ask that the document may be handed to the Commissioners.

(*Chairman.*) I think anybody who writes on an original document takes a risk about the matter.

(*Mr. Schultess-Young.*) That is for you to say. I am perfectly willing to hand it to you, but as the notes are addressed to me, rightly or wrongly, I submit that my friend has no right to look at them any more than he has a right to read my brief. (*The Witness's statement was handed to the learned Commissioners.*)

(*Chairman.*) I have not read this yet, but I under-

stand this is something which has been written with a view to instructing Mr. Schultess-Young. Is that so?

(*Mr. Schultess-Young.*) That is so.

(*Chairman.*) Then I will not read it.

(*Mr. Schultess-Young.*) You are perfectly welcome to do so.

(*Chairman.*) If I read it, then Mr. Bankes ought to read it.

(*Mr. Eldon Bankes.*) I ask you to read it so that you may instruct yourself as to what is in it.

(*Chairman.*) They are instructions not to me, but to Mr. Schultess-Young.

(*Mr. Eldon Bankes.*) The gentleman behind me does not say so.

(*Mr. Timewell.*) Yes.

(*Chairman.*) It is really part of Mr. Schultess-Young's brief, with written notes in an improper place.

(*Mr. Eldon Bankes.*) The gentleman who wrote it keeps on saying it is not so, and that is the reason why I ask that you should judge as to what it is, because they cannot agree between themselves.

(*Chairman.*) There is nothing of substance in it.

(*Mr. Schultess-Young.*) Mr. Bankes is entirely wrong. The gentleman who wrote it does not say so; it is quite the reverse. (*The Witness's statement was handed to the learned Counsel.*)

27966. (*Mr. Eldon Bankes.*) I will read this. The date on the top of it is 22nd October:—"Mary Ann Hoy, married, states—I reside 68, Bacon Street, E. On Monday, 22nd October, I was in Sclater Street at 12.30 a.m." Now listen. This was written and then struck out:—"I saw a lot of people running. I went to the corner of Pedley Street, and saw four policemen." Did you say that?—I said that, but it was a mistake.

(*Mr. Schultess-Young.*) Is this the way to put a question—This was written, and then struck out? It was struck out before it was signed. Now what she did not say is put to her in cross-examination.

(*Chairman.*) What its value is is another matter. Mr. Bankes is clearly within his right in putting the question.

27967. (*Mr. Eldon Bankes.*) Had the gentleman got this ready written out before he came to you?—No.

27968. Did he only write down what you told him?—Yes.

27969. Did you tell him those words that are now struck out? Did you tell him, "I saw a lot of people running"?

27970. (*Chairman.*) There is no harm in it?—I said it because I was a bit nervous.

27971. You said something, and then, on reading it over and further conversation, it was struck out?—Yes, I was so nervous when you see a man coming into your place that you have never seen in your life before.

27972. Those words not struck out is what you did tell this gentleman, and is the evidence you told him you were prepared to give?—Yes.

27973. (*Mr. Eldon Bankes.*) When he first came you were so nervous that by mistake you told him this?—Yes.

27974. That was the first thing you told him?—It was the first time I had seen the man in the place—it is enough to frighten you.

27975. Did he say to you, "Now that is not right," and did you strike it out, and did you then begin again?—I forgot myself.

27976. This is how it is written here: "I saw a lot of people running. I went to the corner of Pedley Street, and saw four policemen." Then it begins again: "I was in Brick Lane, and saw a man who I knew by sight." Is this what happened—that you began to tell him: "I saw a lot of people running. I went to the corner of Pedley Street, and saw four policemen," and then did he stop you, or tell you that that could not be right, or something of that sort?—No; I bethought myself then, you see.

27977. You began by telling him something you had not seen? Is that right? How came you to tell the gentleman this?—Tell him what?

27978. To tell him: "I saw a lot of people running. I went to the corner of Pedley Street, and saw four policemen"?—I tell you I said that because, seeing the man, I was afraid.

27979. Do you mean you were afraid of the gentleman who came to speak to you?—Yes. *Mrs. M. A. Hoy.* 19 Dec 1906

27980. So that you told him what you knew was false to begin with?—No, that was not false. Anybody is liable to make a mistake.

27981. Everybody is liable to make a mistake?—This is the first time I have entered such a place, and I hope it will be the last.

27982. This story begins in a way which would indicate that you had not come up to that place until the four policemen had got there?—No.

27983. I will read it again: "On Monday, 22nd October, I was in Sclater Street at 12.30 a.m."—that is right, is it not?—Yes.

27984. Were you in Sclater Street at 12.30 a.m.?—I was coming from Sclater Street.

27985. At 12.30 a.m.?—Yes.

27986. So that you were in Sclater Street at 12.30 a.m.?—I was in the shop at Sclater Street; it did not shut before a quarter to one.

27987. You were there at 12.30?—Yes.

27988. You started from Sclater Street at 12.30?—Yes.

27989. Then you went on to tell the gentleman: "I was in Sclater Street at 12.30 a.m. I saw a lot of people running. I went to the corner of Pedley Street, and saw four policemen." If that is right you did not get on to the scene until the four policemen had got there. How came you to tell the gentleman that which is struck out in the sense that it is inaccurate, because you begin again with another story altogether.

(*Mr. Eldon Bankes.*) I do not know whether the Commissioners have a copy of this. I expect your statement is a statement that does not indicate this.

(*Chairman.*) Our statement does indicate it. It is a facsimile of that document. It is a very proper course for the gentleman to have taken, and I am quite following your cross-examination.

(*Mr. Eldon Bankes.*) I will not be too long. "I was in Brick Lane and saw a man who I know by sight. He was going under the arch." Did you tell the gentleman that?—I do not remember it.

27990. That is something quite different from what you have told us to-day, is it not? I will read on. "He was going under the arch. He stopped there talking to a man. A constable came along and told him to move on and pushed him. He said, 'All right, don't push me,' and the policeman pushed him down." Did you tell the gentleman that?—I do not remember. It is a long time ago. I might have done.

27991. At any rate, when you said this, it was much nearer the time the thing happened than to-day. I will read on. "He got to his feet, but he was knocked down again by the constable, who had something in his hand, I did not see what it was." You have sworn to me to-day that in Pedley Street you saw the constable draw his truncheon when you were as near to him as I am to you, and hit the man a deliberate blow?—Yes.

27992. And yet you told this gentleman at the time that he struck him on the head "I did not see what it was," and you ask the Commissioners to believe that you have not spoken to anybody about this case between the time you gave this statement and to-day?—Who have I got to speak to?

27993. Do you ask the Commissioners to believe you have not spoken to anybody?—I have not spoken to anybody.

27994. I will read on. "It was just at the entrance of a dark turning. The constable then blew his whistle, and several others came up. The man laid there all in the blood. I went up and spoke to him. He could not answer. I said to the policeman, 'Who's done this?' He said, 'I did, and a b——y good job if he was dead out of it.'"

(*Chairman.*) I think it is only fair to say that Mrs. Hoy was really the Commission's witness. We have summoned her, and the gentleman who sent us the document which you are reading from, in sending it very properly called our attention to the erasure, and said, "The lines struck out at her request are believed to be correct, but the two paragraphs following are unreliable." The witness is not to be taken as a witness vouched for by Mr. Schultess-Young.

(*Mr. Eldon Bankes.*) It would only have been fair to show me that, because for a witness to come and tell

Mrs. M. A. Hoy.

13 Dec. 1906.

the story Mrs. Hoy has told in face of this, one would think a very improper thing had been done.

(*Chairman.*) Whatever comment may be made on the lady herself, no adverse comment can be made on Mr. Schultess-Young and the gentleman instructing him. This lady is the Commission's witness.

(*Mr. Eldon Bankes.*) I am very glad to hear it, but I think it very inconvenient that the document should have been put before me without that explanation.

(*Chairman.*) Mr. Schultess-Young did examine the lady in chief, and she is his witness in that sense; but what I want to make perfectly clear is that Mr. Schultess-Young's client has behaved perfectly fairly.

(*Mr. Schultess-Young.*) In every one of these cases which may happen to go before a Magistrate I always know what evidence is going to be given beforehand—that is, before the case goes into court—and I say, if there is the slightest doubt about a witness's evidence, "Do not put that evidence before the court."

(*Mr. Eldon Bankes.*) I think it is a great pity that somebody did not communicate with us about it.

(*Chairman.*) I do not know. You must remember the basis of the inquiry.

(*Mr. Eldon Bankes.*) Certainly, but it is hardly fair to me, to you, my friend, or to the witnesses, that I should embark on this inquiry without the information.

(*Mr. Schultess-Young.*) The Commission had the information, I understand.

(*Mr. Eldon Bankes.*) "I went up and spoke to him. He could not answer. I said to the policeman, 'Who's done this?' He said, 'I did, and a b——y good job if he was dead out of it,' and pushed me away. He said he would take the man to the hospital on the ambulance. I went to the station to see the man when they took him there with Mrs. ——. The constable or the officer there told us he would take our message. I would not tell him, and he pushed us out violently so that we fell down. We were put in another room at the station, and as we came out the Inspector asked us what we had to say. Emms beckoned me; I was going towards him. He was seated on a chair, and his head was covered in blood. A policeman kneed him in the stomach, and they were using him roughly." After that I think I need not ask any further questions.

27995. (*Mr. Schultess-Young.*) I am sorry Mr. Eldon Bankes has gone. Is there any foundation for the suggestion of the learned counsel that perhaps your husband has been previously jealous of you. Have you ever had anything brought against you in any way?—No.

(*Mr. Schultess-Young.*) I think it is scandalous that the suggestion should have been made, and it must have upset the witness to begin with. We know there is a difficulty in getting witnesses here.

(*Chairman.*) It simply escaped Mr. Bankes in answer to what the witness said, but he did not press it. The lady will understand that we do not suppose there is anything suggested against her.

27996. (*Mr. Schultess-Young.*) Has ever anything been said about your moral character, or against your virtue as a respectable woman?—No, I am lawfully married and got two children, thank God.

27997. I think your evidence was taken by a gentleman who called at your house unexpectedly?—Yes, on a Saturday afternoon he came.

27998. From that day to this, or until a day or two ago, have you been interviewed by anybody at all on behalf of Emms?—No, I never got anybody coming to the place.

27999. So that you come here simply because the Commissioners requested you to do so?—I would not have been here to-day but for this letter that came. My husband did not like me coming, but he said, "You will have to go."

28000. (*Chairman.*) It seems that you have given some varying accounts of what you saw on this night on different occasions. That is so, is it not?—Yes.

28001. You did sign the paper that this gentleman wrote down in your presence?—Yes.

28002. You have made a statement that is not the statement you have made to-day?—Yes. The children were crying all round me.

28003. That is what you say. You have no explanation to give more than the fact that you were nervous on that occasion?—That is all I can say. He turned round and said to me when he brought him in "Do not be afraid, it is all right. You go up and say what you have seen."

(*Mr. Schultess Young.*) The evidence except just the first part of it is practically the same.

(*Witness.*) I would not have been here to-day had I not been ordered. I have never been to such a place before. I have left my two children at home now.

28004. (*Chairman.*) You quite understand you have been giving different accounts of what you saw, and you say you were nervous when these gentlemen came?—Yes.

28005. Perhaps it may have been that you were inattentive, and you say your children were crying?—Yes, I was bathing them when the man came.

28006. You did not read over very carefully what he took down?—No.

28007. Did you read it over at all?—No.

28008. And then you signed it?—Yes.

28009. I rather gather from what I have been observing while you have been in the box that when this young man was knocked down by the truncheon, and you saw him with the blood on him, you were greatly shocked?—Yes, and I screamed, and I said, "Oh, my God!"

28010. The other women who were there were also much shocked?—Yes.

28011. Then I gather also that you went with Mrs. Martha Allen to the police station?—Yes.

28012. You asked her to go, I think?—Yes, I did. I said "Are you coming to see how that poor fellow is, and whether he is dead."

28013. Was it curiosity only, or compassion, or the desire to help, that made you go to the station?—I was afraid of the blood, because he did not speak, and I thought he was dead on the ground.

28014. You knew he was in the hands of four constables, and three other constables had come up, and there was an ambulance, and he was taken away carefully in the ambulance?—Yes.

28015. If it had been a friend of yours who had been injured by an accident, he could not have been better treated?—But he was in such a state.

28016. Supposing it had been a friend of yours who had been injured by an accident in the roadway, he could not have been better treated so far as being put in the ambulance was concerned?—He was put in quick and run off very quick. I said to the policeman, "Take him to the hospital."

28017. You do not make that a grievance, do you, that they went away so quickly?—No.

28018. You observed they were taking him to the station?—Yes.

28019. What made you go to the station?—I thought perhaps he was dead, seeing such a lot of blood.

28020. But supposing he was dead, unfortunately, why did you go to the station?—I thought that perhaps me knowing he was married and knowing his wife, and knowing he had been separated from his wife, I thought he would perhaps like me to let his wife know. But I was not allowed to speak to him. I had known his wife a good many years before ever he thought of marrying her, or knew her. We were both girls together.

28021. Have you ever spoken to Emms?—No, I never speak to the fellows.

28022. But you knew his character?—Yes.

28023. His character is not a good one?—I don't know nothing about his character, because I never speak to the fellow hardly.

28024. Why do you treat him like that if he is a man of good character. Why should you not have spoken to him?—I do not know what you mean.

28025. His wife is a very old friend of yours, and you were at school together?—Yes.

28026. You knew she had married Emms?—Yes.

28027. Why is it that you have never spoken to him?—When a man is separated from his wife and she sees you speak to him——

28028. He does not bear a very good character, I imagine?—I could not tell you. I know nothing

about his character. I have enough to do to look after my own business.

28029. But is that so. It was very late at night, and it was no business of yours to go to the station?—But from knowing his wife I thought perhaps he would like me to let his wife know what had happened.

28030. Then what you wish us to understand, whether we accept the explanation or not, is that you went there not because you cared much about Emms, but because you cared a good deal about his wife?—To let his wife know what had happened.

28031. It was friendship for his wife that was the real inducement?—Yes, my knowing his wife for a good many years.

28032. Did you mention that to Mrs. Allen. Be careful?—I do not remember.

28033. You asked Mrs. Allen to go with you?—Yes.

28034. Did you give her any reason?—I said to her I would like to let his wife know. I said, "He is a married man and got two children."

28035. Mrs. Allen could not recollect that. I asked her whether you had given any reason for going to the station?—I said to her, "I would like to go in to ask whether he would like his wife to know. He is the father of two children." I said that outside the station, too.

28036. (*Mr. Dickinson.*) Did you let his wife know?—No.

28037. Have you spoken to his wife since?—No, I have not seen her.

28038. If you were so interested in letting his wife know what happened, why did you not let her know?—I went down to see if I could see her, but she had moved.

28039. When did you go down?—On the Saturday night, when the gentleman came to take that statement on the long sheet of paper.

28040. That was sometime afterwards. This was on Monday night?—On the Saturday I went. I never knew how he got on because I never went up to the Old Street Police Court.

28041. Is that all you wanted to ask him?—That is all, because I saw him bleeding so from the head.

28042. Do you know Mrs. Allen?—No.

28043. You do not know her at all?—No.

(*Mr. Schultess-Young.*) It is Mrs ——— in the original statement from Mrs. Hoy. She did not know the name.

28044. (*Mr. Dickinson.*) I know that. (*To the witness.*) What made you speak to Mrs. Allen?—I said to her, "Will you come to the station along with me, missis." She said, "I don't mind." I said, "Perhaps that good fellow is dead by now, because the blood is running from his head." She said, "If you like I will come with you," and we both went.

28045. You did not know Mrs. Allen—you never saw her before?—No.

28046. Mrs. Allen told us that she saw a lady raise his head?—Yes, that was me.

28047. And she said the lady said, "Do you know me?"—Yes.

28048. Is that what you said?—I said that to Emms.

28049. Why did you say that?—Because he knew me and his wife were friends together.

28050. You told us you never spoke to him?—No, but he knew that I was friends with his wife.

28051. How long has he been separated from his wife?—I could not tell you that exactly.

28052. Months or years?—I do not think it is a twelvemonth yet.

28053. Have you seen his wife since they were separated?—I saw her one night a few months back.

28054. Only one night since she was separated?—Yes, it is very rare I saw her, because they have moved.

28055. Do I understand that according to the statement you made the first thing you saw was when you were in Brick Lane?—Yes.

28056. On which side of Brick Lane were you?—Coming under the arch.

28057. On which side of the road?—Under the arch on the left-hand side coming down by Sclater Street.

28058. You were on the left-hand side?—Yes.

28059. Then you say that you saw a man?—Yes.

28060. That was Emms?—Yes.

28061. Where was he?—Standing outside the doorway of the printer's, and the policeman said to him "Move on."

28062. You said "I saw the man Emms who was going under the arch"—the railway arch?—Yes.

28063. That was before he got to Pedley Street?—I do not remember saying that.

28064. The statement that you wrote out was as we have heard it read, "I was in Brick Lane and saw the man, who I know by sight," and that you have assented to—that you did see Emms in Brick Lane. "He was going under the arch"?—I do not remember it.

28065. Was he, or was he not, going under the arch when you first saw him?—I do not remember it.

28066. Then you said, "He stopped there talking to a man under the arch." Who was he talking to?—I do not know; I do not remember.

28067. You do not remember what?—Him talking to a man.

28068. You have said that he stopped there talking to a man?—That is what I said to that gentleman who came to my house in a hurry. I did not think he was a man who would take it all down.

28069. You mean to say that was quite inaccurate what you said, and when you said a constable came along and told him to move on, and pushed him, that is when he was talking to a man under the arch, that was also inaccurate?—There was no other man there when the constable pushed him.

28070. Were there no other people there at all when the constable pushed him?—There were people going along the street.

28071. There was no other man when he pushed him at all?—I did not see any man there.

28072. Emms has told us that the policeman was in some kind of altercation with other people when he came up. You did not see that?—I did not see that.

28073. Then what, in your opinion, started this whole thing?—I do not know what you mean.

28074. Something must have started it. What started this difference with the policeman? You have said that the policeman came along and told Emms to move on, and pushed him, and he said, "All right, don't push me." You saw that happen?—Yes.

28075. What made the policeman say that to him?—I do not know.

28076. Was he standing talking to somebody?—No, he was standing in the doorway like—going down that way.

TWENTY-NINTH DAY.

Monday, 28th January 1907.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman*).

Rufus Daniel Isaacs, Esq., K.C., M.P.

Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law).

Charles Algernon Whitmore, Esq. (Barrister-at-Law).

J. W. St. Lawrence Leslie, Esq. (Barrister-at-Law) (*Secretary*).

J. F. Waley, Esq. (Barrister-at-Law) (*Assistant-Secretary*).

28 Jan. 1907.

(*Chairman.*) The Commission desire to announce that in their opinion a reasonable opportunity has been afforded to members of the public desiring to complain of misconduct on the part of particular constables, to lay their complaints before the Commission. The Commission have received a number of such complaints, they have considered them, and have investigated those of them which related to matters within the terms of reference in the warrant appointing the Commission, and which appeared to them to be typical or likely to assist them in making their report. They have decided (without, however, precluding themselves from further inquiry, if it should be deemed necessary) not to investigate any further cases of alleged misconduct against particular constables in dealing with cases of drunkenness and disorder (except the cases of Mr. Riley, Mr. Higgs, and Mr. Gamble or Pearce). They will, of course, finish the part heard case of Mr. Emms. They will also finish the case of Mr. Platt, and will hear any further complaints of a similar character. The Commission will also proceed to take general evidence.

(*Earl Russell.*) May I mention a matter in which a proof has been sent in to the Commission in connection with Tresadern's case, with regard to a raid on the King's Arms. A proof has been sent in by Mr. Smith, the manager, who gave evidence in that case. I should like to know whether the Commission would like to hear the particulars of that raid. It is alleged it is connected with the evidence given in Tresadern's case.

(*Chairman.*) If there has been any illegal action on the part of the police or anybody else, the person complaining will have his remedy in a court of law. I do not think we can hear any complaint with regard to it.

(*Earl Russell.*) The suggestion is, it is an attempt to intimidate a witness because of the evidence he has given.

(*Mr. R. D. Muir.*) The matter is sub judice in this sense, that instructions have been given by the Commissioner of Police to oppose the renewal of the licence of this house on the ground that it has been used for the purpose of gambling. That matter will be dealt with by the justices next month.

(*Chairman.*) We cannot go into it.

(*Earl Russell.*) May I call attention to the report of the proceedings on the 19th December. At the beginning of the proceedings Mr. Bankes made a statement about Constable Michael Cann, who was one of the witnesses in Harding's case, and in the course of that statement he used these words: "Since then he has been examined by the Divisional Surgeon and by the Chief Surgeon as to his condition, and he has been returned as unfit to continue in the Service owing to his condition, resulting largely from these injuries." The words I want to call attention to are "resulting largely from these injuries." I am instructed that that statement is not capable of proof, and I should like the Commission to allow me to see the reports from these two surgeons, if they have been put in, and to allow the surgeons to be called and examined on that point.

(*Chairman.*) I have not got the shorthand notes before me at the moment, but I will consider that matter.

(*Earl Russell.*) I am told that that statement cannot be supported.

(*Chairman.*) I do not know that it is relevant at all to the matters before us.

(*Earl Russell.*) The suggestion that it resulted from these injuries which the Magistrate as a matter of fact found were not inflicted by Tresadern is surely somewhat relevant.

(*Chairman.*) I will take an opportunity during the adjournment of considering the matter.

(*Earl Russell.*) Then on the same morning I asked about the clerk's notes in the case of Mrs. Braham which were promised to be supplied on the occasion when that case first came on. I do not know whether they have yet been supplied to the Commission. They apparently had not been on the 19th December, and I should be glad to be allowed to see a copy of those notes in accordance with the Commission's promise that I should see them if any matter arose on them.

(*Chairman.*) That is a matter of application to the Secretary, if we have made any promise in the matter. We have not had them ourselves.

(*Earl Russell.*) That is what I was afraid of, but my friend promised they should be sent in to the Commission when the case first came on. You recollect that I said from the beginning it might turn out there were some discrepancies which made it material to pay attention to them.

(*Chairman.*) We have not had them yet, and if necessary we will send for them.

(*Mr. Rufus Isaacs.*) My impression is we did see them during the course of the hearing.

(*Chairman.*) We will now take Riley's case.

(*Earl Russell.*) In Riley's case the witnesses present are James Riley and Edward Sweeney. I think the Commission has been informed where the other witnesses are, and I do not know what steps have been taken about them, but the two I have mentioned are the only ones we have in court this morning.

James Riley, sworn.

J. Riley.

28077. (*Earl Russell.*) Is your name James Riley?—Yes.

28078. Do you live at 21, Loudoun Street, Wapping?—Yes.

28079. Is that where you are living now?—Yes.

28080. Your age is 21?—Yes.

(*Chairman.*) What Police Division is this in?

28081. (*Earl Russell.*) The H Division. On the 21st November last year were you having some dispute in Old Gravel Lane?—Yes.

28082. Who with?—With another man.

28083. What was his name?—I do not know his name.

28084. About what hour was that?—About ten past eleven I was having a row with him.

28085. Did a constable come up while that dispute was going on, or after it was over?—While it was going on.

28086. What constable was that?—I forget his number.

28087. Would you know the man if you saw him again?—Yes; he is over there (*pointing to a police-constable*).

28088. That is P.C. 134 H. Is that the man?—Yes.

28089. What did he do when he came up?—He came up and claimed hold of me, and as he was taking me he took me about ten yards away from the other man, and then the other constable came up, and the two of them took me down Prusom Street.

28090. Who was the other man?—He is over there alongside 134.

28091. That is 332 H?—Yes.

28092. Was anything said to you by the first constable?—He never said nothing; he claimed hold of me.

28093. Neither of them said anything?—No.

28094. How did they take hold of you?—134 H claimed hold of me first and took me a little way, and then the other one came up and got hold of the other side of my arm, and they both took me down Prusom Street.

28095. They were holding you by the arm?—Each one.

28096. What happened to the man you were quarrelling with?—They let him go.

28097. The two constables kept hold of you, and took you along?—Yes.

28098. Where to?—They were taking me down Prusom Street when P.C. 134, who was on the right-hand side of me, hit me with his right hand, which caused me to fall to the ground in a dazed condition. He dragged me about 200 yards.

28099. That was P.C. 134 H?—Yes.

28100. Where did he strike you?—In the right eye. It caused it to close immediately I got the blow.

28101. You say you fell down?—Yes.

28102. After you fell down what happened?—They dragged me along.

28103. On the ground?—Yes.

28104. How much of you was on the ground—were you lying down altogether, or were you only partly down?—I was only partly down. They were dragging me along, and each had hold of me by each arm.

28105. Did you try to go on foot?—I was in a dazed condition; I could hardly stand.

28106. What happened after you had been dragged 200 yards?—They let me sit down for a while, and gave me a rest.

28107. Where did you sit?—On the pavement.

28108. About how long?—About ten minutes.

28109. As long as that?—Yes, and then they took me along to the station.

28110. When you came to the station were you charged with anything?—Before I was charged I complained to the inspector about my eye, and he said, "Sit down," and I sat on a chair. He sent for the doctor, and when the doctor came the doctor bandaged my eye up, and I was bandaged all round my head. I could only see out of the one eye, and he said, "Walk up and down." I walked up the room straight first, and as I was coming back I happened to make a slip, and he said to me, "You are drunk."

28111. Who said that?—The doctor.

28112. What did you tell the inspector on duty had happened about P.C. 134?—I told him that the constable hit me in the eye.

28113. What did he say then?—He said "We will send for the doctor."

28114. Where was P.C. 134 when you told the inspector that?—In the room.

28115. Did he say anything?—He was mumbling, but I did not hear him say anything until the doctor came in, and I said to the doctor, "You might let that constable go out of the room. He said, "Why?" Then I said, "He will hear what I say to you, and what you say it is. The constable will say the same thing."

28116. Did P.C. 134 H say anything until the doctor was there?—The doctor said something about that it could be done by a fall, and then the constable said in the presence of the doctor that it was a fall. I said to the doctor, "No, it was a punch," and the constable said it was a fall.'

28117. Did the doctor ask you anything about drinking?—He asked me what I had had to drink, and I told him I had a Kola about 11 o'clock.

28118. (*Mr. Rufus Isaacs.*) What is a Kola?—A mineral water.

28119. (*Chairman.*) Where did you have that?—I had the mineral water in the public-house.

28120. (*Earl Russell.*) Did he ask you about any other drinks besides the Kola?—He asked me if I was drinking any beer in the afternoon, and I said yes, I had had a couple of glasses.

28121. Did he say anything about your condition as to being drunk or not drunk?—He said, "You are drunk."

28122. Were you charged with anything?—They never shoved me in the place to charge me with anything. They put me down in the cells afterwards.

28123. You were not put into the dock in the charge room?—No.

28124. Were you told you were charged with anything?—All the Inspector said was, "I charge you with being drunk and disorderly," and they bunged me downstairs.

28125. Was that before the doctor came or after?—After.

28126. Was no charge made against you formally before the doctor came?—No, none whatsoever.

28127. Did you make any answer to the inspector when he said that?—No, I never had any time. They bunged me down too quick.

28128. How long was it before you were bailed after you were taken down to the cells?—Seven o'clock in the morning. They would not allow bail before that time.

28129. Did any bail come for you before that time that you know of?—I had a brother who went up there for bail, and they told him to come up early in the morning.

28130. He told you that. You were not told he was there?—No, I was not told at all.

28131. The first you knew of anyone coming was when you were released at 7 o'clock?—Yes.

28132. Did any constable say anything to you that made you say they would not let you be bailed earlier?—No.

28133. The same morning as you were released you came up at the Thames Police Court before Mr. Dickinson?—Yes.

28134. What evidence was given against you then?—I was charged with being drunk and disorderly and using obscene language.

28135. You knew what the charge was, then?—Yes.

28136. Drunk and disorderly and using obscene language?—Yes.

28137. Who gave evidence against you?—Two constables.

28138. The same two?—Yes.

28139. Did you say anything to the magistrate then about being assaulted?—Yes; I told him the same statement.

28140. Was anything said about it or done?—He asked me if I would like to have the case put back, and I said yes.

28141-2. Did you have it put back?—Yes, till the following Saturday.

28143. What happened when it came on again?—When it came on again I know that the police had a solicitor defending them.

J. Riley.

28 Jan. 1907.

28144. Were there any other witnesses?—I had another witness.

28145. Who was that?—Shepherd.

28146. James Shepherd?—Yes.

28147. Did the police call the inspector?—Yes, they called the inspector on the first day that I was there.

28148. Then the case was put back so that you might bring another witness?—I do not think it was put back because of that. I think it was put back so that the police should have a solicitor to defend them.

28149. After you told your story to the magistrate, did he suggest that you should do anything, or was anything said at all about your complaint?—All he said was that there was not enough evidence, or something like that, to go on with the inquiry, and therefore he must give me the penalty of the law and fine me 2s. 6d. or one day.

28150. And that you paid?—No.

28151. You did the one day?—Yes.

28152. You have been convicted, I think, several times before, have you not?—Yes.

28153. You were convicted three and a-half years ago for stealing some horns from a barge?—Yes.

28154. You had three months' hard labour?—I do not think it was hard labour. I got three months in the second division.

28155. You have been convicted several times for drunkenness?—Yes.

28156. The heaviest penalty being eight days?—Yes.

28157. (*Mr. Rufus Isaacs.*) How old were you when this case of stealing horns from a barge was heard?—I was just turned 17.

28158. (*Chairman.*) What is your age now?—Twenty-one.

28159. (*Earl Russell.*) I think you complained once before of being ill-used when taken into custody?—Yes. Some time in the beginning of last year I was in my own street, and I was on my way to my house, when I was taken into custody by two constables, and while I was on the road to the station in Old Gravel Lane they hit me at the back of the neck and shoved me and knocked me quite unconscious, and I had to lay in a helpless state on the ground till an ambulance came and took me to the station. There must have been a rough-and-tumble somewhere else between the constables and two men, because one constable had a black eye and the other man was ill-used. They brought these charges up against me, and which I knew nothing about.

28160. You were charged with assaulting the police?—I was charged with assaulting these police constables.

28161. And with being drunk?—Yes.

28162. What were you convicted of?—I was charged with assaulting the police and being drunk, and when I got before the Magistrate the Magistrate asked me if I had any witnesses. I only knew of one.

28163. What did the Magistrate find you guilty of that time. Did he find you guilty of the assault or not?—No.

28164. Did he find you guilty of being drunk?—Yes.

28165. What were you fined for that?—10s. 6d. or seven days.

28166. On that occasion did you pay the money?—Yes.

28167. (*Mr. R. D. Muir.*) On that occasion was the doctor called in to certify as to whether you were drunk—that was in 1905?—Yes.

28168. The same doctor?—Yes.

28169. Were you very violent at the police station upon that occasion?—No.

28170. He certified you were drunk then, did he not?—Yes.

28171. You disputed that you were drunk?—Yes.

28172. What had you had on that occasion, do you remember—in July, 1905? Was that Kola?—No, I had some drink then.

28173. The same doctor on this occasion in November certified you to be drunk?—Yes.

28174. He had seen you before? When were you tried for stealing from the barge?—I was tried at Thames Police Court and the North London Sessions.

28175. Were other people with you?—Yes.

28176. How many?—Two.

28177. What name were you tried in?—James Riley.

28178. That would be in 1903?—I think it was that year.

28179. Or 1902 was it?—I could not tell which year it was.

28180. Were you charged with gambling at the Thames Police Court in 1904?—I was charged with gambling once in my life, and I was discharged.

28181. Was that on the 2nd July, 1904?—I could not tell you.

28182. That would be about the date?—Yes.

28183. Then on the 23rd July, 1905, was the occasion when you were found guilty of drunkenness and assaulting three police-constables?—Yes.

28184. On that occasion you were fined 10s. or seven days?—I was discharged of the assault on the police and fined 10s. 6d. or seven days for being drunk.

28185. I must clear that up if you say that. I suggest you were convicted both of drunkenness and of the assault?—I was discharged of the assault, because I had two witnesses to prove that I had nothing to do with it.

28186. You had never been convicted of drunkenness before, and you suggest you were fined 10s. or seven days for being drunk?—10s. 6d. or seven days for being drunk. I was discharged of the assault.

28187. We shall have to clear that up. On the 30th January, 1906, you were convicted on a summons at the Thames Police Court?—Yes.

28188. What was that for?—That was supposed to be for holloaing after the police. The reason why I was summoned on that occasion was that when I was charged with assaulting the police the police were after me on that occasion, and I got discharged, and one of the constables who had me on that occasion was down outside the door where I lived, and I was looking out of the window at him and two more. It was the same constable who was up on that other case, and that was how I got summoned. He never asked me my name and address because he knew it. That is the way he had his own back.

28189. You were summoned for using obscene language?—Yes.

28190. And convicted?—Yes, and I got eight days.

28191. You were find 10s. and 2s. costs?—Yes.

28192. You paid that?—No.

28193. What did you get?—Eight days.

28194. Then on the 6th June in the same year were you convicted of being drunk and disorderly?—Yes, I was charged with being drunk.

28195. And convicted?—Yes.

28196. And fined 10s. or five days?—Yes.

28197. Then the next occasion you came up was on the 24th of November, the occasion we are now dealing with?—Yes.

28198. You had a quarrel with a man outside a public-house?—Yes.

28199. Called the Angel?—I was not quarrelling with him outside that house. I was quarrelling with him outside another house.

28200. Outside the White Swan?—Yes.

28201. That is close by?—Yes.

28202. Was it one man you were quarrelling with or two men?—There were two men together, but I was only quarrelling with one.

28203. Were you drunk?—No.

28204. Did the constable Mizen, the first constable, ask you to go away?—He never asked me anything of the kind.

28205. Did the other man go away?—When the constable got hold of me the other man went away.

28206. You say the constable never asked you to go away at all?—No.

28207. Had you known that other constable before?—No.

28208. You had never seen him?—I had seen him.

28209. You had no dealings with him at all?—No.

28210. You say he claimed hold of you and took you away. Did you go quietly?—Yes.

28211. Where was it that you were claimed by the first constable, 134 H. Mizen?—Outside the public-house first.

28212. On the pavement?—No, in the road.

28213. That is outside the White Swan?—Yes.

28214. How far had you gone before the other constable came up?—About ten or twelve yards, because the other constable was behind on the kerb.

28215. You were going quietly at the time?—Yes.

28216. The other constable came up and claimed you, too?—Yes.

28217. You were going quiet?—Yes.

28218. Yet the two constables came and took you one on each side?—Yes.

28219. Then you walked on quite quietly?—Certainly.

28220. How far did you walk on in that way quite quietly before anything happened?—I walked about 170 yards

28221. Was any conversation going on between you and the constables during that time?—No.

28222. Not a word passed at all on either side?—No.

28223. Then one of them suddenly hit you?—Yes.

28224. Did he give you any warning?—No. I was looking straight in front, and I got the punch in my eye while it was open.

28225. Did he give any sort of explanation why he wanted to hit you at this time, 170 yards away, when you were going quite quietly and there was another constable on the other side of you?—No.

28226. No reason at all?—No.

28227. Did he say anything?—No.

28228. He used no expression at all when he hit you?—No.

28229. How often did he hit you?—Once.

28230. Only once?—Yes.

28231. You are quite clear about that?—Yes.

28232. Once in the eye?—Yes.

28233. It was the right eye?—Yes.

28234. Did you fall?—I just went down on to my knee like that (*describing*), and then he dragged me along.

28235. You did not go further down than your knee?—No.

28236. Your face was never on the ground?—No.

28237. Were you on the pavement at that time?—I was just on the edge of the pavement.

28238. The constable who was on your right was then on the pavement?—No.

28239. Was he in the road?—Yes.

28240. You were on the kerb and he was in the road?—Yes.

28241. With regard to the other constable, was he on your left, between you and the wall?—Yes.

28242. And all that happened to you was that you went down on your knee?—Yes.

28243. Then you were dragged along—how far?—About 200 yards.

28244. Did you see another constable there at all?—No.

28245. He was asked to go for the ambulance?—No, I was in such a dazed condition.

28246. Then you say you were set down on the pavement for some considerable space of time—you say about ten minutes?—Yes.

28247. To recover yourself?—Yes.

28248. The ambulance did not come, did it?—No.

28249. Then you got up and went quietly to the station?—Yes.

28250. Were there any more assaults?—No.

28251. It was just that one blow from this strange constable?—Yes.

28252. At the station did you see the Inspector there?—Yes.

28253. That is Inspector Sanders?—Yes.

J. Riley.

28 Jan. 1907.

28254. Did Mizen, when you got to the station, say to the Inspector that he had brought you in and charged you with being drunk and disorderly and making use of obscene language in Old Gravel Lane, Wapping?—Yes.

28255. The Inspector heard that?—Yes.

28256. Did the Inspector notice your eye, and ask you how you got your injury?—I told him the constable punched me.

28257. (*Chairman.*) Answer the question, did he ask you how you got the injury to your eye?—No, I told him.

28258. (*Mr. R. D. Muir.*) What I put to you is that the Inspector said to you, "How did you come by that injury to your eye"?—No.

28259. And you said, "He did it," pointing to Mizen?—No.

28260. Did the Inspector examine your eye at that time?—The Inspector looked at it, and sent for the doctor.

28261. He looked at it closely?—Yes.

28262. Had you got any mud on your cheek?—No.

28263. Had you got a scratch on your nose?—No.

28264. You are quite sure about that?—Yes.

28265. Had you any blood on your cheeks at all?—There was no blood at all. There was no cut or anything.

28266. No cut or scratch of the skin at all?—No.

28267. The Inspector sent for the doctor, and the doctor came. Did he put a bandage on your eye?—Yes.

28268. Did the doctor ask you, "Have you had a fall"?—No. The doctor never asked me if I had a fall.

28269. When he put the bandage on your eye did he tell you to take it off the next morning?—No. I went to the hospital the next morning.

28270. Did you still have the same bandage on your eye when you came up on the 24th?—I had an hospital bandage on.

28271. Another bandage?—Yes.

28272. You still had the bandage on your eye on the 24th?—Yes.

28273. Were your clothes muddy at all?—No; only the bottoms of my trousers.

28274. Was the constable Mizen on the ground at all?—No.

28275. Never off his feet?—No.

28276. Were his clothes muddy?—I never saw them muddy, and that is what they asked him up at the police court, and he said he had to brush them to go on duty.

28277. Were the constable Mizen's clothes muddy all over?—No, they were not.

28278. Not muddy at all, and he was never on the ground?—No, he was not on the ground.

28279. You called a man named Shepherd as a witness?—Yes.

28280. Did you hear Shepherd say that the constable—that is Mizen—struck you on the head about twice?—No, I never heard him.

28281. And on the ribs about three times?—I never heard him.

28282. Did you hear him say that "the prisoner fell to the ground and he hit him"? Did you fall to the ground?—Not right to the ground, but with my knee bending over.

28283. "Constable 134 hit him while on the ground." Did you hear Shepherd say that?—No.

28284. Did you hear him say this: "I suppose Constable 134 went to hit the prisoner, and missed and fell. I do not know otherwise how he fell." Did you hear Shepherd say that?—No.

28285. This was all given in evidence on the 24th?—I never heard him say that.

28286. If he said it, would it be true?—When the constable hit me on the eye it properly dazed me, and two of them had hold of me, so I cannot say whether the constable was on his knee, because I was in such a dazed condition.

28287. Did he fall to the ground when he hit you?—To my recollection he never fell to the ground. I

J. Riley.
28 Jan. 1907.

hardly know what I was doing myself when I got the punch.

28288. Can you tell me the place where it was that you were struck and fell on your knee?—It was just outside a court.

28289. Is that a court called Choppings Court that bends round from Old Gravel Lane and leads up towards Raynes Street, and then comes into Prusom Street?—Yes.

28290. There is a post at the end of it?—Yes.

28291. That is the spot where you went down on your knee and where you say you were struck in the eye by the constable?—Just outside there.

28292. How long have you known Shepherd?—I have seen his face before, but that was the first day I ever had any conversation with him.

28293. Did you have any conversation with him that day?—How I came to get into conversation with him was that he asked me how I got on, and whether the case got heard on the Thursday, and I said to him: "I am put back till Saturday." He said: "If I had known it, I should have been up there, because I see it."

28294. That is the conversation that took place between the Thursday and the Saturday?—Yes.

28295. How long have you known Sweeney?—I knew him a long time, but I only had a conversation with him now and then.

28296. When did you first have any conversation about the case of the 21st November?—After I got tried on the Thursday.

28297. He came as a witness for you on the morning of the 22nd?—Yes.

28298. When did you first see him about your case? Was he in the witness-box before you had any conversation with him about it?—I saw him outside the Arbour Square Police Court.

28299. How did he know you?—He was coming up as a witness.

28300. How did he know your case would be heard that morning?—That I could not say.

28301. You saw him outside, waiting to go into the court at the same time that you came up yourself?—Yes.

28302. (*Chairman.*) About what time was it that you were talking to this man that you had a quarrel with when the police-constable came up to you?—About ten minutes past 11.

28303. What makes you think it was ten past 11?—Because I know I came out of the public-house at 11 o'clock.

28304. How long did it take you to get to the police-station?—That I could not say.

28305. Were you taken at once into the charge-room when you arrived at the police-station?—I was taken right into the charge-room.

28306. But not into the dock?—Not into the dock.

28307. Was the Inspector in the charge-room when you arrived?—Yes.

28308. Did he speak to you at once, or who first spoke to you?—He set me on a chair, and I said to him, "See what that constable has done," and I showed him my eye, and he had a look at it. It was right closed, and then he sent for a doctor.

28309. Did you see him sit down and take the charge in a book?—No.

28310. Was the charge never read over to you?—The charge was never read over to me.

28311. Who, according to you, first spoke when you arrived in the charge-room and you sat down on the chair?—When I was taken into the charge-room the Inspector said to the constable, "Sit him down there." That was in the charge-room, and then I said to him, "See what that constable has done. He has punched me in the eye, and it is properly closed; I cannot see out of it."

28312. You have stated what took place with regard to the doctor. The doctor came?—Yes.

28313. And up to the time the doctor came, I understand that no charge had been read over to you?—No, none whatever. I was set in that chair till the doctor came.

28314. After the doctor had gone, what took place between you and the Inspector?—As soon as I was seen by the doctor, and the doctor said "You are drunk," the doctor stood on one side, and I was taken downstairs into the cells.

28315. About how long was that after you had arrived at the police station, as far as you can estimate?—I should reckon about twenty minutes in all.

28316. Including the examination by the doctor and everything?—Yes.

28317. It was about midnight when you got into the cells, then, according to you?—Yes, about midnight.

28318. Was anything said in the charge-room by anyone about bail for you?—No.

28319. Did you yourself ask for bail?—No.

28320. You had been there before—or, at any rate, we know from what has been said here that you had been at other police-stations before?—No; that was the only police-station I had been at. I had been at no other police-station.

28321. But you had been to this particular police-station before?—Yes.

28322. And you had been bailed out before?—Yes.

28323. You did know you could be bailed out, and need not have waited in the cells?—There was bail come up for me.

28324. But you told me that after the doctor had gone, and while the whole proceedings in the charge-room had taken twenty minutes, you said it was a little after 12; and then, up to that time, you said, nothing had been said by anybody about bail?—No.

28325. How was it that you did not in the charge-room ask for bail, as you seemed to have known about the possibility of having bail?—I never asked for bail because I thought my brother would come up there without my asking—either my brother or my sister.

28326. From the story as told by you, I do not see how your brother or sister would know about your arrest at all. They were neither of them present when you were arrested, were they?—No.

28327. At any rate, you did not, before you got into the cells, ask the constables or the Inspector to send for bail for you?—No.

28328. Did you at any time while you were in the cells ask them to send for anybody?—No. As soon as I got in there I laid down and went to sleep. That was the way I felt.

28329. You said you did not leave till 7 o'clock in the morning, and I rather gather that you complained that you had been kept in the cells so long?—No.

28330. Then you make no grievance of that at all?—No. If you happen to make a complaint there you get such a nice answer from them.

28331. I am not on that question as to what you did or did not do at the police-station, I am asking: Do you complain that you were kept unduly long in the police-station?—I do not know what you mean.

28332. Do you suggest that you might have been bailed out sooner than you were bailed out?—Yes.

28333. You do suggest that?—Yes.

28334. Why? I understand you did not ask for bail?—No.

28335. You went to sleep when you went into the cells?—Yes.

28336. Who did, in fact, bail you out?—A man named Campbell came, and my brother came too.

28337. That would be about 7 o'clock?—Yes.

28338. You went away with them, I suppose?—Yes.

28339. What state were you in then? Were you sober then?—Yes.

28340. Quite sober then? Whatever your condition was before, you say you were quite sober then?—Yes.

28341. You went to the hospital, as I understand?—No, not that morning; the next morning.

28342. You attended at the police-court on the Thursday?—Yes.

28343. Were any witnesses for you in the court on the Thursday? Had you, between the time you got away from the police-station and the time when you went to the police-court, tried to get any witnesses to

come and speak as to the assault, or speak in your favour?—I went down to one young woman, and I asked her whether she saw anything of it; and she said all she saw was the constables take me along, and she would not tell me any more.

28344. Were there any of the witnesses who were ultimately examined for you present on the Thursday when the case was put back?—Only one.

28345. Who was that?—Edward Sweeney.

28346. How did Sweeney come to be there on the Thursday?—I do not know.

28347. He came, as far as you know, of his own free will?—Yes.

28348. (*Mr. Rufus Isaacs.*) Did the constable say anything to you when he took you into custody on that day, do you remember—No; he never said anything to me.

28349. Was there a crowd?—There was a bit of a crowd there.

28350. There was a bit of a disturbance going on?—There was no disturbance going on, but there was a bit of a crowd.

28351. You were quarrelling with some men?—Yes; that was in Old Gravel Lane.

28352. You were using strong language?—No; I was using no language.

28353. What were you quarrelling with him about?—I was in the man's company before that time, and I had 6d. off him.

28354. You were quarrelling with him about that?—Yes, that is what we were quarrelling about.

28355. Then when the constable took you and walked along with you did he say anything to you at all before he struck you?—No.

28356. Do you know how far you went before he struck you?—About 170 yards.

28357. Was he taking you quietly up to then?—Yes, we were going along quietly.

28358. You were not struggling?—No.

28359. He was not knocking you about?—No.

28360. Then after you had gone 170 yards did you say anything to him?—No.

28361. Did he say anything to you?—I only got the punch.

28362. He said nothing to you, but only punched you in the right eye?—Yes.

28363. Did you try to trip him up?—No.

28364. Nothing of that kind?—Nothing of that kind.

28365. Is that the only blow that you remember?—That is the only blow I remember, because I was dazed when I got the blow.

28366. Did you feel any blows afterwards?—No, I never felt any blows afterwards.

28367. You did not feel any pain afterwards as if you had been struck blows on other parts of your body?—No.

28368. No bruises about your ribs or about your head?—No.

28369. I understand you to say you did not see him fall at all?—No, I did not see him fall.

28370. You know his clothes were covered with mud?—No, I do not think they were covered with mud.

28371. Do I understand that you were quite sober that night?—Yes.

28372. What had you had to drink?—I had two glasses of ale in the afternoon, and I was going to make my way home when I had this Kola, and then I stood outside and started quarrelling with this man about the 6d., so I did not have more than five minutes walk to my home.

28373. (*Mr. Dickinson.*) P.C. Mizen took you up before you got into Prusom Street, did he not?—Yes.

28374. How did he arrest you then. How did he take hold of you?—By the arm, and then the other constable came up and took hold of my arm before I got to Prusom Street.

28375. Before the other constable came up how had Mizen himself got hold of you?—He had got hold of my arm and one hand on my collar.

28376. Which hand was on the collar?—The right hand was on my arm and the left hand on the collar, and then the other constable came up and took hold of me, and then he let go of my collar.

28377. The other constable came up on the other side?—Yes.

28378. Which side of Prusom Street were you on?—I was mostly on the left hand side of the road, going down Prusom Street.

28379. Had the constable hold of your collar the whole of that time?—No, he never had hold of my collar.

28380. I thought you said he had at first?—Yes, but he let my collar go when the other constable got hold of my other arm.

28381. Each constable took an arm?—Each constable took an arm.

28382. He had hold of your right arm, and he was holding your right arm with his left?—Yes.

28383. How did he give you this violent blow?—As the two constables—one was *here* and the other one *here* (*describing*)—were taking me down, and as my eyes were open I got the blow, and the knuckle of the man's fist must have gone in the ball of the eye, which shut it immediately and closed the eye right up, so that I could not open it at all.

28384. Did he bring his hand round?—Yes.

28385. What did the other constable do when you were hit?—As the constable hit me I went down on my knee, and the two of them were holding me up. The constables were holding me up one by each arm. I was in a dazed condition.

28386. Did you fall against the wall?—No.

28387. (*Chairman.*) I think that you came soon after the Police Court proceedings to the office of this Commission, did you not?—Yes.

28388. I ask that question, because I notice that you are represented by Lord Russell to-day?—Yes.

28389. Then it is subsequent to your coming to the Commission that you retained Lord Russell as your counsel—I am only putting it generally. You went to the society for which Lord Russell appears since you came to the Commission's office, or, at any rate, you sent your evidence to them?—Yes.

28390. You came within a day or two after the Police Court proceedings, and saw Mr. Leslie at the office of the Commission itself?—Yes.

28391. Was anything said by anybody in the charge room according to your recollection about your using obscene language?—No.

28392. In the charge sheet I notice that the charge is drunk and disorderly, and making use of obscene language at Old Gravel Lane. Did you hear the P.C. Mizen say anything about the use of obscene language in the charge room?—No, the only time I heard that was when I was before the Magistrate.

28393. What according to your recollection was said about the obscene language before the Magistrate? What did P.C. Mizen say. Have you any recollection?—No, I have no recollection.

(*Chairman.*) Lord Russell, I have had an opportunity of reading Mr. Eldon Bankes' observations in reference to P.C. Cann. I observe he did hand in the reports of the Chief Surgeon and of the Divisional Surgeon.

(*Earl Russell.*) I have not seen the reports.

(*Chairman.*) As you challenge the accuracy of Mr. Eldon Bankes' statements I think the best thing for us to do is to say we do not think the matter sufficiently relevant to be further discussed.

(*Earl Russell.*) If you please.

EDWARD SWEENEY, sworn.

E. Sweeney. 28 Jan. 1907.

28394. (*Earl Russell.*) You are a labourer?—Yes.

28395. You live at 6, Whitehorne Place, St. George's-in-the-East?—Yes.

28396. On the 21st November in the evening were you in Prusom Street?—Yes.

28397. What did you see when you were there?—On the 21st I was walking away from my home to tell the watchman to call me at 6 o'clock the next morning, but just as I got to Clegg Street and Choppin Court I noticed a few people coming down, and there were two constables with the chap Riley.

28398. Did you know Riley before?—Only just seeing him walking backwards and forwards when I went to work.

28399. (*Chairman.*) You only knew him by sight, do you mean?—Yes. When I got to Clegg Street and Choppin Court I saw the constable hit him—he swung his right hand and hit Riley in the eye. It is not a very wide pavement to walk along. I saw Riley stagger to the wall and fall, and no doubt the constable tried to lift him up.

28400. (*Earl Russell.*) What sort of a light was there where this happened?—It was a nice moonlight night.

28401. Was there any lamp there?—There was a lamp across the road.

28402. You could see plainly?—Yes.

28403. Could you tell which constable it was?—Yes; I picked the constable out at the police court when I saw him.

28404. Do you see him here now?—Yes.

28405. Is *that* the police-constable?—Yes; and *that* is the other constable who was against the wall. I did not see him do anything at all.

28406. (*Chairman.*) Is *that* P.C. Mizen (134 H)?—That is the man.

28407. (*Earl Russell.*) What was Riley doing at the time? Was he struggling at all?—No; I saw him walking along between the two police-constables.

28408. Was he doing anything violent at all?—No, not that I could see.

28409. Did you hear him using any bad language?—No.

28410. Did you hear him using any language at all?—No.

28411. Did he look as if he were drunk at the time?—I could not say whether he was drunk at the time, but I should think he was more dazed than anything from the blow.

28412. I mean before the blow?—I should not think so from the way he was walking along.

28413. Riley staggered, and I think you said he fell down. How far did he fall down?—The other constable more held him up. He fell more *this* way—to the wall. The other constable tried to hold him up.

28414. Did he go down beyond his knees. Did he go full length on the ground?—I could not say he was right full down on account of the few people there round him. They said: What a shame to do it.

28415. Did you see what happened to the constable who struck the blow? Did he fall?—He went with him towards the wall. He did not fall.

28416. After you had seen this what did you do? Did you say anything to the constable yourself?—I said nothing at all. I went right away. I did not go to the police station. Many a man gets arrested just for following up and doing nothing at all.

28417. Were you at the police court the next day?—The very next day.

28418. How came you to be there? Who asked you to be there?—The man I saw taken into custody on the 21st. On the next morning the watchman did not call me till 7 o'clock, and as I lost my day's work, I walked up Old Gravel Lane, and I saw the chap Riley, and I noticed a bandage round his eye. I said: "Hallo, is that what they have done to you?" He said: "Yes." I said: "I saw them do that." He said: "Do you mind coming up and telling the Magistrate that?" I said: "Yes, I will come up."

28419. That was how you came to go?—Yes, on the very next morning, the 22nd, on the Thursday.

28420. How soon was it before you went to the court—an hour or two?—I am not sure, but I met him again.

28421. Before you went to the court?—Yes.

28422. Then you went into court with him, did you?—A little while after. The constable called him, and I went in after him.

28423. Did you give evidence that morning?—Yes.

28424. Did you tell the Magistrate what you have told us now?—Yes.

28425. You are quite certain about a blow?—Yes.

28426. Quite certain?—Positive.

28427. You have been convicted three times, I think, for having been drunk and disorderly?—It has been put down for drunk and disorderly, and I let it go as that. I always believe the less you say at a police court the better for yourself, and if you do not have too much talk to the Magistrate you get off all the lighter. What they put it down I took as that.

28428. Did you get off lightly?—I got off very lightly.

28429. I think these gentlemen would like to know what you said it was?—If I had too much talk I should get a couple of months, but if I said nothing I get five days. The constable who charged me said it was a wonder I did not get six. The Magistrate took it to heart.

28430. The Commissioners would like to know what you say you had done?—I was just walking along, and a constable came and took me and generally charged me with being drunk and disorderly.

28431. Do you think you might have been drunk but not disorderly?—I own I had a drop of drink, but no assault of any kind.

28432. (*Mr. Rufus Isaacs.*) I do not understand what you mean by "getting off lightly"?—When they put it down for drunk and disorderly and assault, you generally read in the papers a man gets two or three months. I think I got off very lightly when I only got five days.

28433. You were only charged with being drunk and disorderly?—And assault, too, which I was innocent of.

28434. (*Earl Russell.*) Was it five days instead of a fine, or was it five days with a fine?—Five days with a fine.

28435. What was the fine?—5s.

28436. 5s. or five days?—Yes.

28437. I think you once were convicted at the Sessions, were you not, of robbery with violence?—Yes.

28438. That, you say, was a mistake?—It was a thorough mistake. I had been in the place for 25 years without a stain on me or my family, and it was put to that.

28439. You were sentenced to six months?—Six months.

28440. (*Mr. R. D. Muir.*) I just want to get the particulars of the convictions. Were you convicted on the 2nd April, 1900, at the Thames Police Court for assault on a private person—not a constable—and were you fined 21s. or 14 days?—Yes, quite right.

28441. On a private person, and not on a police-constable?—It was a fight, that is what it was.

28442. On the 14th March, 1903, were you convicted of being drunk and disorderly and using obscene language, and with an assault on the police?—Do you mind telling me the constable's number?

28443. That was P.C. Thomas White?—P.C. Collins?

28444. I do not know. That was in March, 1903?—He said I kicked him from *here* to *there*. The Magistrate asked him to show him the place. He said there were no marks, but he felt the effects of it.

28445. The magistrate gave you ten days for that?—Yes.

28446. On the 8th April, 1904, did you plead guilty

to being drunk and disorderly and using obscene language?—Four days.

28447. 4s. or four days?—Yes.

28448. You pleaded guilty that time, did you?—Yes.

28449. Then at the Maidstone Assizes you got six months?—Maidstone Quarter Sessions.

28450. 19th October, 1905?—Yes.

28451. Who was the Judge, do you remember?—I could not tell you who he was.

28452. Was it a Judge of the High Court?—I could not tell you who he was.

28453. Had he a red gown?—I know he had a white wig.

28454. And a red gown?—No; no red gown, I believe.

28455. At any rate, it was six months you got for that?—Yes.

28456. For an assault and attempted highway robbery?—Yes.

28457. What were you doing in this place on this night near Gravel Lane?—I was coming away from my home to go and pay the watchman.

28458. Where is your home?—6, Whitehorne Place.

28459. You were going down to Old Gravel Lane along Prusom Street?—Yes.

28460. You were on the left-hand side?—Yes; on the opposite side to where the prisoner was.

28461. Did you go up and speak to Riley at all?—That evening?

28462. Yes?—No.

28463. Or to the constable?—No.

28464. Were there any other people besides yourself who saw this assault?—A few people behind.

28465. Did you speak to any of them about it?—No; I went right away. They holloaed out "Shame!" when they saw the blow struck.

28466. You spoke to nobody?—No.

28467. You saw this cruel assault by a constable on an unoffending man, and you spoke to nobody?—No, to no one.

28468. How was it you happened to meet Riley the next morning?—I was coming out to go to another wharf, to see if I could get a day's work, as I lost a day's work. I paid the watchman to call me at 6 o'clock, and it was 7 o'clock as I walked along Prusom Street to look for work. I happened to see Riley in Old Gravel Lane.

28469. What time was that?—A little after 8, I think.

28470. In Old Gravel Lane?—In Old Gravel Lane.

28471. Whereabouts in Old Gravel Lane, a little after 8?—Just by the "Angel."

28472. Just by the public-house where he was arrested?—I could not tell you where he was arrested—I never saw him arrested.

28473. Did he speak to you, or did you speak to him?—I spoke to him.

28474. What did you say to him?—I said, "Hallo! is that what you got last night?" He said, "Yes; did you see it?" I said, "Yes." He said, "Are you doing anything at all?" I said, "No." He said, "Do you mind coming up with me to-day and telling the magistrate what you saw?" I said, "Certainly I will; I have lost my day's work." I saw nothing else of Riley until I saw him outside Arbour Square.

28475. That was about 8 o'clock in the morning?—It was about that time.

28476. At what time did you go to Arbour Square?—I went down home to tell my mother——

28477. At what time did you go to Arbour Square?—Started away about half-past 9.

28478. The Court does not sit until about 10 or half-past 10 at the very earliest, does it?—About 10 o'clock. I did not hurry myself. I took my time going up.

28479. At what time did you get to Arbour Square?—I got there when the court was open.

28480. The court was open when you got there?—Yes; I saw people walking in and out.

28481. What time was that? It was not half-past 9?—I started away at half-past 9 to go there.

28482. When did you get to Arbour Square?—About 10 o'clock, or a little after 10.

28483. Was Riley there then?—Yes.

28484. Had you seen him at all from the time you parted from him outside the "Angel" and meeting him at Arbour Square?—No.

28485. How did you spend your time between 8 o'clock, when you parted from him at the Angel, and 10 o'clock, when you got to Arbour Square?—I went down home and sat against the fire—went down to tell my mother there was no work about that day.

28486. Do you know a Mr. Sedgwick?—Yes.

28487. How do you know Mr. Sedgwick?—From living in the parish. He belongs to the church there, and he is always walking backwards and forwards.

28488. On the 22nd November—the morning we were talking about—he was a candidate for the Borough Council, was he not?—I cannot tell you. I know he put up for it a little while ago—a couple of weeks back.

28489. Did you see him that morning?—Yes, I did see him that morning.

28490. You have told us that you parted from Riley at 8 o'clock in the morning, outside the Angel; then you went home, and then you went to Arbour Square. That is how you spent your time, you said?—I went to Mr. Sedgwick's first, with Riley, and then I left him and went home.

28491. Why did you not tell us that?—I did not think it would come to this. I did not take any notice of it.

28492. Why did you not tell us that you went to Mr. Sedgwick's with Riley on that morning? You pretended to the Commission you were accounting for all your time that morning, and how you had seen Riley that morning. Why did you not tell the Commission you had been to Mr. Sedgwick?—It was my mistake.

28493. Did you hear Riley give evidence?—Where?

28494. In the box, this morning?—Yes.

28495. Did you hear Riley say all he knew of you was that he had met you outside the police-court at Arbour Square, seeing you that morning?—I did not listen.

28496. But that is the fact. You met him, and then you went to Mr. Sedgwick. Where does Mr. Sedgwick live?—In High Street, Wapping.

28497. What time did you go to Mr. Sedgwick?—We went there just as I met Riley.

28498. How long did you stay at Mr. Sedgwick's?—A couple of minutes.

28499. Did you ask Mr. Sedgwick to write a letter to the magistrate?—No.

28500. Did you not?—No.

28501. What did you ask Mr. Sedgwick to do?—If he could go up for him. But he said he could not speak for him; but he would write a note to send to the magistrate, if he would give it to him.

28502. Was it you or Riley who asked Mr. Sedgwick to come for him?—Riley asked Mr. Sedgwick.

28503. Are you clear about it? Was it you or Riley who asked him to come up and speak for him?—Riley asked him to go up there.

28504. Did Mr. Sedgwick tell you that he thought the constable was quite justified in arresting Riley?—I did not hear him say so.

28505. That Riley was drunk and fighting?—I did not hear him say so.

28506. What did Riley say to Mr. Sedgwick about the matter? How would Mr. Sedgwick know anything at all about it?—I was not there when Mr. Sedgwick saw anything of it.

28507. What did Riley say to Mr. Sedgwick?—I could not tell you. Riley stood by himself. I did not interfere with the business, or with what they had to say.

28508. You were not near enough to hear what was said?—No.

E. Sweeney.
28 Jan. 1907.

28509. After you left Mr. Sedgwick, where did you go?—I just went round Old Gravel Lane again, and then I went home.

28510. Still with Riley?—When I told him what I had seen, he asked me if I could go round with him. We went round then. Then we came back again; I went back with him.

28511. Did you go into the Angel that morning?—I had been in there myself.

28512. Did you go into the Angel that morning?—Yes.

28513. Was Riley there?—No, not in my presence.

28514. Are you sure about that?—Positive.

28515. How long had you been in the Angel.—Was it before or after you saw Riley that you were in the Angel?—I was not in there long, I only went in there to get a glass of ale and a pennyworth of tobacco.

28516. Was that before or after you left Riley?—After I left him, he went away after we came away from Mr. Sedgwick's and I went into the Angel to have a glass of ale and a pennyworth of tobacco, and then went down home.

28517. Were you in the Angel before you met Riley?—No.

28518. Where does Riley live?—I believe he lives in Lowder Street.

28519. That is close by the White Swan, is it not?—Yes.

(*Chairman.*) I do not think I have had the names given of the police court and of the police station.

(*Mr. R. D. Muir.*) It is Arbour Square.

(*Chairman.*) And the police court?

28520. (*Mr. R. D. Muir.*) The police court is the Thames Police Court in Arbour Square. Shadwell Police Station is north of the plan. Coming from Shadwell Police Station down to his home Riley would reach his home before he reached the Angel, would he not?—Which way from?

28521. Going home from Shadwell Police Station if he went the nearest way would he not reach his home before he reached the Angel?—If he went down New Gravel Lane.

28522. Where does New Gravel Lane take you into?—New Gravel Lane would be the one from Shadwell. Old Gravel Lane would be the farthest.

28523. How did you go after you got out into New Gravel Lane?—I went round High Street, Wapping, and then down Old Gravel Lane. I did not go down New Gravel Lane at all.

28524. You would not get to the Angel going that way?—You can get to the Angel going both ways.

28525. You would not get as far as if you were going to Lowder Street?—I come to the Angel before I come to Lowder Street if I go the longer route. I can go down New Gravel Lane, or down Old Gravel Lane.

28526. Whereabouts on the path was Riley walking when the constable struck him on the eye?—On the pavement.

28527. Just on the edge of it, was he?—I should not say on the edge of it.

28528. Where should you say he was, was he near the wall, or far away from the wall?—The constable was against the wall, *there* is the wall, *there* is the constable, *there* would be Riley, and *there* would be the kerb, and those two men were on the pavement.

28529. So that the first man would have to be walking in the road?—He would have to be, or close to the kerb.

28530. Riley was struck in the eye. How did he fall?—He got knocked against the wall in *that* way.

28531. But the constable was between him and the wall, was he not?—The constable hit him from outside with his right hand, and he fell inways to the wall.

28532. There was another constable between him and the wall?—I know.

28533. Did not that prevent him striking the wall?—The constable prevented him from going harder than he would have as he held him.

28534. Did Riley strike the wall?—He could not have struck the wall. He went down by the wall.

28535. He did not strike the wall at all?—I should not think he did strike the wall—not hard enough to hurt on account of the other constable holding him.

28536. There was a constable between him and the wall, was there?—Yes.

28537. When you gave your evidence for the first time before the Police Magistrate did you say this: "I saw P.C. 134 H. strike the prisoner in the eye, knocking him against the wall." Did you say that?—I say now he knocked him against the wall, but the other constable saved him from hurting himself.

28538. You were called back again on the Saturday and gave your evidence again. Did you say there was only one blow struck?—Yes, that is all I say.

28539. But you saw him all the time, did you not?—I went away home. I only saw one blow struck there; whether the prisoner got another I could not say.

28540. The first blow you saw struck knocked the man down?—Knocked him against the wall.

28541. Then what happened to him?—He went down as if he was unconscious, and had no power over himself.

28542. Did he go down flat?—The constable tried to get him away.

28543. Did the constable fall?—I did not see him fall.

28544. How soon did you go after you saw the blow struck?—Just about a second, or a couple of seconds.

28545. What pace did you walk at?—Walked away very quiet.

28546. What direction did you go in?—In the same direction as I came from—back to my own home again.

28547. Towards High Street, or towards Old Gravel Lane?—Towards Whitethorne Place.

28548. So that you turned right round the moment you saw this blow and walked back in the direction you had come from?—Yes.

28549. Did you see another constable there?—No.

28550. Were you carrying anything?—No.

28551. Why did you turn round and go off like that?—As I said before at the police court I generally get a newspaper in on Sunday morning and generally read how many a man is taken in innocent through only looking at a row.

28552. I will not ask you to mention the name of the paper. That is why you turned round like that in a second and went off again?—And went away home.

28553. Why could not you go on. There was nothing to stop you?—When I saw the crowd I would not go—I went right home.

28554. There were no other constables there in your view except those two who were with this man on the other side of the way.—That is where I saw them.

28555. Why did you not go on?—The people halloed "Shame."

28556. Why did you not go down Clegg Street?—I did not want to go down Clegg Street.

28557. You could have gone down Clegg Street and have arrived at the same point away from the crowd altogether?—I went back and turned by the public-house.

28558. You were going to get a watchman to call you for a day's work next morning?—Yes, 6 o'clock.

28559. But because you saw this man knocked down by one of the two policemen you did not go on?—No. I turned back.

28560. What was there to prevent you going down Clegg Street and Hillards Court which would have taken you to Old Gravel Lane almost at the same spot that you meant to go to?—When you see a man get locked up by a constable one generally takes him and the other hunts the people back.

28561. How many people were in the crowd?—I should think about 20 or 25.

28562. One constable could not surround the whole 25 could he?—No, but he could hunt them back.

28563. If he hunted them back that would be towards Gravel Lane, would it not?—Yes.

28564. You could have gone down Clegg Street and Hillards Court and got into Gravel Lane where you

wanted to go?—I did not wish to go; I thought I would get back again.

28565. That is your explanation of why you disappeared?—Yes.

28566. And you cannot name any person at all who saw you there?—No. There might have been people there to see me, but I did not take any notice of them.

28567. Did you see a man called Shepherd there?—No.

28568. You did not see Shepherd?—No.

28569. Did you hear Shepherd give his evidence?—No.

28570. You were out of court I suppose?—Yes.

28571. You say there was only one blow struck?—One blow.

28572. No provocation on the part of Riley at all?—I do not know what you mean by "provocation." I should like to have your understanding of it.

28573. Riley was saying nothing?—Said nothing in my presence.

28574. Doing nothing?—No, only walking along.

28575. Walking along quietly?—Yes.

28576. Soberly?—He looked so to me. I did not see much of him.

28577. And yet this constable, on a nice moonlight night, and under a lamppost, hit him in the eye?—It was not exactly under the lamppost.

28578. You told Lord Russell that it was a nice moonlight night, and there was a lamppost close by?—Yes.

28579. That is the only lamppost for some distance, is it not?—There is a lamppost just across the road against the court and Clegg Street.

28580. A very few yards away?—Yes.

28581. You cannot mention a single soul who saw you there?—No.

(*Earl Russell.*) I have no questions to ask.

28582. (*Chairman.*) What is your age?—About 29.

28583. What is your occupation?—A labourer.

28584. Have you ever been apprenticed to any trade?—No.

28585. Have you been living in this neighbourhood all your life?—Yes.

28586. How came you to be tried at Maidstone?—I was working there.

28587. You went to work there?—I went there every year for 25 years, and my mother and father before me. It is 50 or 60 years since they first started going there.

28588. Were you at school at all?—Yes, I went to school.

28589. Until what age were you at school?—Fourteen or fifteen, I believe.

28590. Why did you not go to the police station after seeing Riley badly treated?—It did not matter to me. I should not go to a police station. I beg your pardon. My convictions have been brought up against me, and they say if a dog has a bad name he always carries it. Mr. Sanders was good enough to give me a character for what I did about eight years ago, when a little boy about 16 stole half-a-crown off another child, and I ran after the boy and got the half-a-crown away from him. The constable told me to go to the station. I said: "I do not like to go there," but he said: "You come with us," and when I got there Mr. Sanders said if there were more people like me it would save people being robbed. *E. Sweeney.* 28 Jan. 1907.

28591. Mr. Sanders was the Magistrate, I suppose?—No, an Inspector. He spoke to the Magistrate and told him what I had done. I was only a coal boy then, and my father kept a shop. I have not heard anything about that. I think if they bring up a man's convictions they ought to bring up the other besides.

(*Earl Russell.*) There are three other witnesses, Thomas Tree, and Shepherd, and Mr. Sedgwick, who wrote the letter which has been mentioned. Tree and Shepherd are in the country, and as I am not in a position to have those witnesses here to-day, I am rather disposed to leave it to the Commissioners to tell me whether they think it necessary to call them.

(*Mr. Rufus Isaacs.*) Shepherd's evidence is in the depositions.

(*Chairman.*) We have Shepherd's deposition, and Mr. Sedgwick has written a letter.

(*Earl Russell.*) My friend has been good enough to show me the original.

(*Mr. R. D. Muir.*) I understand Mr. Sedgwick was only present at the arrest; he was not present when the blow was struck.

(*Chairman.*) Would you like us to receive Mr. Sedgwick's letter?

(*Earl Russell.*) Yes.

(*Chairman.*) Then we will receive it. If he does not say anything about the blow I do not think it is necessary to trouble him to come here. Will the Secretary read Mr. Sedgwick's letter?

(*Secretary.*) "97, High Street, Wapping, E., 22nd November, 1906. Mr. F. W. D. Sedgwick wishes to state that when in the Old Gravel Lane last night, between 11 and 11.30 p.m., he saw the affair in connection with which James Riley was arrested. Riley was undoubtedly quarrelling with another man, and shouting, but he did not then have the injury to his face, which must have been caused later. Mr. Sedgwick would have liked to appear to give evidence for J. Riley, but has to be at the Stock Exchange this morning."

(*Chairman.*) There seems no use in troubling Mr. Sedgwick to come, Lord Russell.

(*Earl Russell.*) Nor the other two witnesses?

(*Chairman.*) No; we have got Shepherd's notes, or the evidence that he gave at the police court.

(*Earl Russell.*) If you please. I do not press the Commission to call them, only if they think it necessary.

(*Chairman.*) Very well.

(*Earl Russell.*) That is the case.

(*Mr. R. D. Muir.*) I will now call the police witnesses.

P.C. Alfred Mizen (134 H), sworn.

28592. (*Mr. R. D. Muir.*) You are Police-constable 134 of the H Division, stationed at Shadwell?—Yes.

28593. How long have you been in the Force?—Three years.

28594. Before the night of the 21st November Riley has told us you never had anything to do with him?—No.

28595. Did you know him by sight at all?—No.

28596. On that night, about half-past 11, were you in Old Gravel Lane?—Yes.

28597. Did you see Riley there?—I saw Riley there.

28598. What was he doing?—Quarrelling with a man.

28599. What sort of language was he using?—Filthy language—obscene language.

28600. What state was he in with regard to sobriety?—Drunk.

28601. Did you speak to any of them?—Yes. *P.C. A. Mizen.*

28602. To which of them?—I spoke to both of them, requesting them to go away.

28603. What did the other man do?—He walked away, but Riley continued following him, and continued to use obscene language.

28604. To the man?—Yes. I then requested him again to go away, but he said: "I am doing no harm. I will go when I am f——g well ready."

28605. What was the point at which you arrested him?—By the corner of the Post Office.

28606. That is at the corner of a street?—Green Bank.

28607. You arrested him there. Where did you take him?—Along Old Gravel Lane and through Prusom Street.

28608. Did he go quietly?—Yes.

P.C. A. Mizen.
28 Jan. 1907.

28609. Was any other officer helping you at that point?—No.

28610. How far did you take him alone?—Ninety yards.

28611. Where to?—To the top of Choppin Court.

28612. Is that where there are posts?—Yes.

28613. And nearly opposite the end of Clegg Street, where there is a lamp?—Yes.

28614. Up to that point how had he been going?—Very quietly.

28615. At that point what happened?—He tripped me up, and we both fell in the road.

28616. Both of you?—Yes.

28617. What sort of a night was it?—A very wet night—very muddy.

28618. (*Mr. Rufus Isaacs.*) You both fell?—We both fell.

28619. (*Mr. R. D. Muir.*) In the road while you were down how did he behave?—We struggled for about two minutes.

28620. What was he trying to do?—He tried to get away from me.

28621. Is Choppin Court a well-lighted court or not?—No.

28622. If you get into Choppin Court you can turn two different ways at the end of it?—Yes.

28623. He did not get away, did he?—No.

28624. Then did another constable (Kemp) come up?—Yes.

28625. What was going on when Kemp came up?—Struggling.

(*Chairman.*) The statement that in Choppin Court you can get away is a little ambiguous. Choppin Court runs down out of Old Gravel Lane, and then it turns abruptly at right angles into another street. It is true that there is on the right-hand side further on another turning out, but Choppin Court does not appear to be a sort of place which you might run down and then turn to the right or left quickly.

(*Mr. R. D. Muir.*) There is a street running at right angles at the end of Choppin Court, and therefore a person escaping down there could turn to the right or to the left.

(*Chairman.*) That is Raine Street.

(*Mr. R. D. Muir.*) Yes.

(*Chairman.*) When you go down Choppin Court you would only have one way to turn—to the left.

(*Mr. R. D. Muir.*) I am told that all the part, including the elbow, and including the part marked with posts is Choppin Court. (*To the witness.*) The part I was referring to was the narrow part where you say it is not very well lighted.

(*Witness.*) Not very well lighted.

(*Mr. R. D. Muir.*) All I meant was that persons going down there in the dark might turn to the right or to the left; and it might be difficult for a person following on to know which way they had gone.

(*Chairman.*) That is exactly what I said was a little ambiguous. If a constable is standing in Old Gravel Lane and a man runs down Choppin Court he can only turn to the left. It is perfectly true if he runs along Raine Street he can turn down a narrow road to a place where the posts are.

(*Mr. R. D. Muir.*) The arrest took place at the Post Office, and the constable took his man through Prusom Street to that point where the posts are marked. At that point it is that the struggle took place.

(*Chairman.*) I follow it now, but on the plan the narrow roadway or posts is not described as "Choppin Court."

(*Mr. R. D. Muir.*) It is not, but I asked one of the witnesses whether it was Choppin Court and he said it was.

(*Chairman.*) It is all Choppin Court here, including the elbow.

(*Mr. R. D. Muir.*) I understand it now.

(*Witness.*) At the end of Choppin Court is Raine Street.

28625.* (*Mr. Rufus Isaacs.*) What we want to know is what is the name of the place where the posts are?—That is Choppin Court.

28626. (*Mr. R. D. Muir.*) Choppin Court goes further along where it goes into Old Gravel Lane. Is that called Choppin Court?—Yes.

28627. So that the whole of the elbow is Choppin Court?—Yes.

28628-9. Raine Street begins at this point *here*?—Yes.

28630. It was at that point that the struggle took place, and you were still struggling on the ground when Kemp came up?—Yes.

28631. When Kemp came up what took place?—He assisted me to my feet, and then we both assisted Riley (he laid down in the footway), and got him on his feet, and he walked on the footway.

28632. He laid down in the footway?—Yes. P.C. Stokes, 313, came up, and I sent him for the ambulance.

28633. From what direction did P.C. Stokes come?—New Gravel Lane.

28634. That is from the north coming south?—Yes.

28635. Could Riley hear you telling P.C. Stokes to fetch the ambulance?—Yes. Shortly after that Riley got up and walked away quietly all the way to the station.

28636. Did you both go?—Yes.

28637. Did you see Stokes?—Yes.

28638. Where did you come up with Stokes?—In New Gravel Lane.

28639. When you got to the police station was there anything the matter with Riley's eye?—Yes.

28640. What was the matter with his eye?—It was swollen and discoloured.

28641. When did you first notice it?—I did not notice his eye was swollen until we got to the station. I noticed it was discoloured when I picked him up from the road.

28642. Before you had the struggle in the road did you notice anything the matter with his eye?—No.

28643. At the station did you speak to the inspector?—I preferred the charge to Inspector Sanders.

28644. What charge did you prefer against Riley?—Drunk and disorderly, and making use of obscene language.

28645. What took place at this point? What was said, and who said it?—Inspector Sanders said to Riley, "You have got an injury to your eye; how did you come by it?" He pointed over to me and said, "He did it." The divisional surgeon was then called and he examined his eye. I heard the divisional surgeon say, "It looks as if you have had a fall." He was then placed in the dock and the charge was taken.

28646. But no charge was preferred until after the opinion of the divisional surgeon was obtained?—I preferred the charge to Inspector Sanders.

28647. But the inspector did not take the charge until after the surgeon had come?—No.

28648. What was the state of your clothes?—Very muddy.

28649. I should have asked you this question. When the inspector asked Riley how he came by the injury to his eye he said "He did it," pointing to you?—Yes.

28650. What was said then?—Inspector Sanders asked me if I could account for his injury. I told him I did not strike him. I did not know whether it was done previously to arresting him or in the struggle.

28651. What do you say as to the state of Riley having regard to drunkenness?—He was very drunk.

28652. (*Earl Russell.*) You agree with Riley that when you first saw him he was quarrelling with another man?—Yes.

28653. And you say he was using bad language?—Yes.

28654. But not fighting?—Not fighting.

28655. Not using any violence with his fists?—No.

28656. Having a noisy argument?—Yes.

28657. How far off were you when you first saw him?—About 20 yards.

28658. Do you know who the other man was?—No.

28659. When did you make up your mind to arrest

him?—After I had requested him several times to go away.

28660. That was after you came up with him?—Yes.

28661. How many men were there together when you first saw him?—About ten or a dozen.

28662. That was outside the Angel, was it?—Outside the Angel public-house.

28663. There were ten or a dozen men there?—Yes.

28664. Were they all quarrelling?—No, only these two.

28665. What were the others doing, making a ring round?—Yes.

28666. Looking on?—Looking on.

28667. Tell me exactly what you did when you came up to these men?—I requested them both to go away.

28668. What did you say? Did you say "Clear out of this"?—No, I said "Go away."

28669. Did you tell them why they were to go?—No.

28670. Did you say that to the quiet ones as well as to the ones that were quarrelling?—I said it to the ones that were quarrelling—"Go away."

28671. Not to the quiet ones?—No.

28672. You only told these two who were quarrelling?—That was all.

28673. What did they say? Did they say anything?—One man started to walk away, but Riley continued to follow him and continued to use obscene language, and I again requested him to go away. Then he turned round and said, "I am doing no harm; I will go when I am f——g well ready."

28674. Did you wish him to go in the opposite direction to that in which the man he was quarrelling with was going?—He could go which way he liked as long as he went away.

28675. He was walking away from you?—Yes. He was following him.

28676. When he said he would go when he liked you made up your mind to arrest him?—Yes.

28677. And you did arrest him?—Yes.

28678. What had happened to the rest of the crowd by the time you arrested him?—They remained at the top of Prusom Street.

28679. According to you, it was near the post-office where you arrested him?—Yes.

28680. When he started walking from the Angel, he walked in the direction towards Lowder Street, did he?—Yes.

28681. You say that these other people stood at the top of Prusom Street?—They followed down to Prusom Street.

28682. After you had arrested him?—Yes. They then remained there.

28683. When you arrested him and were taking him along, they came down Prusom Street behind you?—No; they remained at the top of Prusom Street.

28684. They closed up there and stood watching, you mean?—Yes.

28685. What did Riley do after you arrested him?—He walked quietly for about 90 yards down Prusom Street.

28686. Would that take you as far as the place which is marked with posts, where you say the entrance to Choppin Court is?—Yes.

28687. He walked quite quietly?—Quite quietly.

28688. No struggling at all?—No.

28689. Did he continue to use bad language all this time?—No.

28690. Said nothing?—Said nothing.

28691. When did he first begin to give trouble?—Opposite Choppin Court.

28692. What was it he did?—He tripped me up.

28693. He put his foot between your legs?—Yes, and we both fell in the roadway.

28694. He did trip you up?—Yes.

28695. You went down?—Yes.

28696. Still holding him?—Yes.

28697. How far from you was P.C. 322?—I could not say.

28698. You had not seen Kemp before this happened?—When I arrested him I saw Kemp coming towards me then.

28699. Was Kemp in Old Gravel Lane when you arrested Riley?—Yes.

28700. Coming from the other mouth of Choppin Court?—He went from Lowder Street.

28701. He was quite close when you arrested the man?—About 20 yards.

28702. Did he follow you down Prusom Street, do you know?—He must have followed down, but I did not see him.

28703. You did not ask him to?—No.

28704. You did not see Kemp again until you had got off the ground?—That is all—after the struggle in the road when he assisted me up.

28705. Did you know Riley by sight before?—No.

28706. Had you found out who he was when you arrested him?—No.

28707. When he tripped you up did he do anything to you besides tripping you up?—No.

28708. He was not violent in any other way?—He tried to get away.

28709. Did he strike at you, or anything of that sort?—No.

28710. After he tripped you up, when you were getting up was he struggling?—He was struggling to get away.

28711. But not hitting you?—No.

28712. And you were not hitting him?—No.

28713. You were not annoyed?—No.

28714. Do you say he was only quarrelling with one other man?—Only the two quarrelling. He was quarrelling with one other man.

28715. Only two together?—That is all.

28716. Was not Riley quarrelling with two other men?—No.

28717. Just let me read what I think you said at the police-court: "When I first saw him he was drunk, quarrelling with two other men, using obscene language. The other two men went away. There were thirty or forty people there, including children." Is not that what you said at the police-court?—I do not remember saying it. There were two men, but he was only quarrelling with one.

28718. Anyhow, it is not correct to say he was quarrelling with two other men?—No.

28719. Now about the mark on his eye. When you looked at it at the police-station you had not the slightest doubt, had you, that there was a mark there?—I could see a mark on his right eye, and there was also some mud on his right cheek.

28720. You cannot be sure whether he had that mark when you arrested him or not?—No.

28721. You cannot say that he did not have it when you arrested him?—No.

28722. You only noticed it after this struggle that you speak of?—Yes, when I noticed it first.

28723. When you first got into the police-station I suppose you spoke to Inspector Sanders before the prisoner did?—Yes.

28724. Did you call the Inspector's attention to the man's injury, or was anything said about it?—No.

28725. What did you charge him with?—Drunk and disorderly, and making use of obscene language.

28726. Did the Inspector take the charge at once?—No.

28727. What was the reason why he did not?—He noticed the injury to his eye, and he asked him how he had come by it. He pointed to me, and said, "He did it." The Inspector then telephoned for the divisional surgeon.

28728. What did you do when the prisoner said "He did it"?—The Inspector asked me if I could account for his injury. I told him I did not strike him. I did not know whether it was done previously to arresting him or in the struggle.

P.C. A. Mizen. 28 Jan. 1907.

28729. Had you told the Inspector about the struggle and falling on the ground before that?—No.

28730. You told the Inspector it might have been done after his arrest, did you not?—Yes.

28731. Did you tell the Inspector then that you had not hit the prisoner?—Yes.

28732. Did the prisoner say you had hit him?—Yes.

28733. By saying "He did it." Did he say how you had done it?—No, he did not say how I did it.

28734. He never said you had used your fists?—No.

28735. He did not tell the Inspector that?—No.

28736. Did you hear him tell the doctor that later, when he came?—Yes; I heard him tell the doctor I hit him with my fist.

28737. You were there all the time?—Yes.

28738. Did you make any answer to that?—I said I did not strike him.

28739. Did you hear the doctor say it might have been caused by a fall?—Yes.

28740. Did you then say, "Yes, that is what caused it"?—No.

28741. You did hear the doctor say, when he was examining him, it might have been caused by a fall?—Yes.

28742. When he said that, did you not make some answer?—No. I said I did not strike him.

28743. That was before, when he said you hit him. You heard the doctor say "This might have been caused by a fall"?—Yes.

28744. Did you not then say: "That is how it was done," or you thought that was how it was done?—No.

28745. Nothing of the kind?—No.

28746. I think Inspector Sanders agreed with you about his being drunk, did he not?—Yes.

28747. Was it after this struggle on the ground that Kemp took hold of him?—Yes. He assisted me up first.

28748. Whereabouts did you see Kemp when you got up from this struggle—not until he came up to you?—No.

28749. You did not see him approaching you?—No.

28750. Then you do not know where he came from?—No.

28751. Kemp took his other arm. That is right, is it?—Yes.

28752. And you went on the rest of the way to the station?—Yes.

28753. He went quietly?—All the way quietly after we had sent for the ambulance.

28754. He did not try to trip you up again?—No.

28755. Was the struggle between you and Riley quite quiet?—Yes.

28756. Did none of the people come round to see what was going on when the struggle was going on between you?—No. You cannot see from the top of Prusom Street.

28757. None of them came up to you?—No.

28758. I think you mentioned something about three children—two boys and a girl?—Two lads and a little girl.

28759. Were those the only people there during the whole of the struggle?—That is all.

28760. Sweeney was not there?—No, I am positive of it.

28761. And Shepherd was not there?—No.

28762. Could you see everybody in this narrow lane called Choppin Court?—Yes.

28763. How could you tell there was nobody in Choppin Court?—There was nobody in the vicinity of Choppin Court.

28764. Do you mean during all this scene you were able to look up and down Prusom Street and Choppin Court, and that there was nobody anywhere?—It is right opposite Choppin Court, and you could see.

28765. Where did Mr. Sedgwick see you?—I could not say.

28766. Do you think he did not see you?—I do not know

28767. Do you know Mr. Sedgwick by sight?—No.

28768. If Thomas Tree says he was passing through Choppin Court, are you quite clear he could not have been in Choppin Court?—No one came from Choppin Court.

28769. And nobody cried out "Shame"?—No.

28770. Do you say the whole of that story is imagination?—Yes.

28771. You did not drag him along?—No.

28772. After the other constable had got hold of him, did not a man say to you: "Let the man rest; he is in pain"?—No.

28773. Nothing of the sort happened?—No.

28774. The only explanation you can give us of this injury to his eye is that it must have happened when you were struggling on the ground?—I cannot say whether it happened then or previous to my arresting him.

28775. You are quite sure you did not notice it before?—Yes.

(*Mr. R. D. Muir.*) No questions.

28776. (*Chairman.*) How long have you been in the Force?—Three years.

28777. Have you been all the time in the H Division?—No.

28778. How long have you been in the H Division?—Ten months.

28779. Where were you before?—In the W Division.

28780. How long had you been on your beat when this occurrence which you have described took place?—One hour and a half.

28781. Then you went on duty at 10 o'clock?—Yes.

28782. What first attracted your attention?—The shouting.

28783. The shouting of the crowd?—No, the shouting of Riley.

28784. How far off were you at the time?—About 20 yards.

28785. Will you kindly mark on the plan where you first saw them and when you heard the shouting (*handing plan*)?—*That* is where I first saw them.

28786. Will you put a cross where you first saw Riley and the other man quarrelling. (*The witness marked the plan.*) Where were you standing? I see the cross is put in Old Gravel Lane in front of the Angel publichouse?—Yes; I was standing close by Hillard's Court.

28787. You were standing in Old Gravel Lane close by Hillard's Court?—Yes.

28788. Could you from where you were standing distinguish the words that were being shouted out by Riley?—No.

28789. Then, I suppose, seeing the crowd and hearing shouting, you walked up?—Yes.

28790. Could you hear distinctly then what was being said?—Yes.

28791. What was the quarrel about, as far as you could gather?—I could not say. He did not say what the quarrel was about. He wanted to fight him.

28792. That is the first we have heard of that. I do not think you have said anything about wanting to fight before?—That is what he was trying to lead to.

28793. What were they doing?—He was pulling the other man, and using bad language—he was catching hold of him and pulling him.

28794. How came you to omit all mention of this before? The other man was not consenting to be pulled about?—He wanted to go away.

28795. Then they were struggling a little?—Yes.

28796. How came you not to mention this before?—I have mentioned it before.

28797. At the police court?—Yes.

28798. "I saw the prisoner in Old Gravel Lane, drunk. He was quarrelling and behaving in a disorderly manner." That was when you were first called. That was on the Thursday. Then you were re-called, I think, and you said: "He was not fighting, but quarrelling." I understand from you now that he was struggling with the other man?—He caught hold of his arm, and was pulling him.

28799. Then the real cause of your interference was that you thought there was going to be a breach of the peace?—Yes.

28800. I certainly gathered from what you told Mr. Muir the cause was because he was drunk, generally disorderly, and using obscene language?—Yes, and he was pulling the other man.

28801. You did not mention that when you answered Mr. Muir?—I mentioned it at the police court.

28802. I do not find that in the note "He was very drunk and using obscene language. He was not fighting, but quarrelling"?—He was not fighting.

28803. But you did not use specifically the word "pulling" the other man?—Yes, I did.

28804. At the police court?—Yes.

28805. You also made a report on the case, did you not?—Yes.

28806. Did you say anything about Riley pulling the other man, or anything of that sort, in the report?—No, not in the report.

28807. Why did you not give a more full account in the report?—I forgot it, I suppose.

28808. As I understand when you got to the charge room you simply used these words to the Inspector: "I charge him with being drunk and disorderly, and using obscene language"?—Yes.

28809. You used that general form?—Yes.

28810. Did the Inspector ask you what language he had been using?—Yes.

28811. He did ask you?—Yes.

28812. How came you not to tell us that before? I think Mr. Muir asked you, and I think Lord Russell asked you as to what took place in the charge-room, and I do not think you mentioned that fact. The Inspector asked you what the language was?—I was not asked the question.

28813. I think you were asked what the Inspector said to you?—With regard to this inquiry.

28814. I think you were asked what the Inspector said to you about the charge; however, we shall see it when we get the shorthand notes. You now say that the Inspector did in fact ask you?—Yes.

28815. What was the obscene language?—F——g.

(*Chairman.*) I do not quite understand, Mr. Muir, what section the charge is founded on. I see the charge-sheet is: "Drunk, disorderly, and using obscene language."

(*Mr. R. D. Muir.*) I think it is founded upon two sections, one of which is for disorderly conduct, and the other for using obscene language.

(*Mr. Rufus Isaacs.*) Obscene and filthy language, is it not?

(*Mr. R. D. Muir.*) Yes.

28816. (*Chairman.*) Now will you kindly mark on this plan where you were tripped up by Riley, according to your account? (*Handing plan.*) (*The Witness marked the plan.*) This is I see close by the posts. *That* is, apparently, a post in the middle of the road?—In the middle of Choppin Court.

28817. In the roadway leading into Choppin Court?—Yes.

28818. When you were tripped up by Riley were you and he walking on the pavement?—Yes.

28819. Which of you was nearer the wall, or nearer the post?—Riley.

28820. Then he was on your left-hand side, I take it?—Yes.

28821. How had you got hold of him then?—I had got hold of him by his arm.

28822. Then I understand from your account that he suddenly tripped you up by putting one of his feet between your legs?—Yes.

28823. And you both fell?—We both fell.

28824. Tell me particularly, please, how you fell?—We both fell into the roadway.

28825. What kind of a roadway is it?—It is more like the pavement.

28826. Is it wood pavement?—No.

28827. Is it pitch?—Yes.

28828. Is it one of the old-fashioned pitched roads?—Yes.

28829. Then it is very much like the pavement?—Yes.

P.C. A. Mizen.

28830. When you fell did your hand come in contact with the road at all?—No. Riley went down first. I was on top of Riley. I went on my side.

28 Jan. 1907.

28831. Is the pavement higher than the road to any extent?—Yes.

28832. How many inches?—About four inches.

28833. I see your account is that when you had got just by the post——?—Right opposite the post.

28834. Riley put his foot in between your legs and jerked, I suppose, or made some movement. That alone would not trip you up?—Yes.

28835. And then you fell upwards, on to the roadway, and that is pitched. Did you hear Riley's head come in contact with the road?—No.

28836. (*Mr. Dickinson.*) Why did you send for the ambulance?—Because he refused to walk.

28837. You had gone some distance?—Yes, about ninety yards.

28838. Had he walked from there?—Quietly.

28839. I mean you got him up after this?—He did not walk after the struggle until I sent for the ambulance.

28840. Did you hold him while he was struggling?—Yes.

28841. You rolled together on the ground?—Yes.

28842. How did you get up?—With the assistance of P.C. 322.

28843. He came up at that moment?—Yes.

28844. Then you say he walked a certain number of yards. What did the prisoner then do?—No, he laid down on the footway and would not walk. I then sent for the ambulance.

28845. Had you not moved from the post?—Only just from the road on to the pavement.

28846. Did you try and make him get up?—Yes; we tried to make him walk; we picked him up, but he would not walk. He was very drunk.

28847. You say you did not notice any injury to his eye?—I did not notice any injury to his eye—only blood on his cheek.

28848. How soon after that did he consent to walk?—As soon as I sent for the ambulance, or shortly after I sent for the ambulance.

28849. When you saw his eye at the police station it was swollen, you say?—It was swollen a bit.

28850. Was there no blood?—Only just a little on his cheek—a little abrasion below his eye.

28851. Was the eye closed?—It was swollen; it was not closed.

28852. Although it was swollen he could see?—Yes, he could see.

28853. (*Mr. Whitmore.*) After he got up from the fall did he draw your attention to his eye?—No.

28854. And you did not notice it until you got to the station?—Only when I got to the station, and then I noticed the blood on his cheek.

(*Mr. R. D. Muir.*) I find that the section is Section 54, Subsection 12, and the words are: "Every person who shall use any profane, indecent, or obscene language to the annoyance of the inhabitants or passengers." Then the other section is Section 58, which says that any person who shall be found drunk in any street or thoroughfare within the Metropolitan Police District or while drunk shall be guilty of any riotous or indecent behaviour shall be guilty of an offence. The word "Disorderly" is used in the marginal note. It is not used in the section itself.

(*Chairman.*) You see there are the words in Subsection 12: "To the annoyance of the public."

(*Mr. R. D. Muir.*) Yes.

(*Chairman.*) If the public is not annoyed it is not clear that using bad language is an offence. What struck me was grouping in the charge sheet all the offences together.

(*Mr. Rufus Isaacs.*) I suppose it would be presumed that if indecent language is used in the public streets it is to the annoyance of the inhabitants.

(*Mr. R. D. Muir.*) The words certainly do occur together very often in the charge sheet, and I suppose the two offences do very often occur in fact.

P.C. THOMAS KEMP (322 H.), sworn.

P.C. T. Kemp.

28 Jan. 1907.

28855. (*Mr. R. D. Muir.*) Are you Police-constable 322 of the H Division stationed at Shadwell?—Yes.

28856. How long have you been in the force?—About two years and nine months.

28857. Have you been all the time in the H Division?—No.

28858. How long have you been there?—About thirteen months.

28859. Where were you before that?—In the G Division stationed at Hoxton station.

28860. Were you in Old Gravel Lane about half-past ten on the night of the 21st November last?—About half-past eleven.

28861. Did you see the crowd outside the Post-office?—Yes.

28862. Did you hear anything?—I heard some shouting.

28863. Did you see any other police officer there?—I saw P.C. 134 in the crowd.

28864. That is the last witness?—Yes.

28865. How far away were you from him?—Between twenty and thirty yards.

28866. Did you see him do anything?—I saw him arrest the prisoner Riley, and I saw him go round the corner at the end of Gravel Lane into Prusom Street.

28867. Whereabouts were you at that time?—I was at the corner of Lowder Street coming towards Prusom Street when I first saw the crowd.

28868. You were coming south along Old Gravel Lane?—Yes.

28869. When Mizen went round the corner with his prisoner what did you do?—I followed on behind, and I never saw any more of the last witness and the prisoner till I saw them struggling in the roadway in Prusom Street.

28870. Why did you follow down Prusom Street?—It is general when a constable takes a man into custody to follow on behind in case the prisoner is obstreperous.

28871. That is a common part of your duties, is it?—Yes.

28872. Where was he when you came up with him?—I saw him in Prusom Street struggling on the ground, and when I got up to him I helped him up to his feet and then we both helped the prisoner up, and we got him on the pavement and he refused to walk.

28873. How did he refuse—by words or by actions?—By actions.

28874. What did he do?—I got to one side of him and the last witness got to the other side and we tried to get him up on to his feet and he would not stand up at all. He refused to walk at all, and then P.C. 313 Stokes came up, and we sent him for the ambulance. Then after we sent him for the ambulance Riley got up on to his feet and walked quietly to the station.

28875. How far had Stokes gone when Riley got on to his feet and began to walk?—We caught him up on the New Gravel Lane Bridge.

28876. Did you notice Riley's eye?—After I helped him up to his feet I saw a little blood just on his right cheek.

28877. You noticed it then?—Yes.

28878. And at the station did you notice it?—Yes.

28879. This was not your charge, was it?—No.

28880. Mizen preferred the charge?—Yes.

28881. Did you hear what it was?—I heard him tell Inspector Sanders it was drunk and disorderly and using obscene language.

28882. What took place then?—The Inspector brought the charge-sheet into the charge-room, and he noticed the prisoner's eye was swollen. He asked him how he came by the injury to his eye, and Riley pointed to P.C. 134, the last witness, and said "He did it."

28883. What did Mizen say, if anything, or what was said then?—The Inspector asked P.C. 134 whether he could account for the injury, and the police-constable said he could not account for it at all, unless it was done previous to his arresting the prisoner, or unless it was done in the struggle. Then the Inspector telephoned for the divisional surgeon, and he came and dressed the eye, and he said it might have been done by a fall, and that he did not see how it could be done if anyone hit him with the fist.

28884. That is what the surgeon said, in Riley's hearing?—Yes.

28885. What did Riley say to that?—He never said anything then.

28886. Did you notice the state of Mizen's coat?—It was very muddy.

28887. What was the state of Riley's clothes?—He was covered with mud all on one side—all his trousers were covered.

28888. Were you on the ground at all?—No.

28889. Had you any mud on your clothes?—On this right side.

28890. How did you get that?—When I was walking by the side of the prisoner when I helped him up.

28891. (*Earl Russell.*) You only gave evidence on the first occasion at the police-court?—Yes.

(*Mr. R. D. Muir.*) No, on both occasions.

28892. (*Earl Russell.*) Which was it: Did you give evidence on the one day or the two days at the police-court?—Both.

(*Mr. Rufus Isaacs.*) He gave evidence on both occasions, according to the depositions.

28893. (*Earl Russell.*) When you saw the arrest outside the post-office, Riley went quite quietly?—Yes.

28894. You were quite close—within 20 or 30 yards?—Between 20 and 30 yards away.

28895. You saw no reason to interfere?—Not at the time. I walked up behind.

28896. But at the time of the arrest you did not think there was anything for you to interfere about?—It was my duty to follow on behind. It was not necessary to run up to them.

28897. Could you see Riley plainly before the police-constable arrested him?—I could not see him plainly.

28898. Because of the crowd round?—Yes.

28899. Could you hear what was going on plainly?—No; I could not hear what he was saying. I heard him shouting.

28900. You could not say what sort of language they were using at that distance?—No.

28901. But you saw him plainly after the arrest?—After he got him out of the crowd I saw them turn the corner into Prusom Street.

28902. And then you followed them down Prusom Street?—I followed on down Prusom Street.

28903. Did you get in front of the crowd and tell them to keep behind you?—The crowd all stopped at the top of Prusom Street in Gravel Lane.

28904. Without being told?—Yes.

28905. They stopped there themselves?—Yes.

28906. You did not have to tell them to keep back?—No.

28907. And none of them attempted to follow?—No, not that I saw.

28908. About how far behind Mizen were you as you went down Prusom Street?—Just over 20 yards.

28909. Just close behind?—About 20 yards, or just over 20 yards.

28910. Did you see the prisoner Riley trip him up?—No.

28911. Did you see him fall down?—No; I saw them struggling on the ground.

28912. And the place where they were struggling is the place marked "Post" on the plan?—Yes, right opposite Choppings Court.

28913. How was it that you did not see them fall down?—Because of the winding. There is a little winding in Prusom Street.

28914. You were shut off by that corner?—Yes.

28915. Is this what you told the magistrate the first day: "I saw the prisoner and Police-constable 134 in a crowd." Is that right?—I saw the constable arrest the prisoner in the crowd.

28916. That was outside the post-office?—Yes.

28917. Did you say that was outside the post-office?—I told them between the Angel and the Green Bank.

28918. "The prisoner tripped the police-constable up, and they struggled on the ground." Did you say that?—I do not remember saying tripping him up. I saw them struggling.

28919. You do not think you saw the prisoner trip the police-constable up?—No; I do not think I did say that.

28920. When you told the magistrate that on the first day, did you tell him that was in a different place to where the arrest took place?—Where the struggle was?

28921. Yes?—I told him where the struggle was in Prusom Street.

28922. Did you tell him it was in a different place from where you saw the prisoner in the crowd?—Yes.

28923. You mean, you said in the first place it was between the Angel and the Green Bank?—That is where he was arrested.

28924. And you told him the other thing was in Prusom Street?—Yes.

28925. You are quite sure you said that the first day?—Yes.

28926. Did you say anything at all about the ambulance the first time you gave evidence?—I said we sent an assistant for the ambulance, but the prisoner got up and walked to the station quietly.

28927. Did you say anything about the ambulance the first time you gave evidence at the police-court?—I said the ambulance was sent for.

28928. You may have said that the second time; but did you say it the first time you gave evidence?—I could not say.

28929. Did you hear Mizen give his evidence the first time?—No.

28930. You were out of court?—I was.

28931. The second time you did say something about an ambulance, did you?—I said we sent P.C. 313 for the ambulance, but I did not mention the police-constable's number.

28932. You did not give his number?—No, I do not think so. I said we sent a police-constable for the ambulance, but I do not think I mentioned the number.

28933. And P.C. Stokes did not give evidence then, did he?—No.

28934. Is it not true that you walked alongside the prisoner Riley all the way down Prusom Street?—It is not true.

28935. Even whether you were holding him or not, you were not alongside him?—No.

28936. You were quite a distance away?—Quite a distance away.

28937. If, at this entrance to Choppin Court, P.C. Mizen had struck him a blow in the eye, you could not have seen it, could you?—No, I could not.

28938. Anybody who was coming down Choppin Court might have seen it?—It was very dark at the court.

28939. But Choppin Court is quite straight, is it not?—Yes.

28940. And it is light at the mouth of it?—There is a lamp right opposite where they were struggling, but at the other end it is very dark.

28941. What position exactly did you find P.C. Mizen and the prisoner Riley in when you first saw them on the ground?—Riley was lying on his side, and Mizen was just trying to raise himself up on his knee.

28942. Were they in the street or on the pavement?—In the roadway.

28943. Which was on the top?—They were neither on the top.

28944. They were alongside each other?—They were alongside each other, as I saw.

28945. More or less parallel to the pavement?—About a yard, or a yard and a half away from the pavement.

P.C. T. Kemp.

28 Jan. 1907.

28946. You know what I mean by about parallel. Were they lying cross ways to the pavement, like *that* (*describing*), or alongside of it?—Close up to the pavement; they were lying lengthwise, with their feet to the kerb.

28947. Their heads were out in the street?—Yes, as if they tripped up and rolled like *that*.

28948. (*Chairman.*) Which way was their feet?—Their feet were in the roadway, at the edge of the kerb.

28949. (*Earl Russell.*) Lying side by side?—Yes.

28950. Had Mizen got hold of his prisoner?—He had hold of him still.

28951. With one hand, or both?—With both hands. One hand had hold of him, and he was raising himself up by the other one when I got up to them.

28952. Was the roadway dirty there?—Very dirty.

28953. Do you agree that it was made of pitch?—Yes, it was pitch just there.

28954. An asphalt road?—Yes.

28955. (*Chairman.*) That is not pitch, as I understand?—It is asphalt.

(*Chairman.*) I thought the witness meant it was made with the old-fashioned blocks of stone let in the roadway.

28956. (*Earl Russell.*) I took him to mean asphalt. (*To the witness.*) What sort of surface is it?—Asphalt.

28957. (*Chairman.*) Is it like the pavement? The other witness said it was like the pavement?—It is level like the pavement.

28958. (*Mr. Whitmore.*) How is the pavement made?—With these flags of stone.

28958* (*Earl Russell.*) It is not stone that the roadway is made of—it is asphalt?—Not just outside the court it is not.

28959. What sort of dirt was on it?—Mud—slushy.

28960. Is the whole of Prusom Street paved with asphalt?—No.

28961. You mean only a little bit near the mouth of Choppin Court?—From Choppin Court to the end of the workhouse. The workhouse runs along *there*, and that is put down to silence the sound of the traffic as it goes by.

28962. What is the rest of it paved with?—This end, towards Old Gravel Lane is paved with these stones.

28963. Hard stones—setts?—Square stones.

28964. None of it is macadam?—No.

28965. Who was the nearer to you of the two. You came from Old Gravel Lane down Prusom Street towards the place marked "post"?—Yes.

28966. And these two people were lying in the road with their feet towards the kerb, side by side?—Yes, when I got up to them.

28967. Who was the nearer to you of the two?—The prisoner Riley was lying the furthest away from me, and the police-constable was lying this side nearest to me.

28968. And the constable was in the act of getting up?—Yes, he was just raising himself on to his knee.

28969. Did you run up quickly when you saw him on the ground?—After I saw them struggling I slipped up quick.

28970. Were they struggling when you saw them?—They were struggling on the ground.

28971. I thought you said, when you first saw them, the constable was trying to raise himself?—The prisoner was struggling, and the constable was trying to raise himself up, as far as he could, to get himself on his feet again.

28972. While he was holding the struggling prisoner with one hand?—Yes.

28973. With which hand?—His left hand—according to what I could see.

28974. You are quite sure the prisoner was struggling?—Yes, he was struggling.

28975. But he could be controlled by the man's left hand while he was getting up with the other?—The

P.C. T. Kemp.
28 Jan. 1907.

last witness, Mizen, was trying to get up and holding to the prisoner at the same time, to prevent him getting away from him.

28976. He was using *this* hand to raise himself with, and holding the prisoner with the other?—Yes.

28977. And you say the prisoner was struggling?—Yes, trying to get away.

28978. But not enough to get from the constable's left hand?—No.

28979. Tell me how the prisoner was lying. Was he on his side or his back, or his face, or how?—He was lying on his face when I first got there, and then, after I helped the last witness up to his feet, he turned over and tried to get up.

28980. But, before you lifted him up, when you first saw him, he was lying on his face?—Yes.

28981. What was he struggling with—his feet or his hands?—He was trying to get up after I helped the last witness up.

28982. Before you helped him up, when you first saw them, you say they were struggling?—Yes.

28983. You say that Riley was lying on his face—is that right?—He was at the time.

28984. I want to know how he was struggling?—Kicking himself about, trying to get up to get away.

28985. Kicking his heels up in the air?—Yes.

28986. He could not be using his fists if he was lying on his face?—Not that I saw.

28987. Wriggling his body?—He was trying to get up.

28988. In fact, his struggling was to get to his feet again?—Yes, what I could see of it.

28989. Not a struggle to fight with the constable, but to get on his feet again?—No doubt the struggle was both ways.

28990. When you came to help Mizen how did you do it. Did you reach out your hand to him?—I stepped off the pavement and caught hold of his arm and helped him up, and we both got hold, one on each side of the prisoner, and lifted him up on the pavement.

28991. Did you lift him on to his feet again?—Yes, and then he refused to walk. He bent himself right down on his knee and refused to walk.

28992. Did you drag him along some distance to see if he would walk?—No.

28993. Do you mean he did nothing when he would not walk?—After he refused to walk, the other P.C. 313 came up, and we sent him for the ambulance, and we were going to make him stop there until the ambulance came back.

28994. Where was 313 when you gave him the message?—He came from towards the direction of New Gravel Lane when he came up to us.

28995. Where was he when you gave him the message?—Close by.

28996. Right up at the side of Choppin Court?—Just opposite there.

28997. Was it not 100 or 150 yards further on that you saw him?—No; it was just by the Court.

28998. Was it past the mouth of Clegg Street?—Just between Clegg Street and Choppin Court. I could not say to a foot or two.

28999. Not past the mouth of Clegg Street?—Between Clegg Street and Choppin Court. There are several yards between the two.

29000. It was not beyond Clegg Street?—It was this side of Clegg Street.

29001. You had not passed Clegg Street with your prisoner when you met Stokes?—We had not passed Clegg Street.

29002. You had not got as far as Clegg Street when you met Stokes?—No.

29003. Who was it that gave the message for the ambulance? Was it you?—No; the last witness asked him to fetch the ambulance, I think.

29004. The last witness, Mizen, spoke to Stokes?—Yes.

29005. Was Riley still on the ground?—He was sitting on the pavement.

29006. And is he not correct when he says that the other police-constable (that is you) said, "Go and get the ambulance"?—No, I never mentioned that.

29007. You did not say that?—No, I never mentioned it at all.

29008. Did not Mizen say, "No, he is my man"?—No.

29009. Did he not say he did not want the ambulance; it was his man?—No.

29010. Nothing of the sort happened?—When the last witness, Mizen, asked the other police-constable to get the ambulance, the other police-constable said, "You go and fetch it; I will stay here while you go," and Mizen said, "No, you fetch it, he is my prisoner." Those are the words he used.

29011. Something of the kind was said, and you say that is what happened—that P.C. 313 said he would stop by the prisoner while P.C. 134 got the ambulance?—Yes; he said, "This is my prisoner; you fetch the ambulance."

29012. After the other man had gone for the ambulance, Mizen made another effort to drag Riley along, did he not?—No.

29013. Did Riley at once get up on his feet?—He got up on his feet and walked quietly to the station then.

29014. How long after you sent for the ambulance?—Two or three minutes.

29015. About two or three minutes after Stokes had gone?—Two minutes.

29016. So soon after that you caught Stokes up before he reached the station?—We caught him up on the bridge.

29017. That is 200 yards away?—Quite that.

29018. A quarter of a mile away?—I would not say a quarter of a mile.

29019. You were walking with the prisoner, and you caught Stokes up a quarter of a mile away, on the way to fetch the ambulance?—We caught him up on the New Gravel Lane Bridge. After we got to the bridge he saw us; there is a curve out of Prusom Street into New Gravel Lane, and he stopped.

29020. He looked back and saw you coming?—Yes.

29021. What did Stokes do then? Did he come to the station or remain on duty?—He remained on duty.

29022. I notice that when you were called the second time, you say, "The prisoner lay flat on his face on the ground, and the police-constable was on his knees just raising himself up. P.C. 134 and I took hm to the station. The tripping up was in Prusom Street." But you did not see any tripping up?—I saw them struggling. I could not see the tripping up.

29023. Did you tell the magistrate on the second day that you did not see the tripping up?—I do not think I told him.

29024. Did you tell him on the first day that you had not seen the tripping up?—I would not be sure. I know I saw them in the struggle, but I could not say whether I said I saw the tripping up.

29025. "I saw only two lads and a little girl at the corner of Clegg Street. I saw no other soul." On the first day you gave evidence, did you make it clear that the crowd you spoke of was at a different place to the place of the struggle?—They remained at the top of Old Gravel Lane.

29026. Did you tell the magistrate that?—I told the magistrate that the crowd remained at the top of Old Gravel Lane. After the police-constable came up and was going to fetch the ambulance, a few gathered round.

29027. There were only two lads and a little girl at the corner of Clegg Street?—Yes, at the time I got to the police-constable's assistance.

29028. You did not say anything on the first day about there being no other crowd?—No, I do not think I did.

29029. Did the people up Prusom Street, who stood at the head of Prusom Street in Gravel Lane, make an attempt to follow you down Prusom Street?—No, not that I could see.

29030. Although the prisoner had been taken that way, and you were following after them, you did not see any of them come after you?—No.

29031. But there was a crowd afterwards at the place marked "post"?—Several came up after we got him to his feet, and he refused to walk.

29032. Did they come from Prusom Street or Choppin Court, or all round?—They came from Old Gravel Lane, where the crowd stopped at the top. Several of them came that way.

29033. They came in all directions?—I could not say whether they came the other way or not. I saw several came from the direction of Old Gravel Lane at the time we got Riley to his feet.

29034. Were there any people you knew among them?—No.

29035. On the second day that you gave evidence you were asked a good many questions by a solicitor on behalf of the police, were not you?—Yes.

29036. And by the Magistrate himself?—Yes.

29037. Did the Magistrate himself ask you whether you had seen the trippng up, on the second day?—I would not be sure whether he did or not.

29038. Did you say this: "The crowd was five or six yards from the corner, between me and P.C. 134 and the prisoner"—that is when you are speaking of the first arrest. Then: "I got round the corner into Prusom Street"—that is right. You went round the corner into Prusom Street?—Yes, out of Old Gravel Lane.

29039. "And saw the tripping up"?—No, I did not say anything about tripping up. I said the struggle.

29040. "And saw the tripping up." You never said that, you say?—No, I do not remember saying that.

29041. "The prisoner was going quietly round the corner."

29042. (*Mr. Rufus Isaacs.*) I understand you to say you did not, in fact, see it?—No, not the tripping up.

29043. You are quite sure of that?—Yes; I saw both struggling on the ground.

29044. (*Earl Russell.*) Now let me read you something else you said, and tell me if it is correct: "I was on duty in Old Gravel Lane. My attention was called to the crowd. I looked up and saw P.C. 134 with prisoner in custody. I walked up, passed through the crowd, and went to the corner of Prusom Street. The crowd followed me to the corner." That is right, is it?—The corner of Prusom Street.

29045. "Then I saw, ten or twelve yards away, P.C. 134 and the prisoner on the ground. The others could not see, I do not think"?—That was ten or twelve yards from the winding in Prusom Street—from Choppin Court to the winding.

29046. "I was several yards in front of the crowd." You say you were several yards in front of the crowd when the prisoner was on the ground. Is that right?—The crowd remained at the top of Old Gravel Lane, and, after I saw the struggle and helped the police-constable to his feet, and got the prisoner to his feet, I saw several of the crowd around coming towards Old Gravel Lane.

29047. Before you sent for the ambulance?—Before we sent for the ambulance.

29048. I thought you told me just now that no crowd came until after you sent for the ambulance?—I saw the crowd, and we sent for the ambulance.

29049. Is it right to say you were only a few yards in front of the crowd when you saw them on the ground?—Not a few yards—about eighty to ninety yards from where they were.

29050. But can you tell me what you think this means: "Then I saw, ten or twelve yards away, P.C. 134 and the prisoner on the ground"? That would be when you turned the corner in Prusom Street, would it not?—There is a winding in from Choppin Court, as you come up to Old Gravel Lane, ten or a dozen yards.

(*Mr. R. D. Muir.*) You must read a little before that in order to follow it. "I walked up, passed through the crowd, and went to the corner of Prusom Street. The crowd followed me to the corner. Then I saw, ten or twelve yards away, P.C. 134 and the prisoner on the ground."

29051. (*Earl Russell.*) I will read that, but I think that makes it more difficult to follow: "Then I saw ten or twelve yards away, P.C. 134 and the prisoner on the ground." You do not say you saw them ten or twelve yards from the corner of Prusom Street and Old Gravel Lane?—Not from the corner.

P.C. T. Kemp.

28 Jan. 1907.

(*Chairman.*) Prusom Street curves round so much that they must have walked some little distance up Prusom Street before he could see the constable and Riley.

(*Earl Russell.*) So I think, and that is why I was not confusing him by reading the first part.

(*Chairman.*) There are two crowds. The first is the crowd round Riley and the constable, and the other crowd is the crowd that gathered after the ambulance had been sent for.

29052. (*Mr. R. D. Muir.*) "The others could not see, I do not think. I was several yards in front of the crowd." That refers to when you came up, with the prisoner on the ground, does it not? Is that correct, that you were only several yards in front of the crowd?—Only several yards when I saw the prisoner struggling.

29053. (*Chairman.*) I think you went on your beat on this evening at 10 o'clock?—I was on Lowder Street point duty, and I was on at 9 o'clock.

29054. I was rather struck with the remark you made: "I was bound to follow on behind." What did you mean by that?—It is generally our duty to follow on behind after a police-constable takes a man into custody, in order to see that nothing occurs.

29055. Where do you find that?—It is generally the duty to follow on.

29056. To leave your point simply because you see that a constable has arrested a man, and that they are going quietly to the police station?—You never know how they are going to turn out after they are arrested. It is always best to follow on behind a little way.

29057. You were on point duty at Lowder Street?—Yes.

29058. That is a street turning out of Old Gravel Lane?—Yes.

29059. How far is that from the public-house called the Angel which I see on the plan?—It would be about thirty yards.

29060. What first attracted your attention so as to lead you to leave your point?—I saw the crowd.

29061. That was close to the Angel?—Yes.

29062. Did you hear, from where you were, any shouting or quarrelling?—I saw the crowd, and heard some shouting, and I walked towards them, and then I saw the police-constable Mizen, the last witness, arrest a prisoner, and turn the corner into Prusom Street before I got near the crowd.

29063. Let us be quite exact on the matter. Riley was going quietly with the P.C. round the corner?—When he turned the corner.

29064. Am I to understand that it was your duty to follow the two to the police station?—I should not have followed right down, not if anything had not occurred.

29065. That is not quite an answer to my question. You were thirty yards from your point, remember?—Yes.

29066. And the prisoner was going quietly. Do you say that it was your duty to follow Riley and the police-constable into Prusom Street?—It is part of the duty to follow.

29067. Where do you find that? Supposing you had been on beat duty, and not on point duty, would you say it was your duty to go into Prusom Street?—Yes.

29068. If you had been on night duty, and not on point duty, it would have been your duty to leave your beat?—Yes, to follow on, but I should not follow them right to the station—not if anything had not occurred.

29069. It may be so, but I should like to read you what is in the White Book about this: "Constables may leave their beats to act in cases of fire, accident, or other emergency." I do not know whether the same rule applies to point duty; but, even if you had been on beat duty, you think you would have been bound to go into Prusom Street after these other people?—It is generally the duty to follow to see if they go all right a little way.

29070. Even to leave your beat for that purpose? I am not suggesting that you are necessarily wrong in the matter. I only want to find out what your duty

P.C. T. Kemp.

28 Jan. 1907.

was?—It is to follow on to see whether the prisoner goes all right for the start.

29071. But the other constable was doing that. The other constable had arrested this man Riley, and Riley was going quietly to the station, as far as you saw?—I should not have followed on if he went all right after he got down Prusom Street.

29072. If you saw them struggling on the ground, and, as Prusom Street is a street that curves round a good deal you must have gone a good way from your point in order to see them struggling?—It was about 120 yards, no doubt, from where the point is to where they were struggling.

29073. The order as to the beat goes on to use terms which suggest that it is rather a serious thing for a constable to leave his beat unnecessarily: "Officers in charge of stations are to enter in the Occurrence Book at the expiration of their tour of duty, a list of constables who have been taken from their beats for any purpose and for however short a time." You voluntarily, I understand, left your point on this occasion, and you thought you were doing your duty in so doing?—Yes.

29074. Is that the general practice, that if a constable witnesses an arrest, and a prisoner goes quietly, it is customary for him to leave his beat or his point and follow on?—They generally make it a rule, to see if the prisoner goes quietly or not for a distance, and then come back again. If he does not go quietly, then they assist the constable.

29075. Has anybody told you that you ought to do that—any superior officer?—No; I have not been told that.

29076. Do you know it is the practice? Have you generally done it yourself?—Yes.

29077. Then there was absolutely no reason at all for your going into Prusom Street except that you were acting in accordance with what you thought was the general rule under the circumstances?—Yes.

29078. (*Mr. Whitmore.*) You heard the words read from the White Book about an emergency?—Yes.

29079. Do you understand these words to include the case of a man who has been arrested by a single constable, and is being taken to the station?—Would you not consider that to be an emergency?—Yes.

29080. (*Chairman.*) That seems to be the case. Prusom Street is in somebody's beat, I suppose?—Yes.

29081. Whose beat was Prusom Street in on this occasion?—I could not say who was on the beat then.

29082. Was it on Mizen's beat?—Yes, it was Mizen's beat on that night.

29083. Was another man on beat duty near your point?—On the side where the fixed point is.

(*Mr. R. D. Muir.*) There is a paragraph in the White Book with regard to fixed points as well.

(*Chairman.*) Yes, I have seen that.

29084. (*Mr. Dickinson.*) I understand you are perfectly certain that you did not see the tripping up?—Yes.

29085. And, as Lord Russell has pointed out to you, you said before the magistrate, "I got round the corner into Prusom Street and saw the tripping up." You say you are not sure you said that before the magistrate?—That is so. I am not sure I said that.

29086. When did you first hear anything about tripping up, then, if you did not see it?—I suppose it was P.C. 134 who said so. It must have been put down to me by mistake I do not remember saying it.

29087. At all events, you did not see it?—No.

29088. Have you any idea when P.C. Mizen can have told you of that?—No.

29089. Do you remember writing down a report on the 22nd November?—Yes.

29090. That was the day after this occurrence?—Yes.

29091. Tell me the circumstances under which you wrote that report. Where were you?—I was in the library.

29092. What time of day was it?—About 3 or 4 in the afternoon.

29093. That was after the first hearing at the police court?—Yes.

29094. Who told you to write the report?—I had an order from Inspector Sanders to make a report out.

29095. You wrote it in the library?—Yes.

29096. Did you know that Mizen wrote a report?—I did not know until afterwards. I got mine written out before he came.

29097. In this report you say: "I beg to report that at 11.30 p.m., 20—11—06, I was on duty in Old Gravel Lane, when I saw a large crowd at the top of Prusom Street. On going towards them I saw P.C. 134 H. Mizen turn the corner into Prusom Street with prisoner, and then I next saw prisoner trip P.C. up, and they both fell to the ground and were struggling very violently." I ask you now, what made you write that? You have told us that you did not see Riley trip the police-constable up; and what made you say the day following, "I next saw the prisoner trip the constable up"?—I cannot make out how I put it down. I never saw him trip him up. I saw the struggle.

29098 "I then helped the P.C. to his feet, and both of us brought prisoner to the station. On way to the station I noticed that Riley's right eye was swollen. I did not strike him myself or see P.C. 134 H. Mizen strike him." Again, I ask you, when was it that you first thought of saying that you had seen Riley trip Mizen up, because you swear now definitely that you are certain you did not see Riley trip him up?—I am certain I did not see him trip him up. I saw them both struggling in the roadway the first time I saw them.

29099. What made you write this in your report the day afterwards?—I put it down there.

29100. It is clear you said you had seen something when you had not seen it?—I put it down there.

29101. Had you had any conversation with P.C. Mizen about it before you wrote this report?—No.

29102. You have no explanation as to why you put down what was not true in this report?—No.

29103. It was not true?—No; I did not see him at all trip Mizen up.

29104. (*Mr. Rufus Isaacs.*) I do not quite understand that. Did you write your report before or after the evidence had been given in the police court?—After the evidence had been given in the police court at the first hearing.

29105. After the first hearing?—Yes.

29106. You are quite clear about that? Do you remember clearly about it whether it was after the hearing at the police court?—Yes, I remember clearly.

29107. You had sworn at the police court, before you wrote that report, that the prisoner tripped the police-constable up. On the first day, before you wrote the report, you had said this: "I saw the prisoner and P.C. 134 in the crowd. The prisoner tripped the P.C. up, and they struggled on the ground"?—I do not remember saying that.

29108. But that is what you said on your oath. That is in the depositions?—I saw them struggling on the ground, but I do not remember saying I saw Riley trip him up.

29109. Had you heard Mizen give his evidence when you gave yours?—No, I was outside at the time.

29110. Did you know that Mizen said Riley had tripped him up?—I heard Mizen say at the station Riley tripped him up.

29111. Before you went to the court to give evidence?—On the night when he was charged.

29112. You knew before he was charged that Mizen said it, but you had not seen it?—Yes.

29113. Did you mean to tell the Magistrate that you were only repeating what Mizen had told you, or what you had heard Mizen say?—I must have done, but I do not remember saying about tripping him up. I saw them struggling on the ground.

29114. These are the words taken down by the clerk of the police court in the depositions: "Prisoner tripped the police-constable up, and they struggled on the ground." You are the first person who says that the prisoner tripped the police-constable up. Mizen's words were "He threw me down." As far as I follow you—you will tell me if this is right—you had not seen it?—I never saw the tripping up.

29115. But you had heard Mizen say the night before the prisoner tripped him up?—Yes.

29116. And you repeated that the next day at the police court?—Yes, I must have done if they put it down, but I do not remember saying it.

29117. You apparently did not tell the Magistrate that that is what you heard Mizen say, and not what you had seen yourself. You gave an account to which Mr. Dickinson has called your attention on the very same day in the evening. You sent in your report on the 22nd November, which is the same day that you had given your evidence at the police court, and you wrote this report after you had come away from the police court?—Yes.

29118. You gave an account of it there, and you say "Then I next saw the prisoner trip the police constable up, and they both fell to the ground"?—I do not remember. I never saw the prisoner trip the police-constable up.

29119. Will you give me the original report, Mr. Muir. (*Document handed.*) Is that report all in your handwriting. (*Handing report to Witness*)?—Yes.

29120. Did you write that out by yourself?—Yes.

29121. Without assistance from anybody?—Yes.

29122. How came you to put in those words—just read it for yourself. "I next saw the prisoner trip the police-constable up"?—It is there, but I do not remember putting it in at the time. I saw the struggle but I never saw anything of the tripping up.

29123. Do you think you might be making a mistake, and that you did see the tripping up?—No, I never saw the tripping up. I saw the struggle on the ground in the roadway when I came up to the scene first in Prusom Street.

29124. There is no doubt about it—they are your words, "I next saw the prisoner trip the police-constable up." You cannot explain it?—No.

29125. Had you had any talk to Mizen at all after the police court proceedings?—We were talking when we came back to the station afterwards.

29126. Before you wrote the report?—Yes, after we left the police court we came back to the station.

29127. Did you have a talk about the tripping up?—We were talking about it as we came back.

29128. Did you both agree that Riley had tripped Mizen up?—No.

29129. What did Mizen say?—He said the prisoner had tripped him up.

29130. He told you that then?—Yes.

29131. Is that how you came to write it in your report?—I must have done like that, but I do not remember saying it at the police court.

29132. But apparently your explanation of how you came to write it in your report is because Mizen told you about it when you came back to the police station?—He was talking about Riley having tripped him up, but I do not remember putting it in the report.

29133. You say you saw it?—Not the tripping up.

29134. The report is in your own handwriting. Have you ever heard of that being done before in a report?—I could not say.

29135. Writing down by one police-constable that he saw something that another one told him had happened?—I could not say.

29136. Did it strike you as a very unusual thing at all when you were doing it that you should write in the report that you had seen a thing, a thing which you had not seen at all, but you had only been told by another police-constable did happen?—I do not remember putting it in. I saw the struggle, and that is all I saw.

29137. Had you told the Inspector at all what had happened. Did you tell him that you saw the tripping up?—I told him what I saw, but I do not remember telling him anything about the tripping up.

29138. This report would go before him, would it not?—Yes, he had to see all the reports after they were made out.

29139. Did you tell P.C. Mizen you had not seen the tripping up?—I could not say.

29140. I do not understand an expression you used. You said Mizen said to you "He is my prisoner—you go and get the ambulance"?—He said that to Stokes.

29141. That was because he had arrested Riley?—Yes.

29142. He was going to take him to the station?—Yes.

29143. And prefer the charge?—Yes.

29144. Is there any rule that police-constables must not leave a prisoner?—There is generally a rule that he must keep along with him. After you arrest a man the rule is that you are generally to keep with him until you get to the station.

29145. It rather looks as if he would not leave him because he thought it was some advantage in having a prisoner. Was that the idea at all?—No, not that I know of. P.C. 313 said "I will stop here while you go for the ambulance, and P.C. 134 said "No, I will stop here—you fetch the ambulance—he is my prisoner."

29146. "My prisoner, therefore I am going to stop to look after him"?—Yes.

29147. (*Mr. Dickinson.*) That is Mizen's original report. (*Handing document to the Witness.*) Have you ever seen that report before?—No.

29148. You are perfectly certain?—No, I have not seen it.

29149. Just read out *that* sentence from his report?—"I noticed that prisoner's right eye was swollen, but I am unable to say whether it was caused before I arrested him or when he fell with me in Prusom Street. I did not assault him, and neither did I see any other person do so."

29150. Now read out *that* sentence from your report?—"I noticed that Riley's right eye was swollen. I did not strike him myself or see P.C. 134 Mizen strike him."

29151. Do you notice in both those cases the word "swollen" is wrongly spelt and has been corrected?—Yes, it is.

29152. I again ask you have you never seen that report of Mizen's before?—No.

29153. (*Chairman.*) I see from a newspaper report that has been handed to me that Mr. Dickinson the Magistrate, asked you the same question that I asked you as to why you followed?—Yes, he did ask me.

29154. What did you tell him?—I told him it was generally the thing to follow on.

THIRTIETH DAY.

Tuesday, 29th January 1907.

PRESENT:

Sir DAVID BRYNMOR JONES, K.C., M.P. (*Chairman*).

RUFUS DANIEL ISAACS, Esq., K.C., M.P.

WILLOUGHBY HYETT DICKINSON, Esq., M.P. (Barrister-at-Law).

CHARLES ALGERNON WHITMORE, Esq. (Barrister-at-Law).

J. W. ST. LAWRENCE LESLIE, Esq. (Barrister-at-Law) (*Secretary*).

J. F. WALEY, Esq. (Barrister-at-Law) (*Assistant Secretary*).

P.C. JOHN STOKES, 313 H, sworn.

P.C. J. Stokes.

29 Jan. 1907.

29155. (*Mr. R. D. Muir.*) You are P.C. 313, H Division, stationed at Shadwell?—Yes.

29156. How long have you been in the Force?—Seven and a-half years.

29157. How long at Shadwell?—Three years at Shadwell.

29158. Where were you before then?—Bow Street.

29159. At half-past eleven on the night of the 21st November were you on duty in Prusom Street?—Yes.

29160. On beat duty?—Yes.

29161. Which way were you coming?—I was coming from New Gravel Lane up Prusom Street towards Old Gravel Lane.

29162. How far had you got?—I had got to the corner of Choppin Court, where I saw P.C. 134 and P.C. 322 with a man on the ground. I said to 134, "I will look after the prisoner, you go to the station for the ambulance." He said, "He is my prisoner, you go to the station." I said, "All right, I will go and fetch the ambulance."

29163. Is there any rule about that?—No particular rule.

29164. I do not mean a printed rule, but is there any practice with regard to the person who first arrests the prisoner?—He may be exhausted, and he might walk to the station, and the man who came up fresh would be able to cope with the prisoner better than the man who has been wrestling with him for some time. If he walked to the station it would give him more chance.

29165. But supposing he is quite competent to look after his prisoner himself, what is the practice? Does he hand him over to another officer or not?—No, there is no particular practice. He will stop with him or go for the ambulance.

29166. Why did you offer to remain with the prisoner on this occasion?—I thought P.C. 134 was somewhat exhausted.

29167. You went towards the police station for the ambulance?—Yes.

29168. On your way did you look back?—When I got up on New Gravel Lane Bridge I looked back and I saw coming about 100 yards behind me the prisoner and the two constables. They were walking comfortably and quietly then.

29169. What did you do then?—I stopped till they got past me, and then went back again on to my beat.

29170. At what pace were you coming down Prusom Street before you came to where the constables and the prisoner were?—The ordinary pace—about two and a-half or three miles an hour.

29171. Did you see anything of the man Sweeney?—No, I did not.

29172. Did you know him by sight or not?—Very well.

29173. You saw nothing of him at all?—Nothing whatever.

29174. (*Earl Russell.*) You say that you saw both the constables and the prisoner Riley when you first saw them?—Yes, they were both there when I got there.

29175. What position were they in?—Riley was lying on the ground and the other men were trying to get him up.

29176. Was he lying on the street or pavement?—On the footway then, or sitting on the footway.

29177. P.C. 134 Mizen was on his feet?—Yes, they were both on their feet.

29178. Both the constables were on their feet?—Yes, trying to get the prisoner on his feet.

29179. The prisoner was not struggling?—He was not struggling at the time I got there.

29180. Sitting?—Sitting on the footway.

29181. Quite quietly?—Yes.

29182. Did you notice any injury about Riley?—No, I never noticed Riley at all; only I just saw him on the footway.

29183. How close up to the group did you come—was it within a yard?—Quite close up—close enough to speak to P.C. 134.

29184. As close as you are to me or closer?—About as close, or it may be a little closer.

29185. You did not look at the prisoner Riley at all?—No, I had not time to look at him.

29186. You did not hear him say anything?—No.

29187. Was it your suggestion that you should go for the ambulance?—I suggested that the ambulance should be fetched.

29188. You were not asked to go for it by them?—No.

29189. Had you asked them what was the matter with their prisoner, and what the trouble was?—No, I saw him there, and I could see that he was drunk, and it is a general way with prisoners when they are drunk, if they think they will not go they will lay down and be put on the ambulance.

29190. The men who had Riley in charge never suggested he required an ambulance?—I could see that he required an ambulance, because he would not attempt to walk in any shape or form.

29191. But the men who had the prisoner in charge did not suggest it?—No.

29192. The suggestion came from you about the ambulance?—I suggested he should be put on the ambulance.

29193. You say there is no particular meaning in Mizen saying it was his prisoner?—No, there is nothing in that. It was only a remark that he passed.

29194. Did you have no conversation at all with either of these constables as to what had happened?—No, I did not see anything whatever of it, or did not speak to them about it any more than I saw them there trying to get this man on his feet to walk to the

station, and he would not get on his feet, and I suggested they had better put him on the ambulance.

29195. Did you notice anything about the condition of their clothes?—Yes.

29196. Whose clothes did you notice?—They were all muddy. They had been down on the ground—the prisoner and P.C. 134 had been down on the ground. It was a very muddy night, and they were bound to be covered with mud.

29197. And Kemp?—I could not see much of Kemp. I did not notice him in particular. I only noticed 134.

29198. You could not say whether Kemp was muddy?—I could not say whether he was muddy or not.

29199. You say you noticed that Riley was muddy?—Yes.

29200. Where abouts?—He was muddy right down the front of him.

29201. Did you see any mud on his cheek?—No, I did not notice so particularly as that.

29202. How high up on his clothes did you notice the mud?—He was literally covered right down the front of him, like as if he had been down on his face.

29203. Did you notice the mud right up to his neck?—I could not say that I noticed it up to his neck, but I noticed it on his clothes.

29204. Within a few inches of his neck?—It may have been.

29205. I want to see if you can remember?—I did not take all that notice. I was only there a matter of two or three minutes.

29206. I thought you said he was muddy all the way up?—He was muddy as far as I could see him, or as far as I noticed him.

29207. Was he muddy above his knees?—Yes.

29208. Was he muddy above his waist?—Yes.

29209. You are quite sure about that?—Yes.

29210. Although you noticed all that mud on his clothes, you say you noticed nothing on his face?—No, I did not notice it. I knew who the man was, and what he was.

29211. Did you only look at his clothes?—That is all.

29212. You never looked at his face?—No.

29213. You say you saw the mud on his clothes, and yet you saw nothing on his eye?—No.

29214. Did you go to the station or not?—No.

29215. You continued on your duty?—Yes.

29216. Did you have any conversation before you made the report. You made a report some time or other, did you not?—No, I have not made a report.

29217. Never?—No.

29218. And you did not give evidence?—No.

29219. Did you have any conversation with the Inspector on duty in the station later on?—I told the Inspector that I had mentioned the ambulance to the other police-constables, and did start to come to the station for it, but I saw that it was not necessary after walking some distance to the station, as they were following me about 100 yards behind.

29220. When did you tell the Inspector that?—On the Saturday.

29221. (*Mr. Rufus Isaacs.*) Is that Inspector Sanders?—Yes.

29222. (*Earl Russell.*) Saturday was the 24th, and this occurrence was on the night of the 21st?—Yes.

29223. When you told Inspector Sanders that, the case had been on in court?—Yes.

29224. You had heard by then, I suppose, that the prisoner had complained of an injury to his eye?—No, I had not heard anything at all about it.

29225. Did you not know the case had been up in court?—I knew the case had been up in court, but I did not know he had made any complaint whatever. I had not seen the other police-constables.

29226. You heard nothing about what had happened in court?—Only what Inspector Sanders told me that Riley had made a complaint after they had been in court.

29227. That was what I asked you, and I say you did know by then when you had your conversation with Inspector Sanders that Riley had made a complaint of being assaulted?—Yes, he had made some complaint.

P.C. J. Stokes.

29 Jan. 1907.

29228. Inspector Sanders told you that?—Yes.

29229. Did he tell you what the assault was that Riley complained of?—He complained of a bruised eye.

29230. Did Inspector Sanders tell you who he said had given him that eye?—Yes.

29231. How came Inspector Sanders to speak to you about it at all?—I spoke to him first.

29232. You spoke to him?—Yes.

29233. What did you tell him?—I said to him that in this case I saw the man on the footway and I was coming to the station for the ambulance, but I saw it was not necessary so I did not come.

29234. What was it made you speak to him about this case at all?—A cutting that I had out of the paper I showed Mr. Sanders first.

29235. You saw a report of the proceedings in court in the newspapers?—Yes.

29236. Did it say in that report that Riley complained of P.C. 134 having struck him?—Yes.

29237. Then did Inspector Sanders, when you mentioned it to him, ask you to tell him everything you knew about it?—He asked me if I knew anything about it, and I only told him I was coming to the station for the ambulance. I proposed putting the prisoner on the ambulance.

29238. Did you tell him you knew nothing more than that?—That is all.

29239. And that you noticed no injury?—That is quite right.

29240. Did you hear that Riley had disputed being drunk?—No.

29241. Did it not say so in the newspaper report?—I could not say whether it did say so or not.

29242. Did not Inspector Sanders tell you that he had asked the Divisional Surgeon whether the prisoner was drunk?—No, it was nothing to do with me.

29243. You knew the Divisional Surgeon was sent for, did you not?—No.

29244. This conversation with Inspector Sanders was quite short then?—Yes, I only told him I went to fetch the ambulance, and he said "That does not matter; it is a case of drunkenness." It is a thing that people generally do when they are drunk, they always bring an accusation against the police, especially the men we have to deal with in our neighbourhood.

29245. You heard nothing about what had happened at the station, and about the Divisional Surgeon coming?—No, I knew nothing about it at all.

29246. Did you know these other men were asked to make a written report about it?—No.

29247. You did not hear it?—No.

29248. Did you hear about the case when it came on the second time in the police court?—No, I did not hear anything more about it than that the man had been fined 2s. 6d. for drunkenness. It did not interest me. I had nothing at all to do with it, only proposing he should be put on the ambulance because he would not walk.

29249. But you could have given evidence to show that in your opinion he was drunk?—I could have done if it had been necessary.

29250. Did you tell Inspector Sanders about that?—It was not necessary. There were enough witnesses to prove he was drunk. There were the two officers who knew he was drunk, and the Inspector, and so did the doctor.

29251. Did you tell the Inspector that you knew he was drunk?—No, I do not suggest I did.

29252. (*Chairman.*) Where was your beat?—Prusom Street.

29253. Prusom Street only?—Prusom Street, New Gravel Lane, High Street Wapping, and through into Hilliards Court.

29254. (*Mr. Rufus Isaacs.*) Supposing you had taken charge of the prisoner and P.C. 134 had then gone for the ambulance, which of you would have preferred the charge?—134.

P.C. J. Stokes.

29 Jan. 1907.

29255. The man who had arrested the prisoner?—Yes.

29256. It would not make any difference who stopped by the prisoner?—No.

29257. The man who arrested him is the man who would have to prefer the charge?—Certainly.

29258. (*Mr. Dickinson.*) I do not understand which way you came down to Prusom Street?—From New Gravel Lane.

29259. That is the way the two policemen were going?—They were coming from Old Gravel Lane, and I was coming up from New Gravel Lane.

29260. Which side of the road were you walking on?—On the right-hand side of the road.

29261. Your right-hand side?—Yes.

29262. That is to say, the same pavement they were on?—Yes.

29263. I think Sweeney said he was on the other pavement?—He may have said that.

29264. Was there nobody in the street at all?—I did not notice Sweeney in the street. There were several people there. If there is anything on there and Sweeney is anywhere about he has always something to do with it—if ever the police are in trouble of any sort.

29265. You did not notice him?—No.

29266. If he was there he said he would have been walking on the other side of the road and in front of you?—Yes, he should have been.

29267. Are you able to say he was not there?—I am quite positive he was not there when the man was lying on the ground during the time I was there.

29268. He might have turned back before that. How many people were there in the street at that time?—I should think there were eighteen to twenty, but they were mostly women.

29269. Walking about?—No; these that I saw stood round the prisoner.

29270. Then it is not correct to say that there were only two boys and two little girls there?—That was at the time the row commenced that the two boys and the little girls were there. After he had been lying on the footway some little time a crowd would naturally collect. When we take anybody into custody it is a rule for 200 or 300 to collect. It is a very rough neighbourhood, one of the roughest neighbourhoods in London, and if we take anyone into custody it is very rare that one policeman can take him to the station.

29271. How long have you known this man Sweeney?—Three years.

Dr. Charles Graham Grant, sworn.

Dr. C. G. Grant.

29272. (*Mr. R. D. Muir.*) Are you the Divisional Surgeon of the H Division?—That is so.

29273. Were you called by the telephone to the Shadwell Police Station on the night of the 21st November last?—I was, at ten minutes to twelve.

29274. Did you see the man Riley there?—Yes.

29275. Was anything said to you in his presence by the Inspector?—I do not recollect.

29276. Did you examine him?—I did.

29277. What did you find?—I found a contused right eye, and an abrasion under the same, close to the nose, within three-quarters of an inch from the nose. I found that he was intoxicated, and various other particulars I remarked which I will give you if you desire them.

29278. You can tell us anything you said at the time in his presence?—I remarked on the first appearance of the injury: "Have you had a fall," or words to that effect. That was the impression I formed of the injury, knowing nothing whatever about the case or any complaint against anyone. He said No. I asked him how he got it. He said: "I cannot tell you while this constable is here," or words to that effect. I told him there was no reason why he should not say what he liked in the presence of the constable, and then he indicated that the constable had done it to him.

29279. In what way did he say that?—I have seen so many cases since then that I really cannot remember his exact words, but he blamed the constable for striking him on the eye with his fist. That was not consistent with my view of the appearance of the injury at all, nor did I attach any importance or credence to it, in view of the fact that the man was intoxicated, and further, that I had had experience of him before.

29280. This same man?—Yes.

29281. So far as this night of the 21st November is concerned, what did you do to his eye?—I put on a cold compress, fastened it on with a bandage, and told him to take it off in the morning.

29282. Did you examine the eye itself?—Yes, I did.

29283. Was there any injury to the eye?—There was no injury to the eye itself. It was, in my opinion—I think I used the words at the police court—a common black eye.

29284. Did you tell him how long he was to keep on the bandage?—I told him to remove it the next morning.

29285. In the ordinary course you would not come to the police court the next morning to give evidence unless sent for?—Quite so.

29286. You were not sent for to come to the police court the next morning, but on Saturday, the 24th, you were called upon to give evidence?—I was.

29287. Did you notice at that time whether he was still wearing any bandage?—He was.

29288. Was it your bandage or somebody else's bandage?—That I could not say. I was not close enough to see it.

29289. He has told us he went to the hospital?—Yes.

29290. From what you saw of it, was there any occasion for him to go to the hospital about his eye?—Oh, no, not that I saw. The Magistrate told him to remove the bandage after my evidence, and he did so, and then I had a rapid look at the eye from my position quite beside him, and I saw no reason for that bandage being there.

29291. You made an entry, as is customary, in the Occurrence Book?—Yes.

29292. Will you read it?—"Doctor called"—that is in the Inspector's writing, and this is the way it goes on: "I attended at 11.50 p.m. to see James Riley suffering from right contused eye; intoxicated; fit to be retained."

29293. What did the words "fit to be retained" mean?—It means that there is no reason why he should not be placed in the cells in the ordinary way—no ordinary reason.

29294. Fit to be retained in the cells as distinct from the infirmary?—Yes; all directions we give the police are placed in the Occurrence Book.

29295. You say you had experience of this man before?—Yes.

29296. Was that on the 23rd July, 1903?—Yes.

29297. You were called in then, were you?—Yes.

29298. What were you called in for on that occasion?—I was called in to see three constables who complained of injuries and to see the prisoner, who complained of pains in his abdomen.

29299. What was the condition of the prisoner Riley?—I do not know. What appeared to be his condition was that he was suffering from cramp—gripe.

29300. And as to sobriety?—Drunk.

29301. Was his behaviour quiet or otherwise?—I cannot recall that for the moment. Do you mean in my presence?

29302. Yes?—I do not recollect.

(*Mr. Rufus Isaacs.*) I do not think any of this was put to Riley.

(*Mr. R. D. Muir.*) Oh, yes, it was, sir.

(*Mr. Rufus Isaacs.*) About the doctor examining him then.

(*Mr. R. D. Muir.*) Yes, sir.

(*Chairman.*) I think it was put, or some suggestion was made, but I do not see the relevancy of it.

(*Mr. R. D. Muir.*) If you do not think it relevant, I will not pursue it. However, this doctor does not recollect what Riley's behaviour was, so it does not carry it any further.

29303. (*Earl Russell.*) When you were called by telephone do you recollect at all what was said to you?—Through the telephone?

29304. Yes?—Not the exact words.

29305. Would you simply be told that you were wanted at the police station, or would you be told what you were wanted for?—Only what I was wanted for.

29306. Would it be Inspector Sanders who called you up?—I do not know.

29307. You cannot say now?—No.

29308. Do you remember if you were told what you were wanted for on this occasion?—I am pretty certain I was, but I do not recollect. What do you mean "wanted for"?

29309. Would they say you were wanted because a man was supposed to be drunk, or would they tell you you were wanted because the man complained of the police assaulting him?—No, they told me nothing of the sort. I cannot, as I say, remember the exact wording, but I may say that at 1 o'clock this morning I was called by telephone, and I can tell you what was said to me then. I can recollect that, and it was on all fours with the message usually sent.

29310. I am perfectly willing you should say it.

(*Chairman.*) I do not think we can have that.

(*Witness.*) I do not remember what is said to me through the telephone at this distance of time. As a matter of fact, it would be something to this effect: "Come to Shadwell Station to see a man suffering from this, that, or the other," or a woman suffering from this, that, or the other, as the case may be.

29311. They told you something about the injury, but nothing about the circumstances?—Nothing about the circumstances at all.

29312. When you came into the station who would you see first?—I always go to the Inspector's office.

29313. And there, I suppose, you would be told what the nature of the trouble was?—I probably would have a replica of the messages sent through the telephone: "We have a man here suffering from an injury to his eye."

29314. "Which he says has been caused by a police-constable"?—Do you suggest it was said to me on this occasion?

29315. Would Inpector Sanders say that to you?—Inspector Sanders might or might not. He might not have. People do not always blame the police the moment they come in the station.

29316. But if he knew the circumstances he might mention them to you before your examination?—I do not know what he might mention.

29317. When you did examine Riley (I will not discuss his sobriety with you), you looked, I suppose, at his eye first?—I looked at his eye; I cannot say whether I did it first or not. I may have looked at his clothes first. Are you drawing any distinction on that?

29318. No, I mean you directed your attention to his eye?—Yes, I directed my attention to his eye.

29319. You say it was an ordinary black eye?—Yes.

29320. An ordinary black eye is generally caused by a fist, is it not?—Oh, no. It is frequently caused by a fist, or, I may say, generally.

29321. The Saturday night black eye in your district is generally caused by a fist?—A fist or an elbow or a knee or a boot or a blow, or a hundred other things.

29322. There was nothing in the appearance of the eye inconsistent with its having been caused by a fist?—Nothing. There were other appearances that were inconsistent, but you are not talking about the wound below on the cheek or the mud about him.

29323. The mud had some effect on your judgment, had it not?—Truly.

29324. You did ask him how it had been caused, did you not?—Yes, I think I did.

29325. You made a suggestion of this having been caused by a fall?—I did.

29326. You said, "Have you not had a fall"?—Yes, I did. That is the first thing I said to him.

29327. At that time there were present the prisoner Riley and P.C. Mizen?—The two police-constables.

29328. And P.C. Kemp?—I do not know the names; I know the men.

29329. Was Inspector Sanders present?—I think not. Inspector Sanders was in the office, I think.

29330. But not present during your examination?—I do not know. A number of people were present in and out during my examination, but I cannot say who they were.

29331. When you made the suggestion of a fall, did you hear Riley say, "Yes, that is what he did, he fell down," or anything of that kind?—No, he did not. He said it was not a fall. He said, "I cannot tell you how it happened in the presence of the constable."

29332. I mean P.C. Mizen. When you said you thought it had probably been a fall, did P.C. Mizen say, "Yes, it was a fall," or anything of that kind?—No, I do not think he did. I do not think I should allow him to interfere with my conduct of the case at all.

29333. Did he say anything at all?—I do not know. He may have said something, but my business was not with what he said at that time, but with what I had to do in connection with the man's eye.

29334. You would not be sure whether he said anything or not?—No, I would not be sure about that.

29335. When you asked Riley, the prisoner, he said, as you have told us, that he would like the police-constable to leave the room before he answered?—That is so.

29336. You said there was no reason for that?—Yes.

29337. This is what you said at the police court, and I think it is the same as you say now, "The prisoner said, 'He hit me with his fist'"?—Yes.

29338. That was Riley's account of it?—That was Riley's account of it.

29339. I just want to ask you something about what you said. You said you attached no credence to his statement because he was drunk. Is that right?—Did I say no credence?

29340. Very little credence?—Little credence—that is correct.

29341. It is the reason I am asking you about. Do you say that was because he was drunk?—That was because he was drunk.

29342. You do not agree that when the liquor is in, the truth will out?—There is a certain amount of truth in that, but not at a police station. Four ale is a different thing altogether.

29343. Do you find a man who is intoxicated is less given to being truthful than a man who is sober and has got his faculties under restraint?—It depends on the degree of intoxication, whether it is just a little over-stimulation or the absolute submergence of one's individuality.

29344. In this case the man was most undoubtedly drunk, was he not?—Yes. If you will allow me to interpose a remark, a woman fell off an electric tram-car this morning at 1 o'clock, and she blamed the police for inflicting the injuries to her head.

29345. Perhaps she was suffering from cerebral disturbance?—She was hysterical, and under the influence of drink.

29346. Did she happen to fall on a policeman?—No, she was picked up, and her head was dressed at the expense of the community, and she blamed the police for inflicting the injuries upon her.

29347. In the case of an injury to the head, that is rather a different thing?—This was an injury to the head.

29348. As far as the eye went there was nothing inconsistent with what Riley told you. It might have been caused by the constable's fist?—Yes.

29349. (*Chairman.*) How long have you been Police Surgeon in this division?—I cannot give you exactly the date, but I was anticipating that question as I came here this morning, and I should say, roughly, about ten years.

29350. It is nothing new for you to be called in to this police station?—No. I am, to put it in an Irish

Dr. C. G. Grant.
29 Jan. 1907.

way, two police surgeons. I have two sub-divisions, and they are in a very wild district of London. I have three stations that I am called to, and I have great experience of these cases.

29351. You, therefore, have had occasion to make many entries in the Occurrence Book, describing the injuries sustained by prisoners?—Oh, yes, about 1,000 a year.

29352. Am I right in supposing that it is your duty to make the entry of a full and accurate description?—It must be accurate, but not necessarily full, because all I have to do is to put remarks for the guidance of the police and the guidance of the Magistrate. I give instructions what the police are to do, and I put on my certificate, for the guidance of the Magistrate, the condition of the parties wherever I can.

29353. For the guidance of the Magistrate?—Yes.

29354. That means that the entry is made by you with reference to the possibility of some dispute taking place at the police court as to how the injuries were caused?—Certainly.

29355. Do not you think it is very important, then, that the entry should not only be accurate but full?—It is very important I should have the essential particulars.

29356. The entry ought to contain all the essential particulars?—Yes.

29357. Then I take it also, that, in your view, in making the entry in the following form:—"Suffering from contused right eye," you were entering all the essential particulars that you observed?—All that I considered essential for the Magistrate to know. Of course, you must understand that I did not know that significance was going to be given to this case that was not given to other similar cases. We have these charges against the police on many occasions, and when the prisoner goes before the Magistrate he says nothing about it. If the Magistrate had a wrong report from me it would irritate him rather than please him.

29358. The only thing you state in the entry is "Contused right eye"?—Yes, that is so.

29359. As a matter of fact, you seem to have said before the police Magistrate "There was a small lacerated wound near the nose"?—There was.

29360. This morning you describe it as "An abrasion under the same"?—Yes, that is so, Sir.

29361. Under the nose does not necessarily mean near the nose. However, we can solve the matter easily. Is Riley in Court?

(*James Riley.*) Yes, Sir.

29362. (*Chairman.*) Will you point out on Riley's face where this lacerated wound or slight abrasion was?—Close by this mark here. (*Pointing to Riley's right eye.*)

29363. What is the technical description of that—what muscle is it?—One would say on the orbital ridge cutting the bone underneath.

(*Mr. Rufus Isaacs.*) Where does Riley say it was?

(*James Riley.*) Just here. (*Pointing.*)

(*The Witness.*) He points to the same place.

(*Chairman.*) Very near to the same place.

29364. (*Mr. Whitmore.*) Is that independent of the black eye?—That I cannot say. It was a very trifling wound, and had no significance in itself, except as pointing to the method of infliction of the entire injury.

29365. (*Chairman.*) Was there any kind of abrasion about the eyebrow, on the forehead?—No.

29366. Or on the nose itself?—No, nor on the nose itself.

29367. Bearing those facts in mind let me tell you that according to the evidence we have the fall took place on the pavement or else on the asphalte road?—Yes.

29368. Do you think it likely that if a man fell upon the pavement or an asphalte road that he could have sustained this contused right eye?—And the abrasion under the eye—are you putting the two together?

29369. Yes?—No, I do not think so. There must have been some projection to cause it.

29370. Do you know Prusom Street yourself?—I know it roughly, but I cannot say I know it particularly.

29371. Do you know where the post is?—No, I do not know it so intimately as that.

29372. What was told to us yesterday was that the road was pitched. At first I thought that that meant that there were large blocks of stone put in in the old fashion, but it appears now that the witness who used the word "pitched" meant an asphalte road, and then we are told that the pavement was an ordinary flag pavement. In your judgment do you think it likely that if Riley was trying to trip up the policeman he could have got that bad eye by falling simply?—Falling on to this asphalte road?

29373. Yes?—I should expect a projection. I do not think it likely. He must have hit against something of a projecting character—an elbow or a knee or a boot or a stone standing out—some projection.

29374. (*Mr. Rufus Isaacs.*) Or a fist?—Or a fist. Some projection.

29375. (*Chairman.*) If he accidentally came in contact with the police-constable's fist that would account for it, would it not?—As far as the injury *per se* is concerned.

29376. (*Mr. Whitmore.*) Or the kerb of the pavement?—A projecting portion of the kerb—not the kerb itself.

29377. (*Mr. Dickinson.*) When you were before the Magistrate you said "The injury was not one I should have been called to in the ordinary way." What was in your mind?—That is was not a severe injury, and that was explained to me subsequently by the knowledge that he blamed the police for inflicting it. They do call me to very trifling injuries where any charge is brought against the police of misbehaviour.

29378. This was not an injury that you would be called to in the ordinary way. When did you know the reason you were called to see it?—I cannot answer that absolutely, but I can tell you this, that I did not know the reason when I asked Riley if he had had a fall. It is so long ago that I cannot tell you particularly when I was told this fact. It was some time when I was in the station, but I think what you want to know is that I did know it when I asked him if he had had a fall. That is the case.

29379. I notice you said before the Magistrate that you saw the policeman's coat?—Yes, I did, with mud upon it.

29380. How did it come about that you saw the policeman's coat?—They were both standing there, and both policemen had mud on their coats, and so had the prisoner.

29381. At that time you realised there was some dispute as to the cause of this occurrence?—I take it it would be about then.

29382. (*Mr. Rufus Isaacs.*) When you were called in to examine did you not form the opinion that this blow might have been caused by a fist?—Oh, yes, I think so.

29383. It is quite clear that it might?—It is quite clear that it might.

29384. And indeed if Riley fell on the pavement, is it not far the most likely thing to have happened?—There was mud about them, and in a rough and tumble there generally is.

29385. Is it not most likely if there had been a struggle that he had got the blow in the course of the struggle from a fist?—Not necessarily from a fist—not more likely from a fist than from a knee or elbow.

29386. Something of that kind?—Something of that kind.

29387. I do not quite follow why you did not say so?—There was mud all over him, and he was drunk.

29388. That would only show that there had been a struggle?—Why I did not say so, where—in the station?

29389. In the station when you were called in to examine. You saw the condition in which his eye was?—Yes.

29390. And I should think from what you have told us that the condition in which you found it was quite consistent with his having had a blow in the eye with a fist, was it not?—It was to a certain extent consistent You might as well say to me, why did I not say it might have been done with the knee.

29391. Because this man was accusing the constable

of having done it with his fist?—But the man was drunk.

29392. But you were called in to examine and report to the Magistrate officially what the injury was, and what your view of it was. On the one hand, it was alleged it was a fall, and on the other hand you were told it was a blow caused by a fist. Do not you think it was right to say it was consistent with either view?—No, I am not supposed to report to the Magistrate that the black eye was caused by a policeman's fist.

29393. You are not following the question I put to you?—I am sorry if I am not.

29394. Just consider it for a moment, and remember you are here to give your evidence perfectly impartially and fairly?—I will do my best if you will kindly repeat your question.

29395. If you examine a prisoner and find his eye is contused, and that the condition in which you find him is consistent with either a fall or a blow from a fist, would it not be your duty to tell the Magistrate that it might have been caused in either of those two ways?—No, because it might have been caused in a hundred other ways, all of which it would have been my duty to have reported to the Magistrate.

29396. You told us that you attributed this to a fall, and that is why I am asking you the question. You attributed it to a fall?—At first sight I did.

29397. I do not understand. You thought this man had had a fall. The condition in which you found him would not appear to have caused the black eye from the fall itself, would it. It must have been in a struggle?—The first thing that presented itself was that there had been a fall.

29398. That was the condition of the clothes?—And the condition of all parties concerned. There had been a struggle and a fall. They were all covered with mud. The man has a contusion on the eye. One's natural presumption is that this was caused by a fall. It might, as I say, be caused in many different ways.

29399. What is puzzling me is in view of the condition in which you found him, how did you think this black eye was caused by a fall. I do not quite follow what fall it was that would have caused this black eye. From the description it sounds as if it must have been done during the course of the struggle—falling, as you say, upon a knee, or an elbow, or a fist?—Or a stone.

29400. Do you think a stone would have done it?—Certainly.

29401. Would not there have been more marks if he had fallen on a stone sufficient to give a black eye like that?—It depends on the nature of the stone—if the stone is jagged or rough.

29402. If you fall upon a stone you would expect to find a greater abrasion than you did actually find, would you not?—I would not like to say that.

29403. It must have been a stone that fitted exactly in the eye, because there was no mark either on the nose or on the eyebrow?—There was a mark underneath.

29404. And it is an abrasion about three-quarters of an inch from the nose. If it was a stone you would expect to find some mark on the more prominent part of the face?—It would depend on the force of the fall, but, roughly speaking, you are correct.

29405. The force of the fall, so as to cause a black eye such as you found. You have said before, but I do not think that you take that view now, that what he said was not consistent with your view of the injury?—That the policeman had struck him with his fist. It was not consistent.

29406. I do not understand that from what you told me just now. You did say, either to Mr. Muir or to Earl Russell, that what Riley said to you about a blow from a fist was not consistent with your view of the injury, but you told us that it was consistent. It might have been caused by a blow from a fist?—Yes, as far as the injury to the eye itself was concerned. We have an abrasion underneath which is inconsistent, to my mind, with a blow from a fist. We have a large quantity of mud on the men's clothes, which is inconsistent with a blow from a fist. It suggests a fall. Then we have the reputation, and my knowledge of the police, which is more important still, to my mind.

29407. Listen to what you said when you were examined before the Magistrate: "The injury could have been caused by a blow from a fist"?—Yes.

29408. That is right, is it not?—The injury *per se*, unquestionably.

29409. You say the injury *per se*. Do you mean to draw a distinction between the black eye and the slight abrasion which you have told us about?—I do, and, further, the condition of the men's clothing.

29410. You were speaking at the police court about the condition in which you found him. There you describe it not as even an abrasion, but a black eye with a small lacerated wound?—An abrasion and a small lacerated wound is the difference between Tweedledum and Tweedledee.

29411. You treated it as one injury?—I gave it no treatment at all, as a matter of fact. I merely used it as a means of arriving at an opinion.

29412. As to the injury?—As to the cause of the injury.

29413. That is what you say to the court. You said then what I gather you say now to us: "The injury could have been caused by a blow from a fist or from falling in the street"?—Yes. With regard to the abrasion, it might be caused by a fall.

29414. Or from a blow from a fist—it might be either is what I am putting to you?—Yes, but it does not follow because what I say might cause injury that that must be my opinion as to what that injury was. Those are two entirely different things.

29415. I should have thought you might have given us credit for realising that?—I am sorry if I have misjudged you.

29416. I am not suggesting to you that you are attributing a cause, but giving evidence from which with the other evidence before the Magistrate he was to judge the cause. It was for him to judge the case?—That is so; it was for him to judge the cause.

29417. You could only tell the Magistrate what you found?—Quite so, but the Magistrate judges the cause very much by my opinion.

29418. That is what I should have thought, and you knew what the conflict was between the policeman and the man?—I did, very well, indeed.

29419. And it is quite plain now that your evidence really tended to show that it was caused in the struggle?—That was the intention of my evidence, and it was accepted as such, that it was caused in the struggle, but there may be falls and blows in a struggle.

29420. I only want to get one thing further. I do not understand why you told us to-day that what the prisoner Riley had said was not consistent with your view of the injury. That is why I am asking you this. What you said at the police court was pretty well what you have told us during the course of your examination in the last few minutes, that the injury could have been caused by a blow from the fist or from falling in the struggle?—Yes.

29421. I do not understand why you said before that what he had said, that is that the blow was from a fist, was not consistent with your view of the injury?—I can only say, as I said to you before, that although I admit these possibilities, my opinion cannot be that both did it. I must have an opinion one way or the other.

29422. Either might have done it?—Might have done it, but that still leaves a reservation for my opinion. I may lean more to one method of infliction than to the other from facts that I observe, or think that I observe.

29423. (*Chairman.*) I find that, among other things that have to be done when a divisional surgeon is called in by the police to a police station to visit a person suffering from injury, is that he is to be asked by the officer on duty at the station, or by the constable present, for directions as to the necessity for removing the injured person to the hospital, infirmary, or other place?—That is so.

29424. Did the Inspector formally ask for your directions as to what was to be done with the prisoner in this case?—With a man who is constantly in the police station like myself that would not apply, because I go automatically to the Occurrence Book and I write in directions, so that it would be superfluous to ask me the question.

29425. Then the regulation says: "If the person concerned is in custody, the surgeon is to be requested to

Dr. C. G. Grant.
29 Jan. 1907.

state whether the prisoner should be detained in the police cells, or should be removed to the infirmary or hospital"?—Yes.

29426. Your answer to me saying that the words "fit to be detained" were put in in accordance with the practice was intended to comply with that regulation, I suppose?—Yes.

29427. "Fit to be detained" meant fit to be detained in the cells?—It had special reference to the man's intoxication.

29428. That is just what I was going to put to you, because let me call your attention to the form of the certificate: "Called at 11.50 p.m. to see James Riley, suffering from contused right eye; intoxicated; fit to be detained." Then the words "fit to be detained" there refer to his condition?—To his intoxication primarily, and to the contusion of his eye secondarily.

29429. There is not a word about cells in the Occurrence Book?—No, that would not be put in the Occurrence Book, because if he was detained anywhere he would be detained in the cells.

29430. "And special directions to the police for their future guidance in the case should be entered in the Occurrence Book by the surgeon before he leaves the station"?—Yes, that is always done. No special directions were necessary there, because he was fit to be detained.

29431. You say that meant, and they would understand it to mean, in the cells?—Certainly.

(*Earl Russell.*) Would you mind asking a question of the witness to clear up a point which I have not succeeded in getting clear from the doctor's answers. In the evidence at the police court it is said, "I saw the policeman's coat was covered with street debris mud, and dirt." In answer to me I understand Dr. Grant to say only one was muddy, but in answer to Mr. Dickinson he said both police-constables had mud on their clothes, and then in answer to Mr. Rufus Isaacs he said they were all covered with mud. I should like to clear that up.

(*Witness.*) It was the other way round. At the police court I was asked: "Did you see P.C. So-and-So's coat muddy," and I said: "Yes, I did." As a matter of fact, I was prepared to say all the police were muddy, but I was not asked.

29432. (*Earl Russell.*) You did mean that—that both police-constables' coats were covered with mud?—Unquestionably. I was not asked at the police court whether that was so.

29433. I only wanted that there should be no misapprehension?—Quite so.

Divisional-Inspector RICHARD SANDERS, sworn.

Divisional Inspector R. Sanders.

29434. (*Mr. R. D. Muir.*) Are you a Sub-divisional Inspector of the H Division, stationed at Shadwell?—Yes.

29435. Were you in charge of the police station on the night of the 21st November, at a quarter to 12, when James Riley was brought in?—I was.

29436. Was he in the custody of P.C. Alfred Mizen and P.C. Thomas Kemp?—That is so.

29437. Tell us what took place when he was brought into the station?—P.C. 134 Mizen brought the prisoner into the station, and he informed me of the charge. He said it was a charge of drunkenness and disorder and use of obscene language. I left my office, and I went into the charge room to see the prisoner. I then saw that he had an injury to his eye. I said to him, "I see you have an injury to your eye." He said, "Yes, he did it," pointing to the constable.

29438. Which one?—134, Mizen.

29439. "I said I will send for the doctor and let him see it." I then telephoned Dr. Grant, and he attended and dressed Riley's eye. I asked the constable if he could account for it.

29440. Before the doctor came did you examine the eye yourself at all?—I did. I saw there was mud on the cheek and just a little abrasion on the cheek.

29441. There was some mud on his cheek?—Yes, his clothes were also muddy.

29442. When the doctor came what took place?—The doctor dressed the injury, and Riley also said in the doctor's presence that the constable did it. I asked the constable if he could account for it. He said, "He may have done it previous to my arresting him, or it might have been done in the struggle when he tripped me up."

29443. After the doctor had certified to his condition what did you do?—He was placed in the dock and the constable explained the charge to me—where he found him with a crowd round him, making use of obscene language, and as he would not go away he was obliged to take him into custody.

29444. Did you take the charge?—I took the charge. I read it over to him and he was then placed in the cells.

29445. According to my recollection, Riley said in the witness-box yesterday he was never put in the dock at all?—Oh, yes, he was.

29446. How long was he in the dock?—About five minutes perhaps, while the charge was being entered.

29447. Was the charge read to him in the usual way?—Yes.

29448. And did he make any reply, do you remember?—No further reply.

29449. The next day the matter came before the Magistrate, and evidence was given by Mizen and Kemp for the prosecution?—Yes.

29450. And by Edward Sweeney for the defendant?—That is so.

29451. Then you were called into the box by the Magistrate?—Yes.

29452. And you gave evidence?—Yes.

29453. On that occasion did the Magistrate read a letter that he had had from Mr. Sedgwick?—Yes.

29454. Having read the letter, did he say anything to the prisoner about it?—He asked whether he should settle the case then or whether he would have it put back till Saturday, with a view of Mr. Sedgwick attending to give evidence on his behalf. He directed me to see Mr. Sedgwick.

29455. What did the prisoner say to that?—He said he would have it put back.

29456. Then the Magistrate gave you directions?—Yes, to see Mr. Sedgwick and ask him to attend if he liked.

29457. And did you see Mr. Sedgwick?—I did.

29458. Did you ask him to attend?—Yes.

29459. On the following Saturday did Mr. Sedgwick attend?—He did not.

29460. Then the evidence was given that we know of, and that appears on the Notes of Evidence?—Yes.

29461. What do you say is the duty of a constable who takes a man into custody, as to keeping him in custody as long as he is physically fit to do so?—Yes, he would do so, but there are times, especially in the East End of London, when a man may be a quarter of an hour or 20 minutes with a prisoner, and in that time he would be exhausted somewhat, and his prisoner may escape, and if a man comes up fresh he would certainly tell the other man to stand on one side and take the prisoner on himself, but at the same time, when he got to the station, the original man would prefer the charge.

29462. If he was physically fit to do so?—If he was physically fit to do so.

29463. As to one constable following another who has a prisoner in custody, what do you say as to that with regard to your division?—He was obliged to.

29464. Why?—It is not safe for one constable to take a prisoner through the streets, especially in Wapping.

29465. Is it a common thing or an uncommon thing?—It is a common thing; it is nearly always done.

29466. I want to ask you with regard to the duties of the constable on the fixed point. What is the idea of having a constable on fixed point? Is it to keep him there in order that he may stay there, or in order that

he may be found there if he is wanted?—In order that he may be found there or called when wanted by the inhabitants of the immediate vicinity.

29467. So that the people about there will always know where they can find a constable?—Yes.

29468. He is not tied to his point?—No, he is there for the purpose of being called away by the inhabitants if required.

29469. (*Earl Russell.*) When Riley was brought into the station he was accompannied by both Mizen and Kemp, was he not?—That is so.

29470. One on each side of him?—I could not say that, because I was in the Inspector's office.

29471. Was he quiet when he came in?—Oh, yes.

29472. Not violent in any way?—No.

29473. Not using bad language or shouting?—No.

29474. You came out to see him, I suppose, almost at once. As soon as I was told the charge I went out into the charge room and saw him.

29475. I suppose directly you did see him you saw the condition of his eye?—Yes.

29476. That struck you at once?—Yes.

29477. When you were told the charge in the first instance by Mizen, I understand he did not go into details, but he only said it is a charge of drunk and disorderly and using obscene language?—That is so.

29478. Then you were at once attracted by the eye, and you say you asked questions about it?—That is so.

29479. And Riley instantly said P.C. 134 had done it?—When I asked him how the injury was caused.

29480. Was it upon his saying that that you sent for the doctor?—No, I should have sent for the doctor if he had not mentioned that.

29481. If there had been no charge against the police you would have sent for the doctor?—Yes.

29482. On account of the injury to his eye?—Yes.

29483. You thought it was sufficiently serious to require the doctor's attendance?—Yes; if a prisoner is suffering from any injury at all we are entitled to call the doctor to attend to it.

29484. Riley did not ask for a doctor?—No.

29485. As to his drunkenness, were you quite clear that he was drunk?—Undoubtedly.

29486. Do you remember anything of the incident that Riley spoke of, having been asked to walk up and down the police station after the doctor came?—That is one of the doctor's tests as to a prisoner's state.

29487. Do you recollect whether he did that after the doctor had bandaged his eye?—I think he did.

29488. Riley himself denied that he was drunk?—Yes.

29489. Was that before you sent for the doctor that he denied that he was drunk?—No, after.

29490. You did not require the doctor to satisfy you that he was drunk?—No.

29491. It was not for that purpose that you wanted him?—No.

29492. When you were told of this charge against Mizen did you ask him to explain it at once or did you take him into your office?—At once.

29493. Before the prisoner?—Yes.

29494. You said, "How can you account for it," or something of that sort?—Yes.

29495. Your recollection is that he said that he could not account for it, and that it might have happened in various ways?—It might have happened before he took Riley into custody or in the struggle.

29496. He could not tell which?—No.

29497. When you asked him to account for it did he then go into the details of the arrest?—When the prisoner was put in the dock.

29498. Not when you asked him to account for the black eye?—No.

29499. He did not go into further details then?—No, he merely told me it was a charge of drunk and disorderly and using obscene language. Then the doctor attended to his eye, and after the eye was dressed, he explained the charge to me, and it was entered on the sheet.

29500. It was before the doctor came that you asked Mizen to account for the injury?—Yes.

29501. Did Mizen only say generally that he could not say when it had happened?—He said it at once that he might have got the injury before he took him into custody, or it might have been done in the struggle when he tripped him up.

29502. Did Mizen say anything to you about what he had been doing before he took him into custody that might have caused the injury?—I do not follow the question.

29503. Did Mizen tell you how it might have been done in some fighting that Riley had been doing before he took him into custody?—I think he said he was quarrelling with another man, and it might have been done before he took him into custody.

29504. Did Mizen make any suggestion that it might have been done in the course of the quarrel with this other man?—I think he did.

29505. You understood that a quarrel of that sort meant a quarrel where there were blows?—Just so.

29506. Did Mizen tell you then that that quarrel was one where there were only words?—I do not think anything was said, only that these men were quarrelling, and the other man went away and this one would not go away and he took him into custody.

29507. The impression on your mind was that there was a sort of quarrel in which there might have been blows?—Yes.

29508. Did Riley before the doctor came or after the doctor came give you any details as to how he had suffered this injury?—No, only that "He did it," pointing to the police constable.

29509. He did not tell you "He struck me with his fist"?—With his fist.

29510. He said it had been done with the police constable's fist?—Yes, he said "He struck me with his fist."

29511. What did Mizen tell you about the struggle at the mouth of Choppin Court?—He said he was bringing the prisoner up Prusom Street, and when he got as far as Choppin Court the prisoner Riley tripped him up and tried to get away, and then the other constable came to his assistance.

29512. Did he say that they both fell down when he was tripped up?—Yes.

29513. And that there was a struggle?—Yes.

29514. Did he tell you anything about the number of people who were present?—He said there were only two or three at first, but others came up afterwards, but there had been a crowd in Old Gravel Lane when he took him into custody.

29515. And then he told you that the other constable came up and assisted him?—Yes.

29516. What did he tell you happened after the struggle was at an end when Kemp came up to assist him?—He got up and walked quietly.

29517. He said he walked quietly to the station?—Yes.

29518. Did he tell you that police-constable Stokes had come up?—No, I did not know anything about police-constable Stokes being in the street or on the spot until a day or so afterwards when Stokes spoke to me.

29519. Mizen never mentioned to you that police-constable Stokes had come there at all?—No.

29520. He never told you that there had been any suggestion of sending for the ambulance?—No.

29521. Or that the prisoner had refused to walk?—No.

29522. He said that after this struggle the prisoner got up and came quietly?—Yes, assistance came.

29523. When Kemp came up to assist him the prisoner went quietly to the station?—Yes.

29524. Did you ask Kemp about these incidents?—No, I do not think I did; it was nothing to do with the charge; the charge was being drunk in Old Gravel Lane, and these developments have come out since.

29525. I know, but it was rather more serious than a charge of drunkenness?—But he was asked in the presence of Kemp.

29526. I know, but after you had asked Mizen to account for it did you not ask Kemp if he knew anything about it?—Yes.

Divisional Inspector R. Sanders.

29 Jan. 1907.

29527. That is what I meant. Was that before the doctor came or after?—I think while the doctor was there.

29528. Also in the presence of the prisoner?—Also in the presence of the prisoner.

29529. What did Kemp tell you about it?—Kemp said he did not know anything about it.

29530. He could not say how it had happened?—No.

29531. Did Kemp say anything to you about his being tripped up?—I am not certain on that point.

29532. But you understood from Kemp he was not present when they fell to the ground. Which way did you understand it?—I understood Kemp was not present when they fell to the ground, because Kemp was following on behind.

29533. And not in sight when they fell to the ground?—He may have been in sight—about 20 yards from them when Mizen was tripped up.

29534. Must I take it you do not remember exactly whether Kemp said he was in sight or was not?—No, I cannot remember that.

29535. You told us that when the doctor came Riley repeated the same story that he had been hit by the constable?—Yes.

29536. Did you call for other reports from these constables?—Yes.

29537. You yourself did?—Yes.

29538. From both Mizen and Kemp?—Yes.

29539. And had them made the same night or the next morning?—The afternoon of the Police Court proceedings of the 22nd.

29540. After they had been up to the Court?—After they had been up to the Court.

29541. And you did not attend Court in the first instance?—No.

29542. Until you were sent for?—That is so.

29543. On the first day I mean?—Yes.

29544. You agree with Dr. Grant that both constables were muddy?—Yes.

29545. It looked as if all three had been down on the ground?—That is so.

29546. Did you ask Kemp whether there had been any struggle after he came up or whether everything had been quiet after he came up?—I do not think I asked Kemp at all.

29547. (*Mr. Rufus Isaacs.*) Was it Kemp whose clothes were said to be muddy, as well as Mizen's?—Yes, he may have got that from the prisoner's clothes or the other constable's clothes.

29548. (*Earl Russell.*) You did not really go into it very much beyond asking these questions, and then asking for a written report?—That is so.

29549. (*Chairman.*) Mr Muir asked you some questions about the duty of men on fixed point duty. Am I right in thinking from your answers that it was Kemp's duty to follow Mizen and his prisoner all the way to the station?—Yes, and assist him.

29550. Assist him if necessary?—Yes.

29551. It was his duty to go then some little distance behind into Prusom Street, and so on right to the police station?—Yes, and to give him assistance, and catch hold of the other side of the prisoner's arm.

29552. Were you here when Kemp gave his evidence yesterday?—Yes.

29553. Did you hear him say that he only intended to follow him a short distance just to see them get away, or use some expression of that kind?—Yes, he was rather nervous in answering the questions, I think, but he would undoubtedly have walked on and caught the other constable up and taken told of his arm.

29554. In any case?—Yes.

29555. Even if there had been no struggle and no particular violent conduct on the part of the prisoner?—Yes, in a neighbourhood of that description it is necessary for two constables to be with a prisoner.

29556. Very likely; I am not suggesting the contrary, but notwithstanding the constable is put on his fixed point in order that he may be easily found, and apparently easily go away to the assistance of any other constable, the leaving of his point is a matter of some little importance, is it not?—Yes, it is noted and entered.

29557. In this case Kemp did go all the way to the station?—Yes.

29558. Was Kemp's absence from his fixed point noted in this case?—Yes, the sergeant would make a note of it.

29559. In the Occurrence Book?—No, on the States.

29560. It would be mentioned in the Occurrence Book?—Not in this case, it would be put on the sergeant's States.

29561. The regulation says: "Police employed on fixed points are at all times to render assistance in every case in which police duties and powers require them to act, but whenever a constable leaves his fixed point he is to report as soon as practicable to his sergeant the reason for such action, the particulars of which are to be recorded by the sergeant on his State, and in the Occurrence Book at the station"?—Yes, that is so.

29562. Was that done in this case?—I think not. Only in the sergeants' State, I think.

29563. Whose duty was it to see that the regulation was carried out?—My own duty.

29564. Then you saw Kemp in the police station, did you not?—Yes.

29565. And you would know, I should take it, that Kemp had been on fixed point duty?—At the time I did not know whether he was on fixed point or on the beat.

29566. You did not know then?—No, not at the time of taking the charge.

29567. Who was the sergeant at the station to whom Kemp ought to have reported, according to the regulation?—He would make a report and give it to the sergeant, and the sergeant would enter it "being called away from the point." That is the practice.

29568. Who was the sergeant to whom Kemp ought to have reported his absence from the fixed point?—The sergeant on the section.

29569. Who was that sergeant?—I could not say.

29570. Whose duty is it to see that the fact is recorded in the Occurrence Book?—The Inspector's duty.

29571. How came it that it was omitted in this case?—I can hardly answer that.

29572. I only want to see how far the regulations are carried out. I am not saying there was any particular harm in the omission in this case?—It is entered in the sergeants' State, and the Divisional Inspector goes through the States, and it is very plain also to see how these things are entered.

29573. May I take it from you that it was not necessary to make any entry in the Occurrence Book of this incident?—There was no necessity.

29574. But the regulation says so?—It is placed on the sergeants' States for reference.

29575. But the regulation goes on, "and in the Occurrence Book at the station"?—Yes, it is noted in the Occurrence Book that he was there at the station by bringing the prisoner in.

29576. I dare say it might be inferred from that fact, but would the Occurrence Book show that Kemp was at the station?—Yes, it is entered.

29577. The entry is, "Prisoner was brought to the station, and suffering from a contused right eye, which the constable, P.C. 134 H Mizen, said might have been done prior to his arrest, or afterwards, as he, the prisoner, tripped him up at Prusom Street, and struggled violently to get away, when P.C. 322 H, Thomas Kemp, came to his assistance, and he was brought to the station. Dr. Grant was called," and so on. You say that is the entry that would be made in compliance with the regulation that I have read, and that it sufficiently complies with it?—Yes.

29578. I daresay it is so. It certainly shows that Kemp was there, and it accounts apparently by inference for his absence from his point, although it does not say so. However, I daresay that is sufficient. Did you think, after Dr. Grant had gone away, that there would be a complaint made by the prisoner Riley that he had been assaulted?—No.

29579. And that some trouble might arise?—No. It

is frequent that people, when they are charged with drunkenness, make accusations against the police of having done this and that.

29580. On that evening you did not think that any thing more would be heard of the matter than the police court proceedings?—That is all.

29581. And you did not attend the police court proceedings on the Thursday?—No, not on the first hearing.

29582. When did you first attend at the police court to be questioned?—When the Magistrate sent for me.

(*Mr. R. D. Muir.*) I do not think the witness understood your question, Sir, about attending.

29583. (*Chairman.*) Did you attend the police court on the first day?—Yes, after the Magistrate sent for me.

29584. Were the proceedings over and the case remanded when you arrived?—The case was put back for me to give evidence.

29585. Then the Magistrate, I understand, did remand the case until the Saturday?—Yes.

29586. Did you, when you left the police court, think that it was likely the police action would be questioned, and a question of assault arise?—Yes.

29587. When were the reports called for?—I asked the constables to make them out after the hearing before the Magistrate.

29588. And you made your report the same day, on the 22nd?—Yes, in the afternoon.

29589. You said in it "this appears a case where the police action may be questioned," and you thought that Messrs. Wontner ought to be asked to attend?—Yes.

29590. Where did the constables make out their reports?—In the station, in a side room, which is called the library.

29591. About what time, according to your recollection?—Kemp, I think, made his at 3 o'clock, and had gone before Mizen made his out. Mizen came there about half-past four. I looked over the reports after they were made out, and scratched one of the "o's" out in the word "swollen."

29592. The same mistake occurred in both reports?—In both reports, but neither of the constables were there together, and neither saw one another's reports. It is a word that may be mistaken by a good many, I think.

29593. May I look at those reports? In both the reports the word "swollen" is spelt originally "swoollen," and you knocked out the "o" in each case?—Yes.

29594. When the two reports were brought to you were they brought to you together, or left separately?—They were brought in to me singly. Kemp had gone before Mizen came.

29595. (*Mr. Rufus Isaacs.*) Is it the practice for the reports to be brought to you?—Whoever was dealing with the case.

29596. You, being the Inspector dealing with the case, they would be brought to you?—Yes.

29597. Are they ever altered after you have seen them?—Oh, no, they are not altered. A word might be struck out if it is misspelt.

29598. That is correcting?—Yes, but they are not altered.

29599. Do you mean they are never sent back?—There might be further reports, but the original reports are not altered.

29600. Did you notice about them the similarity of language at all?—No.

29601. Did you notice that both of them had these words in, in identical language: "I noticed that Riley's eye was swollen"—spelt with two "o's"—that is in Kemp's, and in Mizen's it is: "I noticed the prisoner's right eye was swollen"—spelt with two "o's"?—Yes, I noticed that, and struck out the "o's" at the time, but I did not notice the similarity of language.

29602. It is not only the "o's," but the words are exactly the same—did you notice that?—Yes, but that might have been in their minds at the time. They had given evidence the same morning, and made out their reports in the afternoon.

29603. (*Chairman.*) Both the constables had been at the police court that morning—Kemp and Mizen?—Yes.

Divisional Inspector R. Sanders.
29 Jan. 1907.

29604. (*Mr. Rufus Isaacs.*) What would happen when the reports came before you, and you corrected them by striking out the "o's," as you have told us?—They would be sent on to the Superintendent.

29605. With yours?—Yes.

29606. Then would they come back to you at all?—In this case I might say that I took them to the Superintendent myself, and then on to the Commissioner. I was directed to take them on to Messrs. Wontner. If there is time they would be sent through to the Superintendent.

29607. When you saw this man Riley brought in you saw the condition of his eye?—Yes.

29608. He had a black eye?—Yes.

29609. There was a slight wound?—Yes, on the right cheek.

29610. Was there a little blood?—Just a little.

29611. What did you think had happened?—I thought it was a fall, by the state of the clothing and the abrasion on the cheek. It looked to me more like a fall than anything else.

29612. What did you think he had struck in the fall?—There is a post in the centre of Choppin Court, and, in trying to get away, he could have knocked against the post.

29613. Would it not make a much more distinct mark on the eye than a cut or abrasion?—It would account for the black eye, and it might have been a rough edge in the ironwork of the post that caused the abrasion.

29614. (*Chairman.*) Was it an iron post?—Yes.

29615. (*Mr. Rufus Isaacs.*) It would make more mark than that if there had been a struggle and his eye had struck against an iron post. There would not have been a slight abrasion?—Neither of the constables were wearing rings which would cause any abrasion.

29616. But the ring would have been much worse. There would not have been a slight cut. I suggest to you, when you saw him, the most likely thing to have happened was that in the struggle he had, somehow or other, come against the constable's fist, or his elbow, or something of that kind?—There was no motive for the policeman to strike him.

29617. I am not suggesting there was, but I am trying to find out what the injury was that was caused?—There is no doubt he tried to get away in Choppin Court.

29618. And I suppose it is quite possible that in the struggle his eye got blacked?—It may have been done in many ways, but I did not think for a moment that the policemen had struck him.

29619. Not deliberately?—No.

29620. (*Mr. Whitmore.*) Not in the way Riley alleged?—No.

29621. (*Mr. Rufus Isaacs.*) But I want to ask you a question upon that. There was blood, you say, upon Riley's eye. Did you notice Mizen's hand at all?—Yes.

29622. Was there any blood on Mizen's hand?—No.

29623. Was Mizen's hand bruised?—There was dirt on it; it was muddy all over.

29624. (*Mr. Dickinson.*) You have been Inspector for some years, I suppose?—Nearly eight years.

29625. I want to ask you about these reports. Is there any system under which the police are instructed in the drawing up of reports?—Not in particular, I think.

29626. They have lectures and instructions, do they not?—They are instructed to say all they know, and enter every detail in the report.

29627. But is not there some instruction as regards the form of a report, because most of the reports we have seem to have been drawn up in a common form?—There is a uniform style; they commence with the time and date, and such like.

29628. Are there any instructions given to the young policemen when they begin as to the form of reports?—Yes, to report occurrences. They are instructed how to report them.

29629. Are they made to make out reports?—They are shown how. Take the case of a collision in the street; they are told to take the names and enter them

Divisional Inspector R. Sanders.

29 Jan. 1907.

in a book, with the time and date, and they then are shown how to make a report.

29630. These reports that we have seen, do you know at all whether they are written straight out on the paper which is presented to you, or are they first of all written out roughly, and then copied out?—In some cases they may be written out roughly and copied out.

29631. I suppose you attach importance to their being written out neatly?—Yes.

29632. Is it customary for them to draft it out first?—No. If a man reports anything at all he would make it out forthwith on his report paper.

29633. He would write it straight out?—Yes, and the other man, who is not quite so well educated, might make out a rough one, and the words might not be spelt correctly.

29634. In this particular case when did you tell Kemp to write out his report?—I sent for him. He had gone home and had his dinner, and I sent for him and told him I should want him to make a report of the circumstances.

29635. That was immediately after dinner?—Yes, and he came there about 3 o'clock.

29636. And he wrote it out immediately?—Yes.

29637. Where was Mizen then?—He had gone home to his dinner. I sent for him, and he arrived about half-past four, or something after four.

29638. By that time you had already had Kemp's report, you think?—Yes.

29639. That you are certain of?—Yes, and he was gone.

29640. What was the reason why you asked for reports?—I thought the conduct of the police might be questioned on the Saturday, and if I had reports from the constables it would guide me somewhat for the information of the Superintendent as to whether he would recommend or not legal aid.

29641. Did you not think the conduct of the police would be questioned before that moment?—No, not before I had been to the Magistrate at the police court.

29642. But when the man came in in the evening and made this direct accusation against the police, did you not then think the conduct of the police would be questioned?—No. He was drunk, and no witness came on his behalf to say the police had done it, and I understand the man himself, Riley, did not make any accusation until I asked him how he came with the injury to his eye.

29643. But that was the very first thing you did when he came in?—Yes, and that was the first time he accused the constable of striking him.

29644. Do you say that you did not send for the doctor with reference to this accusation against the policeman?—No.

29645. What did you send for the doctor for?—To dress his eye.

29646. But the doctor said it was not a case in which he would be called in the ordinary course?—The officer on duty has a right to call a doctor if he sees an injury to a prisoner. It is always best to have medical advice as to an injury. It may get worse by the next morning, and if no doctor had dressed it it would be very wrong.

29647. I see that Mr. Mulvaney, the superintendent, in sending in your report, says that "the Divisional Surgeon's attention was drawn at the station to the prisoner's allegation that the police-constable had caused the injury to his face. The doctor examined him, and said he did not think the injury was caused by a blow from the fist." Was that an accurate account of what had taken place?—Yes.

29648. Then the Divisional Surgeon's attention was called to that?—There is no doubt it was, but I cannot remember every little thing.

29649. Was it not you who called his attention to that?—Yes, I did call his attention to that.

29650. Then, to your mind, this question was one that deserved attention?—Yes. There was no doubt I told the doctor that the prisoner accused the constable of striking him.

29651. And you thought that the doctor's advice on that point would be of importance?—Yes.

29652. Are you quite right in saying to us that you had not that in mind when you sent for the doctor?—I had not got that in my mind when I sent for the doctor, but it was the injury to the eye.

(*Mr. Rufus Isaacs.*) He said he had not the case against the constable in his mind, but he had the injury in his mind.

29653. (*Mr. Dickinson.*) You only sent for the doctor to dress the injury?—Yes.

29654. Not to look at the injury and see what his view about the accusation was?—I do not quite follow you.

29655. Did not you want to know what the doctor's view about the cause of the injury was?—Yes.

29656. When you sent for him?—Yes.

29657. That is what I put to you before, and you rather said the opposite. I understood you to state that the only thing in your mind, when you sent for the doctor, was that you wanted this wound surgically attended to?—Yes.

29658. What I ask is whether it was not also that you wanted to have the doctor's view as to what the probable cause was, and you now say yes, but I should like to give you another opportunity of answering?—There is no doubt that that was in my mind, to have the doctor's view of the injury as well.

29659. I do not say you were wrong in the least. You had got in your mind the possibility of the police-constable's action being questioned on the following day?—Somewhat, but it is so frequent that prisoners make allegations of this sort against the police when they are drunk that it is quite common.

29660. You did not think it would be pressed until you went to the police court?—No.

29661. And after the proceedings at the police court, having seen it was pressed, you obtained these reports?—Yes.

29662. I have been looking at this book which the Chairman drew your attention to. When did you make this entry?—Directly after the doctor had made his entry.

29663. Then here you say, "The prisoner was suffering from a contused right eye, which the constable said may have been done prior to his arrest, or afterwards." I want to know why, if you make this entry, do you not put into that entry the fact that the prisoner alleged it had been caused by a blow with the fist?—The prisoner was drunk, and people, when they are drunk, do say anything.

29664. But you put here, "The constable said it might be done prior to his arrest or afterwards," but you do not put that the prisoner alleged it had been caused by the constable?—No.

29665. It was an important fact for your superior to know that an accusation like this had been brought against a constable?—Yes.

29666. And one that would be inquired into?—Yes.

29667. Why did you not mention it?—(*No answer.*)

29668. Your answer is because you say he was drunk?—He was drunk.

29669. That might have been a reason for mentioning nothing at all, but not for mentioning what the policeman said and omitting to mention what the prisoner said?—The entry underneath the doctor's entry is to explain where the doctor is called really.

29670. What is your entry put in for?—To explain why I have called in the doctor.

(*Chairman.*) The doctor gave a somewhat different account. He said it was done under the regulations.

29671. (*Mr. Dickinson.*) His entry was but with regard to the Inspector's entry which follows; his reason was he wanted to put in a reason to show why the doctor had been called, namely, that the prisoner had been wounded and required attention?—Yes, that is the explanation.

29672. (*Mr. R. D. Muir.*) Would you have had any entry in the Occurrence Book at all if the doctor had not been called in in this case?—No.

29673. Your sole record would have been the charge sheet?—That is so.

29674. (*Mr. Rufus Isaacs.*) Would you not make an

entry supposing an accusation were made?—I should take a statement.

29675. But it would not go into the Occurrence Book?—No.

29676. (*Chairman.*) Did you make any note at all of anything said by this prisoner?—No, he was drunk.

29677. I will just call your attention to Regulation 209. I am not expressing any opinion as to whether the rule applies, but I will just read it: "The charge as entered upon the sheet is always to be read over to the prisoner, not with a view of extracting an answer, but to inform him of the nature of the offence with which he is charged, but any observation he makes is to be noted and attended to." You know that regulation?—Yes.

29678. I understand in this case that Riley, when you actually read the charge from the charge sheet, said nothing?—That is so.

29679. He denies that you read the charge sheet out to him?—He forgets, I suppose.

29680. Taking it that you are quite accurate in the matter, do you not think you ought to have made a note somewhere that he had complained of an assault by the constable? Do you read the words that the charge as entered upon the charge-sheet is to be read over as meaning that only the observations made after the charge is formally read over are to be noted? Do you read the regulation in that way?—Yes. He made no answer to the charge. Of course, he made the accusation previous to the charge being entered, but as he was drunk——

29681. I do not quite think that is so. The regulation says, "The charge as entered upon the sheet is always to be read over to the prisoner." It is headed: "General instructions as to charges." Sometimes there is a long conversation between you and the prisoner and the officer preferring the charge, and in the result you take the charge and enter the particulars in the charge sheet, and the prisoner says nothing, but surely, if he has been contesting his guilt before or making a charge against the constable, you ought to make a note of his observations, ought you not?—You would in an ordinary case, but he was drunk.

29682. Then I am right. If it is not a case of drunkenness, even although a charge of assault is not preferred by the prisoner after the charge is made against him, you would make an entry that he had averred that the police-constable had assaulted him?—Yes.

29683. (*Mr. Rufus Isaacs.*) Had he contested his guilt? Did he say he was not drunk?—He did say he was not drunk.

29684. (*Chairman.*) According to Riley's story, he said he was not drunk?—He said he was not drunk. The doctor told him to walk in the room.

29685. (*Mr. R. D. Muir.*) The Commissioners would like to know, I think, how are the duties of fixed point men provided for when the fixed point man has to leave his point of police duty?—It is filled up by the man coming along on the beat; he remains there until the man comes back.

29686. When a fixed point man has gone the next man coming on the point from his beat remains there until he is relieved?—That is so.

29687. (*Mr. Whitmore.*) You say Riley was drunk?—Yes.

29688. And you did not attach importance to what he said when he was drunk?—No.

29689. Supposing a man is drunk, and he makes a statement, you do not take a note of it?—He was so drunk that you could not place much faith in it.

29690. You thought that perhaps the next day he would forget what he had said?—Yes.

29690.* (*Mr. Rufus Isaacs.*) Where would you make the entry if you did make one of any observation made by the prisoner?—In a pocket book. The man who prefers the charge, as to what the prisoner says in answer to the charge, would note it in the pocket book.

29691. The police-constable who prefers the charge?—Yes.

29692. It would not be made by you?—No, not unless he made a statement. I should take it down in writing and attend at the police court with it. The constable who prefers the charge would be expected to make a note of it.

29693. Supposing a man is charged with an offence, and he says he has not committed it, and that a mistake has been made, would any note be made of that?—Yes.

29694. Where?—If he made it in answer to the charge.

29695. I mean when he gets to the police station and when the charge is preferred, you, the Inspector, are taking the charge?—Yes.

29696. The police constable who has arrested him prefers the charge; then you read over the charge to him when you have taken it down?—Yes.

29697. Then suppose the accused says: "There is a mistake about this, you have got the wrong man, I did not do it, and I can prove it." That would be an observation of which you ought to take a note?—Yes. The constable that has the case would put it down in the book, and the Inspector who took the charge would initial it.

29698. That is what would happen?—Yes.

29699. In this case it would be Mizen who would make a note in his book, and then you would initial it?—Yes.

29700. Suppose a man simply says, "I am not guilty"?—That would be an answer to the charge. He would put it down.

29701. That is what the man Riley did say?—You cannot put any credence in what a drunken man says.

29702. If you think a man is drunk, and you take him to the station, and you read over the charge to him, it means whatever he says you still think he is drunk?—That does not really apply to drunkenness. It is more in felonies and serious cases.

29703. Is that so? Is not this relating to general instructions? I daresay you are familiar with it, and more familiar with it than we are. It is under the heading of "General Instructions." It is Rule 209. I am not suggesting that anybody is to blame at your station, but I want to know what the practice is?—The practice is with drunken people——

29704. To disregard that?—To disregard that in drunken cases, because they would not put down what a drunken man says.

29705. Is not a drunken case one of the most difficult cases to determine?—I do not quite follow you.

29706. I should have thought sometimes it is very difficult to say whether a man is drunk or not?—I think you can come to a conclusion at once with some people.

29707. There are cases in which that might be so, but in the case of some people there may be a doubt?—Yes.

29708. I should have thought that your experience would be that drunkenness is one of the things as to which there is most likely to be a doubt. I mean as to what takes place before you, because the evidence centres round what takes place when the charge-sheet is read over to him. That is the evidence of what the man's condition is at the time?—Yes.

29709. Therefore it would be much more important on a charge of drunkenness against a man to take down very carefully what he says?—I do not think so, in a case where a man is drunk he says all kinds of things, and he would forget all about it by the next morning.

29710. You are assuming that a man who is arrested by a constable for drunkenness is always drunk. Will you try to assume for once that a man who was arrested by a constable for drunkenness was not drunk?—Sometimes he may not be drunk, and the constable may be mistaken.

29711. We are all liable to mistakes. A constable may make a mistake in thinking a man is drunk when he is not drunk?—That is so.

29712. When a man is brought before you at the Station, and is charged, the man makes an answer?—Yes.

29713. I understand whatever his statement is, if he is charged with being drunk, you do not take a note of it.?—If he denies the drunkenness we send for the Divisional Surgeon.

29714. Do you take any notice of it?—If he says "I am not drunk"?

Divisional Inspector R. Sanders.

29 Jan. 1907.

29715. Yes. Supposing he says "I am not drunk, and in point of fact I have not had anything to eat for some hours, and I am not feeling well," do you take a note of those things?—Yes, we send for the doctor.

29716. That means you do not take a note?—We send for the doctor.

29717. You do not take a note of his statement?—No. That is, before the charge is made.

29718. I am speaking of when the charge is made and read over to him?—And he denies the drunkenness?

29719. Yes?—Then the doctor is sent for, and the doctor would make an entry, and we should explain under the doctor's entry why we called the doctor.

29720. Why you call the doctor to certify whether he was drunk or sober?—Yes.

29721. Does it depend in any way upon the accused as to whether you send for the doctor?—A drunken man can always have the doctor if he wishes.

29722. So I understand. If he asks for the doctor he is sent for?—Yes.

29723. He has to pay the fee, has he not?—It is put on the sheet.

29724. Usually?—The Magistrate can order him to pay the fee.

29725. You do not send for the Divisional Surgeon unless the prisoner asks for it, do you, in a case of drunkenness?—Unless he is so drunk that we may think it unsafe to keep him in the cell; that is so in the case of drunken people sometimes.

29726. You mean he is in such a condition that you do not think it safe to leave him alone?—That is so. We call the doctor for our guidance in that case.

29727. Still, I do not understand what your practice is. Suppose a man when brought before you says he is not drunk, and he does not ask for the doctor?—We send for the doctor.

29728. You send for him on your own initiative?—Yes.

29729. No note is made of any kind?—No. The constable would tell the Magistrate that the man denied drunkenness.

29730. Suppose this happened—that a man was arrested by a constable and brought before you, and the man said "I am not drunk; I have had something to drink, it is true, but I am not drunk, and the police-constable knocked me about and brought me here, and said he would charge me with drunkenness," would you take a note of that?—Yes, I should take notice of what he said, and send for the doctor.

29731. Would you take a note of his statement?—If he made an allegation that he was knocked about by the constable I should make a note to that effect to see if there was any truth in it.

29732. Where would you make a note?—I should take it down in writing.

29733. Do you mean you would make a note in some book?—Yes.

29734. What book would it be?—If he was drunk and said he was knocked about we should not take any note of that at all—not to make a note of it. It is not the custom to take that down in writing.

29735. Let me summarise the effect of what you are saying. If a man is brought before you on a charge of being drunk, and he disputes it you send for a doctor?—Yes.

29736. You do not take any other note, but you take what the doctor says as a note of what his condition is?—Yes.

29737. Then if he is drunk?—If the doctor thinks he is drunk, whatever he says is not taken down. The doctor put it in a book, and we put it in the book for the information of the Magistrate.

29738. If the doctor thinks he is drunk, and says he is drunk, then whatever the man says to you is not taken down?—No.

29739. No note is made of it?—No. The constable would tell the Magistrate.

29740. But no note is made of it?—No.

29741. That only applies to cases of drunkenness?—That is so.

29742. (*Chairman.*) Am I to understand that you never do take notes for your own protection of what is said by witnesses or of what is said by a prisoner in the charge-room?—Yes, in cases of crime, charges of felony and ordinary assaults on different people.

29743. The regulation has been read more than once in the course of the cases we have had before us. "The greatest care is to be exercised in the investigation of the charges; good order is to be strictly preserved while the witnesses are giving evidence, and their statements and any remarks made by the person charged are to be patiently and attentively heard." Do you mean that in the case of summary arrest you do not keep any note for your own protection. In a case, for instance, where you refuse a charge, do you make a note?—That is put in the refused charge-book.

29744. Do you not make any note in a book kept by yourself?—For your own sake.

29745. Yes, for your own safety?—We have a little book to put in little things.

29746. The regulations do not only apply to cases of felonies and misdemeanours, but the regulations apply to all cases in which a prisoner is brought before you and charged?—Yes.

29747. There would be no general distinction there between one class of case and another, and as far as I can see in a case such as that which Mr. Rufus Isaacs has been putting to you of a man charged with drunkenness and he denies it, there may be two or three police-constables telling the Inspector that this man is drunk, and there may be friends of his besides the accused saying he is not drunk. Am I to understand in a case like this which we suppose you patiently investigate, you would not take any note of the fact that the witnesses had come?—Yes, I should.

29748. I quite believe you would, and it is a very proper thing to do. Where do you put that entry in practice?—On ordinary loose paper, supplied for the purpose.

29749. There is another point in this case that I do not quite follow your evidence about, but I daresay you are quite right. I gather that you sent in this case for the doctor because the prisoner was injured?—Yes.

29750. But in some of the answers that you have been giving you were suggesting to me that you did not take a note of what the prisoner said about the assault, and about his not being drunk, because it was quite sufficient, as the doctor was coming, to rely upon the entry in the Occurrence Book?—That is so.

29751. It seems to me also that you were rather relying upon the doctor's opinion as to whether the man was drunk or not, as a thing that would be entered?—No, I was satisfied of his drunkenness. It was the injury to the eye.

29752. I rather thought you said supposing there had been no injury to the eye and the man denied that he was drunk you would have sent for the doctor?—Yes, he denied he was drunk after, and the doctor examined him.

29753. Take the question of the injury to the eye for a moment. Am I right in thinking you said that if the prisoner denied he was drunk you would have sent for the doctor in any case?—Yes.

29754. Without his asking for him?—Yes.

29755. That does not seem to me prescribed by the regulations. Let me read you the regulation which has been read more than once. It is regulation 233, at page 258: "If prisoners are insensible from drink or any other cause, or appear to be ill or injured in any way, although they do not complain the Divisional Surgeon is to be sent for immediately. This duty is imperative in all cases where a prisoner appears to be ill, whether or not he has recently been under medical treatment." That regulation does not seem to imply that because a man says he is not drunk a doctor shall be sent for. We have had it in more than one case, and this is the first time I have heard it suggested that the doctor is sent for the moment a man says he is not drunk?—That is only fair to the man charged.

29756. That may be, but where is it prescribed in the Regulations?—It is the custom I think if a man denies being drunk.

29757. (*Mr. Rufus Isaacs.*) I want to understand

this—If Riley had been brought before you by Police-Constable Mizen, and simply charged with drunkenness, and there had been no question about the eye at all—if Riley's case had been simply an ordinary case, and he was brought up and charged with drunkenness, and Riley said "I am not drunk, he is making a mistake"—would you send for the doctor?—If he denied the drunkenness.

29758. (*Chairman.*) You know the White Book, of course?—Yes.

29759. Do you rely upon anything in the White Book for that course of action?—That is the custom.

29760. (*Mr. Rufus Isaacs.*) Then in every case when a man says he pleads not guilty to a charge of drunkenness before you we should find a doctor's certificate?—You should always do so.

29761. That you always put in your Occurrence Book?—Yes.

29762. That would account for your not taking a note?—Yes.

29763. You would get the doctor's statement. Does the same thing apply in cases of disorderly conduct?—In what way?

29764. Here he was charged with using obscene language, for example. He was charged with being drunk and disorderly, and using obscene language. Whatever he says is not taken down if he is charged with drunkenness it does not matter what the other charge is?—Not as a rule.

29765. Supposing he admitted the charge?—The doctor would not be sent for—not if he had not any injury.

29766. He might be charged with various things. Supposing he was very drunk he might admit anything you put to him. You read the charge sheet over?—Yes. Anything they say is noted, but in cases of drunkenness when they do not deny it it is not taken down.

29767. Sometimes they do not take the trouble to deny?—Yes.

29768. That would not be used against them?—No.

(*Mr. Dickinson.*) In the middle of page 258 there are these words: "The Commissioner desires that a liberal interpretation may be placed on all orders and regulations with respect to the attendance of divisional surgeons in cases of illness, accident, injury or drunkenness." That looks as if the drunkenness was dealt with by some separate regulation somewhere. It looks as if there was some regulation dealing with the divisional surgeon in cases of mere drunkenness.

29769. (*Mr. Rufus Isaacs.*) Who pays the fee?—It is put against the prisoner as it were on the charge-sheet—the expense incurred.

29770. Then you mean to say it is part of the penalty supposing a man says he is not drunk. In the ordinary case if a man is found to be drunk he would have to pay the divisional surgeon's fee besides his fine?—Yes.

29771. I know that is so when the man asks for the divisional surgeon. When a man asks for the divisional surgeon to be sent for I can understand he has to pay the fee, but do you mean that is so even if he does not ask for him to be sent for but simply says he is not drunk? He might be so drunk as to say he was not drunk?—In a case of that sort I do not say that the divisional surgeon would be called if he was so drunk that there was no doubt.

29772. Now I begin to understand. I think we are coming back to where we started from. If you really think he is drunk you do not take any notice?—If he is so drunk——

29773. If you have no reasonable doubt that the man is drunk, and he says he is not drunk, you do not take any notice?—No.

29774. If you think there is some ground for doubt, if you are not free from reasonable doubt, you then send for the divisional surgeon. Is that right?—Yes.

29775. Now will you deal with the cases, and one would have thought there would have been a good many cases in which there is no room for reasonable doubt, but the prisoner nevertheless says he is not drunk; there is no record of any kind of that?—No.

29776. Supposing in such a case as that he said to you "I have been arrested by mistake," there would be no record of that?—In a charge of drunkenness the constable would inform the Magistrate.

Divisional Inspector R. Sanders.

29 Jan. 1907.

29777. Suppose a man was brought to the station and he said to you, "I came here to complain of brutal treatment by a policeman of a prisoner, and they have arrested me and charged me with drunkenness"?—That would be entered.

29778. That is a statement which under any circumstances would be entered?—Yes.

29779. Where ought that statement to be entered?—That ought to go into the Occurrence Book.

29780. Suppose in this case Riley is brought in and he says he is not drunk, or whatever the form is that he puts it in, and he conveys to you that he is charging Police-constable Mizen with having struck him in the eye with his fist—that is the case, is it not?—Yes, that is this case.

29781. As far as I understand the only reason why you do not make any entry of that is because you think there is no reasonable doubt as to his being drunk?—Yes.

29782. You mean it is a sort of common practice for people to make statements of that kind when they are drunk?—Yes, invariably; nine out of ten will make such statements.

29783. (*Mr. Dickinson.*) You told us that when a prisoner who is charged with drunkenness makes some observation with reference to it the constable who charges him puts down a note of that in a pocket book?—Yes, and the inspector initials the entry after he has put it down.

29784. But the duty of recording the observation falls upon the constable?—He is the only one who would be at the Police Court.

29785. That is what I want to get at. As a matter of fact if it is not put down it is the fault of the police-constable?—Yes.

29786. Therefore a police-constable may omit to put down an important thing?—The officer on duty who took the charge would see that it was put down.

29787. Would he?—Yes.

29788. When?—At the time.

29789. That it was put down in the constable's pocket-book?—He would see that it was put down at the time.

29790. Where?—In the charge room.

29791. But where put down?—In the pocket-book.

29792. In the constable's pocket-book?—Yes.

29793. Is that a common occurrence?—What the prisoner says in answer to the charge would be put down in the constable's pocket-book.

(*Mr. Rufus Isaacs.*) Let me see Police-constable Mizen's book.

(*Witness.*) He has no entry in it.

(*Mr. Rufus Isaacs.*) I understand he has no entry of this in it, but I want to see the book for another purpose.

29794. (*Mr. Dickinson.*) What course of procedure do you go through in order to ascertain, when a prisoner is charged with using insulting language and he is charged, and he makes an observation and is then sent to the cells, that the statement he has made has been properly put down in the constable's book?—The constable would read to the prisoner again what he said.

29795. That is the first time we have heard that. I asked what procedure was gone through in order to ascertain that the constable had put down the proper observation in his own book, and you tell me he would read it to the prisoner after he had been charged?—In some cases.

29796. Is that a common occurrence, because it is the first time we have heard of that?—It may not be a common occurrence. He would put it down in his pocket-book.

29797. I am asking what steps you, as an Inspector, would take in order to ensure that the entry had been properly made in the pocket-book. You say he would be asked to read it out to the prisoner?—If it was of very great importance he would.

29798. You mean if you were investigating some felony he would be asked to read it out?—Yes.

20799. You, I suppose, look upon it as the duty of the constable to bring all the facts before the Magis-

Divisional Inspector R. Sanders.

29 Jan. 1907.

trate. You have nothing to do with that as Inspector?—The Inspector would have to do with it.

29800. I want to know exactly what he has to do with it, because it seems to me the constable is looked upon as the person who has to bring the charge before the Magistrate and make it good?—Yes, if he gets a charge in the sheet.

29801. If he gets a charge in the sheet he brings it to you, he makes a note of it in his own book, and then he makes the charge before the Magistrate?—Yes.

29802. You, as Inspector, do not concern yourself with that charge at all?—Only to see that evidence is given to justify taking the charge.

29803. You have to satisfy yourself at the moment that the charge is sufficient to be made, but after that you have nothing to do with the proceedings at the Police Court?—Yes.

29804. You do not often attend there?—Not without it is something important.

29805. (*Chairman.*) In this case you only went when you were asked to go by the Magistrate?—Yes.

29806. (*Mr. Dickinson.*) Do you often refuse charges?—Yes.

29807. At the Police Station?—Yes, there are charges which are refused.

29808. How many?—There may be fifty in a year.

29809. How many charges do you get in a week at your station?—They fluctuate—perhaps 20 in a week.

29810. Can you give me an idea as to how many of them you would refuse?—In the 12 months there may be 50.

29811. About one a week?—Yes. There may be two one week and none the next. About fifty are refused in the 12 months.

29812. That is the number of cases that you think ought not to go before the Magistrate?—Yes.

29813. (*Chairman.*) I understand a Refused Charge-book is kept?—Yes.

29814. (*Mr. Rufus Isaacs.*) You sometimes refuse to take a charge unless the person charging signs the charge-sheet?—That is so.

29815. (*Mr. Dickinson.*) I am only speaking of charges which are brought forward by the police?—Sometimes at the Station if there is no evidence we should refuse it.

29816. Confine yourself to charges brought forward by policemen. I was not referring to charges brought forward by private individuals. Can you say that there are any considerable number refused?—No; there are very few.

29817. You proceed upon the principle that the constable must make it good before the Magistrate?—Yes.

29818. You do not think it part of your duty to investigate a charge made by a policeman?—Yes.

29819. To what extent do you investigate it?—If there is no sufficient evidence, the charge is not taken. In this case the constable saw him in the street quarrelling with another man. He refused to go away, he was using obscene language, and he was drunk. On those grounds the charge was taken.

29820. (*Mr. Rufus Isaacs.*) Out of those fifty charges, one a week, you have told us of, would there be any but police charges, do you think?—There may be.

29821. You would not like to say there were, would you?—There may be one or two. A man may be brought in to the station as a suspected person, and he gives a good account of himself.

29822. You send sometimes to get information?—Yes, we make inquiries, and if we find his statement is true, then we liberate him.

29823. Suppose a constable were to bring a man in and to charge him with being drunk and disorderly, and you were to refuse the charge, would not that be a reflection upon the constable?—It would, and he would be reported for misconduct.

29824. (*Chairman.*) I suppose that would be entered in the Refused Charge-book, would it not?—Yes.

29825. Whether the charge refused is made by a police-constable or by a private individual, it would equally be entered in the book?—Yes.

29826. Have you the Refused Charge-book for your station here?—No, I have not.

29827. (*Mr. Rufus Isaacs.*) I have been looking through Mizen's pocket-book. I should like also to see the pocket-books of the two other constables who were called before us, Kemp and Stokes. I cannot find any entry in Mizen's book of any such statement or observation made by a witness after the charge had been read over to him. Do you see what I mean?—Yes.

29828. I may have made a mistake, but I do not think I have. I have read through the book carefully; there are a number of witnesses of occurrences and statements, but I want to find some instances of the sort you suggested. I understand that Stokes was allowed to go, but perhaps Mizen would look through it during the adjournment and tell us about it.

(*Chairman.*) Will Kemp also look through his book?

(*Mr. Rufus Isaacs.*) To see if there is any instance of a note taken by a constable and initialled by an Inspector of any statement or observation made by an accused person in answer to the charge when read over to him.

(*Earl Russell.*) In this case the evidence has been very contradictory. I do not know whether the Commissioners think it would help us to arrive at the truth if the witnesses Tree and Shepherd were brought up from the country. The evidence has been rather conflicting.

(*Chairman.*) I think for the present, at any rate, that point must be taken as decided. We have nothing to add to what we said yesterday.

(*Earl Russell.*) I do not think you said you would not hear them.

(*Chairman.*) No.

(*Earl Russell.*) There are no previous convictions against those witnesses. They do not quite stand on the same footing as those whom I did call.

(*Chairman.*) I can only say that Shepherd's evidence is in the notes of evidence.

(*Earl Russell.*) Shepherd was not called at the Police Court.

(*Chairman.*) Yes, he was, and he made a very bad witness.

(*Mr. Rufus Isaacs.*) Shepherd was the witness who swore there were five blows struck, twice on the head and three in the ribs.

(*Earl Russell.*) That is not his evidence in the proof.

(*Mr. Rufus Isaacs.*) But evidence in the proof is sometimes very different to what it is in Court.

(*Mr. R. D. Muir.*) There is no statement in either of those note books that appears to have been taken at the Police Station, and none which is initialled by the Police Inspector of that nature.

(*Mr. Rufus Isaacs.*) Is there any book in Court that has such a statement?

(*Mr. R. D. Muir.*) We will inquire about that, sir.

(*Chairman.*) We will now proceed with Emms' case.

[Mr. Schultess Young *and* Mr. Ronald Livett *appeared on behalf of the complainant.*]

(*Mr. Livett.*) The witness George Measures is here, Sir. He was summoned by the Commission, but was not reached on the last hearing.

George Measures, sworn.

G. Measures.

29829. (*Mr. Livett.*) What is your occupation?—I am a carman.

29830. Where do you live?—My proper address is 15, Union Street, Woolwich.

29831. Do you remember the 22nd October last?—Yes.

29832. Where were you that evening?—I was working then for Mr. Muddle, and went into Mr. Ward's at half-past ten, and I stopped there until twenty-five past 12.

29833. You were working for somebody until when?—I finished about half-past seven.

29834. When did you leave your work?—About half-past seven.

29835. What did you do then?—I had a walk round and met a few friends, and then I went into Mr. Ward's house, which is a house I always use.

29836. Is that a public-house?—Yes.

29837. When did you come out?—I left at twenty-five minutes past 12.

29838. What happened then?—Then I was going on my way home. I was living then at No. 1, Henning Street, and, as I passed under the railway arch——

29839. What railway arch?—Brick Lane arch—I saw these few people standing round just on the corner—there were four or five persons looking down this passage, and as I got up, this policeman had this man down the side of the court. He had hold of him by one hand like *that* (*describing*), and the man said something which I did not quite hear, and the policeman turned round and hit him with his wood, and, as he went down on the floor the constable goes down with him, and has his knees on him. This was in the court by the side of the station.

29840. In the court, and not in Brick Lane at all?—No. Then after the constable had gone down with him the other people flocked down the court, and then the constable struck him again, and the constable stood up, and then after that all the people got round, and there he was lying there. So I came up, and I recognised the man then, and saw who it was.

29841. Who was it?—Emms. I got on my knees and supported him by the head, and I held his head for a long time until the stretcher was sent for. When the stretcher was fetched, I helped the man on to the stretcher.

29842. Were there many people by?—About eight or nine, or five or six anyway. There was an inspector there as well.

29843. Did you hear a whistle blown?—There was a whistle blown, but I was on the floor supporting the man's head. I got the man on to his feet.

29844. What was his state then?—It seemed as if he had had more than he really did have. The blood was very thick, and I went down there in the morning, but it had been washed away. You could see the blood on the woodwork, and on the wall as well, and it was all congested blood.

29845. Were you supporting him while the police were there?—Yes.

29846. They did not prevent you?—No. I had hold of the man properly to support him, and, when the stretcher was fetched, I got hold of him and he swooned right away again. We laid him on the stretcher, and the two constables took him to the station, and, when they were gone, I distinctly heard the Inspector turn round and say to the constable who struck the blow, "I think you have hit that man rather hard." Those are the words the Inspector used, and the constable said, "I had to do it."

29847. You were summoned here to give evidence before Christmas?—Yes.

29848. Have you had any communication from the police since then?—I have had two letters.

29849. From whom?—They are here.

29850. (*Mr. Rufus Isaacs.*) Do you mean from the Commission?—Yes.

29851. Have you got them?—The ordinary letters to appear here.

(*Chairman.*) I do not think any recent summons has been issued. (*Letters produced*).

(*Mr. Rufus Isaacs.*) They come from the Society, and not from the Commission.

(*Chairman.*) Yes, they are signed by Mr. Timewell.

29852. (*Mr. Livett.*) Have the police interfered with you in any way since this matter first came up?—Since it first started, if I stand round there and try and get an honest shilling by work at a stall, or anything like that, these men will not allow me to stand at all; and if I am in anywhere, they come and look at me and point me out to everybody. I was talking to a friend of mine a fortnight ago on a Sunday evening, and a constable came up to me. It was a place where other people stand in fives and sixes on a Sunday afternoon in the hours after the public-houses are closed, and I was there with a friend of mine and a master man named Hill, and I was talking to them, and this constable came across to me and said "Go on, out of it," and pushed me out of it. They would not do that to other people. Then I was pushed about, and I said "I don't want to say anything, because I know what it will be"; so I tried to walk away from him, and the constable followed me right up to the turning where I was living.

29853. (*Chairman.*) What constable was that?—He is not here now, Sir.

29854. (*Mr. Rufus Isaacs.*) Do you know his number?—No, I did not take his number, but I can easily find that out. Then another thing: That gentleman there, the Inspector on the right (Inspector Wright), came into a public-house where I was the other day—Mr. Smith's house—and Mrs. Smith was behind the bar; we were in there having a drink, and this Inspector came in with another officer, a police-constable, and had a look all round the house, and then went and spoke to Mrs. Smith. Then, after he came away from Mrs. Smith, I was the last one at the bar, and he came right up to me and said, turning round to the police-constable, "I suppose you know this man? This is Measures." I got up and spoke to the gentleman as far as I could. I said "I suppose I can go where I like to have a drink," and then the gentleman spoke to me in a fair manner, and I explained myself, and I said "If you mention my name I must answer you back." I do not see that it is right that they should come and pick me out like that. I have done 8 years and 65 days in the Service. I was four years in Africa, and was right through the Boer War. I was in the siege of Kimberley with Colonel Kekewich, who was the colonel of my regiment, and I had a bit of hard luck. I lost my father while I was out there, and I lost my young brother out there, and the consequence was I came home to my mother. My mother got married again shortly after I came home, and after that, of course, I went through what money I did have. I am a convicted man. I was convicted and had three months for gambling in Sclater Street. There were two constables in plain clothes who were supposed to have got knocked about, but they didn't, but I had to suffer for that. I could not move my hands. I will own that I had a struggle to get away, but these constables turned round, they were in plain clothes, and said they got knocked about, and the consequence was I got a month for each officer, and a month for playing the colours. Then I got six months for larceny in a dwelling, and then I got twelve months for felony from a van.

29855. What do you mean by "playing the colours"?—There are six colours on a sheet. It is a gambling game, but it is fair all over. There is nothing in it. It is just a man's luck if he finds a colour.

(*Mr. R. D. Muir.*) With regard to the public-house, that is the matter that was mentioned yesterday. That house is under report at present for harboring thieves, which is a licensing offence.

(*Mr. Rufus Isaacs.*) That is the one in respect of which we heard a complaint made about a raid?

29856. (*Mr. R. D. Muir.*) That is so. With regard to the larceny in a dwelling-house, was that stealing 72 skins, or is that another one?—That is the one.

29857. For which you got six months?—Yes.

29858. The date of that, at the North London Sessions, was the 14th June, 1904?—Yes.

29859. Then the second one, of twelve months, was for stealing eight dozen holland aprons from a van, and that was at the Sessions on the 22nd August, 1905?—Quite right.

29860. When did you come out from that? Did you get any remissions?—I got all my remissions. I forget the date now. I think I came out in July—about the 21st or 22nd.

29861. Where was this dwelling-house that you stole the skins from?—They did not come from any dwelling-house at all. They came from a van.

29862. The skins did?—Yes.

29863. Where was the van?—I could not tell you.

29864. What district was it in?—Bethnal Green way.

29865. About Sclater Street and Brick Lane?—In Bethnal Green.

29866. Was anybody else convicted with you at that time?—No, only me.

G. Measures.
29 Jan. 1907.

29867. Was anybody else working with you at that time?—No. This carman, that was supposed to have lost these skins, delivered them to this place where they had to go—I think it was Commercial Road way. He delivered what he had got on his van, and he got his invoice signed for everything he had in his van. They are signed for as being correct, and yet he is short. Afterwards this man finds out four or five dozen of these skins are short in his own shop. The consequence is they put it down as if the shop had been entered and the skins taken from the shop, which they were not at all.

29868. You know where they came from?—Certainly, and I got punished for that, but that is why they put it down as larceny in a dwelling, which was a mistake.

29869. (*Mr. Rufus Isaacs.*) How old are you?—Twenty-eight—going on for 29.

29870. (*Mr. R. D. Muir.*) With regard to the other larceny, also from a van, for which you were convicted on the 22nd August, 1905, where was the van that you stole the holland aprons from?—In Bethnal Green.

29871. Whereabouts? Sclater Street and Brick Lane—roundabout there?—Near there.

29872. Was anybody with you at the time?—No.

29873. Only you were convicted?—That is all.

29874. Nobody working with you?—No.

29875. How long have you known Emms?—I have known Emms before I went into the Service, but then he did not know me. He was only a lad then, but I have known him ever since I have been home, and I know his people as well.

29876. Can you give us the date when you came home?—That has quite slipped my memory, but I have been home turned four years.

29877. It would be in 1903?—Yes.

29878. How long had the war been over when you came home?—The latter part of the Boers had surrendered then. We were in Mafeking, but they had come in and settled down, most of them, about eight or nine days, and then the order came out that any men with eight years' service could get home.

29879. You came home?—Yes.

29880. That is longer ago than 1903?—I have been home turned four years.

29881. Since you have been home, have you seen a good deal of Emms?—Yes.

29882. Have you been constantly in his company?—Yes; not to say in his company, but I use the house now and then where they all are, and we have a drink together, and all like that.

29883. And Norrey, too?—No, that is a man's company I have never been in.

29884. Do you know him?—Just by sight.

29885. Do you know Harding?—Only by sight.

29886. Do you know Andrews?—I do know a Jack Andrews, but I do not know whether it would be the same man. This man is a professional boxer.

29887. You have been in this public house of Ward's. What is the sign of it?—"The Duke's Motto."

29888. From half-past 7 until 25 minutes past 12?—No, I did not say I had been there from half-past 7. I said it was after 10 when I went in there.

29889. What were you doing between half-past 7 and 10 o'clock?—Casually going round on my walk and then having a drink here and a drink there.

29890. And at 10 o'clock you went into Ward's?—Yes.

29891. And you stayed until 25 minutes past 12?—Yes.

29892. You set off to go home up Brick Lane?—Yes, I was living then at No. 1, Henning Street.

29893. Were you quite sober?—Yes.

29894. What is that address that you were living at at that time?—A boarding house.

29895. A common lodging-house?—Yes.

29896. When you came to the end of this street which you looked down, what was going on. What was the first thing that you noticed?—About four or five people standing there.

29897. What was the first you saw of the constable?—Just down the side; he had hold of the man with one hand.

29898. Where were you standing?—At the corner, just passing by.

29899. How far down the court were they?—I should say two yards down.

29900. Not more than that?—No, not much more.

29901. What position was the constable in at that time?—He had hold of Emms by the coat like that. (*Describing.*)

29902. Was the constable on his feet?—He was then.

29903. And Emms?—Emms was on his feet, too.

29904. Was it while the constable was holding him that he struck Emms?—Yes, he struck him then.

29905. Was he standing beside Emms or behind him?—Standing like that—facing him.

29906. Was Emms facing him?—Yes.

29907. And the constable had hold of Emm's collar?—Somewhere about here. (*Pointing to the neck.*)

29908. The front of his coat or waistcoat?—Yes.

29909. And Emms was right facing him?—Just turned slightly.

29910. And the constable hit him with his wood?—Yes.

29911. What was the effect of that blow on Emms?—I should think it was enough to knock any ordinary man insensible.

29912. Did it knock Emms down?—Yes, Emms went right down, and the constable went down with him.

29913. The constable went down with him?—Yes.

29914. How did Emms go down—right flat?—No, on the side.

29915. On his side, full length?—Yes, and then he rolled over.

29916. On to his back?—He was on his back all the time; he was unconscious.

29917. He went down at full length on his side and then rolled over on his back?—Yes.

29918. Was any other blow struck?—The people had got round then and they were going down the court then. All the people were collecting. I do not as a rule poke my nose into any of these things.

29919. I want to know whether you saw any other blow struck?—Yes, a blow was struck again.

29920. You saw it?—Yes.

29921. What position was the constable in when the second blow was struck?—He was then on the top of Emms.

29922. Kneeling on his chest?—Somewhere about there. I could not say whether it was on his chest or where.

29923. But kneeling on him?—Yes, and after he gave him the second blow he got up, and left him lying there.

29924. He was kneeling on him when he gave him the second blow?—Yes.

29925. What position was Emms in when the second blow was struck?—On the ground.

29926. Lying flat on the ground and the constable kneeling on him, and the blow was given him with the truncheon on the head?—Yes.

29927. After that second blow, did Emms try to get up?—No, he was unconscious to the world.

29928. Did he try to get up before the second blow?—No.

29929. There was no rising up of Emms at all?—No, not till they were all round him, and when I saw who it was I recognised him, and I held his head.

29930. When you went up to raise his head and hold him up, was there anybody else holding him?—No.

29931. Did you continue to hold his head until the ambulance came, and you helped him on the ambulance?—I was the man who got him on his feet, and he swooned away directly the ambulance came.

29932. Was there any woman there holding his head?—No. There was a woman at the side of me.

29933. But you were holding his head all the time? I had hold of his head. All my coat was covered with blood where I had his head on my arm.

29934. There was no woman there holding his head?—No, there was a woman kneeling down by the side of me.

29935. When did you first know there was any charge against Emms?—The next morning, and then he got remanded.

29936. Did you give evidence before the Magistrate?—No, I was not called upon. He was remanded, and on the remand, when he came up from his remand, or before his remand was finished, I was asked by Mr. Timewell, or one of the people, if I saw it done. I told the gentleman yes. Then I went to the police court, and I was not called upon. I was there all the morning, and this gentleman said to me, "I do not think they will call on you." They called on Thompson and the other lady.

29937. You were there ready to give evidence, but was not called?—Yes, I was asked to go up, and I went up.

29938. Was Norrey in court at the same time?—Yes.

29939. Did you know Norrey at all?—No, only just by sight.

29940. Did you have any conversation with him about this case?—No.

29941. Never at any time?—No.

29942. You knew he was charged with being with Emms at this time?—No, nothing of the kind.

29943. Did not you know he was charged with that?—When this gentleman asked me, I told him that I would give evidence for Emms, as I had seen him, and as I stood there.

29944. Had you seen Emms at all during that night that you were speaking of?—No, I had not seen him, not all that day, or a week previously. I had not seen him for about a week.

29945. It was quite a chance thing that you happened to be passing at the end of this court at this hour?—Yes, I was right on my way home.

29946. How far is Ward's public-house from the railway arch?—Fifty yards from one end of the arch to Ward's, between 50 and 60 yards, and then through the arch, so that is another 30 yards.

29947. To the place where you saw Emms on the ground with the constable, how far is it from Ward's public-house?—I should say between 130 and 140 yards.

29948. Did you walk straight away from Ward's towards your lodgings when you left at 12.25?—Yes.

29949. It would not take you five minutes to get to this spot?—Oh, dear, no.

29950. It is about three minutes?—Two or three minutes. It would not take two minutes.

29951. So that, according to you, you were there before half-past 12?—Yes. I go by Ward's clock.

29952. Which is generally a little fast?—Sometimes they are. *G. Measures.* 29 Jan. 1907.

29953. They are never slow?—Not as a rule, I do not think.

29954. So you would be there before half-past 12?—Yes.

29955. And you saw those two blows struck?—Yes.

29956. (*Mr. Livett.*) Do you know William Andrews?—No, I only know this Andrews, the professional boxer.

29957. (*Chairman.*) Do you know Mrs. Bloom?—Only by keeping a stall in Brick Lane.

29958. You know the lady?—Just by sight.

29959. You told Mr. Muir, I think, that there was a woman standing near by you when you came up to the man lying on the ground?—Yes, and there were other women besides her.

29960. Was Mrs. Bloom one of them?—I did not recognise Mrs. Bloom till the ambulance had gone away, and then Mrs. Bloom spoke to me under the arch.

29961. Did any woman at all lift up Emms's head or pay any attention of a friendly kind to him?—Oh, yes, one was knocking his hair back like that (*describing*), while I had him all the time.

29962. When you came up, both the constable and Emms were in the court, were they not?—Yes.

29963. Then you did not see the commencement of the affray?—No; just down the court at the side.

29964. Was the Constable Jeffrey pushing Emms back into the court when you first saw them?—Yes.

29965. And Emms was resisting?—No, he did not seem to be doing anything except pushing him off, like.

29966. It is clear, from your account, that you did not see, as some of the other witnesses did, what took place before Emms and the constable got into the court?—No, I only saw down the court.

29967. You did not see them under the archway at all?—No.

29968. You did not see the affair commence?—No.

29969. The first thing you saw was the constable pushing Emms and striking him?—Yes.

29970. (*Mr. Dickinson.*) Which way were you coming up towards the arch?—Supposing this is Bethnal Green Road, I was coming across here. If you come down Brick Lane, Ward's house is on the right-hand side, as it were, coming down Brick Lane. There is the archway facing us. I came down on the right and crossed the road on the left-hand side of the arch. Then I hurried on when I saw the people there.

29971. You saw a crowd before you got there?—Yes, just before I got there.

P.C. William Clark, 279 H, sworn.

29972. (*Mr. R. D. Muir.*) Are you P.C. 279 of the H Division?—Yes.

29973. At half-past 12 on the 23rd October last year were you standing at the corner of Hanbury Street, Brick Lane?—Yes.

29974. Did you have a communication from some strange man?—Yes.

29975. With regard to a police-constable in Pedley Street?—Yes.

29976. What did you do?—I ran from Hanbury Street to Pedley Street.

29977. How long would it take you to get there?—Less than a minute—a distance, I suppose of 200 yards. I saw Jeffery leaning against a hoarding in an exhausted condition. I asked him what was the matter. He said, "I have been assaulted by this man," pointing to Emms lying on the ground, "and Ginger Norrey; Ginger Norrey has got away." I saw Emms was bleeding from the head. I went down on my knee with the intention of rendering first aid if necessary. I picked his head from the ground. He said, "I will make some of you f——g well sit up for this." Another man that I knew by sight then said, "Guvnor, here is his wife, let her have a look at him." I said, "Certainly." With that the woman stepped forward and said, "Let me take him home, will you." I said, "That is impossible. He is in custody now." With that I raised him to his feet and asked him if he would walk to the station. He said no, and threw himself down again, and was in a reclining position against the hoarding when the ambulance arrived. With that I assisted to put him on the ambulance and stayed with Inspector Macmillan and Sergeant Duffin and went to see if I could find this Ginger Norrey. *P.C. W. Clark.*

29978. You have just heard a detailed account given by the witness Measures—how he came up and raised Emms's head and held it on his arm all the time until the ambulance came?—It is absolutely false. He was not there at all as far as I know. There were not so many people. I know him well, and this place is well lighted, so it is almost impossible that I should have missed him.

29979. (*Mr. Livett.*) When you picked up Emms you say he said, "I will make some of you sit up for this." Who was there at that time?—The police do you mean?

29980. I saw P.C. Jeffery and P.C. 409 Death, and P.C. 285 I believe arrived shortly afterwards. I saw him there after I got up again off my knees, and there were twenty or thirty people there.

29981. P.C. Death was there at the time?—Yes.

P.C. W. Clark.

29 Jan. 1907.

29982. Did you hear Police-constable Death give his evidence?—No.

29983. You do not know that he said nothing at all of this statement you allege the prisoner to have made?—I do not suppose he could have heard it.

29984. Do you say he was there?—He was there, but I do not suppose he could have heard it, because I was on my knee. I was kneeling down when I picked Emms' head up, and he was lying on his side.

29985. Did he whisper it?—No, he spoke, but I do not suppose it was loud enough for Death to hear or anyone else, really.

29986. How far away was Death?—Not so far as I am from you—about half that distance. There were people in between. He was standing at the back. I asked him whether anyone had gone for an ambulance. He said "Yes." I said "You had better go and see if it is coming," and he was at the back of the people who were standing at Emms' head then.

29987. Do you know Emms' wife?—Yes, I have seen him assault her.

29988. When was that—before this?—Yes, some months ago I saw him assault her one night when she had a baby in her arms.

29989. You recognised her?—No, it was not his wife that stepped forward.

29990. Did you see her at all that night?—No. The woman who the man referred to when he said "Guvnor, here is his wife" not his wife.

29991Do you know who it was?—I believe as far as I know her name is Hoy.

29992. (*Chairman.*) Did you hear any whistle blown before you came up?—No.

29993. It was a message from some man you did not know that brought you to this place?—Yes.

29994. When you arrived there what was the exact thing that you saw?—I saw a small crowd there, about twenty or thirty.

29995. That was in Pedley Street?—Yes, about three yards down. This place is well lighted, so that you can see everything by the arc lamps from the Great Eastern goods station.

29996. Were you coming from the direction of the archway?—No, I was running towards the archway. I ran from Hanbury Street, which is in Spitalfields, and it divides in Buxton Street between Spitalfields and Bethnal Green.

29997. Where you got to was where Pedley Street runs into Brick Lane, and that was three yards up Pedley Street?—Yes.

29998. What was the relative position of the constable and Emms at the time?—The constable was standing at Emms' feet; his head was further down Pedley Street, and he was lying on his side with his face to the hoarding and Jeffery was leaning up against the hoarding when I asked him what was the matter, and he was in an exhausted condition then.

29999. You were the first constable who came up after Jeffery had struck Emms down?—No; Death was there before me, but I went into the crowd and asked what was the matter, and seeing Emms was bleeding from the head I noticed I was the senior constable there, and that I should have to answer to the Commissioner if anything of a serious nature happened to Emms, and I went down on my knee with the idea of rendering first aid if necessary. Then as soon as I put my hand under his head and lifted his head from the ground that was the remark he passed to me.

30000. Did you see Mrs. Bloom or any of the other women who gave evidence here?—I did not notice them. I saw one woman. A man that I know—I do not know his name, but I know him by sight—said to me as I was on my knee, "Guvnor, here is his wife—let her have a look at him." I said "Certainly," and then this woman stepped forward and said, "Let me take him home." I said "It is impossible." When I looked again I knew that it was not Emms' wife, but I believe it is a woman of the name of Hoy.

30001. It seems to be common ground in everybody's story that Emms' wife was not there, but there was a Mrs. Hoy who did go to the police station?—I do not know. I did not go to the police station.

30002. You did not give evidence at the Police Court?—No.

30003. And no report was called for from you?—No.

30004. (*Mr. Dickinson.*) Where is Hanbury Street that you speak of?—Hanbury Street going from Pedley Street would be in the direction of Whitechapel.

30005. Down Brick Lane?—Down Brick Lane. Brick Lane extends from Columbia Road right through almost into Whitechapel. There is a short street, Osborne Street, which takes it right through to Whitechapel.

30006. You ran towards this place?—Yes.

30007. Where were you wanting to get to?—I wanted to get to Pedley Street from Hanbury Street.

30008. Why Pedley Street?—Because I was told by this man a policeman was being assaulted there.

30009. How far away were you?—About 200 yards.

30010. Pedley Street is a street that extends from Brick Lane to Commercial Street?—Yes, and Pedley Street is a street about 200 yards long.

30011. (*Chairman.*) Are you quite certain that you alone lifted up the man's head?—Yes.

30012. No woman did so?—She never touched him; she only stepped forward and said, "Will you let me take him home," and I said "That is impossible."

30013. That may be quite another woman from the woman I am thinking of. I am asking you now whether you are perfectly certain that no woman at all during the time you were there lifted up his head?—I am positively certain of that.

30014. Did you know Mrs. Martha Allen?—I cannot say I know her by name.

30015. She is a woman who lives at Bacon Street in that neighbourhood?—No, I cannot say that I know her by name.

30016. She says that she saw a lady raise Emms' head and say, "Do you know me"?—There was no one who touched him as far as I know during the time I was there till those other constables and me lifted him on to the ambulance, and he was not insensible at all during the whole of the time I was there.

30017. At any rate he was lying down when you came up?—Yes.

30018. And as far as your evidence goes nobody except yourself lifted up his head?—I am certain of that.

30019. It is possible, I suppose, that the lady who Mrs. Allen has spoken about may have lifted up his head before you came?—It is possible, but not during the time I was there.

30020. That is what I am speaking of. You did not see the man fall, and did not see Jeffery strike any blow?—No.

30021. And Jeffery was leaning against the hoarding when you first came up?—Yes, and as far as I know it may have been two or three minutes from the time the blow was struck to the time I was there. It is possible a woman did lift his head, but not during the time I was there, and Measures did not help to assist Emms on to the ambulance.

30022. (*Mr. Dickinson.*) How long were you there before the ambulance came?—A little over ten minutes.

Police-constable SAMUEL WHITE, 225 H, sworn.

P.C. S. White.

30023. (*Mr. R. D. Muir.*) Are you P.C. 225 of the H Division?—Yes.

30024. How long have you been in the force?—Eight years and ten months.

30025. How long in the H Division?—All the time.

30026. On the night of the 22nd October last were you at the door of the station in Commercial Street?—Yes.

30027. For how long were you there?—All the night.

30028. When did you come off duty?—Six a.m.

30029. Did you see a man called Emms brought to the station on the ambulance?—Yes.

30030. After that did you see any women come there?—Several women.

30031. Did any of them enquire of you about Emms?—No.

30032. After Emms had come did you go for the divisional surgeon?—Yes.

30033. Who was left to do your duty at the door?—P.C. 422, Wood.

30034. How long were you away?—About ten minutes.

30035. And after that did you continue on duty up to the end of your time?—Until six in the morning.

30036. Was any woman thrown down the steps while you were there?—No.

30037. The story is that one woman was thrown down the steps by a police officer, and another woman was thrown on the top of her at the bottom. Did that take place?—No, nothing of the kind.

(*Mr. Livett.*) I have no questions to ask.

30038. (*Chairman.*) Do you know Mrs. Murtha Allen by name?—No.

30039. Were you in Court when she gave evidence here?—I did not attend the Court. This is my first appearance here.

30040. Then you did not hear the story she told about her going with another young woman who had been in Pedley Street when this occurrence took place, and going to the police station?—No.

30041. Do you remember the two coming together and going in and seeing the Inspector or seeing the sergeant or somebody inside the station?—Not that particular night. There were not two women who came together, and only one woman spoke to me.

30042. You say that several women came there. Why are you so clear about these two women?—Standing there, you would be able to tell whether two or three came in or not, because there is only just room for them to pass in and out of the station, and I am positive and sure there were not two women that particular night.

30043. But Mrs. Allen has sworn to us that she and another woman went into the station and had a conversation inside?—Not while I was there.

30044. During what hours were you there?—I was there from 10 until the time I went for the Divisional Surgeon, and from that time afterwards till 6 a.m.

30045. How long were you away going for the Divitional Surgeon?—About ten minutes.

30046. Do you mean to say that no women at all entered that police station during the time that you were there?—Several women entered singly.

30047. How do you mean entering singly?—I mean to say two women did not enter at one time.

30048. I am not suggesting they were arm-in-arm?—They may have been inside together, but they did not come in together.

30049. Do you really pledge your recollection that two women did not come to the police-station about this Emms case on that night?—I could not say whether they came about the same case. *P.C. S. White.* 29 Jan. 1907.

30050. As far as I understand it, then, two women may have gone and each gone in separately and had a conversation about the Emms case?—It may be.

30051. Then I do not think your evidence carries it much further?——

30052. (*Mr. Dickinson.*) I understand you were away for ten minutes?—Yes.

30053. Emms was already in the station before you went?—Yes.

30054. And when you came back where was Emms?—I could not say. I did not go into the station. I did not enter the charge room.

30055. When you went away you say you gave up your position to Wood?—Yes.

30056. And was Wood there when you came back?—Yes.

30057. Wood said, when he was asked about being at the door, "Yes, I was there, but I was only there a minute," and then he went away for the matron. Is it absolutely necessary there should be someone at the door?—Yes.

(*Mr. R. D. Muir.*) Does he not say on returning he remained at the door till the return of White?

(*Mr. Dickinson.*) Yes, but he went for the matron, and there must have been an interval when there was no one at the door.

(*Mr. R. D. Muir.*) Yes, Sir.

30058. (*Chairman.*) Mrs. Allen appears to have said, "We got to the station and saw Emms in the chair," so I presume she did not have any difficulty in getting in. Would it be your duty to ask any woman who was going into the police station why she was going in?—No, it would be my duty not to ask her.

30059. You are simply standing on guard there?—Yes.

30060. (*Mr. Dickinson.*) Is the door open?—Yes, always.

30061. Where do you stand in the door?—The doorway projects. There are about three steps, and there is room enough to stand and room enough for people to pass in. It is a double door, but one side is closed and the other side is open. There is room enough to stand without interfering with anyone entering or leaving the station.

30062. When were you first asked what you remembered about this?—I think it was the day after the second hearing at the police court.

(*Chairman.*) Your report is dated the 31st October.

(*Mr. Dickinson.*) That is later.

30063. (*Chairman.*) I understand that you are now perfectly clear that no woman spoke to you at all?—Only one woman spoke to me. She wished to see the Inspector.

30064. (*Mr. Dickinson.*) And she saw the Inspector?—I could not say. She went in, and, as far as I know, she saw the Inspector.

Police-constable THOMAS HAWKER, 420 H, sworn.

30065. (*Mr. R. D. Muir.*) Are you Police-constable 420 of the H Division?—Yes.

30066. How long have you been in the Force?—Fourteen and a half years.

30067. During that time how long have you been in the H Division?—The whole of my service at Commercial Street.

30068. Were you on reserve duty at the Commercial Street Police Station on the 22nd October last year?—I was.

30069. Do you remember Edward Emms being brought there on the ambulance?—Yes.

30070. Did you see him inside the station?—I did.

30071. What was his condition inside the station?—He was violent.

30072. In what way was he violent?—When he came in he sat down in a chair first and he buried his face in his hands, and all at once he jumped up, and he said—these were the words, I think—"This is what you b——— well get for not doing anything." I could see he was very violent. Police-constable 409 Death came over and led him back to the chair, and he sat down again. Several times he jumped up, and he was sitting at the time they went for the doctor. *P.C. T. Hawker.*

30073. Did the surgeon come in?—The surgeon came in.

30074. What took place then?—He was told he would have to have his head dressed, and he jumped up and said, "I do not want my head dressed. I want the magistrate to see it." I was in front of him then. I placed my hand on each shoulder, and Police-constable 422 Wood was then behind the chair, and I forced him down with my hands, and Wood pulled him down by the back.

30075. Were you the only officer in front of him?—I was the only officer in front of him.

30076. Is there any truth in the story that you kneed him in the stomach?—No truth at all.

30077. Or that any other officer kneed him in the stomach?—Certainly not.

P.C. T. Hawker.
29 Jan. 1907.

30078. Do you know Emms?—Very well.

30079. How long have you known him?—I have known him in the gang for four or five years.

30080. And Norrey?—And Norrey also. I know him as well.

30081. Have you ever seen them together?—Yes, on frequent occasions.

30082. On this night of the 22nd October did you see them?—I saw them together.

30083. Where were they?—High Street, Shoreditch.

30084. What time?—About half past 6, I should think.

30085. In the evening?—In the evening.

30086. (*Mr. Livett.*) Were you at the station all the evening?—From 10 to 6.

30087. You saw nothing of the affray?—I saw nothing of the actual affray.

30088. You say Emms made a remark to you, "This is what you get for doing nothing"?—Yes, words to that effect. He did not address it to me, but that is what he shouted. He was sitting in a chair.

30089. What did you understand by his saying that?—I understood it only as a passing remark. I laid no stress at all on it.

30090. You did not take it to mean that the constable had attacked him unnecessarily?—No.

30091. Were you at the police court?—No, I was not.

30092. Who else was in the room when he said that?—Police-constable 409, I think, was there with a woman drunk.

30093. That had nothing to do with this case?—No, nothing to do with this case.

30094. Was the Inspector there?—Not in the room at the time, I think. I think he was in the inspector's office.

30095. (*Chairman.*) You went on duty, I suppose, at 10 o'clock?—At 10 o'clock at night.

30096. What day of the week was this, the 22nd October?—It was on a Monday, I think.

30097. Do you not remember?—I think it was on a Monday.

30098. You were going out on duty, I suppose, the whole of the week on night duty?—For a month.

30099. Where do you live?—I live in Culvert Road, Kingsland.

30100. How far is that from the police station?—A mile and a half.

30101. Had you been at home all that afternoon till you went on duty?—No. I went out in the afternoon, I think it was as far as I remember to a committee meeting of a club that I belong to. It took me to the station, and I saw the six o'clock relief come off.

30102. That took you to the police station earlier in the day?—Yes.

30103. When you had finished the business of the committee where did you go?—I went home.

30104. When did you leave your home?—About quarter past nine.

30105. Then did you walk to the station?—I walked to the station.

30106. I suppose that is what you generally do, do you not, walk from your home to the station?—If I have time, but sometimes when I start late I ride sometimes by train and sometimes by bus.

30107. Where did you see these two men together that day?—In High Street, Shoreditch.

30108. Did you come through High Street, Shoreditch, coming from your home?—No, I was going home.

30109. I thought you said it was in the evening?—It was in the evening. I had plain clothes on.

30110. Had you had any conversation with Emms or Norrey before this?—Not conversation.

30111. It seems rather odd that you should have seen them together on this very night?—They generally work in Sclater Street, or in the vicinity of Brick Lane, and by seeing them there and the position they were in I expected there would be a loss of something. They are generally there for that purpose

30112. But it is more likely that they would be in Sclater Street and Brick Lane than in High Street, Shoreditch. This is the first time you appear to have said you saw them together that night?—I mentioned it that night, I mentioned it to P.C. 369 that night.

30113. Why? Was it of any importance?—I said I saw them together in High Street, Shoreditch. When he said Norrey got away then it suddenly occurred to me that I saw him in High Street, Shoreditch.

30114. Important as it was you did not mention it in your report?—No. He had not denied knowing Emms then. The only time it occurred to me as important.

30115. It only occurred to you when your attention was called to the fact?—The reason I reported it was because I saw the report in the paper.

30116. What I understand is that the reason you have for this very clear recollection that you saw Emms and Norrey together on that evening is that you had a conversation with a police-constable on that very evening about these two men?—Not a conversation.

30117. You reported that you had seen them together?—Jeffery said Norrey got away, and I said I saw them both together at Shoreditch. I mentioned it to the station sergeant.

30118. Are you aware it has been said on oath that Norrey and Emms had quarrelled some months before?—I am aware of it. I heard it, and that is why I was surprised at seeing them together that night.

30119. That does not shake your belief that it was on that evening you saw them together?—I am positive.

30120. (*Mr. Dickinson.*) You were looking after Emms when he was brought into the charge room?—Shortly after he was brought in.

30121. Did you hold him there until the divisional surgeon came in?—Yes.

30122. The divisional surgeon did come?—Yes, he came.

30123. Can you give me any idea as to how long elapsed between the time at which Emms was brought in and the time he was sent to the cells?—I should say ten minutes to quarter of an hour.

30124. The divisional surgeon had to be sent for?—Yes.

30125. And he examined him?—Yes.

30126. Where was Emms sitting?—It was on the left of the charge room—a little past the centre of the charge room—on the left as you come in at the main door.

30127. You say it was a little to the left of the centre of the charge room?—Yes.

30128. Is there a table in the charge room?—At that time the furniture was shifted in the station, and I really could not say whether there was a table there or not. There may have been, but the next day it may have been shifted, and there may have been two tables there.

30129. There may have been a table?—There may have been.

30130. I ask you, because we have had a very minute description of what Mrs. Allen saw at the police station, and I want to test it. She said he was seated on a chair in front of a table?—I expect she took that table for the counter. During the reconstruction of the station there was a counter there where people making inquiries go, and the Inspector comes to the counter and deals with them.

30131. On that evening when you had Emms sitting down in a chair you cannot say for certain, but you think it not unlikely the chair was in front of the counter?—It might have been.

30132. Then that seems to be an accurate description?—Yes—on the other side.

30133. It is an accurate description that Emms was sitting on a chair in front of something that looked like a table?—Yes.

30134. And that would be in the middle of the room, would it?—Yes.

30135. Where he was sitting?—That would be near the middle of the room.

30136. You had some trouble with Emms, had you not?—Yes.

30137. He tried to get up, did he not?—Yes; he tried to get up.

30138. Do you remember at all what he tried to get up for?—He could not control himself. He seemed to be wild.

30139. Do you remember his trying to get up to speak to somebody?—No.

30140. Did you see any woman at the door?—No, not at the time.

30141. Why do you say "not at the time"?—Not while Emms was in the charge room.

30142. Of course, you were busy with Emms?—Yes.

30143. Your recollection is that Emms and Norrey were together that day, and you say that was impressed on your mind first of all because you saw them in Shoreditch?—Yes.

30144. You say you saw them together then, but you had not seen them often together before?—Not often, but I had seen them. They work in pairs. They were not shoulder to shoulder. I think Emms was behind Norrey some few yards.

30145. Did you know that Norrey and Emms had had a quarrel?—I did not know that until Norrey or Emms in his evidence said they had a quarrel some six or eight months ago.

30146. You did not know it at that time?—I did not know it at that time.

30147. (*Chairman.*) Do you mean to say that they were walking together?—They were walking six or eight feet away from each other—two yards. *P.C. T. Hawker.* 29 Jan. 1907.

30148. You did not see them walking together?—No.

30149. Then in that case I do not quite understand why you say they were together?—They were what I call together. If two men work shoulder to shoulder you invariably see them about as I have said.

30150. If I were asked whether I walked together with a man up St. James Street I should not say I did so if I walked eight feet behind him?—No, and the same with me if I was walking with a friend, but people of this description invariably walk like that. They very seldom walk shoulder to shoulder when they are working.

30151. Your suggestion is that they were at their business?—That is the conclusion I came to.

30152. Then you were in plain clothes, and you had nothing more to do than to note the fact I suppose in your mind?—That was really all.

(*Mr. Livett.*) I do not know whether you will allow P.C. Clark to be recalled. It is with regard to seeing Emms on the ground and a statement made by Mrs. Hoy in reply to Q. 27719.

(*Chairman.*) Yes.

P.C. Clark (279 H.), recalled.

30153. (*Mr. Livett.*) You say you saw Mrs. Hoy there?—I saw a woman I believed to be Mrs. Hoy. *P.C. Clark.*

30154. You were not certain?—Yes, I believed she was Mrs. Hoy.

30155. Why did you think she was Mrs. Hoy?—Because I had seen her with a man named Tommy Hoy, and I had been told that she was his wife.

30156. Did she say anything to you at all?—No.

30157. She never spoke to you at all?—Nothing whatever.

30158. How many constables do you say were with you at the time?—I saw Death, 409; Jeffery, 369; and I saw Payne, 285, there, and after I saw several more.

30159. They came up with the ambulance, I suppose?—With the ambulance. I saw Wood, 422, there. I saw another man, who is not here. I saw Inspector McMillan, Sergeant Duffin, and Sergeant Doyle.

30160. Have you got your case book here?—No.

30161. You did not speak to Mrs. Hoy?—No.

30162. And she did not say anything to you?—All I said in the way of speaking to her was when a man said to me, "Gov'ner, here's his wife, let her have a look at him." I said, "Certainly." Then she said, "Let me take him home." I said, "That is impossible; he is in custody." That is the only conversation I had with her.

30163. Did you say anything to her about that he ought to have been killed years ago?—No.

Inspector William McMillan, sworn.

30164. (*Mr. R. D. Muir.*) Are you Divisional-Inspector of the H Division, stationed at Commercial Street?—Yes. *Inspector W. McMillan.*

30165. About twenty minutes to one, in the early morning of the 23rd October, 1906, did you see a crowd of people at the corner of Brick Lane and Pedley Street?—Yes.

30166. Did you go there?—Yes.

30167. Did you find several police-constables with the ambulance?—Yes.

30168. Is that time right—quarter to one in the morning, or is it quarter to twelve?—I believe it was about twenty minutes to one—about that time.

30169. Did you see Jeffery there?—Yes.

30170. Did he tell you what the occurrence was?—Yes.

30171. What did he say?—He told me he had been assaulted by this man they were just moving on the ambulance, and that Norrey had escaped.

30172. Did he tell you what had happened to Emms?—No. I never spoke to him.

30173. Did Jeffery tell you how Emms had come by his injury?—Yes; he told me that he had struck him on his head.

30174. Did you go to the station about 2 o'clock in the morning?—Yes.

30175. Did you see Emms there?—Yes.

30176. Did Emms say anything to you?—He said, "You see I am not drunk, Inspector."

30177. On the 27th October were you in charge of the station when Norrey was brought in by P.C. Greenfield?—Yes.

30178. Was he brought in on a warrant?—Yes.

30179. What is the practice when a man is brought in on a warrant?—The warrant is read over to him if it has not been read over to him before.

30180. Was it read over to him then?—Yes.

30181. Did he say anything?—He wanted to be put up for identification.

30182. Was that done?—No. I told him he was the man named in the warrant, that I knew it for a fact, and that there was no necessity for it.

30183. You told him he was the man named in the warrant, and no question of identification arose on the warrant?—Quite so.

30184. Did he make any reply to that charge?—No.

30185. (*Chairman.*) On what date was that?—When Norrey was charged?

30186. Yes?—The 27th.

(*Mr. Livett.*) I do not ask you anything.

30187. (*Chairman.*) With regard to a charge of this kind on a warrant, is there a charge sheet made up?—Yes, and the warrant is attached to the sheet and goes to the police court.

30188. Practically, the proceedings are the same in the case of an arrest effected under a warrant as in a case of summary arrest?—Yes.

30189. All that takes place is that the prisoner is brought in custody by the officer who has executed the warrant into the charge room?—That is so.

30190. Then the charge is made in his presence?—Yes, and the warrant is read over to him if it has not been done before.

30191. Is he asked whether he has anything to say?—No, he is not asked.

30192. That is in accordance with Regulation 209?—It is in accordance with the General Regulations.

Inspector W. McMillan.
29 Jan. 1907.

30193. (*Mr. Dickinson.*) When you were told by the constable that Norrey had assaulted him, did you know who he referred to?—Yes.

30194. Did you know Norrey?—Yes.

30195. Have you known him for some time?—Yes.

P.S. ALBERT ANDERSON (41 H), sworn.

P.S. A. Anderson.

30196. (*Mr. R. D. Muir.*) You are Station-sergeant 41 of the H Division, stationed at Commercial Street Station?—Yes.

30197. How long have you been in the Force?—Eighteen years and 11 months.

30198. How long have you been station sergeant?—Three years.

30199. For some time before that, I suppose, you were sergeant?—Yes, for 7 years.

30200. At 5 minutes to 1 in the early morning of the 23rd October, 1906, were you in charge of the station?—Yes.

30201. When Edward Emms was brought in?—Yes.

30202. Was he placed in the charge room?—The first I saw of him was when he was in the charge room.

30203. How did he behave?—He was very violent, and I directed the constable on reserve to restrain him.

30204. Did you see the constable restrain him?—I did.

30205. Is it true that any of them "kneed" him in the stomach?—Quite false.

30206. With regard to persons coming into the station we have heard that the door is open?—Always.

30207. And anyone can walk in without asking any questions?—They are usually asked by the constable what they want, and if they want to see the Inspector they are ushered into the waiting room.

30208. So far as the constable outside is concerned they walk into the building without any questions?—Yes.

(*Mr. R. D. Muir.*) Have the Commissioners the plan of the station, and if so, may I see it?

(*Chairman.*) Yes, we have the plan, but as far as the writing is concerned, that seems to have been altered.

(*Mr. R. D. Muir.*) The alterations are mine.

(*Chairman.*) I have some marks in red ink, some in pencil, and some in black ink.

(*Mr. R. D. Muir.*) There has been an alteration in the building itself.

(*Chairman.*) So I gathered.

30209. (*Mr. R. D. Muir.*) Just look at that plan. (*A plan was handed to the witness.*) There is a place marked there "Old door," in red pencil. Was that the existing door on the 23rd October last?—Yes.

30210. That was the only door?—That was the only door.

30211. Could a person walking in there into the passage see into the charge room as it then was?—Yes.

30212. Would they be able to see a person sitting on a chair near the desk, or counter?—Yes.

30213. You could look in and see all that was taking place there, and might go away again without being asked any questions at all?—That is right.

30214. After the Divisional Surgeon had seen Emms, and had attended to him, did any woman come in and see you at all?—There was no woman came to the station——

30215. About Emms's case?—Not until after he was placed in the cell.

30216. After he was placed in the cell?—A woman came.

30217. Did you see her?—I did.

30218. Do you know her name?—No.

30219. Was it either of the women who gave evidence here?—No.

30220. You were present, and heard them give evidence?—Neither of those women. A man came to the station and asked about bail during the time Emms was sitting in the chair, and that was Harding.

30221. What did Harding want?—Harding came to ask what he was charged with, and whether there was bail. I said "Yes, if there was substantial bail forthcoming I would take it," but no bail came during the night.

30222. And Harding went away?—Yes.

30223. The woman who came and spoke to you was not either of those women who gave evidence here?—No.

30224. Was she thrown on to the street?—No.

30225. As far as you know, did any other woman come there inquiring about Emms at all?—They never came to me.

30226. And you were the officer in charge of the station?—I was.

30227. (*Mr. Livett.*) Did you say only one woman spoke to you on that night?—No, I did not.

(*Mr. R. D. Muir.*) About Emms' case.

30228. (*Mr. Livett.*) Only one woman spoke to you about Emms' case?—That is all.

30229. How was it at the Police Court you said afterwards two women came to the station and asked for bail?—Yes, but not in Emms' case. Several women came during the night. I dare say there may have been twenty come, but not to ask about Emms himself.

30230. But you were being asked about Emms' case?—I said only one woman came with reference to Emms' case. Another woman came shortly afterwards; I have an entry in the Occurrence Book to that effect.

30231. Do you not think your evidence here has the effect of giving people to understand that two women came about Emms' case?—No, not at all.

30232. You did not say one of those women had nothing to do with this case at all?—No, I was not asked the question. I said two women came after Emms was charged—one woman came about Emms, and the other woman—there is an entry to that effect.

30233. (*Mr. R. D. Muir.*) Who came and asked for bail in Emms' case?—Only the man Harding came during the time Emms was sitting in the chair in the charge room, and shortly after Emms was placed in the cell. I believe the first woman who came in afterwards came to ask for bail for Emms. A second or two afterwards another woman came in.

30234. (*Chairman.*) Do you say it was only Harding who came and offered to bail out Emms?—And one woman. After Emms was placed in the cell there was a woman came to the police station, but she was neither Mrs. Allen nor Mrs. Hoy.

30235. As I understand, in Mrs. Allen's evidence she does not say she saw you?—In the Police Court I was asked to stand up, and she said it was not me.

30236. And here, too, Mrs. Allen does not allege that she saw you, but I am rather surprised to hear you say that only Harding came to bail Emms out?—And a woman afterwards.

30237. I am surprised for this reason, that according to the notes at the Police Court you said "Two or three men came to bail him"?—No, that is not right.

30238. Those are the notes of the evidence supplied to us. (*Handing.*) It is very important to be accurate in these cases?—No, I do not think I said that at the Police Court—to bail him. I said several people came to the police station.

30239. There was an inquiry as to whether two women had been pushed away from the police station, and treated roughly there?—Yes.

30240. That is one thing, but the Police Court proceedings about Emms form another matter, do they not?—Yes.

30241. It seems to me rather odd that you should have told me that only Harding, and one woman, came to bail him?—When I said that at the Police Court I did not refer to Emms' bail.

30242. As to two women, you are right. You said, "Afterwards two women came to the station and asked for bail." That may or not be in reference to Emms. I should take it to refer to Emms, but you

are quite right in saying that it may not refer to Emms?—My idea is, there were several people came to the station, men and women, during my term of duty, but no one came—only one man.

30243. If my recollection is accurate, we have evidence that Harding and one or two other people did come.?—Harding did come.

30244. With one or two people, if I remember aright?—No.

30245. Who did bail him out?—No one bailed him out. I told Harding that if bail was forthcoming I would bail him out, but no one came to bail him.

30246. (*Mr. Livett.*) Is that all you told Harding?—I told him we could not take his bail, but if any substantial bail was forthcoming I would take it. He asked me what he was charged with, and I told him he was charged with assaulting a constable. He said "Any bail?" I said "Yes, if substantial bail is forthcoming I will take it."

30247. Did he ask to see Emms?—No, he saw him; he was sitting about five yards from him.

30248. Did you see Emms when he was brought to the station?—Certainly, I took the charge.

30249. Did he make any statement?—None whatever.

30250. Not when he was charged?—No, he made no answer to the charge at all.

30251. Had he said anything before that?—He said something. When the constable pointed out to him where Emms had knocked one of his false teeth out, he said "I did not do that," or something to that effect, when he was in the dock, but after the charge was read over to him he made no reply at all.

30252. Had he said anything to lead you to believe that he disputed the legality of his arrest?—He did not deny the charge.

30253. Did he say anything before the charge was taken?—He said nothing at all.

30254. Before the charge, I am speaking of?—Before the charge he did. When I directed a constable to fetch the doctor he said he b—— well was not going to have his head dressed; he was going to the Court with his head as it was. I said no, I was responsible for him while he was there, and I should have his head dressed.

30255. Did you hear him say "This is what you get for doing nothing"?—No, I heard nothing of the sort. I was in the Inspector's office.

30256. Jeffery was well enough to make a report, was he not?—After he had had about half an hour's rest. I directed him to sit down in my office, he was in such an exhausted state. I got him to unbotton his tunic, and after he had about half an hour's rest I got him to make a report.

30257. Are you sure that Emms accepted the charge without any demur?—He never made any answer to the charge at all.

30258. Did he make any statement at all?—He never made any statement about the charge until after he had been before the Magistrate. I was at the police court.

30259. I am talking of the time when he was charged?—He made no answer to the charge, as far as I can recollect now.

30260. As far as you can recollect he never made any statement that he had done nothing?—No, not at the station; he did at the police court, I believe. I do not quite recollect, but I believe he did.

30261. The doctor told us, you remember, that Emms made a great many statements to him?—Very likely.

30262. Were you in the room then?—No, I was in the Inspector's office.

30263. In fact, you only just came on the scene?—I directed the constables to look after him until the doctor had dressed his head, and when the doctor had dressed his head he was placed in the dock and charged in the usual way.

30264. Would it be anybody's duty to take a note of what he said at any time in the station?—Yes, if he made a statement it would be taken down, but he made no statement to me at all.

30265. Who would take the statement down?—If he made any answer to the charge it would be put down in the pocket book of the police-constable who was in charge of the case. When I charged him if he made any statement it would be put down in the constable's pocket book, and I should initial it.

30266. Supposing he made a statement before he was charged?—It is not usual to make notes of statements before he is charged. This man was in a very violent temper, and it was not much use taking much notice of what he was saying then. When his head was dressed, if he had made a statement to me I should have taken it down.

30267. You were not there?—I was there afterwards. If he wanted to see me to make a statement, I could have gone up and seen him.

30268. (*Chairman.*) You made up the charge sheet, did you not?—Yes, and I put my entry in the occurrence book at the time.

30269. (*Mr. Livett.*) He was not drunk at all, was he?—No—sober.

30270. (*Mr. R. D. Muir.*) You gave your evidence first of all before the magistrate on the 23rd October?—Yes, I attended the police court.

30271. And you gave a description then of the state that Jeffery was in when he got to the station?—Yes.

30272. Among other things that he complained of was that Emms had knocked a tooth out?—Yes.

30273. What took place about that before Emms when you were taking the charge?—While Emms was in the dock the constable pointed to his tooth like *this* (*illustrating*), and said, "This is what Emms did." It was a false tooth.

30274. What did Emms say?—He made no remark, I believe; I do not believe he made any reply to it at all.

30275. Then you gave your evidence on the 30th in more detail, including the statement about the people who came to the station to bail Emms?—Yes.

30276. Then on the 1st November you made your report?—Yes.

30277. In the note of your evidence given before the magistrate on the 30th, it is taken down in this way: "Then Emms was put in a cell. At the time Emms did not say that he had done nothing. Afterwards the two women came to the station and asked for bail, and I said it would be accepted. Two or three men came to bail him. Emms was not bailed as it was not forthcoming." That is what is written down as being your evidence before the magistrate?—Yes.

30278. On the 1st November, in your report, this is what you say about it: "During the time Emms' injuries were being dressed by the Divisional Surgeon no female entered the station, but a man known as Arthur Tresedern, alias Harding, an associate of Emms and Norrey, came to the station and inquired as to bail for Emms, and I informed him that bail would be accepted if satisfactory surety was forthcoming. He then left the station, stating he would obtain same. After Emms had been charged and removed, a woman called and asked as to bail, and I informed her as above, when she left the station. No other woman accompanied her, and she did not give evidence at the police court on the 30th inst. The two women who gave evidence did not attend this station." There you say that only one man inquired as to bail, and one woman?—Yes.

30279. Which is correct—what has been taken down at the police station, or what you wrote down in your report?—I had several prisoners in the cells, and, of course, a lot of people calling as to bail, and my statement as regards bail in Emms' case is that Harding came, and a woman after he was put into the cells.

30280. You wrote your report on the 1st November?—Yes.

30281. According to that only Harding and one woman called for bail?—For Emms.

30282. According to what has been taken down by the clerk to the magistrate, it speaks of two or three men coming and two women coming. Which is correct?—My report. My meaning was when I said that, that a lot of people came for bail for different prisoners. I do not know whether I said that, but I did not intend to.

30283. (*Chairman.*) I understand it was you who

P.S. A. Anderson.

29 Jan. 1907.

made the entry in the occurrence book relating to this case of Emms?—Yes.

30284. Do you remember what constables came with Jeffery to the station accompanying Emms on the ambulance?—The first I saw was when Jeffery came into my office; he came to sit down in my office. I looked out in the charge room and I saw Emms was in the chair, and P.C. Wood 422 had his hand on him. I asked Jeffery what was the matter. He told me, and I went up to the charge room, saw Emms, and I found that P.C. Hawker 420 was holding him.

30285. I did not intend to ask further questions about what took place in the charge room. I simply want to know the names of the constables, if you have ascertained them, who came with Jeffery in charge of the ambulance?—I think it was Wood 422 and Death 409 was in the charge room with a woman suffering from a cut head.

30286. According to your recollection, Death had nothing to do with Emms' case, but you say he was in the charge room at the time?—That is all.

30287. What was Wood's duty on that night—to be on point duty or on beat?—Wood was in the station. He is what we call the second reserve man. He was in charge of the charge room, so that if any person came into the charge room and wanted to see me, he would come into the office and let me know, and I would go into the charge room and see them.

30288. I am afraid I have not quite made myself understood. Who pushed the ambulance from Pedley Street to the police station?—I could not say, I did not see Emms until he was brought into the station. There were several constables there. I called for reports from several of the constables who were there, but I could not tell you who pushed the ambulance, or how it came to the station, because I was in my office.

30289. You are not quite right in assenting to my suggestion about Death. Death had not been at the station all the time in charge of somebody else?—Not all the time, but there was a woman in the charge room suffering from a cut head, in fact, Death had brought her in.

30290. Death was one of the constables who had found Jeffery in Pedley Street?—That is right.

30291. What other constable had found him there, do you remember, who came to the station?—Payne 285 came to the station. I saw Payne at the station, and Wood.

30292. What had been Death's duty on that night? Upon which beat was he? He said he was on duty in Sclater Street?—I could not tell you what beat he was on; he was on Sclater Street somewhere.

30293. And Payne was also on his beat?—Yes, in the same neighbourhood.

30294. The reason why I am asking you these questions is this: They found it necessary to leave their beats?—Yes. I believe they were informed by some private person that a constable was in danger.

30295. I am not suggesting that they were at all wrong in acting as they did act, but seeing that they came to the police station, ought you not to have mentioned the fact in the occurrence book?—No.

30296. You think not?—No, we do not enter the constables leaving their beats or points in cases where they bring cases to the police station, because we know where they are employed. When constables are called away from their point by a publican or some tradesman for some purpose, when they leave their point the officers in charge, the sergeant and inspector in charge, do not know where they have been to, but if they come to the police station with a charge we know what they are doing.

30297. I rather gathered a different opinion as to the practice from the evidence given in Riley's case, where a similar point arose. There the Inspector seemed to think it ought to be mentioned if a man left the fixed point?—I think there are constables' numbers mentioned in my report.

30298. Perhaps you will look at your report. (*Handing.*) I do not find P.C. Death or P.C. Payne mentioned. This is the regulation I was thinking of: "Constables may leave their beats to act in case of fires, accidents, or other emergencies, but are to return to them as soon as possible. Officers in charge of stations are to enter in the Occurrence Book at the expiration of their tour of duty a list of constables who have been taken from their beats for any purpose and for however short a time"?—Yes. In my experience we do not enter the numbers of constables who assist to the station with any charge.

30299. You say it is not a case of a constable being taken from his beat, or being ordered from his beat, but it would be an act done in the ordinary execution of his duty, accompanying another constable with a prisoner to the police station?—Yes. If a private person came to a point man and asked him to go to his house he would have to go.

30300. As he comes to the station I understand you to say there is no need to make any note of it, because it is known at the station he has been there?—Yes.

30301. Although I accept the explanation, of course I must not be taken as saying I quite agree with your explanation about the rule. However, your view of the practice is what you have said?—Yes.

30302. (*Mr. Dickinson.*) I should like to ask you again about what took place at the station. You were here, were you not, when we took Mrs. Allen's evidence?—Yes.

30303. And also Mrs. Hoy's evidence?—Yes.

30304. They gave a very accurate description of the police station, did they not?—Yes.

30305. They were quite right in what they said it looked like so far as this station went?—Yes. A person getting on to the station doorstep could see right into the charge room.

30306. I should like to read to you what Mrs. Hoy said. It is very circumstantial: "The gentleman turned round and said, 'You come to see a man like him.' I said 'Yes.' As I said that he said 'Clear out of the station,' and he pushed Mrs. Allen and he pushed me and we both fell down." (Q.) You fell down? (A.) Yes, I fell down on Mrs. Allen, and he pushed me and we both fell down. (Q.) Who said that to you? (A.) That dark policeman there—the Inspector. (Q.) The one who put you in that little room? (A.) Yes. He said, 'You come to see a man like that?' I said 'Yes.' He said, 'Clear out of the station.' He pushed Mrs. Allen, and pushed me, and with that we both rolled out of the station. (*Mr. Eldon Bankes.*) Who is the man you say said 'You come to see a man like that?' (A.) I think it is that Inspector there (Station-Sergeant Anderson). (Q.) He said to you, 'You come to see a man like that?' (A.) Yes. (Q.) Who is the person who pushed you out? (A.) That man there (*pointing*). (Q.) The same man? (A.) Yes. (Q.) You are sure? (A.) Yes, quite sure. (Q.) You understand that you are on your oath? (A.) Yes. (Q.) It is not a joke? (A.) It is the truth. (Q.) He is the man who pushed you out? (A.) Yes. (Q.) Pushed you out of the charge room, was it? (A.) Yes. (Q.) You say he pushed you out of the charge room. That is the room Emms was in? (A.) No, I am speaking of the little room. We were put in a little room first to wait. He said, 'Wait there a few minutes; you will see him.' I think that fair policeman (P.C. Wood) came and opened the door, and that gentleman there (Station-Sergeant Anderson) said, 'Who do you wish to see?' I said, 'Mr. Emms.' He said, 'You come to see a man like him?' Emms, seeing me, beckoned to me; as he beckoned to me that fair policeman (P.C. Wood) pushed him back in the chair." Having read that to you, do you say that is absolutely incorrect?—I say that is an absolute fabrication. First of all, it would be impossible for Mrs. Hoy to come into the charge room, because there is a counter to prevent her.

30307. But she does not say she was in the charge room?—No, she says she was in a little room.

30308. When it was put to Mrs. Allen she explained that she was taken to the door and put in a little room in front?—In front.

30309. There was a little room?—Yes.

30310. That is the room where these two women allege they were put?—I could not see them, because I am in *this* office at *this* end.

30311. She says the fair policeman came and opened the door?—The door was not closed. The door was wide open.

30312. No doubt Wood was the man who was at the door?—He took the place of White.

30313. He took the place of White for about ten minutes while he was away?—For a few minutes.

30314. She said Wood opened the door. If anybody had opened the door it would have been Wood?—Yes, if anybody opened the door, but the door is never shut.

30315. You do not mean you are in a position to say that the door is never closed?—Yes, I am in a position to say the door is never closed—not the front entrance to the station.

30316. Now, let me take Mrs. Allen's statement. Mrs. Allen said this. I asked her to describe the police station, and I said, "Did you go up steps? (A.) Only one step"?—There are three steps to the police station.

30317. Then she is wrong there?—Yes.

30318. Then, pointing to the plan, she said, "We went by a lot of rooms. There is a room *there*, and a room *there*, and we went *this* side," and then she said there was a passage in front of you?—No, that is the only opening at the door.

30319. A room on the left hand and a room on the right hand?—There is no room on the left; that is a private door. *That* is the entrance to the station, *this* is the charge room on the right, and on the left is a private door, nothing to do with the public part of the business at all; it is a door to the men's quarters. No one can pass through there.

30320. She did not say she passed through it?—There is a door.

30321. There is a room on the right and a room on the left. Then she was asked where did she go to, and she said, "On *this* side," on the left side. You say she was wrong there?—She cannot get in there.

30382. (Q.) Why did you go in on the left side? (A.) I think we were told to go there. I followed behind. (Q.) You think you were told to go in on the left? (A.) Yes. (Q.) Where was it you saw Emms? (A.) Sitting in a chair. (Q.) In which room? (A.) On *this* side. (Q.) On the right? (A.) Yes." That would be correct?—Yes.

30323. Then I asked her to tell me what she saw on the right side, and she said, "I went in the other room. There was no one else there except a young woman." I understand there was a waiting-room in there?—Directly in front of the station door there is a small room—a waiting-room—so that if anybody comes to the station and I am engaged, or the officer in charge of the prisoner is engaged in the office, they are asked to wait in there until we can see them.

30324. Then I asked her was the front door shut, and she said "Yes." That you say is not true?—Yes.

30325. "(Q.) Did you have to ring? (A.) No, I think we only just tapped, and went in. (Q.) You tapped and the Inspector opened that door? (A.) Yes. (Q.) You walked in? (A.) Yes; he said, 'Come in,' and we walked in. (Q.) Then he motioned you into the side room? (A.) Yes, the other room. (Q.) On the left-hand side? (A.) Yes. (Q.) Did he follow you in? (A.) Yes. (Q.) You were not going first? (A.) No, the other woman went first. (Q.) And you went second? (A.) Yes. (Q.) And he went in third, you say? (A.) Yes. (Q.) When you were in that room just tell us exactly what happened? (A.) The Inspector, as I say, came into the room. (Q.) Was that the same man who had admitted you? (A.) Yes. (Q.) Did he ask you what you wanted?" That you say you did not do?—No, I never went further than the charge room.

P.S. A. Anderson 29 Jan. 1907

30326. I suppose a good many people come into this station?—Commercial Street Station is a very busy station; we have a large number of charges there of all sorts, it is a very rough neighbourhood, and sometimes during the 24 hours we have 40 or 50 people there. It is a big thoroughfare.

30327. And yet you can charge your memory for the purpose of asserting that these women did not come in?—I knew the class of man Emms was, and I attended at the police court to give evidence as regards the constable's condition. I know Emms and the gang of thieves he is mixed up with, and I know they do try to prove an alibi if they can.

30328. This was no question of an alibi, but a question of whether these women were there. You would not pay much attention to that?—These men are known to obtain witnesses by some means, and they will have them at any cost. I know what the gang is concerned with, and I thought it my duty to attend the police court, because I knew there was a possibility that they would try to put up a witness to try to say something. I am well aware of these people.

30329. Do you know Mrs. Allen?—No, I never saw Mrs. Allen at all. I have only seen Mrs. Hoy twice, and that is the last time when she gave evidence here, and I saw her one Saturday night since that at quarter past one in the morning with a lot of rowdy men and women. Those are the only times I have seen Mrs. Hoy.

30330. Who was the woman who you say did come in to try to get bail?—I have been told since it is likely to have been Mrs. Emms. The woman was a short woman, rather well dressed, a woman of about 23 to 25 years of age. It is not the practice to ask people who they are. People come in to inquire about bail, or what a person is charged with, and we tell them, and if we will take bail, we always tell them that if they have substantial bail they can have it.

30331. What did she ask you?—Exactly the same question that Harding put to me she put. She came and asked what he was charged with, and whether we would take bail, and I said yes, but no bail was forthcoming.

30332. What amount of bail did you mean to take?—I should have taken a surety in £5 if he was a respectable tradesman, or any respectable man.

30333. You would not have taken her bail?—Mrs. Emms? No. I thought perhaps they would obtain bail for him.

30334. Do respectable tradesmen go bail in cases of assault?—There are cases where tradesmen do bail out these men.

THIRTY-FIRST DAY.

Wednesday, 30th January 1907.

PRESENT:

Sir David Brynmor Jones, K.C., M.P. (*Chairman.*)

Rufus Daniel Isaacs, Esq., K.C., M.P.

Willoughby Hyett Dickinson, Esq., M.P. (Barrister-at-Law).

Charles Algernon Whitmore, Esq. (Barrister-at-Law).

J. W. St. Lawrance Leslie, Esq. (Barrister-at-Law), (*Secretary.*)

J. F. Waley, Esq. (Barrister-at-Law) (*Assistant Secretary*).

(*Mr. Livett.*) Before my friend calls any further evidence may I draw your attention to the printed notes of P.C. Death's evidence, and may I ask you that you should recall Station-Sergeant Anderson in order that he may be questioned about the report?

(*Chairman.*) What is the reference to the evidence?

(*Mr. Livett.*) On the 28th Day, at Question 26811, the question is put with regard to the report made by Death in his note book on the 28th, that is five days after the occurrence, and at the end of Question 26831

there is a statement: "That report I made two or three days before the other one. (Q.) Why? (A.) I was asked to do so. (Q.) By whom? (A.) By Station-Sergeant Anderson." Then at Question 26838: "Is it customary at this police station or is it customary on the part of Station-Sergeant Anderson to ask you to make reports, and enter them in your note-book, between the time of the arrest and the Police Court proceedings? (A.) It has not occurred to me before." Then at Question 26876, and at Question 26900, the last paragraph but one, and the fourth paragraph from the end.

(*Chairman.*) You desire to recall Sergeant Anderson

(*Mr. Livett.*) If you would recall him and ask him upon that, because it nearly all arose on the Commissioners' examination.

(*Chairman.*) I do not think he was asked any question yesterday about that.

(*Mr. Livett.*) No, that is so. I could not find the reference to the passage.

(*Chairman.*) Then the sergeant had better come back into the witness box, and you can ask questions that suggest themselves to your mind.

Police-Sergeant ANDERSON, 41 H, recalled.

P.S. Anderson.

30 Jan. 1907.

30335. (*Chairman.*) Your name appears in the printed notes as Sergeant Andrews, but I understand the name should be Anderson?—Yes, Sir.

30336. (*Mr. Livett.*) Were you here when P.C. Death gave his evidence?—Yes.

30337. What is your custom with regard to reports made by police-constables?—It depends what they refer to.

30338. In an ordinary case?—Do you want to know why this police-constable's report is in the book in the middle of the week?

30339. I want to know why it was put in the book five days after the occurrence?—The reason of that is this. I attended the Police Court on the day following the charge and I told the Magistrate that I should apply for legal aid, and also apply for a warrant against the man Ginger Norrey; and, of course, I had to get statements for Messrs. Wontner's, therefore I asked for a report from each of the police-constables in the case, so that their statements could be handed to Messrs. Wontners, and when they made their reports I told them at the same time to put them in their pocket-book to refresh their memory in case it was required on the remand.

30340. You asked them for a statement?—Yes, and a statement was written out.

30341. Do you suggest the police-constable's note-book is the proper place to enter a statement of that sort?—The statement was put on paper, but the copy is in the constable's pocket-books. I told them to put it in their pocket-books to refresh their memory.

30342. You heard Death say that the entry was made on the night of the 28th?—Yes.

30343. What are those books intended to be used for?—To put reports in to refresh the constable's memory in case they are required at a later period.

30344. Is that so?—Yes.

30345. I put it to you, are they not intended to be used for the purpose of noting down things that have happened at the time of the occurrence?—Yes.

30346. Is it usual for you to instruct the constables to make entries in their books at so long a time after the event has occurred?—In this case I was asked for statements from the constables by my superior officer.

30347. And you got statements?—I got statements.

30348. Was there any particular reason why they should be put in the note-book?—Certainly, to refresh the constables' memories.

30349. But they could have refreshed their memories from the statement, could they not?—But we had not got the statement. The statement was in the possession of Messrs. Wontner.

30350. It never occurred to you to take a copy?—Messrs. Wontner had got the original statement, and the police-constables had got their copy in their note-books.

(*Mr. Dickinson.*) I do not think we saw the original. Have you got it there?

(*Mr. R. D. Muir.*) I will have it looked for, Sir.

30351. (*Mr. Livett.*) Was Death's report put in the Occurrence book?—No, the original reports were made, and I believe are in the possession of the solicitors. I have not got them.

(*Chairman.*) Do you wish to ask any question, Mr. Muir?

(*Mr. R. D. Muir.*) No, Sir.

30352. (*Chairman.*) It does appear that in this case P.C. Death did say that you asked him to make an entry in his note-book?—Yes, I did, to refresh his memory.

30353. You, of course, know the ordinary rule of evidence, do you not? That an entry can only be referred to by a witness to refresh his memory when it is an entry that has been made by him at the time in his own handwriting?—Yes.

30354. You know that rule, do you not?—Yes.

30355. The point that Mr. Livett is putting to you is, as I gather it, this: How came you, knowing that Death would have to be a witness, and that he had not made an entry in his note-book, to suggest that he should, after consideration, and after the events in question, make an entry in his note-book that he might refer to in Court apparently. That is the suggestion of the learned counsel?—I called for this statement on the instructions of my superior officer, and the statement that the constable made, as I say, I simply asked him to put in his pocket-book for future reference, or if it was required to refresh his memory. There is no doubt he would be called on the remand at the Police Court.

30356. It was certainly a proper course for you, having regard to the directions of your superior officer to direct him to make a statement or report. Your action is not in any way questioned with regard to that, but what is suggested to you is that you ought not to have told him to put it in his note-book to refresh his memory. You understand my point?—Yes, I understand, Sir, but I understood that I was doing right when I told him to put it in his pocket-book.

30357. Can you remember the day?—No, I cannot remember the day.

(*Mr. R. D. Muir.*) It is dated in ink by the officer himself—the 28th October, five days after.

30358. (*Chairman.*) The look of the entry quite confirms what you say, and what the constable says—that it was not written in any haste at the time of the occurrence, but written out carefully afterwards?—Yes.

30359. The handwriting is excellent?—Yes.

(*Mr. R. D. Muir.*) It begins also "The constable reports."

(*Chairman.*) Yes; but still that does not carry the matter very much further, because several of the other entries—in fact, the two other entries that immediately catch my eye begin in the same way.

(*Mr. R. D. Muir.*) No doubt they were made in the same circumstances.

(*Chairman.*) No.

(*Mr. R. D. Muir.*) I mean as copies of reports or statements that had been made.

(*Mr. Whitmore.*) They are not contemporaneous notes.

(*Mr. R. D. Muir.*) They are not contemporaneous notes, and they do not purport to be contemporaneous notes.

(*Chairman.*) The words "P.C. Death, 409 H, reports" occurs again and again in this constable's note-book.

(*Mr. R. D. Muir.*) Yes, Sir.

30360. (*Chairman.*) For what purpose do you conceive a note-book to be given to a constable?—For the purpose of refreshing his memory if he is called to take particulars of an accident, for instance, or if he is called to a private house for some purpose, or he has to make a report of anything that occurs he puts it in his pocket-book simply to be produced in case it is wanted, or for the purpose of refreshing his memory in case it is required.

P.S. Anderson.
30 Jan. 1907.

30361. According to you the purpose of the book is this—that the constable should have something in his possession in which he may record any fact that occurs to him as important with regard to his duty, and as to which he may be called upon to testify in Court?—Yes.

30362. You know, of course, the rule that it is only an entry made at the time or practically at the time or so nearly after the occurrence as possible that can be referred to in Court?—Yes.

30363. You see it would be a very improper thing for a constable several days afterwards to make an entry in his note book, and when he is giving evidence in Court to refer to that as an entry made at the time?—That is not so in this case.

30364. But it would be an improper thing?—Yes, it would be, but in this case, as I said, I attended the Police Court and afterwards the statements were called for by the solicitor, and that was the reason.

30365. But do you recollect whether when P.C. Death gave his evidence in Court he used his note book?—I could not say that.

30366. (*Mr. Dickinson.*) These reports in the note book are evidently written out when the constable is sitting down somewhere?—Not always; sometimes they are written in the street.

30367. These reports that I am looking at are evidently written on a table, and carefully written?—I think the constable referred to (P.C. Death) is a fair scholar, and I think his writing there would be the same if he was standing up or whether he was sitting down.

(*Chairman.*) Yes, it is very good writing.

30368. (*Mr. Dickinson.*) Let me get at the bottom of this, because I hardly expected that answer from you. Take some of these other reports that you have got here. P.C. Death reports "10.25 p.m., 2nd instant, found padlock off," and so on. That is presented to you on the day after and initialled and confirmed. When he wrote that would he have written it on the 2nd or 3rd in the ordinary course? It is presented to you on the 3rd, and you sign it on the 3rd?—That was 10.25 p.m., and when he came off duty he would come off in the morning and I would be taking charge of the station at the time. If the constable has had anything happen in the street he hands his report in to the officer on duty when he comes off duty. He does not hand it in at once. Especially in the case of finding a padlock had been taken off a door or was missing off a door he would not give that report to his officer until he came off duty, and if it was on night duty, which no doubt he was in this case, as the padlock was found off at 10.25 p.m., he could not come off duty till 6 o'clock in the morning, and then he would hand me the report.

30369. Is that the ordinary course, that wherever the constables have anything to report they show it to you written in their books?—The instructions are that if a constable has anything to report he puts it in his pocket book, and the sergeant of the section reads the report before it is handed to the Inspector on duty.

30370. In the ordinary course it is written at the time the thing has taken place, and immediately reported to you?—Yes, immediately reported to me.

30371. Is that placed in the Occurrence Book?—Yes, a thing of that sort would be placed in the Occurrence Book—the padlock being off.

30372. When we asked him, "Has what you have written in this book ever been copied out in a formal report?" he says, "It may have been put in the Occurrence Book; I do not know." Then the next answer is, "I expect it is in the Occurrence Book"?—No, that is not in the Occurrence Book. That is simply a copy of the statement that was supplied to Messrs. Wontner.

30373. But you told us just now that you told him to put it into his book in order to keep it to refresh his memory?—Yes.

30374. He evidently by his answer thought that, having put it into that book, it was going then to be put in the Occurrence Book in the ordinary course?—Yes, he may have thought so, but it was not required for that purpose.

30375. He evidently does not seem to have realised it was required for the purpose you say you told him it was required for?—When we call for a report from a constable we do not always tell him what it is for.

30376. If I understand you rightly, just now you said he was told to make out a statement for the solicitors?—Yes.

30377. And that, having made out the statement, you asked him to copy it into his book so that he could refresh his memory by it?—Yes.

30378. He does not tell us that he made out this statement and copied it into the book. Is that made out by him?—That is written by me and signed by him.

30379. This statement is written by you?—Yes, I told you I asked him for a statement, and that is his statement written by me and signed by him.

30380. He dictated this to you?—Yes.

30381. And then you said, "Write that out in your book"?—Yes.

(*Mr. Livett.*) May I draw your attention to Question 26817 at the bottom of the page, "Which did you write first—the entry in the note-book or the report? (A.) I believe it was that one in the book."

(*Mr. Dickinson.*) Sergeant Anderson says the constable is mistaken in that.

30382. (*Mr. R. D. Muir.*) It is the only one he wrote, as a matter of fact?—Yes.

P.C. Arthur Greenfield 214 H, sworn.

P.C. Greenfield

30383. (*Mr. R. D. Muir.*) Are you Police-constable 214 of the H Division?—Yes.

30384. How long have you been in the Force?—Five years and eleven months.

30385. All the time in the H Division?—Yes, all the time at the same station.

30386. At twenty minutes to 10 on the night of the 27th October did you see John Norrey?—Yes.

30387. Did you know him before then?—Yes.

30388. By what name had you known him?—Ginger Norrey.

30389. Did you have a warrant at that time for his arrest?—Yes.

30390. For an assault on P.C. Jeffery?—Yes.

30391. Where was Norrey when you saw him first?—He was in Virginia Road then.

30392. What did you do?—I went towards him to arrest him.

30393. In uniform?—Yes. He dodged round and ran up Mount Street. I ran after him about 80 or 90 yards, I should think it was, and he fell down, and he got up and he faced me and said "I am done," and he said "I am innocent, and can prove an alibi."

30394. Up to that time had you said anything to him at all?—No.

30395. You had merely run after him?—Yes.

30396. You first approached him in uniform, and then ran after him?—Yes. I told him I was going to take him into custody for assaulting that policeman the other night in Brick Lane. He said, "What policeman?" I said, "You know as well as I do." He then said, "I am innocent, and can prove an alibi." I took him to the station. I read the warrant to him at the station, and he made no reply.

30397. When was that warrant granted?—On the Thursday, the 25th, late in the afternoon

30398. Do you call this paper the "Police Gazette" (*handing paper to witness*)?—That is the police information.

30399. It is the issue of the 27th October, 12.30 p.m. Among other persons wanted for petty offences is "No. 88, John Norrey, alias Ginger Norrey," and then there is a description of him, "On a warrant for ass. on pol."—that means assault on police?—Yes.

30400. That is all the information that was given to the police about it—no date and no place?—No. That is for the information of all police forces.

30401. You read the warrant to him? Yes.

P.C. A. Greenfield. Jan. 1907.

(*Mr. R. D. Muir.*) I have not got the warrant here, Sir, but I will send for it, and not ask this witness as to his recollection of the contents.

(*Chairman.*) I was going to ask for the warrant. I do not think it has been put in.

(*Mr. R. D. Muir.*) No, Sir. The question arose before, but I am afraid it has been forgotten.

(*Chairman.*) Would the warrant be in a particular form, according to the general practice?

(*Mr. R. D. Muir.*) It would be for an assault on a particular person on a particular date, but according to my recollection it would not state the place or the hour.

30402. (*Mr. Livett.*) You say in that information there is nothing to tell you what Norrey was to be arrested for?—For an assault on the police.

30403. But no further particulars beyond that?—No; there is nothing else.

30404. You are stationed at Commercial Road?—Yes.

30405. And, of course, you knew very well what Norrey had been charged with?—I knew when he was charged what he was charged with.

30406. You did not know before?—I knew within a little that he was concerned with another man.

30407. Did you know what he was concerned in, or alleged to be concerned in?—Yes, I did know.

30408. You knew he was wanted for assaulting P.C. Jeffery?—After the warrant was granted, I knew.

30409. And you knew at the time you arrested him what he was wanted for?—Yes.

30410. How far was he away from you when he began to run away?—Not so far as I am from you.

30411. Was he coming towards you?—No, he was standing on the edge of the kerb.

30412. Did he turn round to look at you?—Yes.

30413. And then you say he started to run away?—Yes.

30414. Was he by himself?—No.

30415. Who else was there?—There were about six or seven of his friends—both his friends and Emms' friends.

30416. He slipped down when he was running away, did he not?—He did go down.

30417. That is how you came to catch him up?—I was almost on him at the time he went down.

30418. What were the first words you said to him?—I said I was going to take him into custody for assaulting a policeman in Brick Lane the other night.

30419. Is that all you said to him?—That is all.

30420. What did he say then?—He said, "What policeman."

30421. Are you sure he said anything to you before you spoke to him?—Yes.

30422. What did he say? What was the first thing he said?—He said, "I am done"—that is when he got up.

30423. What did he mean by that?—I suppose he was not going to have any more go for it, or a cut for it, or anything of that sort.

30424. That he could not run away any more?—That he was not going to fight for it.

30425. He had been running a good way, had he not?—About 80 or 90 yards.

30426. Was that all he said then?—He said, "I am innocent, and can prove an alibi."

30427. How many times did he say that?—Twice.

30428. Did Norrey know you?—Yes, I think he did. He said he did.

30429. Had you had anything to do with him before?—I had seen him before at the corners of the streets.

30430. You knew he had been in trouble on previous occasions?—I had heard that he had.

30431. It is not at all unlikely, is it, that he should want to go away if he saw a policeman?—They do not always where there is a crowd of them and only one policeman.

30432. How many people were there about?—At the time I should not think there were more than ten altogether.

30433. How many of those were friends of his?—About seven of them altogether.

30434. Was he the only one who ran away?—He was the only one who ran away.

30435. The rest stopped?—Yes.

30435. You heard Norrey give his evidence?—Yes, I was at the Police Court.

30437. You said he told you he was innocent?—Yes.

30438. Did he ask you when it took place?—No.

30439. He said nothing else but what you have told us to-day?—That is all.

30440. (*Chairman.*) When was the warrant handed to you for execution?—On the Saturday.

30441. At the time that you received the warrant, you had heard, I suppose, of this affray, in which Emms was alleged to have assaulted Jeffery?—Yes.

30442. And you knew that Norrey was also alleged to be concerned in the matter?—Yes, I had heard so.

30443. So when you saw Norrey and he fell down, as you have described, after he ran away from you, you knew what he was charged with?—I knew he was wanted for the assault on the policeman.

30444. Are you quite certain you did not speak before he spoke, after he said, "I am done"?—No, I did not speak to him.

30445. And he at once used the words, "I am done, I am innocent, I can prove an alibi"?—Yes.

P.C. Isaac Penney, 366 H, sworn.

P.C. J. Penney.

30446. (*Mr. R. D. Muir.*) Are you P.C. 366 of the H Division?—Yes.

30447. How long have you been in the force?—Five years this April.

30448. All the time in the H Division?—Yes, at the same station.

30449. On the 28th October, Sunday, were you on reserve duty at the Commercial Street Station?—I was.

30450. From six in the morning till two in the afternoon?—Yes.

30451. Did a woman come into the charge room, accompanied by P.C. Philips?—Yes.

30452. And ask with regard to Norrey?—Yes.

30453. What did she say?—She asked me if a man named Norrey was locked up there, and I said "Yes." She said "Do you know what he is charged with?" I said "He is charged on a warrant with assaulting the police," and she said "Is there any bail?" I said "No." That is all that took place.

30454. Was she the only caller with regard to Norrey that day?—That is all.

30455. (*Chairman.*) Did you make any entry in your note-book of her call and of her conversation?—No.

30456. Was any entry made in the Occurrence Book?—No. On a Sunday morning we have a lot of people call about different people locked up at the station, and we generally oblige them, and satisfy them in the best way we can.

30457. Did you know who the woman was?—No.

30458. And she gave no name?—No. She mentioned the man's name, that is all.

30459. (*Mr. Schultess Young.*) You do not know who the woman was, do you?—No, I do not.

30460. Did you attend at the Police Court when this matter came before the Magistrate?—No.

30461. Did you know that it was coming before the Magistrate?—I knew this case would come before him.

30462. You heard it talked about?—I had heard something but not much mentioned. I had a different duty. This case was brought in on night duty, and I am on day duty.

30463. When did you first mention to anybody that

this woman called?—I cannot say whether I mentioned it to the officer on duty or not; I am not quite sure.

30464. If you had done so, to whom would you have mentioned it?—At the time the officer was out looking at the prisoners, or something like that, and I was the first one that the woman saw, and she asked me the question and I simply answered her.

30465. You saw what kind of a woman she was, whether she was young or old?—She appeared to me a young woman.

30466. Have you given a description of that woman to the police officers in the case?—No, I have only described her as a woman who came asking about Norrey.

30467. You know some woman gave evidence on behalf of Norrey before the Magistrate. You do not suggest it was one of those women?—I was not before the Magistrate, so I could not say.

30468. You have given a description of this woman to the police, have you not?—No.

(*Chairman.*) Are you suggesting no one went on Norrey's behalf, because you remember Mrs. Gibbons gave a detailed account of the conversation on the Sunday morning.

30469. (*Mr. Schultess-Young.*) Yes. I wanted to know whether the witness recognised who the woman was.

30470. You did not think it was of enough importance to take down the matter in the report book?—No, I did not. We have a lot of people calling on Sunday morning about different people who are locked up, and we oblige them in the best way we can.

30471. Whatever was done was done verbally?—Yes, and I think she thanked me.

30472. There was nothing about her to call your attention to her?—No, nothing whatever.

30473. You told her he was locked up for an assault on the police?—Yes.

30474. You did not give her any particulars?—No.

30475. She did not ask for any particulars?—No, that was all she asked me.

30476. If she was a friend of Norrey's it would be a very reasonable thing to ask that question?—Quite so.

30477. The kind of thing that has been asked you before when prisoners have been locked up?—We have a lot of people calling in to ask if a certain person, calling him by name, is locked up, and we are requested to look through the charge book.

30478. I am not suggesting anything against you, but it is not unusual for friends of prisoners to ask what they are locked up for?—No, it is not.

30479. And nothing else was asked you but that?—No.

30480. No details of the assault?—No. I could not have answered if she had asked me, because there are a lot of things that come in there, and I cannot answer for every case.

P.C. I. Penney
30 Jan. 1907.

30481. She did not try to pump you?—No, not at all.

30482. (*Chairman.*) I do not quite understand why you are called if that is so. You say that you have told us everything that passed between you and the woman who was Norrey's friend, or was apparently interested in Norrey, and you, on the Sunday?—Yes.

30483. I will just put to you what she said according to my note. This was in cross-examination by Mr. Muir. "On Saturday someone said to me your George is locked up. I went to the police station, and the policeman gave me the information. The policeman behaved very nicely. I asked him when. He said last Monday night. I said he was at home all the time. He told me 11 o'clock was the time. They do not give you an answer."—I do not know what that means. "It was between 8 and 9 on the Sunday morning"?—That was about the time, but as for answering her that question I could not do it, because I think that is kept in the Occurrence Book, and it is not my duty to go in the office and turn up the Occurrence Book.

30484. No. Then you are perfectly clear that even if the woman with whom you had the conversation was Mrs. Gibbons you say you did not give all that information?—I did not.

30485. I understood that that cross-examination was directed to show that there were materials given to Mrs. Gibbons on the Sunday morning at the police station from which an alibi might have been got up.

(*Mr. R. D. Muir.*) No, Sir, the opposite was the subject of the cross-examination, but the lady gave her evidence. She said she did get the information.

(*Chairman.*) I am not saying which I believe.

(*Mr. R. D. Muir.*) I knew what our case was—that they had no information.

30486. (*Chairman.*) As far as you are concerned you did not give to Mrs. Gibbons or anybody else on behalf of Norrey any information as to the time and the place and the day on which the assault with which he was charged had taken place?—No, I could not have done so, and all I said was in the presence of P.C. Philips who is now in Court.

30487. (*Mr. R. D. Muir.*) You had not got the information yourself, and you were on day duty?—Yes.

30488. This was a night charge, and you know nothing about it?—No. You do not know all the particulars of the cases that occur at night. I am on early duty, and I could not tell you when that happened or any particulars about it.

P.C. Joseph Harry Philips, 363 H, sworn.

30489. (*Mr. R. D. Muir.*) Are you P.C. 363 of the H Division?—Yes.

30490. How long have you been in the force?—Fifteen months.

30491. All the time in the H Division?—Yes.

30492. Were you on reserve duty on Sunday, the 28th October last?—I was on the day.

30493. From about 6 in the morning till 2 in the afternoon?—Yes.

30494. Did a woman come asking for Norrey?—Yes.

30495. What time was that?—8.30 in the morning.

30496. You were on the door?—Yes. She asked me if we had a man of the name of Norrey locked up. I said "Yes." She said "What is he locked up for?" I said "He is charged on a warrant with assaulting the police." Then she hesitated a moment or two, and then she said "Do you think he can have bail?" I said "No, I do not think he can, but step inside." I stepped inside with the woman, and I saw the last witness, and I said "This woman has come about Norrey." Then she asked the last witness the same as she had asked me, and he went to the prisoners' list that we keep on a Sunday morning, and he told her he could not have bail, and she then left the station satisfied.

30497. Were any questions asked as to the time or place or particulars of the crime alleged?—Nothing whatever about the time.

P.C. J. H. Philips

30498. (*Mr. Schultess-Young.*) When this woman came, you did not know her name?—No, I did not know the woman.

30499. Have you seen her since?—No, I could not say I have.

30500. She was the woman who asked you why he was locked up—"Why is Norrey locked up"?—No. She asked me what he was locked up for.

30501. She mentioned Norrey by name?—Yes; she asked me if we had a man named Norrey locked up there. I said yes.

30502. She did not tell you how she came to know?—No.

30503. You said yes, and then she said, "What is he locked up for," and you told her?—Yes—charged on a warrant with assaulting the police.

30504. On Monday night at 11 o'clock?—No, I did not know what time it was. I looked at the prisoners' list when I came on duty in case anyone should come to the door and ask me if we had so-and-so locked up, and I saw Norrey was locked up, and I knew he was wanted on a warrant.

30505. What do you mean by the prisoners' list?—

P.C. J.H.Philips. 30 Jan. 1907.

We have a prisoners' list, and in this list there is entered if they are allowed bail or not allowed bail, and if they have been bailed, and their friends are informed what is on this list.

30506. Besides you and Penney, who were there?—Sergeant Blayden was Acting Inspector; but previous to this woman coming in, a girl came in with a prisoner's breakfast, so evidently the sergeant was giving the prisoners their breakfast.

30507. Was anyone standing on the steps?—No.

30508. What time was this?—8.30 in the morning.

30509. When she heard what it was, did she not make any remark?—No, nothing whatever.

30510. Did she not say anything at all?—No, she only hesitated a moment, and then she asked me if there was any bail allowed, and I said, "No, I do not think there is."

30511. Did she make any other remark?—No.

30512. Did she seem surprised to find that he was locked up for assaulting the police?—No; evidently she knew.

30513. She knew all about it?—Yes, evidently.

30514. Wherever she got it from, she knew all about it?—Yes.

(*Mr. R. D. Muir.*) That is all the evidence, Sir, that I propose to call in this case.

(*Chairman.*) That is all the evidence the police suggest is necessary in Emms' case. Is there any other witness you suggest calling, Mr. Young? The Commission are not inviting further evidence, but they only wish to know.

(*Mr. Schultess-Young.*) No, Sir. There was only the question of Jeffery, but I think at this distance of time it will not be necessary to go into that detail now.

(*Chairman.*) I should like the notebooks in Emms' case, as the point has been raised, and it seems there is some doubt as to the way in which constables do in fact use their notebooks. I should like the notebook of P.C. Death and the other constables. Can you tell me, Mr. Muir, whether there is any regulation about the notebooks? I do not find one.

(*Mr. R. D. Muir.*) There is a regulation on page 16, and it is quite expressed that it is for the purpose of taking particulars of accidents and other occurrences at the time.

(*Chairman.*) "In order to enable each officer to speak with confidence, and prevent the possibility of his evidence being shaken, a pocket book in leather case is provided, in which he is to enter at the time dates and other particulars respecting accidents or occurrences, and to which he can easily refer. A report of such particulars is to be made as early as practicable, and will be entered in the Occurrence Book for information and reference. The station officer who makes this entry will be held responsible that it agrees with the particulars shown in the pocket book, which he will initial." That is the point to which the Commission wish to direct attention. It is evident that the note is to be made at the time, and the notebook is not intended as a mere convenient place in which by the direction of superior officers a constable can put in a report afterwards.

(*Mr. R. D. Muir.*) No, that is not the primary intention of it, but in practice it is used for many other things, including statements of prisoners.

(*Chairman.*) Now we will continue the case of Platt.

ALFRED FRANCIS PLATT, recalled.

A. F. Platt.

(*Witness.*) May I say, Sir, I think it is most vital to my interests to make a further statement. I beg to draw the attention of this Commission to the inconsistencies of the police in conducting or, as I say, not conducting inquiries into complaints against police officers and the manner of the police in conducting inquiries into the case of Curtis and ex-Inspector McCarthy of the F Division.

30515. (*Chairman.*) This does not seem to have much to do with the particular complaints that you have been making as to which you have given evidence?—Yes.

30516. How do you make that out?—I think it vital to my interests and to the cross-examination I shall have to go through to show the manner it is conducted.

30517. (*Chairman.*) I think perhaps the best course will be for Mr. Muir to finish his cross-examination, and then by way of re-examination by me, or by way of statement by yourself, you can get out all the points that you wish to call our attention to?—I would very much prefer to do it in my own way.

30518. How long is the statement?—It would take about five minutes.

30519. What is it about? Is it to supplement the evidence you have given?—In the cross-examination I went through before from Mr. Muir I thought he took one or two unfair advantages of me, and as he conducted the case for the police in the case that I wish to quote now, I thought it was to my interest to have this read out first, so that I should know what questions to object to Mr. Muir asking me.

30520. I do not see how that would help you. It seems to me that this ought to come in re-examination; but when Mr. Muir has finished with you you will then be able to make what explanation you like in regard to any of the questions as to which you think he has unfairly taken advantage of you?—I think it would be more fair to myself to read it first.

(*Chairman.*) No, I think it is best to finish the cross-examination.

30521. (*Mr. R. D. Muir.*) Do you remember giving evidence here for the first time on the 18th October?—You have got the date there.

30522. You were asked by the Chairman of the Commission for a book that you mentioned you had. Do you remember that?—Yes. The Chairman did not ask me for it; I voluntarily offered to bring one here.

30523. You said that you had not got it with you?—That is right.

30524. You undertook to bring it that day?—Yes.

30525. You did not bring it, and on the next day your wife was called to account for its absence?—Quite true.

30526. She said that she had been to a police Magistrate on the Wednesday, that was on the 17th October, for a protection order against you?—I believe so. I could not say what day it was.

30527. And in a fit of temper she had destroyed the book on the Thursday, the day you came here?—I could not say.

30528. That was the effect of her evidence?—I believe so.

30529. As a matter of fact, were you told by your wife that she had been before the police Magistrate?—No.

30530. Were you told by her that a police-officer was coming to caution you by direction of the Magistrate in the morning?—No.

30531. And that you had better go out before the police-officer came?—No.

30532. You are quite clear about that—your wife never told you that at all?—Not at all.

30533. Do you know that the day upon which your wife went before the police-magistrate was not the 17th, but the 10th October?—I could not say when she went.

30534. I want to call your attention to an answer that you gave on the 13th Day, the 26th October, at page 319, Question 13617:—"Have you any book at all that relates to the period between May and October, 1903? (A.) No. (Q.) Did you ever have any book relating to that period—May to October, 1903, which contained entries showing payments to police-officers? (A.) No." That is right, is it?—The book I told the Chairman I should bring here was a book relating to the G Division and not to the L Division, in 1903.

30535. I quite follow that, and those are questions relating to the L Division. Those answers are correct?—That answer relates to the L Division of 1903.

30536. May to October, 1903. "You never had? (A.) No, these are entries by one of our men, one of the agents." That is going on to 1906. Then question 13637:—"That is the form of the entry in 1906. I

ask you whether you have any similar entries for 1903. You say 'No'? (A.) No, it was not necessary. (Q.) I ask you whether you ever had any book containing such entries. You say 'No'? (A.) No, it was not necessary. (Q.) Did you ever have any memorandum book with such entries? (A.) No. (Q.) Or any diaries with such entries? (A.) No. (Q.) Or any pocket-book with such entries? (A.) No. (Q.) Are you absolutely definite about that? (A.) About the L Division there? (Q.) Yes. Are you absolutely definite that you never had any book, pocket-book, diary, or memorandum book? (A.) I had books for betting purposes. (Q.) In which you had the names of constables to whom you had paid money? (A.) Not as regards the L Division. (Q.) You are quite clear about that? (A.) Yes." Do you adhere to those answers?—Yes.

30537. Now do you remember having an interview with Inspector Spencer with regard to Deed?—I had several, I think.

30538. The first interview that you had with him—do you remember that?

(*Chairman.*) Is Inspector Spencer at Lambeth?

(*Mr. R. D. Muir.*) Yes.

(*Chairman.*) What is his official position?

30539. (*Mr. R. D. Muir.*) Sub-divisional Inspector at Kennington Road Police Station. (*To the witness.*) Do you remember that?— I remember being there, yes.

30540. Did he ask you whether you had any books containing any entries about the policeman?—It is quite possible he did.

30541. What did you say in answer?—I should have no diary or anything of that; I should certainly have my day betting book, and there may be something for expenses in that, but they are books I never keep. It is not needful for street betting men to keep diaries.

30542. That is the answer you gave him?—I do not know whether it was that, but it was something to that effect. I should have told him I had a book with something in it, or to that effect, but it would not be a book of any value that I should consider.

30543. Particulars of names and numbers of the officers whom you said you had bribed. Did you have any book of that kind?—I may have made an entry in some odd book or other, but not in a book I should keep.

30544. In the answers that I have just read to you you have sworn most positively and directly that you had never had any such book. What do you say now?—I may have had books with some entries of some description in, but knowing the police were watching the house I may have destroyed every betting book and slip that was in my house.

30545. The question is what you told Inspector Spencer. Did you tell him you had such a book or you had not such a book?—At that particular time if I answered him that I had an entry in a book there is no doubt I had, but I also know the question you put to me here would be in a different way.

30546. What sort of book did you have?—A small betting book—the book I pay out from day to day.

30547. Any diary?—I should not say any diary, but just a list of the names and expenses.

30548. Did you say this to Inspector Spencer, that you kept a diary in which the particulars were entered of the weekly wage that you had paid to police-officers?—I should not think I could give that answer.

30549. Will you swear you did not give it?—I think I could with safety.

(*Chairman.*) What are the words?

(*Mr. R. D. Muir.*) That you kept a diary in which the particulars were entered of the weekly wage that you paid to various police-officers?—I do not think I could have given that answer, because, not keeping diaries, I do not see how I could do it.

30550. If you had given it would it have been true?—If I had given it it would not be true that I kept a diary for that special thing, but there is no doubt I would have books that would have had some entry in of some description. There is no doubt in the way the question was put to me I answered it.

30551. (*Chairman.*) You heard those words read by Mr. Muir. Do you say that you used those words in the conversation with Inspector Spencer or not?—I should say not, Sir.

30552. (*Mr. R. D. Muir.*) Did Inspector Spencer ask you to produce the diary so that the necessary particulars as to the numbers, names, etc., might be copied for investigation?—No. *A. F. Platt.* 30 Jan. 1907.

30553. He did not ask you to do that?—No. With regard to the list of officers and the numbers that I required to let him have I asked him to get the charge books down for certain dates, and then the numbers were taken out of that charge book of the officers that I made a complaint against.

30554. And you declined to produce the diary?—No.

30555. (*Chairman.*) You mean by that that you did not use the words "I decline to produce the diary"?——Yes.

30556. (*Mr. R. D. Muir.*) Did you refuse to produce the diary you had mentioned?—To the best of my belief I was never asked. I have to trust my memory over three years back. I told him if he wanted the officers I made the complaints against to get the charge books down and take them out, and he did so in my presence.

30557. Did you see Superintendent Noviss?—When?

30558. About the same time when you were complaining?—

(*Chairman.*) We have not got any date for that interview with Sub-divisional Inspector Spencer. Mr. Muir put it to you all this took place at the first interview you had with him.

(*Mr. R. D. Muir.*) The 19th or 20th October, 1903.

30559. (*Chairman.*) Was the 19th or the 20th October, 1903, the time at which you first saw Inspector Spencer on this matter?—I will not be positive to the 19th or the 20th, but before I saw Sub-divisional Inspector Spencer I had seen Superintendent Noviss, after making three personal applications at the station.

30560. (*Mr. R. D. Muir.*) There is no difficulty about the date. The date can be absolutely fixed. The 17th October was the date when Deed made the bet with you?—I believe so.

30561. And the 19th was the date you first complained. The 20th was the date on which you made the statement in front of Deed?—It was the morning after I saw Superintendent Noviss.

30562. (*Chairman.*) Then you did see Superintendent Noviss?—Previous to seeing Sub-divisional Inspector Spencer.

30563. (*Mr. R. D. Muir.*) We have got the signed statement, with the date upon it, so there is no difficulty about the date. You saw Superintendent Noviss at the same station?—At Kennington Lane Station, I believe it is.

30564. Kennington Road—the same division. You saw him on the 20th October?—I believe so.

30565. Is it true that you made allegations against the police generally, stating that it cost you £3 10s. a week to pay them all?—I may have used those words.

30566. That is the effect of it?—Something to that effect.

30567. Did Superintendent Noviss invite you to mention any case other than Deed's?—No. I had mentioned the four officers who I incriminated at the time the previous evening.

30568. I will put it in another way in order to get a plain answer. Did Superintendent Noviss invite you to mention any case and did you refuse to do so?—Not to the best of my recollection.

30569. Did you then say "I have notes in my pocket book"?—I would not have the book on me then—a day book perhaps I would have had with a note in then.

30570. Did you say to Superintendent Noviss "I have notes in my pocket-book"?—I do not know that those would be the exact words. I may have made a note in the book, or an entry, to the effect.

30571. Did Superintendent Noviss say to you "Let me see it"?—No.

30572. Did you say "No, I have no further complaint to make"?—No. I should have shown it at once if he had asked me for it. I could have produced it within ten minutes.

30573. Let there be no mistake about it. The evidence that I will call is that you complained against Deed by name, and that you complained against no other officer at all by name or number at that time?—I did, Sir. I complained against those four officers

A. F. Platt.

30 Jan. 1907.

because they were four of the worst officers I had ever dealt with.

30574. You have mentioned about taking down the charge book. I cross-examined you last time about a statement that you made to Inspector Spencer, "He also said that when charged on the 13th October he handed 10s. to two police constables in the charge room." That is correct, is it?—To one. I think you will find you asked me one.

30575. Did you make that statement with regard to one police officer, or with regard to two police officers?—I think it was shouted outside the station that they would find a half-sovereign on them.

30576. Let us try to talk about the same thing. When you were before Inspector Spencer did you tell Inspector Spencer that you had when charged on the 13th October handed 10s. to two police constables in the charge room?—I gave money in the charge room which you called to my recollection the last time.

30577. Did you tell Inspector Spencer that?—I told him I gave money in the charge room.

30578. To two police constables?—I would not swear that I gave it in the charge room to two constables. One I gave the money to.

30579. The question is not what you did in fact in the charge room, but what you said to Inspector Spencer. Did you tell Inspector Spencer that you gave money to two police constables in the charge room when you were arrested on the 13th October, 1903?—I told Inspector Spencer that I gave money in the charge room.

30580. Did Inspector Spencer at that time take down the charge book to see who the officers were?—I do not think so.

30581. Is not that the only time that he took down the charge book at all?—No.

30582. (*Chairman.*) Do you mean that he never took down the charge book?—He took the charge book down previous to that.

30583. (*Mr. R. D. Muir.*) You told us on the last occasion, and on all the previous occasions, that your arrests were all arranged for?—Yes.

30584. I want to test that. Your first arrest was not arranged for?—No. After the first one; after I first got in contact with them.

30585. That leaves three. When did you arrange that your future arrests should all be made to suit your convenience?—Shortly within paying them on my first arrest.

30586. The same day?—The same day, I should think.

30587. That was the 29th May?—I should think so.

30588. That was the date?—Yes.

30589. How long had you been betting before the 29th in this place?—In that particular spot six or seven weeks, I should thnk.

30590. No arrangement as to arrest or non-arrest was made up to then?—No, they did not know where I was.

30591. Is that the only reason that you can give for your not being arrested during those six weeks?—They did not particularly know where I was.

30592. That is the only reason you can give?—One of the reasons.

30593. Give us some more if there are any more?—I do not know that it is necessary to give any more reason than that.

30594. Can you account for your not being arrested during those six weeks when you had no arrangement with the police at all?—For the simple reason that I must have done my business very quietly.

30595. Had you any scouts?—Not that I paid for.

30596. That anybody paid for?—Yes, that somebody else paid for.

30597. Had you a convenient doorway that you might go into?—Yes.

30598. Was it a fact that the police could not get within 100 yards of you, you were so well protected?—Fifty or sixty yards.

30599. Now, you say you arranged on the 9th July for your future arrests to suit your convenience?—I think within a fortnight of my previous arrest I said.

30600. Did the police make an attempt to arrest you on the 9th July?—I could not say to the date.

30601. An attempt that was not successful?—Not to my knowledge.

30602. Do you know a man called Forbes?—Yes, I do know a man named Forbes.

30603. Do you remember Forbes being arrested at this pitch of yours?—No, Sir, I cannot say that I do. I do not know that he ever paid a fine there.

30604. Do not you remember an occasion when Forbes was there with you—the 9th July was the date—when Soer and Gunn rushed down from the little wicket gate and arrested Forbes, and you bolted and got away clean?—Not to the best of my knowledge, Sir.

30605. If that happened it does not look much like an arrangement for collusive arrest made on the 29th May, does it?—It is quite possible for one bookmaker to pay for another bookmaker to be arrested to suit his own convenience.

30606-7. But the question is whether you ran away on the 9th July. Did you run away?—Not to the best of my recollection. I do not remember any time.

30608. Do you think it in the least likely you could have forgotten it if it took place? You had made an arrangement, according to you, for which you paid handsomely, that you should only be arrested when convenient on the 29th May?—(*No answer.*)

30609. On the 9th July, I put it to you, Soer, one of the officers you had bribed, and Gunn, another of the officers you had subsequently bribed, according to you, came to arrest you, and you ran away?—No.

30610. Is it true or not?—I should say I never ran away from them after the first time, bar the last arrest that was made of me.

30611. Will you swear that you did not run away?—I will swear that Forbes and I never stood together when these two officers came along to arrest us.

30612. Will you swear that you did not run away at the time when Forbes was arrested by one of those officers, and you were pursued by the other?—I will swear Forbes was never in my company when those two officers had us under observation, and then arrested Forbes and not me.

30613. You have no doubt about it?—I have no doubt about it. He could never have been in my company if the officers were there.

30614. Did you ever run away after the 29th May when a police officer came to arrest you?—I did after he had already taken one of my men down, or a friend I had there for that purpose, that day, and he knows he chased me.

30615. The 9th July, I put it to you, was the first time you ran away?—I never ran away. The only time I ran away was in October. That is when I thought it was wicked, and he took two of us, which he had never done before.

30616. On the 1st August, when you were arrested by Soer and Gunn, did those two officers rush down the steps from the little wicket gate leading into Robert Street and arrest you?—Would that be the second arrest?

30617. Yes, the second arrest?—No.

30618. That is untrue?—Yes.

30619. There would be no necessity at all for them to rush down the steps if they were coming to arrest you by arrangement, would there?—No; but still if that was the second arrest there might be a reason why if they came through that way. I have to trust to my memory for what they did, but I can tell why I was arrested that day, and why I was taken earlier that day than I was the third time.

30620. Why were you taken earlier that day, as you say?—Because I believe there had been a complaint lodged against me at Kennington Road Police Station, and I really believe they came to me a little earlier in the day, and told me I should have to go earlier that day, and that is the reason I was taken a little earlier that day.

30621. You know it happened that you were not taken earlier that day?—It might be perhaps ten minutes. I think you told me of it last time.

30622. It was not so. You were taken at 2.45, the latest hour at which you were ever taken?—On that particular day?

30623. Yes, on that particular day?—It is quite possible. It might be the third arrest I am thinking of.

30624. On the third occasion did you run away?—No.

30625. Did you bolt into a doorway, through a passage, out again through a workshop, and jump out of a first floor window?—No, not the third occasion.

30626. Run away, pursued by Gunn, and not captured until you got to the door of the Hero public-house?—I was taken out of the Hero public-house. The time you say I ran away was the time when two of us were arrested on the one day.

30627. That was the third arrest. Was that the doorway that you found so convenient to pop into when the police came round?—That I ran through.

30628. Yes?—It was.

30629. It was most convenient, because you could run in, round to the back, up the stairs, and jump out of the window?—I only had occasion to use it after the first six weeks I had been betting there.

30630. But you did use it on that occasion?—I did use it on that occasion.

30631. Does that look like a collusive arrest?—No. He had already taken the man I had placed there for him to take down that day.

30632. You ran away?—I did run away. I did not want to pay £10 in fines one day when I had only arranged for one.

30633. I put it to you that it was the second time you ran away?—I promised to go down the day before, and because I did not go the day before they came and took two of us the following day.

30634. You ran away?—I did run away that time because they had already taken one.

30635. I put it to you that that was the second time you had run away?—No.

30636. The other time you were arrested you were arrested by Soer and Deed on the 13th October?—You have got the date there.

30637. Did they again capture you by running down the steps from the wicket gate?—No.

30638. Will you look, please, at *that* photograph (*handing*)?—I must tell you you have not got the full length of the street here. You have not got the extreme corner.

30639. We will get the full length before we have done. Is that background the street approaching the Waterloo main line station from Waterloo Road?—Where the steps are where the man is entering.

30640. Then there is a wicket gate there, where the man is entering, and some steps. Was your usual pitch close by that door—not the one that has got the lamp over it, but the one this side of it?—For the first six weeks up to my first arrest, yes.

30641. And that is the door that you bolted through on the day of the third arrest?—When he had previously taken my friend.

30642. You got round the back, and then you jumped out of the big window you see there?—Quite true, on my third arrest.

30643. Pursued by Gunn?—No.

30644. By whom?—Soer.

30645. Soer and Gunn were together on that occasion?—I do not know where Gunn was. I did not see him until I was halfway to the station.

30646. He captured you in the Hero public-house?—He took me out of the bar of the Hero public-house after I had attempted to strike him.

30647. You did, did you?—Yes.

30648. That looks very collusive. Just look at that other photograph (*handing*). That is looking the other way from Robert Street into Meopham Street. Do you see that?—Yes.

30649. There is a raised footway just under the railway bridge there?—I believe so.

30650. Did you use to have a scout standing there on that raised approach?—The man I worked for, the first six or seven weeks had scouts there.

30651. Who was the man you worked for?—The man whose name you mentioned first.

30652. Forbes?—Yes.

30653. From that spot they would be able to see the police coming either way?—It was not necessary to look either way. It was only necessary for him to look one way.

30654. The police could come both ways, and he could see either way?—By going on private ground, yes.

30655. Then he could give you a hint, and you could pop in the door?—He was only engaged to look one way. I could always keep my eye on the other the first six weeks.

30656. Down to what date do you say you worked for Forbes?—I could not say.

30657. How long after your first conviction?—I could not say.

30658. Was it down to the end of August?—I should not think so.

30659. Was it down to the end of July?—No, I should not think so.

30660. Were you working for Forbes for wages?—Well, we had no particular understanding; that was the cause of our disagreement; as the business progressed, so I should be paid.

30661. Were you not working for Forbes for weekly wages?—No, there were no specific wages mentioned.

30662. At first £2 a week, and then £3 a week?—No, there was no specific sum mentioned; it was left to see how the business progressed

30663. Did he pay you first £2 a week and then £3 a week?—The first week I worked for him he gave me two sovereigns, and I was not taking sufficient money then to ask for more; but as the business grew I asked for more, but I did not succeed in getting it. I may have had a little more at times, but that was our bother, that was my cause of leaving him.

30664. There would not be much margin left after paying four constables £1 a week out of £2 or £3, would there?—That was my reason for rowing with him. I was working for nothing.

30665. Less than nothing?—Yes, I was out of pocket.

30666. You were really paying the constables more than you were receiving yourself?—No doubt of that.

30667. Did Forbes complain that you had defrauded him?—I do not know whether he complained about my defrauding him; there might be two sides to the question.

30668. Quite; but did he in fact complain that you had defrauded him?—I do not know what his complaint was. I know that he went to Kennington Road Police Station, or I believe so, but what satisfaction he got I do not know.

30669. He lodged a complaint against you?—I believe so—that is what he went there for.

30670. You were hand and glove with the police, and they told you what his complaint was?—They told me what he had been there for, something about money matters. He could give his version; I had mine.

30671. His version no doubt you were told was that you had defrauded him?—I do not know that those words were ever used.

30672. Perhaps he said swindled?—I do not know what he said.

30673. Now I want to get from you some dates in connection with Chapman's affair. How long had you known Chapman?—It is very hard to say.

30674. In 1903?—It is very hard to say how long I had known him.

30675. Give us some idea?—Personally I should not know Chapman, but I should know his stepfather.

30676. What was his stepfather's name?—Frank Ettwell, who the last time I appeared here fell dead, or he was found dead in bed. He was one of my best witnesses in this case, which the police well know.

30677. What is the suggestion?—You are asking me for the dates of certain summonses, but I am not in a position now to give them to you.

30678. Chapman you had known for years?—I do not say Chapman. I had known his stepfather.

30679. What was his stepfather?—A street bookmaker like myself.

30680. Was he working with Chapman?—No, I believe Chapman was working for him. I do not know on what terms they were.

30681. Did you ever work with Chapman?—No.

30682. Or for Chapman?—No.

A. F. Platt.
30 Jan. 1907.

30683. Or were you in any way connected with Chapman?—Only as a friend talking over business.

30684. Did you ever have any sort of business relations with Chapman?—No, not myself; I always did it through his stepfather.

30685. Through his stepfather you have had business relations with Chapman?—No, because the stepfather was the fountain head.

30686. Did you know that Chapman was summoned for street betting in October, 1903?—Yes.

30687. Did you know that Chapman was warned on the 9th October that he would be summoned for betting on the 5th to the 8th October?—Quite possible.

30688. From whom did you hear that—from Chapman or his stepfather?—I cannot say who I heard it from. Possibly I heard from some scout they engaged or some bookmaker who knew they were going to be summoned.

30689. Did you know that the two officers who had been watching him with Soer and Deed?—Quite possible.

30690. (*Chairman.*) Do you mean that it was quite possible you knew?—Yes.

30691. (*Mr. R. D. Muir.*) The 13th October was the date of your last arrest?—You have the date there.

30692. The 17th October was the date of the bet made by Deed with you?—You have the date there.

30693. The 19th October was the date that you first complained to the police officers about Deed's conduct?—I had written a letter the day between—I think it was a Sunday.

30694. On the 20th October you gave evidence before Superintendent Noviss in respect of your complaint against Deed. Is not that so?—If the 17th fell on a Saturday, and the 18th on a Sunday, it would be the 19th I first made my complaint—in the evening.

30695. Yes, and it was taken down in writing on the 20th in the presence of Deed himself, who cross-examined you?—I do not think there were any questions asked.

30696. Yes, but they were very few?—I believe from the time I left Superintendent Noviss' office on the Monday evening I had been kept under observation from the time I left the police office until I entered my own door that night, as I told them that Deed would be at my house with others for the money.

30697. Perhaps it will be convenient for reference to complete the dates. On the 23rd October Deed was dismissed from the force?—I could not say the date.

30698. That was about the date?—I believe he was dismissed within a week of my complaint.

30699. Within three days?—I think not.

30700. On the 24th Chapman was convicted and fined £20?—Would that be the date Deed was dismissed from the force?

30701. The day after. Were you in court when Chapman's case was heard before the Magistrates?—I do not think I was. I am rather positive I was not. I do not think the time I was betting would allow me to be there.

30702. On the 29th October, do you know that Chapman gave notice of appeal against that conviction?—I knew within a quarter of an hour of the Magistrate's decision that he would appeal.

30703. On the 29th he did appeal. On the 19th November did you write your first letter to the Commissioner of Police?—It must have been earlier than that.

30704. I put it to you that the first letter that you wrote to the Commissioner of Police was on the 19th November, and when Chapman's appeal was pending?—No, I should think it would be within a few days of Deed's dismissal—after he had entered Kennington Road Police Station, and, I believe, had been interviewed by Inspector Spencer after being dismissed the Force—it must have been the day following that date that he entered the police station.

30705. Just look at *that (handing)*. Is not that your first letter to the Commissioner of Police?—I should think not.

30706. (*Mr. R. D. Muir.*) I have a copy of correspondence and reports relating to the whole matter that will have to be referred to from time to time, and it would be convenient that the Commissioners should have copies of them. At page 26 is the document I am referring to. (*Copies of the correspondence and reports were handed in to the Commissioners.*) I put it to you that was your first letter, but you say you think not: "Sir,—Respecting the statement I made of P.C. 180 L"—that is Deed?—That is Deed.

30707. "Who has been dismissed from the Force through the facts of my statement"—again you do not refer to any previous letters here?—Perhaps I should not have referred to any previous letters. I do not think you will find my letters would go that way.

30708. "Respecting the statement I made of P.C. 180 L who has been dismissed from the Force through the facts of my statement, I beg to state the complaint I made against the other three P.C.'s—namely, 204 L, 203 L, and 209 L—which was in the presence of Superintendent Noviss and Inspector Spencer at Kennington Lane, the above officers were in the habit of receiving of me a weekly wage, and moreover they never fairly arrested me in my occupation as a street bookmaker; that was always pre-arranged as to what time they should come and take me into custody, which, in the charge book, will prove I was only charged between the hours of 2.30 p.m. to 3 o'clock p.m. It moreover has come to my knowledge the other three officers as above-mentioned have not been punished or reprimanded, so I am sure you will give the matter your kind investigations, and act as you may think proper in the matter as regards the truth of my statements. Apologising for occupying your valuable time." Is not that the first time you ever gave the numbers of the three other police officers, as you call them?—No.

30709. At that time did you know their names?—Yes, I think I can say I knew their names.

30710. Why did you not give them?—Because numbers come more fluently.

30711. Is that your only reason?—I might have been a little excited at the time I made the statements.

30712. According to you, for months you had been hand in glove with the police, paying them weekly. You must have known their names if that is true?—I knew their names.

30713. Why did you not give them?—I thought the numbers were better. One of the reasons why I gave the numbers would be that we knew them better by their numbers.

30714. With policemen walking about with numbers on their collars anybody can get their numbers, but they do not have their names painted on?—We do not give constables' names who come out to arrest us bookmakers. We either give them the nicknames or else the numbers.

30715. Let me call your attention to this:—"They never fairly arrested me; it was always pre-arranged." That is not true, is it?—Not in the first instance, nor in the last instance.

30716. Nor in the third instance. You ran away that time?—I never ran away. The only occasion I ran away was when I bolted through the doorway.

30717. So that when you say in this letter, "They never fairly arrested me, it was always pre-arranged," you are referring to four arrests, three of which were not by pre-arrangement at all?—If the promise had been kept they would have been pre-arranged, but you will find a letter there where I say I could speak better than I could write.

(*Chairman.*) I see the language of the letter is somewhat ambiguous:—"They never fairly arrested me in my occupation as a street bookmaker; that was always pre-arranged as to what time they should come and take me into custody." You are rather making a point to the witness of that. Do you not think it may amount to a complaint that although there may have been a pre-arrangement as to arrest the police had not carried out the bargain. I only suggest that.

30718. (*Mr. R. D. Muir.*) It appears to be capable of that, but that, of course, is a question for the Commission. The next letter is on the 24th November, at page 33:—"Dear Sir,—I beg to state that on the 19th October, 1903, I made a complaint to Superintendent Noviss and Inspector Spencer" (that fixes the date of your complaint) "concerning Police-constable Deed 180 L" (so that you give the name there of Deed) "on a charge of backing a horse that had already won a race. I am a bookmaker, and the said constable gave me a betting paper on a race twenty-five minutes after that

race had been won. He called at my house, and demanded the money during the evening. My statement was taken down by Inspector Spencer in the presence of P.C. 180 L. At the same time I lodged a complaint respecting P.C. 180 L, P.C. 204, P.C. 203, and P.C. 209, all of the L Division"?—Previous to that I told them in the presence of one another that after the morning I had been followed and kept under observation by Inspector Spencer I gave these officers bribes, and Superintendent Noviss made the explanation that he knew that sort of thing was going on.

30719. He made that observation to you?—In the presence of Inspector Spencer and myself.

30720. Anybody else?—No, we were the only three in the office, including the Chief Superintendent. That is when I was asked if it would be convenient to be at Kennington Police Station at 11 o'clock.

30721. Your letter goes on to say:—"To whom I had been in the habit of giving a weekly wage. I have never been caught betting fairly, as I was always taken into custody at a fixed time by previous arrangement with the above officers"?—Why I should give that explanation of not being caught fairly was I was never caught the first time—I was caught by myself.

30722. "To whom I have been in the habit of giving a weekly wage. I have never been caught betting fairly, as I was always taken into custody at a fixed time by previous arrangement with the above officers. This took place between 2.30 and 3 o'clock p.m., so as to take me before the Magistrates the same day. A reference to the charge-book will prove the above assertion. Mine is not an isolated case, as I know several bookmakers who give a regular weekly salary, and who made the same arrangements as myself with regard to being taken into custody. In writing you this letter acquainting you with the above facts, I feel confident you are not aware of such conduct in the Police Force. Hoping you will make special inquiries into the truth of my allegations." Then you sign the letter, and then you say, "Postscript.—P.C. 180 L has been dismissed the Police Force, but the other officers have not been punished in any way up to the present." On the 28th November was a man named Farringdon fined £15 at the Police Court?—I could not say.

30723. And did you not, in fact, pay his fine?—No.

30724. (*Mr. R. D. Muir.*) The officer is not here at present, but we will endeavour to secure his attendance. On the 28th November, 1903, about half-past 3 in the afternoon, at Southwark Police Court, did you ask the police constable what time Thomas Farringdon would be taken away by the van in the event of the fine not being paid?—No.

30725. Were you told that he would be taken away at 4.45?—No.

30726. Did you say, "Thank you; this is another bit of their wickedness"?—No.

30727. "But I shall want to know from the Commissioner yet why 204 and 'another number' are still wearing that uniform" (*pointing to the officer's uniform*)?—No.

30728. "I am in communication with my member of Parliament"?—No.

30729. Were you in communication with your member of Parliament?—I should think so.

30730. Who was your member of Parliament?—A grand one—Fred Horner, M.P.

30731. Was not Farringdon a man who was employed by Chapman after Chapman's conviction?—I believe so.

30732. Did you not pay the fine—£15, and 6s. costs?—No.

30733. I do not say with your own money, but with your own hand?—No.

30734. Did you make those inquiries?—No.

30735. Did you know about Farringdon being fined?—I knew. From what you tell me I can remember now that he was the man who took the place of Chapman and was appearing on the summons on that day. As for anything further, I should not know until he was fined, but I believe under the circumstances the runner came from the Court—from Mr. Ettwell—and told them the amount of the fine, because they had great hope of having the summons dismissed, and that is why the money was not on his person at the time he was fined.

30736. Where did the runner come from?—From Mr. Ettwell.

30737. Where was Mr. Ettwell?—In the street, betting.

30738. Where were you?—I should be in the street, betting, up to a certain time.

30739. How did you know the runner came from Mr. Attwell?—We can telegraph very quick to one another.

30740. So that you knew it very soon after the fine was inflicted?—Possibly I did.

30741. Who paid the fine, do you know?—I know I did not.

30742. Do you know who did?—I cannot say.

30743. On the 2nd December did you write to the Commissioner again?—Yes.

30744. "I beg to acknowledge the receipt of reply to my letter of the 19th inst., but I did not receive a reply to mine of the 25th inst., as I am now determined to have the matter fully investigated and the officers punished, as they ought to be; if they are not, I shall certainly expose the facts in the Press, as I think it is a great scandal to the Force and the public. I have no ambition to in any way dictate to you, but doubtless you will fully agree with me in having the matter fully investigated." Did you write that letter to the Commissioner of Police?—Yes.

30745. Did you know that one of the officers, namely, Soar, was a witness against Chapman in the appeal that was pending?—Yes, I believe he summoned him.

30476. Deed was the only other person who was concerned in Chapman's case?—As far as I know.

30747. He had already been dismissed?—Yes.

30748. And because of his dismissal was not called as a witness?—I do not know about that.

30749. As a fact he was not called?—The police know best why he was not called.

30750. Quite right, but as a fact he was not called as a witness?—Not on the summons.

30751. Nor at all?—I believe not. Whether he was called or not I do not know.

30752. If Soer could have been placed in the same category as Deed there would have been no witness left against Chapman at all?—True.

30753. On the 8th December you wrote again to the Commissioner—"I wrote to you on the 2nd inst. and also on the 24th inst. respecting my complaint relative to the conduct of certain constables of the L Division, and have received no reply thereto on the first-mentioned date, and registered my first letter. I also wrote on the 19th inst. ("instant" is written by mistake; it means November), "and received a formal reply simply acknowledging receipt of that letter, and giving the number quoted at the head of this. I have to say I fully intend that my complaint is properly investigated, and if I do not receive a prompt reply to that effect from you I shall lay the whole facts before the Home Secretary"?—Yes.

30754. Then did you get a letter in reply to that, saying it was open to you to take any course you deemed advisable?—I could not say from memory.

30755. That was this letter: "I am directed by the Commissioner of Police of the Metropolis to acknowledge the receipt of your letter of the 8th instant, and to acquaint you that it is open to you to take any course you deem advisable in the matter."

30756. (*Chairman.*) Did you receive a letter to that effect?—It is quite possible.

30757. Just look at the letter. Is that the original of the letter of the 10th December that you received?—It looks like it, but I could not remember the contents from memory.

30758. No, but is not that the document itself?—Yes.

30759. (*Mr. R. D. Muir.*) On the 14th December you wrote acknowledging the receipt of that letter. "I beg to acknowledge receipt of your communication of the 10th inst., and with further reference to my complaint against the constables of the L Division, whose numbers are therein, before I take any other steps, such as laying the whole case before the Home Secretary and writing to the Press, I would ask if you would be good enough to accord me an interview, when

A. F. Platt. 30 Jan. 1907.

I can enlighten as to the whole merits of the case most likely to the better effect than by correspondence. I presume you are acquainted with the fact that an appeal will be heard at Newington Sessions early in January next, when the whole of the circumstances will be gone through. Should you see fit to grant me an interview, I shall be pleased to wait on you at any time. Waiting the favour of your reply, I am, Sir, yours most obediently, A. Platt, P.C.'s 203, 204, 209 L Division." What was the object of all this correspondence at this time?—I did not consider these men fit and proper persons to wear the uniform.

30760. At this time Chapman's appeal was pending?—I believe so.

30761. Was your object to get Soer dismissed, so that Chapman's appeal would be thereby affected?—My object was to have them all thrown out.

30762. Had you no thought in your mind as to the effect which this might have upon Chapman's appeal?—That would not be in my mind.

30763. Why did you refer to Chapman's appeal in that matter?—Knowing that Soer was a witness on it.

30764. Did you get a reply to that letter of the 19th December: "With reference to your letter of the 14th inst., I am directed by the Commissioner of Police of the Metropolis to acquaint you that he regrets that he is unable to comply with your request, as it does not appear that an interview would serve any useful purpose."

30765. (*Chairman.*) Is that the letter?—I expect so.

30766. Look at it. Did you receive that letter of the 19th December?—No doubt I did.

30767. (*Mr. R. D. Muir.*) Was that your last attempt to get Soer dismissed before the appeal was heard?—I could not say.

30768. I suggest to you that it was. There is no further letter addressed to the Commissioner of Police after that date until we come to the year 1904?—I could not say; I was writing so many letters at the time to so many different people that I could not say from memory.

30769. You took a great interest in Chapman's appeal, did you not?—I cannot say that I took a great interest in the appeal.

30770. Did you not?—Not in the appeal itself.

30771. Were you the only witness who was called on behalf of Chapman?—I could not say, I was not in Court.

30772. You were called as a witness on behalf of Chapman?—Yes.

30773. And you gave in evidence before the Bench of Magistrates there the statement that you have given before this Commission with regard to Soer and the other police officers named?—As near as possible.

30774. I put it to you that you were the only witness called for the defence?—I could not say.

30775. At any rate, Chapman himself was not called as a witness?—I could not say from memory.

30776. Chapman, whose appeal this was, did not go into the witness box, but you did?—I could not say.

30777. Was the whole of your evidence directed to this attack upon the police?—I believe I know, if I remember correctly, if I was the only witness, why no one else was put in the box. It would be the first time that a man would be convicted for betting on uncorroborated evidence.

30778. Chapman was not put into the witness box?—I could not say from memory.

30779. Was your next letter one of the 14th March, 1904? Did you write a letter to the Home Secretary on the 14th March, 1904?—I could not say the date.

30780. As I understand, up to this time your sole complaint against those three other officers was that they had been receiving bribes?—Quite right.

30781. I want to call your particular attention to the terms of this letter to the Home Secretary: "I wish to bring to your notice a complaint I made against four constables of the L Division on the 19th October, 1903, respecting their endeavouring to obtain moneys of me by fraud." Did you mean the Home Secretary to understand that those three officers had been party to an attempt to obtain money from you by fraud?—I do not know that I meant all three officers in that sense.

30782. Let me read it to you again.

(*Chairman.*) Perhaps you had better show him the original letter.

(*Mr. R. D. Muir.*) The Home Office will not part with the original, and we have only a copy.

(*Chairman.*) Show him a copy.

30783. (*Mr. R. D. Muir.*) Yes. (*A copy of the letter was shown to the witness.*) "I wish to bring to your notice a complaint I made against four constables of the L Division on the 19th October, 1903, respecting their endeavouring to obtain moneys of me by fraud." Did you not mean the Home Secretary to understand that those three constables had been party to the same fraud that you alleged against Deed?—I should not think I meant it in that sense.

30784. What could anybody understand reading that letter except that?—Perhaps it was meant to call the Home Secretary's attention more to the fact.

30785. By telling a lie?—No.

30786. Is not that a lie?—Would there not be a fraud in Soar taking money from me before I was arrested on the last arrest, and then taking two of us down the day after?

30787. Soar obtained that money, did he not?—Yes.

30788. This is a charge of endeavouring to obtain money by fraud, which you allege you made on the 19th October against four officers?—My first complaint would probably read that the complaint was lodged aginst the four officers at the time.

30789. Have you any other explanation to offer of that?—I cannot say I have.

30790. Then I will go on.

30791. (*Chairman.*) The complaint you made against Deed was made on the 19th October, if I remember rightly, was it not?—On the 19th October, I think that is the date.

30792. This is your letter to the Home Secretary: "I wish to bring to your notice a complaint I made against four constables of the L Division on the 19th October, 1903"?—That is when I said Deed had been trying to ramp me, and these others had taken money from me. That is the sense in which I mean it.

30793. We shall be able to see what your actual complaint was on the 19th October?—Yes.

(*Mr. R. D. Muir.*) "One of the said constables has been dismissed from the force, the other three being allowed to remain in uniform instead of being punished. I wish to state I was street betting, and was convicted of the offence. Since lodging my complaint I had to follow my original occupation at hackney carriage driver, as I have a young family of five to support. At the expiration of my licence I applied for its renewal, and am refused by the Commissioner of Police, with no reason only I should know what for. I am steady and respectable, and desire to support my family, which now I am totally at a loss to know what course to pursue to do so. I think if I am, in the estimation of the police, an unfit party to hold a licence, those constables are not fit and proper men to wear the uniform which the ratepayers pay for. I trust, Sir, you will, at your convenience, cause the matter to be investigated as to the harsh treatment I am now receiving at the hands of the Commissioner of Police, who is preventing me from earning support for my young family. I may mention I have also laid the facts of my case before the Hon. Member for North Lambeth (F. Horner, Esq.)."

(*Mr. R. D. Muir.*) In Emms' and Norrey's case I have got the warrant now. These are the particulars that are given in it. "For that he"—that is Ginger Norrey—"the said defendant, on the 23rd day of October, 1906, at Brick Lane in the said county and district, did unlawfully assault and beat one Harry Jeffery, a constable belonging to the Metropolitan Police Force, then and there in the execution of his duty as such constable." No hour is mentioned at all. Then, Sir, I am told there is a man named Ward who desires to make a statement in connection with Emms' and Norrey's case. I have no proof, and therefore I cannot examine him. He was called as a witness on a previous occasion.

(*Mr. Ward.*) Owing to my having come here to give evidence on behalf of the police in connection with Emms' and Norrey's case I have been threatened to have my "bleeding life" taken from me by some of the mob in this neighbourhood.

(*Chairman.*) By some of the mob?

(*Mr. Ward.*) Yes. Four times on the 8th January, the Tuesday evening, they came round and annoyed me at my place.

(*Chairman.*) Do you know who did that?

(*Mr. Ward.*) Yes, I know the man who came in first, only I do not know his name; I only know him by sight. It is not myself I am afraid of, it is what they may do when I am absent from my premises. Personally I have no fear of them at all, but it is my wife and family that I am looking after.

(*Chairman.*) I daresay the authorities will take notice of the fact that you have made this public statement, and no doubt such steps as can be taken to protect you will be taken. I am afraid we can do nothing as Commissioners.

(*Mr. Ward.*) When I went round to the station to complain of the annoyance they came, about twenty of them, and threatened to smash the front of my shop in.

(*Mr. Rufus Isaacs.*) When was that?

(*Mr. Ward.*) On Tuesday, the 8th January, between 8 and 9 o'clock in the evening.

(*Mr. Rufus Isaacs.*) Do you know who it was who did it?

(*Mr. Ward.*) Yes, I know the man by sight, but I do not know his name

(*Mr. Rufus Isaacs.*) You can point him out and then ascertain his name, can you not? *A. F. Platt.* 30 Jan. 1907.

(*Mr. Ward.*) Yes, certainly, if I can see him, but I have not seen him since I went round to the station and complained, because they have placed a policeman regularly on the watch at my premises.

(*Mr. Rufus Isaacs.*) If you can point out who the man is, there is no difficulty, because you will lay your information at the Police Court, and then ample protection will be given to you.

(*Mr. Ward.*) I may say since the Commission has been sitting it has had the desired effect of clearing the street of these loafer and thieves. We have not had nearly the number of snatches taking place round there, and it has made a vast improvement in the neighbourhood.

(*Chairman.*) Very well, you will go to the Police Court, and lay your information if it becomes necessary to do so.

(*Mr. Rufus Isaacs.*) In all probability your statement will be sufficient, and you will probably find you will not be annoyed at all.

(*Mr. Ward.*) Personally I do not go in fear.

(*Mr. Rufus Isaacs.*) I quite understand. It is those who are left behind in your absence.

(*Mr. Ward.*) Quite right, Sir.

ALFRED FRANCIS PLATT, recalled.

30794. (*Mr. R. D. Muir.*) Was your object in writing that letter of the 14th March to the Home Secretary to get back your cab licence?—That was one of the objects. *A. F. Platt.*

30795. What other object had you?—A possible interview with the Commissioner.

30796. With what object in view?—To state certain matters which I have come to say here.

30797. And get back your licence?—I hoped so.

30798. Did you write again on the 24th March to the Home Secretary: "I beg to acknowledge the receipt of your reply 116,732 in answer to mine. I wish to bring to your notice the facts of the lately dismissed constable of the L Division named Deed is permitted to bet in the streets within a few yards of Kennington Road Police Station, and not yet been apprehended, and myself with a young family of five to support am denied my licence to drive a cab. I think, Sir, you will concur with me, and conclude I am very harshly treated at the hands of the Commissioner of Police. I do trust that you will fully investigate my appeal, and cause me to be granted my licence to support my family." Was that the object of that letter also, that you should get your licence back?—One of the objects.

30799. What was the other object?—To try and obtain an interview with the Commissioner of Police.

30800. Did you write on the same day to the Commissioner of Police practically to the same effect: "I wish to bring to your notice that the lately dismissed constable of the L Division named Deed is permitted to bet in the streets within a few yards of Kennington Road Police Station, and not yet been apprehended, while myself you refuse me the renewal of my hackney carriage licence to support my young family of five, and trust you will reconsider my case, and permit me to secure my licence." Had you seen Deed betting yourself?—I had. The two days I wrote those letters I watched myself.

30801. What hours?—From 12 to 1, I presume.

30802. (*Mr. Rufus Isaacs.*) Does that mean receiving slips?—Yes.

30803. (*Mr. R. D. Muir.*) Where did you see him doing that?—Outside a greengrocer's shop situated in Hercules Road, Kennington.

30804. Do you know that at that time Deed was working as a porter in Farringdon Market in the early morning?—I do not know whether he was working in the morning. All I know is he was betting the days I wrote those letters.

30805. And that in the day time he worked for a greengrocer named Leader in Hercules Road, near the police-station?—That was his explanation to the Inspector who visited me after I wrote those letters.

30806. Was he, in fact, employed by the greengrocer?—It was a fact he was betting, but whether he was employed by the greengrocer or not I do not know.

30807. Do you know that observation was kept for the purpose of seeing whether he was betting after the receipt of your letter?—I do not know.

30808. Did you get a reply to your letter from the Home Secretary dated the 29th March?—I cannot say.

30809. "I am directed by the Secretary of State to say that he has made inquiry in the matter of your letters of the 14th and 24th instant, complaining of the refusal of the Commissioner of Police to grant you a hackney carriage licence, and finds no grounds for any action on his part"?—There are plenty of those answers from the Home Secretary.

30810. Did you write again to Mr. Akers Douglas on the 5th June, 1905. (*Letter handed to witness*)?—I believe so.

30811. Is that your letter or a copy of it?—Yes.

30812. "Sir, I most respectfully beg to call to your notice that P.C. Soar 204 L is doing duty similar to those he was engaged in when in 1903 serious charges were brought against him at the Newington Sessions. I beg to say that I do not consider it fair to the public that such an officer is a proper person to have been reinstated to these duties after what transpired at that inquiry, and am notifying the Chief Commissioner of Police and the member of Parliament for this district to the same effect. I herewith beg to enclose a cutting from the paper reporting the case referred to." That was Chapman's appeal, was it?—I believe so.

30813. When Soer gave evidence on one side and you gave evidence on the other?—I do not know how many people gave evidence on my side.

30814. But you did, anyhow?—Yes.

30815. And the magistrates unanimously dismissed the appeal?—Yes.

30816. How did you know that Soer was employed on the same duties again?—All I know is that he was out in plain clothes.

30817. After you gave up betting in Lambeth did you do some betting in Tooting?—I was betting in Tooting previous to Lambeth, and after I had been betting at Lambeth.

30818. What name did you use when you were betting in Tooting?—I could not tell you.

30819. Was it Davis?—No.

30820. (*Mr. Rufus Isaacs.*) I should like to get a date. Was the date when you gave up betting in Lambeth 1903?—I never really gave up betting in Lambeth, sir—personally taking slips, yes.

A. F. Platt.

30 Jan. 1907.

30821. You have told us other people did for you, but you personally gave it up in 1903?—Yes.

30822. (*Mr. R. D. Muir.*) Just look at that betting card. (*Handing card to witness.*) Was that used by you or by one of your men?—At the present time I could not answer that question, but I believe I have a card of every man who has ever betted for me, but I could not answer that question right away. (*After examining the card.*) No, that was never my card, the odds are wrong altogether, and that was never my card.

30823. Was that used by a man with whom you were acting in street betting?—Not to my knowledge, and if I answer the question right away I should say from the rate of odds that a man had never used that card for me; but I could tell better after I examined my cards, because I have kept a card of everyone I have had printed.

30824. (*Chairman.*) You can speak more positively when you have compared that card with other cards in your possession?—Yes. (*Card put in and marked "A. P. 12."*)

30825. (*Mr. Rufus Isaacs.*) I thought Mr. Muir's question was whether you personally had used that card?—No, I have never used that card personally.

30826. That is the point of Mr. Muir's question.

30827. (*Mr. R. D. Muir.*) That is the first question, then I asked you whether it was used for any man who was betting for you or with you?—I could not say positively, but looking at the card at the present time, and seeing the rate of odds, I should say no, but I could be more positive after comparing the card with the initials I have at home.

30828. When other people are working for you I want to know what the method is; do you sometimes put a new man on a pitch who has not had a pitch there before?—Very, very rare.

30829. The usual method is to get some man who has already got a pitch?—No, I could not say that would be the proper method.

30830. What do you say the usual method is?—I should simply find out the man who was best known and start him.

30831. And then you would be called the governor?—In some cases yes, or else not known at all.

30832. And you would come either personally or by deputy and collect the slips?—Yes.

30833. And the money?—Not always.

30834. When you could?—No, not always.

30835. Ordinarily?—No, I would not say ordinarily.

30836. What is the method with regard to the money in each case?—It is according to what sort of men you have to deal with.

30837. Just tell us what the ordinary method is with the ordinary sort of man?—I could not tell you any ordinary method.

30838. What are the different methods?—That would be according to how I would read the man.

30839. Cannot you give us any idea how you deal with the question of money with men who are betting for you?—Sometimes I would have money with the papers and sometimes I would have a settling up the same evening; as regards money matters, sometimes the following day, and sometimes it would last a week or a month, or never get paid at all.

30840. But supposing you had a good day, your method would be, would it not, where you settled daily, to take from the man who made the bets all the money except what it was necessary for him to pay out on the following day?—If the man had received the moneys that were supposed to have been won in a day-to-day case—yes.

30841. And in the case of a bad day, what you ought to do would be to pay him some additional money in order to pay the losses?—Yes.

30842. Have you heard the expression "A greased-lightning bookie"?—I cannot say that I have.

30843. Have you any doubt what it means?—Not having heard the expression I cannot say I know what it means.

30844. You know what a welsher means on a racecourse?—Yes.

30845. Is not the expression used for the street bookie who does the same as the welsher on a racecourse—"a greased-lightning bookie"?—I cannot say; all I know is that in many instances of welshing on a racecourse there are plenty of people who get so excited that they really do not know what they do back, and they demand money off the bookie over a horse they say they have backed, when they have never really put the money on. There are many instances where police officers who have retired, and who take charge of the rings, are called upon, and they understand the people in that way who say they have won a certain sum of money, and therefore the bookmaker is called a welsher.

30846. You understand what the street bookmaker's equivalent of a welsher would be—he would be a man who would have a bad day, and he would not turn up with the money to pay out the next day?—That would be very hard to say.

30847. That would be the equivalent of a welsher?—No.

30848. You think not?—No.

30849. Has that happened to you on several occasions?—What has happened to me?

30850. That you have had a bad day and not turned up to pay out to the man who was responsible for taking your bets?—In what way are you going to say it is a bad day—money that has been lost, or money that I have been done for?

30851. Where you have lost more money than you have taken. I call that a bad day?—I cannot answer that question in the way you put it.

30852. Has it happened to you several times that men you have employed have been left to face backers and you have not turned up with the money to pay them?—It has happened to me several times that I have had dishonest persons who have tried to do me, and I have refused to liquidate their debts.

30853. How often has that happened to you since 1903?—I think it has happened once.

30854. Oh, really! Try again?—I should like to know the names.

30855. That would be telling you exactly how much I know; I want to know how much you know?—I should like you to put the men in this box afterward.

30856. Will you tell me?—I have told you—I think once.

30857. Will you swear it was not more than once?—In which way do you want me to answer that question—in the way that I have had dishonest men, or in the way that I have not paid myself?

30858. Where people with whom your agent made bets have not been paid—that is what I want to know? How many times has that happened to you since 1903?—I have repudiated agents who have still continued betting. I have myself been apprehended at half-past one in the afternoon, and men have come on that same pitch, and betted in my name or some other person's name wherever that bookmaker was who was apprehended, and they have used the man's name who used that street for the purpose of betting, and of course they have taken moneys in that man's name, and that man gets the benefit of not having paid his clients, and there are cases to prove that at Bow Street, where there are instances of men having been charged for doing that.

30859. That is not what I am talking about at all. I put it perfectly plain to you, if you will kindly listen. Take the Tooting case, where I suggest you were betting in the name of Davis through another man; you went on for some time having good days—that is, more money coming in than you had to pay out—and then you came upon a bad day, and you disappeared, and left the backers to look after themselves?—With regard to bad days and good days, 1903 was one of the worst years in 20 years for a street bookmaker, and 1906 is something similar.

30860. I am talking of the number of times that that has happened to you—that you have disappeared when the bad day came, and taken the moneys on the good days, and left the backers to look after themselves?—I cannot say that I have ever disappeared, because I have given every one of the men who worked for me my address.

(*Mr. Rufus Isaacs.*) Mr. Muir is putting to you a specific instance of this having happened at Tooting.

30861. (*Chairman.*) Do you admit that the man called Davis acted as your agent or employee at Tooting?—No, I cannot answer that question off-hand. I do not believe that card was ever used by any agent or myself at Tooting.

30862. I understand that you did bet at Tooting; you have told us that more than once?—Yes.

30863. Just apply your mind to Mr. Muir's question?—In the name of Davis, I say no.

(*Mr. Rufus Isaacs.*) Mr. Muir's question is not confined to Davis.

30864. (*Mr. R. D. Muir.*) I am putting that question to you quite generally, having described the sort of transaction I am referring to. On a few good days you took the money, and when a bad day came along you did not turn up and pay. How often has that happened to you since 1903?—If you ask me if I had an agent there who was an employee, I can say yes, but not in the way you wish me to answer the question.

30865. Do you say that has never happened to you?—I do not say that.

(*Chairman.*) I thought you were putting the question to him of betting in Tooting.

(*Mr. R. D. Muir.*) Yes, I put that one; but I put it quite generally also.

(*Chairman.*) Do you admit that, after betting at Tooting for some time, you found you had a bad day, and discontinued betting at Tooting without having paid what you owed?—No; I do not say that. I say I discontinued at Tooting, and the agent continued.

30866. (*Mr. R. D. Muir.*) You left him to pay as best he could?—I left him to pay the papers that he took, but not in my name.

30867. For which you had taken the money?—No.

30868. That is what is put to you. You go there and take the money on the good days, and then a bad day comes along, and you do not turn up with the money, but leave the agent to face the backers; and I put it to you that that has happened to you many times since 1903?—No.

30869. (*Mr. Rufus Isaacs.*) Has it happened to you at all?—Oh, yes. But at the same time I would not be the only man in London that it has happened to, because I could always get some consideration from the people. Some people I would pay, and some people I would be unable to pay.

30870. (*Mr. R. D. Muir.*) I put to you the plain case. Did you employ a man who was selling papers in the High Street, Tooting, to take bets for you?—I did.

30871. Did you take the money for several days?—I did.

30872. When you had good days?—When I had losing days. One of the worst days that happened to a bookmaker was when Wet Paint won at 100 to 7, and Rosglass won at 10 to 1, and a horse called Cerisa won at 2 to 1; that was one of the worst bookmakers' days in London since Victor Wild won the Jubilee Stakes, when 99 bookmakers out of 100 in London could not pay their debts.

30873. A newspaper man in Tooting. Did you take the money from him as long as you had good days, and the first losing day did you go away and leave him to face the backers without the money?—No.

30874. What is the newspaper man's name?—I believe, if I remember accurately, Tanner.

30875. Do you know where he is now?—I could not tell you; I believe he is at Tooting.

30876. Still selling papers at Tooting?—I cannot tell you; he has visited my house several times since.

30877. To try and get the money?—No.

30878. Never asked you for the money?—No.

30879. Was there another man working for you at this time?—Yes.

30880. What was his name?—I could not say off-hand.

30881. (*Mr. Rufus Isaacs.*) At Tooting?—Yes.

30882. (*Mr. R. D. Muir.*) In connection with this very transaction?—Yes, he was a partner with me.

30883. Is he the man you put forward to act as the governor of this newspaper man?—No.

30884. Was he supposed to be the newspaper man's governor?—His governor in a sense.

30885. In what sense?—In the sense of taking money and papers off him.

30886. Did he bring you the moneys and papers which the newspaper man collected?—Not always, because the man was not always there to do the work.

30887. Whenever he got them, did he bring them to you?—Yes.

30888. Did you keep the money on the good days, and pay out what money there was to be paid out, and then when the first losing day came along did you leave the man in the lurch?—There were no good days that year, I am sorry to say.

30889. What year was that?—1904 I should think.

30890. What time of the year?—I could not say right away.

30891. Did you desert Tooting after that?—I have been there several times since.

30892. Did you desert Tooting immediately after that?—I cannot say that I did.

30893. Did you go any more to Tooting immediately after that incident?—Yes.

30894. Did you do any betting there?—No; I simply went round there to tell people that I was not betting after the bother that had arisen.

30895. There was a bother, was there?—Yes.

30896. Did you tell them that the man who was responsible was the man you had put forward as the governor?—No.

30897. You did not?—No; he was not responsible for moneys, if that is what you mean.

30898. For money—that is what I do mean. Did you tell the people that this fellow whom you had put forward as the governor, and whom you called your partner a few minutes ago, was a rascal and had absconded?—I do not know exactly in what sense you mean that.

30899. Let me point out what I say the transaction was: you employed this man—what is his name?—I cannot just say off-hand.

30900. Could you not really?—No, I could not.

(*Mr. Rufus Isaacs.*) The man who was your partner is what Mr. Muir is asking you.

30901. (*Mr. R. D. Muir.*) Jack Watts?—Yes, I think that was his name.

30902. Did you put forward Jack Watts to this newspaper man as the newspaper man's governor?—No.

30903. Who would pay him wages for taking the slips and the money?—No.

30904. And who would take the profits and be responsible for the losses?—No.

30905. Who was the newspaper man's governor in your transactions with him?—I was.

30906. Did you put yourself forward as the governor?—Yes.

30907. What I suggest to you is that you put forward Jack Watts as the guv'nor, and that you had taken the money on the good days, and when the bad day came along and you did not pay, you went round then telling the people who had made bets that Jack Watts was a rascal and had absconded with the money?—No.

30908. That is what I put to you?—Yes.

30909. What excuse did you make to the people who you went round and saw about the bets?—I do not know that I made any great excuse at all.

30910. You told us you went round and said you were not betting?—Yes.

30911. Did you make any excuse to them for those bets not being paid to them?—The man had been only betting for me for three or four days.

30912. Those were good days?—They were not good days.

30913. Is not that what is called a "greased light-

A. F. Platt.

30 Jan. 1907.

ning bookie," who appears on the pitch for three or four days?—No, I do not understand that term.

30914. And then disappears?—I do not understand that.

30915. Did you after that go to a pitch at Victoria Station?

30916. (*Mr. Rufus Isaacs.*) If you are passing away from that subject, there is something the witness said I did not follow, and I should like to clear it up. (*To the witness.*) You said you went to Tooting to tell the people about the bother that had arisen?—Yes.

30917. Why did you go to tell the people?—The fact of the matter was that partner, who was taking the papers off Tanner, I did not happen to time, and I would never recognise from any man any papers that I did not have before time. My strict injunction to each and every man I employed was that I would never take papers after time, and if they did they would always have to pay the bets themselves. That is the explanation I wanted to give in the first instance.

30918. (*Mr. R. D. Muir.*) That would be a matter that would be only known between you and your partner?—And the men who worked for me.

30919. The backers would not know anything about that?—I could not say that.

30920. (*Mr. Rufus Isaacs.*) That is why I ask you the question. I quite follow what you have said about your partner and the man who was selling newspapers who was working for you; but what had you to do with the people who were the backers? Why should you go to the people who were the backers and explain to them? Were the backers looking to you?—Some people might. It is very hard for me to go to many parts that I am not well known in, and people would know, if I was there, I was there for the purpose of betting, and I should simply say So-and-so is betting, and use a different name to mine, but I am virtually at the back of it. That would be the point.

30921. I did not want to interfere with the cross-examination, but before you passed from this point I wanted to understand what it was you were telling us. What was the bother that had arisen?—I had not received the papers to time, and then I repudiated the transactions.

30922. You mean the bother that had arisen was amongst the backers? Is that what you mean?—No; amongst my partner and Mr. Tanner.

30923. Between Mr. Tanner and the backers?—No.

30924. What was the bother amongst the people?—As far as Tanner was concerned it was amongst the people who knew him and would not know me.

30925. (*Chairman.*) Then there was a bother between the backers and Tanner?—From what I have been told, but not from any personal observation that I have had.

30926. (*Mr. R. D. Muir.*) And the bother was that the backers were not paid?—Some of them, no.

30927. And those who were paid were paid by Tanner out of his own moneys?—Not that I am aware of.

30928. You paid none of it, anyhow?—Oh, yes.

30929. To whom?—Various people that I should know.

30930. Did you go to a pitch in Victoria Railway Station after that?—Yes.

30931. Who was the man who took the slips there?—I could not say the name.

30932. What was he?—I believe the man was a commission agent, the same as I put myself.

30933. Cannot you tell us his name?—I cannot say. I could not tell you his name.

30934. This was 1905, was it not?—I think it was.

30935. Cannot you remember the name of the man who took slips for you in Victoria Railway Station?—No. I have had various men, and I should not perhaps always know them by their correct name. I may know them by their nicknames, or something like that.

30936. Can you describe the man?—The man at Victoria was a little fair fellow.

30937. That is all you can tell us about him?—Yes.

30938. Where is he now?—I could not tell you.

30939. When did you see him last?—In the past 12 months

30940. Where was he then?

(*Chairman.*) We have not any date for this.

30941. (*Mr. R. D. Muir.*) 1905?—The last time I saw him was promiscuously, about Blackfriars Road, London Road, or somewhere about there.

30942. Did you speak to him?—Yes.

30943. Did he tell you where he was living?—I cannot say that he did.

30944. You cannot help us to find him?—I cannot say that I can.

30945. Did he take bets for you for about a week?—I think it would be longer than that.

30946. No—this particular man about a week. Is that right?—It would be longer than that.

30947. What name were you using for the purpose of that pitch?—I think "J. R."

30948. Jack Russell?—I believe that would be the name.

30949. Who was Jack Russell?—I could not say off-hand. If I see the card I will soon tell you.

30950. Is *that* one of your cards (*handing card to witness*)?—Yes, that is one of the cards.

30951. Was there a real person, Jack Russell?—I could not say off-hand.

30952. Try. Was there a real person, Jack Russell?—I cannot say right away.

30953. Whose card is *that*?—I know the man well enough, but I cannot just recall whether that was the name he made use of.

(*Chairman.*) These cards ought to be treated as put in.

(*Mr. R. D. Muir.*) Certainly, Sir.

(*Card put in, and marked "A. P. 13."*)

(*Mr. Rufus Isaacs.*) "R. M. D." was the first one, and the other is "J. R." I suppose "R. M. D." is intended to be "Davis"

(*Mr. R. D. Muir.*) Yes, that is so, Sir.

(*Witness.*) I cannot recall whether this is the man's real name or not.

30954. (*Mr. R. D. Muir.*) But there was a real person who used the name of Jack Russell?—There have been some Russells that I know.

30955. He gives an address, or I think he gives more than one address on that card?—Yes.

30956. Did he live at that address, or either of them?—I think you will find he lived at that address—the man who used this card lived at that address.

30957. Is that the same man who you carried on business under the name of?—The man who lived at this address would be the man who used to be Russell, if that was not Russell.

30958. Is that the small fair man who took the slips?—No.

30959. What part did Jack Russell take in this business?—He was the guvnor here.

30960. Did he abscond?—No, not that I know of.

30961. Did he go away, leaving the man who was taking the slips and the money on a bad day?—Not to my knowledge

30962. Did not he go away the day before the Cambridgeshire in 1905?—I could not say.

30963. Did you put him forward as the governor?—I cannot say that I put him forward as that. There may have been some introduction in some way or the other.

30964. I put it to you quite plainly, that you put forward this man, who used the name of Jack Russell, as the governor of the little fair man who took the slips at Victoria Station?—No, I cannot say that I did that.

30965. What were the relations between you and this man who used the name of Jack Russell?—No relations as regards monetary matters.

30966. What was your relation to this pitch at all?—I was only there for a day, or two days, I believe.

30967. You said more than a week?—You asked me how long that man had been there

30968. I am quite sure, Mr. Platt, with your intelligence, you understood what I was putting to you?—You are asking me how long that man was there, and when he absconded.

30969. I put it to you that you went to a pitch at Victoria Station, where a man took papers—a fair man—and you said that was so in 1905.

30970. (*Chairman.*) The exact words were, "He took bets for me longer than a week"?—Mr. Muir never asked me if I was there. He said did I go to Victoria, and I said yes, I did go to Victoria, but I do not say that I go to work there.

30971. (*Mr. R. D. Muir.*) That man took bets for you for more than a week?—He took bets longer than a week.

30972. For you?—Not for me.

30973. For whom?—For this man Russell.

30974. Was Jack Russell put forward by you?—No.

30975. Did not you tell the Commission that you were using the name of Jack Russell through another man?—No, I never said I was using the name of Russell.

30976. Whose card is that marked "J. R."?—That would be some man I perhaps knew in another name, and who worked in Victoria.

30977. What had you to do with that racing card marked "J. R."?—I cannot say offhand what I had to do with it.

30978. Is it your racing card?—I may be some card that I have seen.

30979. (*Chairman.*) You said, "That is mine" when it was put into your hands?—I have used a card at Waterloo in that name, and that is why I said that card was mine. I did not expect to be asked about that card at Victoria.

30980. (*Mr. Rufus Isaacs.*) I understood you to say to Mr. Muir just now that at Victoria you employed a small fair man, whose name you could not give us, whom you had seen during the last twelve months, and you do not know now where he is?—No.

30981. That is right, is it not?—Yes.

30982. And that small fair man was the man who was betting for Jack Russell at Victoria?—Yes.

30983. You said first he was betting for you?—If I gave that answer, I did not wish to give that answer, that he was betting for me. I never made a book at Victoria then; I made a book at Victoria in 1897 or 1898.

30984. You said to Mr. Muir several times, "I went to a pitch at Victoria in 1905"?—I was there for two or three days.

30985. To a pitch?—He was giving me the words for me to answer, but I never received any money or papers at Victoria, if that is what he wants, to my memory, in 1905. I never took any papers or money in 1905 in Victoria.

30985*. (*Chairman.*) You told Mr. Muir: "Victoria Railway Station, 1905; took pitch here, employed a man, cannot say his name, a little fair fellow, cannot say where he is, and cannot help to find him. He took bets for me for longer than a week. Card handed up"?—If Mr. Muir said that, I did not quite catch the gist of his question to me. That is another point. He is asking me if "I betted in Victoria in 1905. I did not understand him in that way, at any rate.

30986. (*Mr. Rufus Isaacs.*) Is it right or wrong to say there was a small fair man at Victoria who betted for you for longer than a week?—There was not a man betting for me for longer than a week at Victoria in 1905, but for Mr. Russell, yes; and I believe the man is to be found at that address now.

30986*. (*Mr. Rufus Isaacs.*) Do you mean that Russell had nothing whatever to do with you?—No, not in monetary transactions.

30987. (*Mr. Dickinson.*) I took down your words: "I was using 'J. R.' for that pitch." What did you mean by saying that you were using the initials "J. R." for that pitch?—I do not quite follow what I meant myself.

30987*. At any rate, you said yes to the question?—Yes, but I did not quite catch the question.

30988. What did you mean by that?—I should know Russell was using the pitch, and perhaps I meant it in that way.

30989. (*Mr. Rufus Isaacs.*) In whose name was the small fair man betting, when he did bet for you?—He never betted for me—the little fair man did not bet for me.

30990. Just think for a moment. You have been cross-examined for some time, and just consider what you have said. You have told us several times that the small fair man was betting for you at Victoria?—I could not say he was betting for me. *A. F. Platt.* 30 Jan. 1907.

30991. You mean he may have been betting for somebody else, but you were his governor?—No, I was not his guv'nor in this instance. It was Russell who engaged him.

30992. Never mind about Russell for a moment. I want to understand what you have been saying to Mr. Muir. You did have somebody betting for you in Victoria?—That was in 1897.

30993. You were asked when you left Tooting and went to Victoria Station in 1905, and you went to a pitch at Victoria, and were betting there, and a small fair man was betting for you. I only want to understand what you mean. You have given several answers. Are they correct or not?—The little fair man at Victoria did not bet for me. I never received any money or slips off him in any way whatever.

30994. Do you mean you had nothing whatever to do with him?—No, not more than perhaps having a drink with him.

30995. Who was betting for you at Victoria?—I did not have a man there at the time they have specified, before the Cambridgeshire.

30996. Had you anything to do with Jack Russell, or with a card of "J. R.'s" in 1897?—"J. R." in 1897, no.

30997. You told us that that was your card with "J. R." on it. If it was not your card in 1897, when was it that you were using the card "J. R."?—I used the card in 1905. I used that card "J. R.," or a card somewhat similar.

30998. Then "J. R." means Jack Russell, does it not?—No.

30999. What does it mean?—That did not mean Jack Russell; that meant Jack Rowle.

31000. (*Mr. R. D. Muir.*) Who is Jack Rowle?—A man who betted for me at Waterloo.

31001. Then this "J. R." has nothing whatever to do with Victoria?—I should say yes, it was to do with it.

31002. Who was "J. R." at Victoria?—Jack Russell.

31003. Is *that* his card?—Yes, that is his card (A. P. 13.)

31004. What was "J. R." at Waterloo?—Jack Rowle.

31005. Who employed Jack Rowle?—I did.

31006. Is *that* his card (*handing Exhibit A. P. 13 to the witness*)?—There are different cards to that.

31007. Is that Jack Rowle's card?—I should say so, from memory.

(*Chairman.*) That had better be handed in.

(*Mr. Rufus Isaacs.*) Is that another one?

31008. (*Mr. R. D. Muir.*) No, it is the same one. The one that he says is Jack Russell's is also Jack Rowle's. (*To the witness.*) When did you see Jack Russell last?—I could not say.

31009. To-day?—Within 12 months.

31010. Where did you see him?—Kennington Road or Westminster Bridge Road, if it is the man I take it to be.

31011. We will assume that for the purpose of my question. Did you have any conversation with him?—No, I cannot say that I did of any account.

31012. Are you sure it was he?—I should take it to be so.

31013. Did you speak to him at all?—We might have had a drink, as far as that is concerned, but I cannot say I have any recollection of any conversation.

31014. Did you have a drink?—It is possible. I could not say.

31015. Is that the highest you will put it?—Yes.

31016. Did he tell you where he was living?—No, I cannot say.

31017. Kennington Road and Westminster Bridge Road are on the way up from Balham, are they not?—From Balham—and Clapham, too.

31018. And Merton?—Yes, I should say so.

A. F. Platt.
30 Jan. 1907.

31019. Have you any doubt that it was the man Jack Russell?—If it is the man I think it is, no.

31020. Where had you last seen him before that?—I could not fix on a particular time. It must have been some months previously, I should say.

31021. Did you hear about Jack Russell having a pitch at Victoria?—No, I cannot say that I did.

31022. You never knew that he had one there?—I did not quite follow your argument.

31023. Did you hear of Jack Russell having a pitch at Victoria?—Yes.

31024. Did you hear how long he was there?—No, I cannot say.

31025. Did you hear that he had disappeared on the day before the Cambridgeshire, in 1905, leaving his backers unpaid?—I could not say.

31026. Did you never hear it?—It is possible I heard it.

31027. Did he employ a little fair man to take the papers for him on that pitch at Victoria?—Yes, that was the man.

31028. Did you have any conversation with that little fair man about Jack Russell disappearing?—Yes, when he came to my house.

31029. Did he come to your house wanting money?—He wanted to know where Mr. Russell was.

31030. With the money?—I do not know that he gave me that question.

31031. That was the size of it, was it not?—I could not answer.

31032. He was after Russell and the money?—It is quite possible. I cannot say.

31033. And he came to your house to find them both?—I cannot say that.

31034. Why should he come to you?—Because I am always in the habit of giving my address.

31035. But you had nothing to do with Jack Russell according to your last answer?—It is possible I gave him my card for some purpose or the other.

31036. Why should the little fair man come to your house looking after Jack Russell and the money?—I could not give any particular reason for that, except that I was nearer to Russell perhaps than the other man.

31037. Now that you have gone so far as that, do not you know that Jack Russell disappeared from that pitch and left his backers unpaid?—I cannot recollect everything.

31038. I am only asking you one thing. Do not you know that?—I cannot say.

31039. Is that the best answer you can give us?—You ask me if I know under what circumstances Jack Russell went away from Victoria?

31040. No, that was not my question. My question was, Do not you know that Jack Russell disappeared from his pitch in Victoria, leaving his backers unpaid?—I cannot say.

31041. The fair man came to your house?—Yes.

31042. Did he make a complaint to you about Jack Russell?—I cannot say he made a complaint. He wanted to know where he could find him that evening.

31043. Did he tell you why?—No, I do not know that he gave any particular reason why.

31044. Did he tell you why?—I cannot say that he did.

31045. Did you not tell him you would find him a new governor?—I cannot say I did.

31046. Will you say you did not?—He asked me to pay.

31047. Try to answer the question. You have told us several times that you have a good head?—I do not think I have made that remark.

31048. I may be wrong, and the shorthand writer may be wrong, but that is my impression. At any rate, try to answer the question. Did you not offer to find the fair man a new governor?—I may have done so, but I cannot say I did.

31049. And was not the new governor you found for him the man Jack Watts, who had absconded from Tooting?—No.

31050. Did you employ Jack Watts at that Victoria pitch?—No.

31051. What?—No.

31052. Think what you are saying. Did you employ Jack Watts to act as governor for the little fair man, or for any other man, at the Victoria pitch?—No.

31053. Perhaps I have given you the wrong name. Did you employ any other "Jack" as the new governor for this man at the Victoria pitch?—No, I cannot say that I did anything like that.

31054. There are a good many "Jacks," I dare say. Do you know Jack Callaghan?—Yes, I know a Jack Callaghan.

31055. Did you employ him in connection with this Victoria pitch?—No, I cannot say that I did.

31056. Can you say you did not?—No. I cannot say that I did.

31057. Will you swear you did not employ Jack Callaghan as a new governor for a man who had been left in the lurch by Jack Russell?—I think I can answer that question. I did not.

31058. You swear you did not?—Yes.

31059. Did you employ any man in connection with that pitch at Victoria as a governor for anybody?—No, I did not employ any man there for the man who was betting at Victoria.

31060. Did you employ any man at all in connection with a betting pitch at Victoria in 1905?—I did not quite catch the question.

31061. I will repeat it. Did you employ any man in connection with a betting pitch at Victoria Railway Station in 1905?—No.

31062. Not even the little fair man?—Not even the little fair man.

31063. What I put to you now is, that you employed Jack Callaghan (it was my mistake in saying Jack Watts) as a new Governor after Jack Russell had absconded, and that Jack Callaghan carried on the business for a few good days, and then absconded at the first bad day?—No.

31064. Leaving the little fair man in the lurch?—I could not say anything about that.

31065. Did this fair man who came to your house after Jack Russell come to you after Jack Callaghan, too?—No.

31066. Did he not come to your house?—No.

31067. Never asked you for any money?—No.

31068. Nor asked for Jack Callaghan?—No.

31068*. (*Mr. Rufus Isaacs.*) Do you know a man called "Jack Callaghan"?—Yes; he is a very prominent bookmaker.

31069. (*Mr. R. D. Muir.*) In 1906 did you take up a street betting business in Clerkenwell?—I was connected with it. I cannot say I took it up.

31070. Was there a man there called "Fisher" who had a pitch?—Yes.

31071. Had his governor gone broke?—I do not know whether he had a governor at the time, but I know he owed money.

31072. Which he did not pay?—He did not pay.

31073. It is what they call "gone broke," is it?—There is a difference in what you term "gone broke." As long as a man continues betting he is never broke.

31074. Did you have a partner called Jack McCarthy?—I never had a partner called Jack McCarthy.

31075. What is his other name?—It might be Richard.

31076. Who is Richard McCarthy? What was Richard McCarthy?—Brother-in-law.

31077. Did you and your brother-in-law carry on Fisher's business for some time in Clerkenwell in partnership?—We paid between £50 and £60 bad debts for them, and continued it for some considerable time.

31078. Did you begin about the 7th May, and continue it in partnership down to the 23rd June?—I could not give you the exact dates.

31079. Would those be about the dates?—I think it would last over a longer period than that.

31080. At that date—the 23rd June—did Richard

McCarthy, your brother-in-law, retire from the partnership?—I am not positive of the date.

31081. Approximately. I am not tying you to dates at all. Is that how the business began? Did it begin about May, 1906, with you and your brother-in-law in partnership, and then after a time your brother-in-law went out?—After a time, yes.

31082. I put the date as the 23rd June. Was Fisher employed at £2 10s. a week, one of them, and his brother at £2 a week to take the slips?—Yes.

31083. And was the method there a daily settlement?—A nightly settlement.

31084. Every day?—Every day.

31085. From the 23rd June, or whenever the date was, when your brother-in-law went out, did you carry it on alone?—Yes.

31086. On the 30th June did you have a bad day?—No.

31087. I will give you the exact figures. £48 came in, and there were £47 to go out?—You would not call that a bad day, would you?

31088. I do not know; at any rate, those are the facts I give you. Is that accurate?—I think it is as near as possible.

31089. Did you give one of the Fisher's four bags, which you represented contained the money necessary to pay out the debts next day?—I gave him four bags, which represented a sum of money he could hope he would have got through with that night; but I came to the conclusion to discontinue the business as the expenses were too heavy there.

31090. Having come to that conclusion, and handed him the bags, without giving him an opportunity to count the contents, did you jump into a cab and go away?—No.

31091. And never come back again?—No.

31092. That is what I represent to you happened on the 30th June of last year?—No.

31093. And that when the contents of the bags were counted they amounted to £27 short of the £47 that had to be paid out, and no wages for Fisher, or his brother?—I am very pleased to hear that statement. That will show that I have not done other people.

31094. You accept that?—I accept the statement, but not in the way that you put it.

31095. How do you put it?—I gave him half the money to pay out, and told him I should come on later, as I had to arrange whether I should find further money to continue the business.

31096. (*Mr. Whitmore.*) Or discontinue it?—Or discontinue it.

31097. (*Mr. Rufus Isaacs.*) You gave him half the money to pay it?—Yes; sufficient to go on with till I came back.

31098. (*Mr. R. D. Muir.*) Did you ever come back?—Not that night.

31099. At all?—Yes—not on the pitch, but I met him.

31100. Did you decide to discontinue the business?—When we met.

31101. When did you meet?—On the Sunday.

31102. The following Sunday?—Yes. I would not be positive whether it was Sunday or Monday.

31103. Did you supply Fisher with £27 necessary to pay the rest of the backers?—No; because it was mutually arranged that a friend should take them over, and find the difference in the money; which was done.

31104. What I suggest to you is that Fisher tried to find you, and never saw you except once, and then you made off?—No. He visited my house.

31105. I dare say?—It was arranged that a mutual friend should take the pitch over, and pay the money.

31106. Who was the mutual friend?—The man who took the business over was a man named Jones. Whether it was arranged through him or not I could not say.

31107. (*Mr. Rufus Isaacs.*) Do you know anything more about Mr. Jones?—Not any more than that he is a bookmaker.

31108. (*Mr. R. D. Muir.*) Did you pay anything to Jones?—No. There was no need for it.

31109. According to the figures that I put to you you had got in £48 that day, and you only paid him £20.

(*Mr. Rufus Isaacs.*) You put to him that there was £27 in the bag. His answer was that he gave him half the money. We have had no figure of £20 so far.

(*Mr. R. D. Muir.*) There was £27 short, which, of course, would leave £20.

(*Mr. Rufus Isaacs.*) Yes, but it was not put so. You put four bags containing £27.

(*Mr. R. D. Muir.*) There were four bags with £27 short.

(*Mr. Rufus Isaacs.*) The witness said he gave him half.

(*Mr. R. D. Muir.*) Yes, which would be £23 10s.

31110. What I want to know is whether you ever gave Jones any part of the money, the £47, to pay out to the backers?—I simply discontinued the business. I had paid out, or caused to be paid out, nearly £60 in bad debts for the Fishers when I took the pitches over; and in consideration of the man liquidating the deficiency of what I owed he took over the pitches.

31111. Was it you or your brother-in-law who paid over the deficiencies for the Fishers at the starting of this business?—It is rather a hard thing to say.

31112. Was there another man who complained of being defrauded by you in connection with betting transactions—a man called "Horner"?—Not to my knowledge.

31113. What?—I do not know of any complaint that he made.

31114. Frederick Horner. You cannot have forgotten the case of Frederick Horner, the market porter at Covent Garden?—Quite true.

31115. Did you employ him to make bets for you among his mates, and undertook to settle them?—Yes; and when I found he was a returned convict I discontinued him working for me.

31116. Did that leave him in this position, that he had £22 to pay which never was paid at all?—That I could not say anything whatever about. He had been out of work a long time before he was employed by me, and as soon as I found out his character I discharged him.

31117. And did not pay the bets?—He was not betting for me at that time.

31118. Did you discontinue the business then?—Yes, I discontinued it.

31119. Did Horner follow you about?—No.

31120. Demanding money from you?—No.

31121. At your house?—No.

31122. In various public-houses?—No.

31123. Did you employ men to protect you?—No.

31124. Did you ever employ men to protect you from the violence of people who were claiming money from you which they said you owed them?—No.

31125. Never?—No.

31126. Horner took extreme measures, did he not, to try to get this money out of you?—The man was drunk, and he was a madman when in drink, capable of doing anything.

31127. He claimed £20 from you, did he not?—That was his excuse; but people who knew his character——

31128. He followed you about?—No.

31129. And finally stabbed you in a public-house?—He stabbed me, but not after following me about.

31130. And you prosecuted him at the Old Bailey?—Yes.

31131. He was convicted, and sentenced to four months' hard labour for stabbing you?—I believe so.

31132. Was it an officer named "Herbert Milton" who arrested him?—Yes.

31133. Did you hear the officer give his evidence?—No.

31134. Not at the Central Criminal Court?—No.

31135. Nor at the Petty Sessions?—No; there were no Petty Sessions.

A. F. Platt.
30 Jan. 1907.

31136. At the police court. That is the same thing. You gave your evidence first at the Central Criminal Court?—Yes.

31137. Then you would remain in court and hear the other witnesses give their evidence?—I do not know that I did at the Lambeth Police Court.

31138. At the Central Criminal Court, before Judge Lumley Smith?—It was a very small room you were taken in, and as you gave your evidence you passed out.

31139. A great many of us know something about the Central Criminal Court. Were you in court while the other witnesses gave their evidence?—No.

31140. Did you hear from anybody that what the prisoner said when he was arrested was, "Yes, he owes me £20; he will not pay me, so I done it on to him"?—No.

31141. At the station he said, "Yes, he owes me £20; he will not pay me, so I paid him"?—No, I cannot say I ever heard that.

31142. Do you not know that that man accused you of going away and leaving him in the lurch to pay those persons he had been making bets with?—He might have said anything.

31143. Was it not the fact that you discontinued the business?—I discharged him several days previously.

31144. Did you have a card for him?—Yes.

31145. He was Jack Horner, was he not?—Yes.

31146. Is *that* the card (*handing*)?—That is right.

31147. A twin brother of the other one?—The same printer did them. I do not know about twin brothers.

31148. Do you now say that Jack Russell was not betting for you at Victoria?—I do say so.

(*Mr. Rufus Isaacs.*) I do not find the printer's name on the cards.

(*Witness.*) In some instances they do not put them.

(*Mr Rufus Isaacs.*) There may be a very good reason why they do not put them. The cards "J. R." and "J. H." seem to me to be exactly the same. The card "R. M. D." is not the same.

31149. (*Mr. R. D. Muir.*) No. A number of books were produced by you that have been put in and marked "A. P. 1" to "A. P. 6." Will you look at "A. P. 1," please? (*The book was handed to the witness.*) There is a place there where the word "Coppers 4s." is to be found. At the place which has been pointed out to you there is "Chandler 14s."?—Yes.

31150. Who is "Chandler"?—One of the scouts.

31151. "Darby 9s." Who is Darby?—One of the scouts.

31152. "Scouts 2s. 6d. Com."—(that is commission, I suppose)—"2s."?—Yes.

31153. "Coppers 4s., money £19 10s."—giving a total of £21 1s. 6d. Was that at a time when you were in partnership with Richard McCarthy, your brother-in-law?—I could not say, because none of the books are dated.

31154. That was made for the purpose of showing what you had to charge against somebody?—It would not be necessary for that. It would be necessary to show the expenses.

31155. Expenses which, if you were in partnership with your brother-in-law, you would be entitled to charge?—The same thing would be put down whether it was in the presence of my brother-in-law or behind his back.

31156. But it is not a question of its being put down in your brother-in-law's presence. It is a question of account between you and your brother-in-law?—No, a question of account between the men who have to account for the money——

31157. And you primarily, and then between you and your brother-in-law?—This might have been done in the presence of my brother-in-law.

31158. (*Chairman.*) In whose handwriting is it?—Robert Fisher's.

31159. (*Mr. R. D. Muir.*) What I put to you is that those items were put down at your dictation by Robert Fisher?—No.

31160. At your suggestion by Robert Fisher?—No. That would be to account for moneys that he would have to account to me for.

31161. And when you only had to account to your brother-in-law those items would go into the account?—They are always entered in the books. You will find in the books all the entries have been done by Robert Fisher or William Fisher.

31162. At this time when you were making those entries you were making them in order that they might be used in evidence?—No, not these.

31163. What entry were you making in order that it might be used in evidence?—An entry about every particle of money I saw handed to the officers.

31164. That is the book that has been burnt?—Yes.

31165. This entry was made purely for the purposes of account?—Yes.

31166. And the same thing applies to the other entries in the same book—"Coppers"?—There are other entries of "Coppers" besides this.

31167. With regard to those moneys, how did you get them from Fisher?—I do not quite understand your question.

31168. You say: "Coppers 4s.—money £19 10s." Was any part of that money handed over to you by Fisher?—It would be very hard to say whether I had to pay him any money on that day or not.

31169. What does "Money £19 10s." mean?—That would be perhaps what he had taken.

31170. £21 1s. 6d. would be what he had taken, would it not?—It would work out at that, yes.

31171. And £19 10s. would be what he handed over?—No.

31172. What does "£19 10s." mean?—That would be perhaps the money he held; whether he had to hand it over to me, or whether I had to hand him further sums.

31173. It was money that was available for being handed over?—That would be hard to say.

31174. "Coppers 4s." What is that?—For a policeman that was on the beat round that particular street.

31175. It is not always the same. Sometimes it is 1s.?—I cannot say it is always the same. I think you will find it is sometimes 8s.

31176. Was that money never handed over to you—the coppers?—The coppers were never handed over—he always retained them in his pocket, because there was rather a large list to pay out at night, and coppers would always meet them.

31177. What would he take a day in coppers?—He might take 5s. or 6s. a day in coppers.

31178. What did he do with them?—Kept them.

31179. He always kept the coppers?—Perhaps not always kept the coppers; but if there were coppers they would be included in the list of money. So that if he had £19 2s. in silver there would be 8s. in coppers, and that would be £19 10s.

31180. Now let me ask you another question. Did you employ scouts in Clerkenwell?—The agent who was under me did.

31181. For the purpose of your street betting business?—Or of collecting bets.

31182. Do you suggest that the police in G Division were bribed at the rate of 4s.? How many policemen were bribed by 4s.?—It might be for one, or it might be for two that particular day.

31183. Or for four?—I should not say for four.

31184. Let me call your attention to an entry—"Copper 1s."?—Yes, that might be a man who was going round on patrol that day, or else a relief man for that one day.

31185. In the former case it is "Coppers," and in this case it is "Copper"?—That would be one individual one.

31186. "Copper 1s."?—In that particular instance, yes; because he was the only one that came round—perhaps a relief one.

31187. That would be the scale of fee?—Not a scale at all.

31188. "One Copper 1s."?—No.

31189. It is in the singular there—"Copper 1s."?—Yes. It might possibly have been a patrol policeman through the street that day.

31190. You do not suggest it was more than one?—No.

31191. They were cheaper, were they, in Clerkenwell than in Lambeth?—I cannot say anything about that.

31192. But it looks as if they were, does it not?—Yes.

31193. £1 a week a Copper in Lambeth, and 1s. a day in Clerkenwell?—Different clothes different duties.

31194. But it seems to me to be a very great reduction in price?—Different clothes different prices.

31195. It was not sale time?—Not that I know of. You can buy them cheap sometimes—with a mild-and-bitter, sometimes, some of them.

(*Mr. Rufus Isaacs.*) There is no entry of money there.

(*Mr. R. D. Muir.*) No, there is not.

31196. (*Mr. Rufus Isaacs.*) The first one has money, but this one has the word "Copper' in, and has not the word "money"; and it says "Short 2s."?—I should say he might account for it in that way—it might be 2s. short.

31197. (*Mr. R. D. Muir.*) Who is L——g?—Laing.

31198. Who is he?—A plain clothes detective.

31199. What is his rank?—I could not tell you. I have made no inquiries about his rank, but I believe a sergeant.

31200. 10s. seems rather high, judged by the other fees paid. "Coppers 4s., Copper 1s., and L——g 10s." That is a considerable advance. What was Mr. Laing's rank?—I believe a sergeant; I am not positive.

31201. What do you mean—plain clothes, or uniform?—The C.I.D.

31202. You know it is years since the C.I.D. had anything at all to do with street bookmaking?—A matter of two or three years, I believe.

31203. It is now four years. You were aware when the change took place in 1903?—Yes.

31204. What purpose could be served by the street bookmaker bribing a C.I.D. man?—The officer would possibly know who was coming out doing that duty, and he very likely would be employed in some work with him, and very likely he could straighten the bookmaker with that officer.

31205. You and your men are being watched, as I understand, by uniform men in plain clothes?—Yes.

31206. Those are men who according to you are included in the term "Copper," or "Coppers," and those are men to whom you paid money and entered it as "Copper," or "Coppers"?—The uniform men would be the men who had been entered in these books under the name of "Copper," or "Coppers."

31207. Those were the men who had to watch you?—In plain clothes, yes.

31208. What had the C.I.D. to do with it?—The C.I.D. men would be in a position to know these men were sent out, and very likely they would be engaged with it in some work or another, and they could pass the word on that he was all right.

31209. Who paid the 10s. which is entered, "L——g"?

31210. (*Chairman.*) In whose handwriting is it?—William Fisher's.

31211. (*Mr. R. D. Muir.*) Or it may be Robert Fisher's?—It is quite possible.

31212. Who paid the 10s.?—I would not say which one of the brothers paid this identical 10s., but in counting the money one brother would enter it and the other paid it.

31213. (*Mr. Rufus Isaacs.*) Whose handwriting is it?—William Fisher's.

31214. (*Mr. R. D. Muir.*) I suggest to you it is Robert Fisher's handwriting as a matter of fact?—It was very rare that Robert made any entry whatever.

31215. Are not nearly all the entries in that book in Robert Fisher's handwriting?—No.

31216. I thought you just said so?—There are some of both in each one.

(*Mr. Rufus Isaacs.*) The entry we are dealing with before the £21 1s. 6d. is an entry made, I understand, by Robert Fisher.

(*Chairman.*) Yes, he said it was Robert Fisher's handwriting.

31217. (*Mr. R. D. Muir.*) I suggest to you that this one also, "L——g," is Robert Fisher's?—No. I think it is William's.

31218. You could not be certain?—I would sooner say it was William's than Robert's.

31219. You think it is William's?—Yes.

31220. Who do you suggest paid that 10s.?—I would not be positive who paid the 10s.; I rather think it was William.

31221. Do you suggest that either one or the other of the Fishers paid that 10s.?—I rather think it was William.

31222. Are you speaking from recollection or from the handwriting?—I am speaking from recollection of how these entries would be made. This man who made this entry would possibly have moneys on him that he would have to pay out, and if there was any deficiency he would account for that 10s. in the way he has done it.

31223. Do you know Laing?—I have never spoken to him to my knowledge.

31224. Do you know him by sight at all?—Quite possible.

31225. Do you know Laing by sight even?—Quite possible.

31226. Do you say you do know him by sight?—I have seen him.

31227. To recognise him as Laing?—Yes.

31228. Can you pick him out in court to-day?—I would like to have a nearer look.

31229. (*Chairman.*) Walk nearer. Walk round the court?—I should say it would be the second gentleman at the back.

31230. (*Mr. R. D. Muir.*) Is that the man you mean (*pointing*)?—Yes. (*The man referred to stood up in court.*) I think that is the man from the position I looked at him.

31231. That gentleman tells me his name is Woodley?—He had a moustache. I have never seen the man sitting down.

31232. Will Mr. Woodley and also Mr. Laing stand up? (*The men referred to stood up.*) What do you say now? Which do you say is Laing?—I would not be positive. My eyes deceived me that much.

31233. They are so much alike, is that it?—No, I do not say that.

31234. Would you be certain that either of them was Laing?—I do not know that I would.

31235. Or do you put so much distrust in me that you are not certain about it?—I should not like to answer as to either of them now.

31236. Did you ever see Laing paid any money?—I cannot say positively that I saw it pass, but the action would be enough for me.

31237. You would see the action. How often have you seen the action of money passing to Laing?—Once, in the particular instance of Laing.

31238. When did that take place?—It would be in Bury Street or Redding Street.

31239. Cannot you make up your mind which it was?—No; they are close together—one turning runs into the other.

31240. Who was the person who passed the money to him?—Robert Fisher.

31241. Do you know how much it was?—Half a sovereign, I think.

31242. Was it this one?—No.

31243. Was that a regular thing—half a sovereign for Laing?—I should say so.

31244. Once a week?—I do not know about once a week.

31245. How often?—As often as Fisher could make it convenient to see him

31246. Is there any other entry in those books relating to Laing which shows a payment of 10s.?—I could not say.

31247. How often have you seen the action of money passed to Laing?—Only once.

31248. How often have you seen the man Laing alto-

A. F. Platt.
30 Jan. 1907.

gether?—I should say I have seen Laing at a distance three or four times.

31249. Just look at that same page. You will see immediately underneath the entry L——g" the words, "Spent 5s. 6d." Will you look at that, and tell me in whose handwriting that is?—I should think that would be in Robert's.

31250. Is not that your own?—No. This money was given in the evening, and they spent 5s. 6d. At the time that 10s. was given the expenses ran to 5s. 6d.

31251. Perhaps I put the wrong item to you. Is it the next item that is in your handwriting—6s. immediately under £1 9s.?—Yes. I think the 6s., £1 15s., £18, and £6 5s. are in my handwriting.

31252. (*Mr. Rufus Isaacs.*) Making £24 5s.?—Yes.

31253. (*Chairman.*) That is in your handwriting too?—Yes.

31254. (*Mr. Rufus Isaacs.*) The £18 and the £6 5s. are separate from the others. They make a total of £24 5s. As I understand, the £1 9s. is not in your handwriting?—No.

31255. That is the total, including 10s. to Laing, and "Spent 5s. 6d."?—Yes.

31256. Then you put in the item of 6s.?—Yes.

31257. Then you add that up, and make it £1 15s.?—Quite true.

31258. Then you draw a line under that and the £18 and the £6 5s., making a total of £24 5s.?—That is so.

31259. (*Mr. R. D. Muir.*) Will you now look at the slip marked "A.P. 6"? (*A.P. 6 was handed to the witness.*) Is it a betting slip on one side?—Yes.

31260. And has it some writing in your own hand on the other?—Yes.

31261. Entirely in your own handwriting?—Yes.

31262. Do you find there these words: "Leach" and "Police"?—Yes.

31263. And opposite to Leach "10s." and opposite to Police "4s."?—Yes.

31264. That is entirely in your own handwriting?—Quite true.

31265. Who was Leach?—A detective officer.

31266. Again a C.I.D. man?—Yes.

31267. What rank?—A sergeant, I believe.

31268. How long had you known him?—About three or four months, I suppose, or something like that.

31269. What months were those?—The months that are referred to in those books.

31270. While you were carrying on business with Fisher?—Yes.

31271. May and June?—It would be a longer period than that.

31272. You knew him longer than that, did you?—I cannot say I did; I knew him no longer than the time I was betting with the Fishers.

31273. While you were working with the Fishers?—Yes.

31274. How often did you see him during that time?—Four or five times.

31275. You described to us on a previous occasion the circumstances in which you actually saw this money paid?—Yes.

31276. How often was Leach paid 10s.?—I could not say how often.

31277. Is there any entry in any of your books showing a payment of 10s. to Leach?—I think there are other payments in the book relating to Leach.

31278. I suggest to you that there are no other payments at all to Leach except this one on this loose slip of paper. How often do you say he was paid?—The books would tell you better; I think it is in the books.

31279. I cannot vouch for it myself, because I have not examined them, but I am instructed there is no entry at all with regard to Leach in any of the books. How do you account for that?—At times it may have been worked out on other pieces of paper like this, and they may have been destroyed afterwards. This slip of paper has been kept quite promiscuously.

31280. That is your handwriting on that piece of paper?—Yes.

31281. (*Chairman.*) Do you say that any of the entries in the books that have been put in relate to Leach as the recipient of money?—I would not be positive; I do not know whether it was him or not; I cannot recollect that it is so.

(*Mr. Rufus Isaacs.*) I have only come across his name in one book.

(*Chairman.*) I know we went over every one of the books, and I think we could not find Leach's name.

(*Mr. Rufus Isaacs.*) I have been through this book again, and I cannot find it.

31282. (*Chairman.*) That we can ascertain. It is said that Leach's name does not occur in that book. Do you suggest that a payment to Leach might come in under some other entry?—I would not be positive; the expenses were not always put down in the book; I might do it on odd occasions, like I have in this instance.

31283. I know, but do you suggest that there are payments to Leach which are accounted for under any entry in the book which Mr. Rufus Isaacs has got there?—I think it might be possible.

31284. Look at the book. (*The book was handed to the witness.*)

(*Mr. Rufus Isaacs.*) I think last time when we went into it that slip was produced from A.P. 5. The slip was marked A.P. 6, and then we looked through A.P. 5 to see if we could find the name. I have now looked through A.P. 1, but I have not looked through the others.

(*Mr. R. D. Muir.*) Mr. Muskett has been through it, but he is unwilling to pledge himself as to that, because there are hundreds of names.

(*Mr. Rufus Isaacs.*) But he has not come across one.

(*Mr. R. D. Muir.*) He has not come across one.

(*Witness.*) I am not positive.

31285. (*Mr. R. D. Muir.*) That is a simple matter, and that can be done at any time. How often do you suggest that Leach was paid 10s.?—I should say, on the average, weekly.

31286. Can you pick Mr. Leach out in Court to-day?—Yes.

31287. Which is he?—The gentleman next to the one who was just asked to get up.

31288. There are two next to that gentleman?—The dark-moustached gentleman. (*The man referred to stood up.*)

31289. That is Mr. Leach. Do you know him? Do you say you have seen money paid to him?—Yes.

(*Mr. Rufus Isaacs.*) I understand the identification is right.

(*Mr. R. D. Muir.*) Yes. I shall call him, of course.

679"

1213

S - 9 NOV 1986